MINUTES
TOWN OF AMHERST
AMHERST PLANNING BOARD MEETING
January 18, 2024
6:30 PM

The Planning Board will hold a public work session at 6:00 pm in the Amherst Municipal Building, 5583 Main Street, Williamsville, NY 14221 on the same date.

This meeting is being video recorded.

The plans and documents that are available below for each Planning Board hearing item were submitted by the project applicant and are intended to provide general information about the proposal.

The official, complete sets of submittal documents and materials that provide more detailed information about the projects are available in the Planning Department, which is located in Amherst Town Hall, 5583 Main Street, Williamsville, NY 14221. Hours are 9 am to 5 pm, Monday through Friday. If you have any questions, please contact the Planning Department at (716) 631-7051.

Revised plans are submitted on an ongoing basis throughout the review process to address comments on the project. Every effort will be made to post the most recent version of the plans and application materials in a timely manner.

ROLL CALL

Attendee Name	Organization	Title	Status	Arrived
Michael Chmiel	Town of Amherst	Chair	Present	
John B. Davis	Town of Amherst	Board Member	Present	
Harbinder Gill	Town of Amherst	Board Member	Present	
Dal Giuliani	Town of Amherst	Board Member	Absent	
Carrie H. Kahn	Town of Amherst	Board Member	Absent	
Brittany Lee	Town of	Board Member	Present	

Penberthy	Amherst			
Joseph P. Raffaele Jr.	Town of Amherst	Board Member	Present	
Dan Howard	Town of Amherst	Planning Director	Present	
Daniel J. Ulatowski	Town of Amherst	Assistant Planning Director/ZEO	Present	
Scott Marshall	Town of Amherst	Principal Planner	Present	
Thomas J. Voigt	Town of Amherst	Assistant Planner	Present	
Gary Palumbo	Town of Amherst	Associate Planner	Present	
Laurie Stillwell	Town of Amherst	Director of Community Development	Present	
Amy Carrato	Town of Amherst	Community Development Assistant	Present	
Jacqualine Berger	Town of Amherst	Councilmember	Present	
Martin A. Polowy	Town of Amherst	Town Attorney	Present	
Nora B. Robshaw	Town of Amherst	Deputy Town Attorney	Present	

Note: There will be no public hearing or opportunity to speak for the projects listed under the Unfinished Business section of this agenda.

Please note the following time limits for speakers at public hearings:

- **Presentation by Petitioner: 15 minutes**
- **Rebuttal by neighborhood/resident spokesperson: 15 minutes**
- **Individual speakers: 3 minutes**

PUBLIC HEARINGS

SITE PLANS & RELIEF FROM CONDITIONS OF SITE PLANS

1. PROPOSED SELF-STORAGE FACILITY, SP-2023-12
Property located at 2495 Wehrle Drive
416 Homez Inc., Petitioner

1/18/2024

No comments were heard on this proposal.

Following discussion, Ms. Penberthy moved to adjourn the request. The motion was seconded by Mr. Gill and carried. Ayes 5, Noes 0, Absent 2 (Giuliani, Kahn).

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 2/15/2024 6:30 PM**
MOVER:	Brittany Lee Penberthy, Board Member	
SECONDER:	Harbinder Gill, Board Member	
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.	
ABSENT:	Giuliani, Kahn	

2. PROPOSED MIXED USE BUILDING, SP-2023-14
Property located at 5226 & 5228 Main Street
5226 Main St. LLC, Petitioner

Proposed demolition of the existing structures on the sites and construction of a four story commercial/apartment building consisting of 10,930 sq. ft. of first floor commercial space and 30 apartments for lease on the upper floors. Vehicular access to the site is proposed via a single driveway from Main Street with a vehicular connection to the property located at 5262-5274 Main Street (Tops Plaza) and an emergency only access connection to the parcel westerly located at 5214 Main Street. Parking is shown for 65 vehicles on site. Residential and commercial access to the building are separate, with the primary residential access on the north side of the building. A resident amenity space is shown on the roof of the building.

11/18/2024

Sean Hopkins, Esq., Hopkins Sorgi & McCarthy, represented the petitioner, explained the proposal and was available to answer questions from the Board. Patrick Sheedy, Carmina Wood Design, was also present.

In response to the Board's questions, Mr. Hopkins stated the adjacent property owner was contacted and denied creating vehicular access to their site, there will be pedestrian access.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Ms. Penberthy moved to adjourn the request. The motion was seconded by Mr. Raffaele and carried. Ayes 5, Noes 0, Absent 2 (Giuliani, Kahn).

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 2/15/2024 6:30 PM**
MOVER:	Brittany Lee Penberthy, Board Member	
SECONDER:	Joseph P. Raffaele Jr., Board Member	
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.	
ABSENT:	Giuliani, Kahn	

SUBDIVISIONS & RELIEF FROM CONDITIONS OF SUBDIVISIONS

None

REZONING & RELIEF FROM CONDITIONS OF REZONINGS

3. REQUEST TO REZONE 0.82± ACRES OF LAND FROM RD TO GI, Z-2023-09
Property located at 6000-6020 N. Bailey Avenue (portion)
Benderson Development Company, Petitioner

1/18/2024

No comments were heard on this proposal.

Following discussion, Ms. Penberthy moved to adjourn the request. The motion was seconded by Mr. Raffaele and carried. Ayes 5, Noes 0, Absent 2 (Giuliani, Kahn).

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 2/15/2024 6:30 PM**
MOVER:	Brittany Lee Penberthy, Board Member	
SECONDER:	Joseph P. Raffaele Jr., Board Member	
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.	
ABSENT:	Giuliani, Kahn	

4. REQUEST TO REZONE 1.03± ACRES OF LAND FROM R-3 TO NB, Z-2023-10
Property located at 1635 N. French Rd.
Torey Hirsch, Petitioner

The purpose of the request is to demolish the existing single-family residence and improve 1635 North French with a 2-story mixed-use building comprised of 9,640 s.f. of retail space and residential uses in a portion of the second floor. The petitioner also proposes to interconnect 1635 North French with 1639-1641 North French, an existing commercial use.

Ari Goldberg, Esq., Barclay Damon, represented the petitioner, explained the proposal and was available to answer questions from the Board. TJ and Torey Hirsch were also present.

In response to the Board's questions, Mr. Goldberg stated the second floor living space is for the property management.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Ms. Penberthy moved to approve the request based on the resolution. The motion was seconded by Mr. Raffaele and carried. Ayes 5, Noes 0, Absent 2 (Giuliani, Kahn).

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brittany Lee Penberthy, Board Member
SECONDER:	Joseph P. Raffaele Jr., Board Member
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.
ABSENT:	Giuliani, Kahn

MISCELLANEOUS

5. REQUEST TO AMEND THE COMPREHENSIVE PLAN "FIGURE 6" FROM SINGLE FAMILY RESIDENTIAL TO MIXED RESIDENTIAL, BCPA-2023-02
Properties located at 46, 54, 60, 68, 74 & 84 South Linden Street
South Linden LLC, Petitioner

The purpose of this request is to amend the Bicentennial Comprehensive Plan to change the land use designation from “Single Family Residential” to “Mixed Residential”. The “Mixed Residential” land use designation is meant for a variety of residential housing types that allows for more density than single family residential housing. The subject parcels are currently zoned Residential Three (R-3) and therefore, to implement the concept plan provided the petitioner would need to file a subsequent rezoning request to one of the multifamily residential districts, provided the Town Board agrees to amend the Bicentennial Comprehensive Plan. The application materials indicate that the petitioner intends to seek a rezoning from R-3 to MFR-5 in order to develop 28 town homes.

1/18/2024

Jeff Palumbo, Esq., Block, Longo, LaMarca & Brzezinski, represented the petitioner, explained the proposal and was available to answer questions from the Board. Mr. Millitello was also present.

In response to the Board's questions, Mr. Palumbo stated neighboring properties are zoned for multi-family residential, there aren't any neighboring townhouses like the proposed townhouses, the Board is bound by each individual project not future development, and the density of the project has not changed.

Stephen Martin, 74 S. Harvest St., and Cathy Oliveri, 73 S. Harvest St., spoke in opposition of the project.

Tim Boyle, 46 & 54 S. Autumn St. spoke, in favor of the project.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Ms. Penberthy moved to deny the request based on the resolution. The motion was seconded by Mr. Raffaele and carried. Ayes 4, Noes 1 (Chmiel), Absent 2 (Giuliani, Kahn).

10/19/2023

No comments were heard on this proposal.

Mr. Giuliani moved to adjourn the request. The motion was seconded by Ms. Penberthy and carried. Ayes 6, Noes 0, Absent 1 (Raffaele).

RESULT:	**DENIED [4 TO 1]**
MOVER:	Brittany Lee Penberthy, Board Member
SECONDER:	Joseph P. Raffaele Jr., Board Member
AYES:	Davis, Gill, Penberthy, Raffaele Jr.
NAYS:	Chmiel
ABSENT:	Giuliani, Kahn

6. PROPOSED ZONING ORDINANCE TEXT AMENDMENT, CREATION OF A NEW MIXED-USE DISTRICT CENTER 10 (CTR-10) ZONING, ZTA-2023-04
Town of Amherst, Petitioner

This zoning text amendment proposes to add a new Center 10 (CTR-10) Mixed-Use Zoning District to Chapter 203 of the Town's Code. The CTR-10 district standards are intended to create new walkable mixed-use places with human-scaled internal streets in locations that are appropriate for the Town's tallest buildings - such as the Golden Triangle, Boulevard Mall, and the Maple Ridge Plaza - and not adjacent to single-family residences. The district is also intended to create a network of continuous high-quality active and walkable streets establishing a network of pedestrian connections throughout the district and to the surrounding community. Open space is required and intended as an organizing feature for new development. Buildings will range from two (2) to ten (10) stories in height. This new district permits a variety of retail, service and commercial uses, as well as multi-family residences and offices.

This zoning text amendment also creates a new Retrofit Frontage type, the Boulevard Frontage. Where determined by the Town, the Boulevard Frontage replaces existing Minor or Major Arterial frontages in relation to roadway classifications in the Town's Comprehensive Plan, Future Thoroughfare System Map (Figure 9). Its intent is to promote an alternative approach to fronting arterials that is both greener and more urban in building form while still allowing some traditional suburban elements. Other related changes throughout Chapter 203 are also proposed in relation to the CTR-10 District. These include (1) language requiring Shallow Lot Transitions internally within CTR-8 and CTR-10 Districts where a use that includes the vending of alcohol abuts a residential use, (2) language regarding minimum height requirements being met using additional functional stories above the ground story containing conditioned space and covering the full extent of the ground story, (3) adding CTR-10 to the Mixed Use District Use Table, and (4) the addition of a Use Definition for Brewery/Distillery (Craft Scale).

It is the Town's intent to have CTR-10 Zoning located at the Boulevard Mall site and possibly at other large commercial centers as listed above to support the Town's redevelopment goals in the Urban Renewal Area and the Boulevard Central District.

1/18/2024

Daniel Ulatowski, Town of Amherst Assistant Planning Director, represented the petitioner, explained the proposal and was available to answer questions from the Board.

In response to the Board's questions, Mr. Ulatowski noted that the Marriott Hotel is 10-stories high and the intent of this text amendment is to enhance marketability of some sites for redevelopment. The availability of a district to develop 10-story buildings permits greater flexibility for future development, particularly housing, where needed and appropriate. This district would have to be mapped and likely limited to the three areas the Planning Department noted. The Mall property is one that can support up to 10-stories.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Ms. Penberthy moved to approve the request and remove CTR-10 from the changes. The motion was seconded by Mr. Gill and failed. Ayes 3, Noes 2 (Chmiel, Davis), Absent 2 (Giuliani, Kahn).

Following discussion, Ms. Penberthy moved to approve the request removing the 10-story building height from the district. The motion was seconded by Mr. Gill and failed. Ayes 3, Noes 2 (Chmiel, Davis), Absent 2 (Giuliani, Kahn).

Following discussion, Ms. Penberthy moved to adjourn the request. The motion was seconded by Mr. Raffaele and carried. Ayes 5, Noes 0, Absent 2 (Giuliani, Kahn).

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 2/15/2024 6:30 PM**
MOVER:	Brittany Lee Penberthy, Board Member	
SECONDER:	Joseph P. Raffaele Jr., Board Member	
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.	
ABSENT:	Giuliani, Kahn	

7. PROPOSED ZONING TEXT AMENDMENT, CREATION OF AN URBAN RENEWAL OVERLAY DISTRICT 1, ZTA-2023-05

Town of Amherst, Petitioner

In December 2020, the Amherst Town Board adopted the Boulevard Central District (BCD) Focal Planning Area as part of the Bicentennial Comprehensive Plan. The BCD Plan envisions incorporating walkable, mixed-use, transit oriented developments into aging and underutilized commercial areas, including the Boulevard Mall site. The BCD Plan is proposed to be implemented through application of mixed-use zoning districts (Chp. 203 §5A) adopted in 2019 that encourage retrofits of the town's commercial areas.

In 2022, as the Mall continued to decline, the Town Board established an Urban Renewal Area and the Amherst Urban Renewal Agency (AURA), and adopted the Boulevard Mall Urban Renewal Plan. The Urban Renewal Plan outlines methods to proactively address blighted conditions and further implement the BCD vision, including though the acquisition and disposition of land to qualified developers; as well as the introduction of new ordinances, provisions, or amendments to existing codes, amongst other actions.

The Urban Renewal Plan specifically calls for the "Town Board to consider adopting specialized provisions for the Urban Renewal Area that will allow for flexibility in the review and approval of specific development projects". Accordingly the Town Board proposes to create an Urban Renewal Area Overlay District (URAOD) in order to promote flexibility in the review and approval processes for the redevelopment of certain parcels within the Urban Renewal Area, by using its authority granted by New York Town Law §261-c and the Municipal Home Rule Law.

A URAOD is an overlay zoning district layered on top of another existing zoning district that implements additional regulations and does not disturb the substantive provisions of the underlying base zoning districts. This URAOD establishes additional standards and criteria to promote specific development projects, and constitutes the exclusive procedural requirements and authorizations for development within the URAOD. As proposed, this URAOD will apply to the Boulevard Mall area and parcels as described in the Local Law.

The proposed URAOD project review process as described in the Local Law is similar to the current Site Plan Review Process carried out by the Town except for the deviations described below:

1. A Pre-submittal Meeting with the Planning Department is required;
2. Information from the Urban Renewal Plan, may be considered, in addition to the Comprehensive Plan, in the Planning Board's ability to render decisions;
3. The AURA may limit Planning Board authority to adjust the number of proposed buildings and "other elements deemed essential" on certified projects;
4. The Planning Board cannot request further re-referral of projects to outside agencies or boards.
5. The Planning Board is granted authority to consider waivers as part of project review in place of the Zoning Board of Appeals;
6. Public hearings by the Planning Board shall not be held; and all notice, publication, and other requirements set forth by other laws, ordinances, or regulations of the Town for land use approvals are inapplicable to applications within the URAOD;

1/18/2024

Martin Polowy, Town of Amherst, Town Attorney, represented the petitioner, explained the proposal and was available to answer questions from the Board.

In response to the Board's questions, Mr. Polowy stated that NYS law allows for an overlay district, this proposed process is streamlined and more efficient for redevelopment. The process enables the Town Board/AURA to consider individual projects before transferring property ownership, and relies on the Planning Board to review and approve projects.

Geri DiCosmo, 378 Meyer Rd., and Joe Voytovich, 35 Bucyrus Dr., spoke in opposition of the project.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Ms. Penberthy moved to deny the request. The motion was seconded by Mr. Raffaele and failed. Ayes 2, Noes 3 (Chmiel, Davis, Gill), Absent 2 (Giuliani, Kahn).

Following discussion, Ms. Penberthy moved to adjourn the request. The motion was seconded by Mr. Chmiel and passed. Ayes 5, Noes 0, Absent 2 (Giuliani, Kahn).

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 2/15/2024 6:30 PM**
MOVER:	Brittany Lee Penberthy, Board Member	
SECONDER:	Michael Chmiel, Chair	
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.	
ABSENT:	Giuliani, Kahn	

OTHER COMMUNICATIONS

None

All public hearings are completed and closed at the termination of public discussion for each agenda item unless otherwise specified by the Chair.

UNFINISHED BUSINESS

Note: All public hearings have been completed. There will be no public hearings for items listed under this section.

SITE PLANS & RELIEF FROM CONDITIONS OF SITE PLANS

None

SUBDIVISIONS & RELIEF FROM CONDITIONS OF SUBDIVISIONS

8. REQUEST FOR EXTENSION OF PRELIMINARY PLAT APPROVAL FOR A PROPOSED 19-LOT SUBDIVISION "REGENCY COMMONS", SUB-2021-01PP2
Property located at 166 Klein Road
Regency Builders LLC, Petitioner

The proposed subdivision includes 19 lots for 18 single family homes in the R-3 zoning district. The proposal shows a 28-foot-wide private drive that terminates in a hammer-head turn around. The stormwater and bio-retention areas are located at the northern most end of the parcel, at the terminus of the private drive.

Ms. Penberthy moved to approve the request based on the resolution. The motion was seconded by Mr. Gill and carried. Ayes 5, Noes 0, Absent 2 (Giuliani, Kahn).

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brittany Lee Penberthy, Board Member
SECONDER:	Harbinder Gill, Board Member
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.
ABSENT:	Giuliani, Kahn

REZONING & RELIEF FROM CONDITIONS OF REZONINGS

None

MISCELLANEOUS

9. ZONING BOARD OF APPEALS REQUEST FOR RECOMMENDATION - ACCESSORY RESTRICTED PARKING LOT, ZB-2024-04
Property located at 6812, 6814 & 6832 Main Street and 29 Tennyson Terrace
6812 Main Street LLC, Petitioner

The purpose of this request is to allow for the required parking associated with a 4 & 5 story mixed-use building with 15,000 sq. ft. of commercial space on the ground floor and 34 dwelling units on floors 2-5. Sixty-two (62) of the required 117 parking spaces are proposed to be located within the existing residential zoning district (MFR-5) at 20 and 37 Tennyson Terrace which requires a recommendation from the Planning Board and the issuance of a Special Use Permit from the Zoning Board of Appeals in accordance with §203-7-9B(2)(b) of Town Code.

Ms. Penberthy moved to deny the request. The motion failed due to lack of a second.

Mr. Raffaele moved to approve the request based on the resolution. The motion was seconded by Mr. Davis and carried. Ayes 4, Noes 1 (Penberthy), Absent 2 (Giuliani, Kahn).

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Joseph P. Raffaele Jr., Board Member
SECONDER:	John B. Davis, Board Member
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.
ABSENT:	Giuliani, Kahn

10. REVISED 2024 SCHEDULE OF PLANNING BOARD MEETINGS
Revised 2024
Schedule of Planning Board Meetings

Planning Board Meeting
Thursday 6:30 pm

01/18/2024
02/15/2024
03/21/2024
04/18/2024
05/16/2024
06/25/2024 (Tuesday)
07/23/2024 (Tuesday)
08/27/2024 (Tuesday)
09/19/2024
10/17/2024
11/21/2024
No December meeting
01/16/2025
2/20/2025

Following discussion, Ms. Penberthy moved to approve the revised calendar. The motion was seconded by Mr. Davis and carried. Ayes 5, Noes 0, Absent 2 (Giuliani, Kahn).

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brittany Lee Penberthy, Board Member
SECONDER:	John B. Davis, Board Member
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.
ABSENT:	Giuliani, Kahn

OTHER COMMUNICATIONS

None

DIRECTOR'S REPORT

MINUTES APPROVAL

Planning Board Meeting Date
Ms. Penberthy moved to approve the minutes. The motion was seconded by Mr. Gill and carried. Ayes 4, Noes 0, Abstain 1 (Davis), Absent 2 (Giuliani, Kahn).

ADJOURNMENT

The Planning Board meeting of date was adjourned at 8:11 pm.

Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

Meeting: 01/18/24 06:30 PM
Department: Planning
Category: Site Plan and Relief from Conditions of Site Plan
Prepared By: Amy Carrato
Initiator: Dan Howard
Sponsors:
DOC ID: 28243

TABLED

PLANNING BOARD ITEM (ID # 28243)

Proposed Self-Storage Facility, SP-2023-12

Property located at 2495 Wehrle Drive
416 Homez Inc., Petitioner

1/18/2024

No comments were heard on this proposal.

Following discussion, Ms. Penberthy moved to adjourn the request. The motion was seconded by Mr. Gill and carried. Ayes 5, Noes 0, Absent 2 (Giuliani, Kahn).

ATTACHMENTS:

- SP-2023-12 application 011824 (PDF)
- SP-2023-12 drawings 011824 (PDF)

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 2/15/2024 6:30 PM**
MOVER:	Brittany Lee Penberthy, Board Member	
SECONDER:	Harbinder Gill, Board Member	
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.	
ABSENT:	Dal Giuliani, Carrie H. Kahn	

TOWN OF AMHERST

APPLICATION & REVIEW PROCEDURE

MAJOR SITE PLAN

MATERIALS MUST BE PROVIDED IN AN ELECTRONIC FORMAT THAT CONTAINS PDF FILES OF THE APPLICATION, EAF, SITE PLAN DRAWING SET SURVEY, LANDSCAPE PLAN, PRELIMINARY BUILDING FLOO PLANS / ELEVATIONS & ANY OTHER SUPPORTING INFORMATION. THIS MUST BE SUBMITTED WITH YOUR APPLICATION. APPLICATIONS WILL NOT BE TRANSMITTED WITHOUT THIS ELECTRONIC INFORMATION.

THIS ALSO APPLIES TO REVISED MATERIALS THAT AR SUBMITTED.

This application package includes the following:

- Application Procedures
- Application Form & Checklist
- Stormwater Pollution Prevention Plan Checklist
- Appendix A Town of Amherst EAF Addendum
- Appendix B Criteria for Required 8½" x 11" Sketches
- Appendix C Erie Sewer District No. 5 – Commercial / Industrial New & Existing Buildings Requirements

- IMPORTANT-

1. A pre-submittal consultation with Planning Department staff is *strongly recommended* prior to submitting an application. The pre-submittal meeting gives the applicant an opportunity to discuss with staff such items as:
   - classifying the action as a major site plan, minor site plan, or minor site plan adjustment;
   - determining what specific information will be required to be submitted with the application;
   - identifying and discussing issues that must be addressed as part of the SEQR review;
   - identifying any potential variances required to implement the project as proposed.

   An appointment is required for all meetings with Planning Department staff.

2. This site plan petition is subject to the requirements of 6 NYCRR Part 617, State Environmental Quality Review Act (SEQR), and Chapter 104 of the Town of Amherst Code, as amended. The Planning Board cannot make a SEQR determination unless a complete Environmental Assessment Form (EAF), including Town of Amherst EAF Addendum, and any required supplementary information such as traffic impact studies, archaeological reports, wetland delineations or geotechnical reports, are submitted. SEQR issues may be discussed with Planning Department staff at a recommended pre-submittal meeting. Unlisted Actions require a Short EAF; Type I Actions require a Full EAF. The following is a link to the NYSDEC website and fillable forms with instructions*:*
   http://www.dec.ny.gov/permits/6191.html.

3. **Review by the Town Design Advisory Board (DAB) is required for Major Site Plans located in the following Mixed-Use zoning districts:**

   Traditional Infill 2.5 (TI-2.5)
   Traditional Infill 4 (TI-4)
   Shallow Corridor 3 (SC-3)
   Deep Corridor 3 (DC-3)
   Deep Corridor 5 (DC-5)
   Center 2.5 (CTR-2.5)
   Center 5 (CTR-5)
   Center 8 (CTR-8)

   The application for DAB review is required to be filed in conjunction with the major site plan application.

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

4. The application shall be executed or consented to in writing by the owner of the property.

5. **Any variances from the Zoning Board of Appeals, or any decision from the Town Board (e.g. removal of deed restrictions) must be obtained prior to action by the Planning Board on a Site Plan application.**

6. Submittal of an application grants permission to Town staff and Planning Board members to access the parcel(s) under consideration.

7. All site plan drawings must be prepared by a Registered Architect, Professional Engineer, Landscape Architect, or Land Surveyor (as applicable) licensed to practice in New York State.

8. If you wish to include a Coordinated Sign Plan application with the site plan petition, a separate application must be completed. Contact the Planning Department for a copy of a Coordinated Sign Plan application package.

9. All drawings should be no larger than 24 in. x 36 in. If site characteristics warrant larger plan sheets, they may be accepted subject to Planning Department concurrence. All drawings must also reserve a 4 in. x 6 in. area in the lower right hand corner for official Town use.

APPLICATION PROCEDURES

1. Applicant secures application package from the Planning Department, 5583 Main Street, Williamsville, NY 14221. (716) 631-7051. Forms are also available online at: www.amherst.ny.us, (keyword: Planning).

2. Applicant prepares information as required on the Site Plan Submittal Checklist, attached. NOTE: Some proposals may not require all items on the checklist; please verify with the Planning Department.

3. Applicant schedules an appointment with the Planning Department to review the following:
   - a complete set of site plan drawings, preliminary building elevations and floor plans (no larger than 24" x 36" in size)
   - Environmental Assessment Form (EAF) & Town EAF Addendum
   - any supporting reports and materials
   - verification from the Town Assessor that the address in the application is correct

4. Applicant schedules an application submittal appointment with the Planning Department. NO SITE PLAN WILL BE ACCEPTED FOR REVIEW WITHOUT A PRE-SET SUBMITTAL APPOINTMENT.

5. At the submittal appointment, applicant provides fourteen (14) complete and collated sets of drawings and application information to the Planning Department **(materials will not be accepted unless folded into 9" x 12" in size),** including**:**
   - application form
   - Environmental Assessment Form (EAF)
   - supporting reports / materials
   - complete set of site plan drawings, preliminary building elevations and floor plans (**at least one (1) set of drawings must bear a raised or wet seal and signature of the design professional** who prepared the plans; the remaining copies may be submitted with a facsimile of the seal and signature)
   - digital files of all materials in pdf format
   - an 8½" x 11" reduction of the sketch plan or plat drawing (see Appendix B)

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

6. After approval for filing by the Planning Department, applicant submits all necessary fees to the Town Clerk. **(See Schedule of Fees on first page of application and make checks payable to: Town of Amherst.)**

7. The applicant returns a copy of the filing receipt to the Planning Department.

8. The Planning Department transmits remaining thirteen (13) copies of the application and supporting materials to:
   - Assessor
   - Commissioner of Building
   - Town Engineer
   - Superintendent of Highways
   - Traffic/Safety Board
   - Fire Chiefs' Association
   - Plumbing Division
   - Right-of-Way Agent
   - Police Department (if applicable)
   - Zoning Enforcement Officer
   - Other Town and outside agencies, as applicable

9. Within 30 days of its receipt of the complete application for Site Plan approval, each agency completes its review and notifies the Planning Department in writing of its comments or recommendations as required by Ordinance.

10. The applicant may be required to submit revised plans, reports, or materials to address review agency comments. The procedures for submittal of revised plans are as follows:

    - A cover letter addressing all comments received to date is required.
    - "Highlight" the area of change on the drawings and provide a notation describing the change.
    - Revised plans/materials are required. Planning staff should be contacted to determine the number of sets needed.
    - All revised plans and materials must also be provided in an electronic format that contains pdf files of the revised information.

11. The Planning Board reviews the EAF to determine whether a Draft Environmental Impact Statement (DEIS) is required. The petitioner will be advised in the event that a DEIS is required and afforded the opportunity to prepare it. If the petitioner declines, the Planning Board will prepare the DEIS at the petitioner's expense. The public hearing will be held on the DEIS concurrently with the Planning Board hearing on the application.

12. Planning Board Meeting Procedures:

    The applicant or representative presents the project at the public hearing before the Planning Board and is available to answer any questions. The Planning Board may take any of the following actions:

    - Adjourn the hearing to a future Planning Board meeting (hearing remains open).
    - Close the hearing and table action on the site plan to a future Planning Board meeting. (The Planning Board may remove the item from the agenda until such time as all required information is provided.)
    - Close the hearing and make a decision on the site plan.

    All determinations on matters before the Planning Board are made after all public hearings on that meeting's agenda are completed.

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

13. A copy of the Planning Board's determination will be provided to the applicant, his / her representative, the Building Commissioner and the Town Clerk approximately 1 week following the Planning Board meeting at which it was heard.

14. If the Planning Board approves a Site Plan with conditions, the Planning Department will work with the applicant to ensure that all conditions of the approval are satisfactorily addressed. When all conditions are satisfied, the applicant submits **seven (7) final copies** of the complete set of all site plan drawings, folded into 9" x 12". For site plans in the Mixed-Use zoning districts, building elevations will also be required.

    All 7 sets must have original wet seals and include the required 4 in. x 6 in area in the lower right hand corner for official Town use. These drawings will be stamped and signed "Approved" by the Planning Director and transmitted to Town Departments for their files and use.

15. A building permit will not be issued by the Building Department until the stamped and signed Site Plan is issued by the Planning Director.

NOTE: Please check with the Planning Department to determine the deadline date for filing applications. Due to the public hearing notice requirements and department reviews, no site plan application will be placed on the Planning Board agenda after the deadline for filing has closed. Scheduling may be delayed if an application is incomplete.

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Major Site Plan Review

For Official Use

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

Address Verified by Assessor's Office _____ VERIFIED BY DATE

Materials Received by Planning Department _____ RECEIVED BY DATE

Fee Paid to Town Clerk _____ RECEIVED BY DATE

Site Plan Review		**Fill In Applicable Fees**
1 acre or less	$1,250.00	_____
Each additional acre or fraction thereof	$ 650.00/acre	_____
Amendments to Site Plans	$1,200.00	_____
Request for Relief of / Change to Conditions of Site Plan Approval	$1,200.00	_____
Request for Extension of Site Plan Approval	$ 450.00	_____
Stormwater Pollution Prevention Plan		
1 - 4.99 Acres	$ 500.00	_____
5 - 10 Acres	$ 750.00	_____
>10 Acres	$1,000.00	_____
Affidavit Fee for Public Hearing	$ 15.00	_____
	TOTAL FEE:	**$**_____

To Be Completed By Applicant

Petitioner:

Name: 416homez Inc.

Address: 4493 South Buffalo Street (H3)

Orchard Park (city) NY (state) 14127 (zip code)

Phone: 716-806-8261 Fax: _____

E Mail: vickyghotra90@gmail.com

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

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

Name: Dean Architects PLLC

Address: 3284 Walden Ave

Depew (city) NY (state) 14043 (zip code)

Phone: 716-651-0381 Fax: 716-651-0382

E Mail: markd@deanarchitects.com

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

Address: 2495 Wehrle Drive.

SBL No(s): 81.02-3-20.1

Project Name: Climate Controlled Self Storage

Project Description: Construction of new single story 70,786 sf. Climate Controlled Self Storage Building with associated parking, loading areas, access roads and landscaping.

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

If this petition is an amendment to a previously approved site plan, please describe the proposed changes (include type and size of existing structures and number of existing parking spaces):

NA

	existing	proposed	total
Gross Floor Area (non-residential):	0	70,786 SF	70,786 SF
Gross Floor Area Residential:	0	0	0
Number of Residential Units:	0	0	0
Number of Parking Spaces:	0	11	11

Acreage of Parcel: 8.457 Acre

(list each parcel separately)

Frontage on Public Roads: Wehrle - 213.53'

(list each road separately)

Existing Zoning District(s) RD Research and Development

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

Site Plan Submittal Requirements and Checklist

The following checklist outlines the information required by the Planning Department to accept a Site Plan application for review. ***It is strongly recommended that you make an appointment with Planning Staff to determine which items apply to your application***.

Item No.	Item	Submitted	Official use
I Basic Drawing Information			
1.0	**Drawing size not to exceed 24" x 36"**	X	
2.0	**Title of Drawing**	X	
3.0	**Name and address of Applicant**	X	
4.0	**Name of person preparing drawing**	X	
5.0	**Wet seal/raised seal and signature of NYS licensed architect, engineer, landscape architect, or surveyor (as applicable)**	X	
6.0	**Project address**	X	
7.0	**Zoning of subject property and adjacent parcels**	X	
8.0	**North point, scale, date, and revision date(s)**	X	
9.0	**4" x 6" reserved area in lower right hand corner for official Town use**	X	
II Structures, Paved Areas, & Open Space			
1.0	**Existing and Proposed Streets**	X	
1.1	Names of all existing and proposed streets	X	
1.2	Width and radii of proposed curb-cuts	X	
1.3	Existing curb-cuts on adjacent and opposite properties	X	
1.4	Show ROW width, pavement dimensions, lane widths, pavement markings, and proposed signage on proposed streets	X	
1.5	Show proposed ROW consistent with planned NYSDOT, Erie County, or Town road projects (if applicable)	X	
1.6	Show location of proposed cross access to adjacent parcels along with a draft easement		
1.7	Designation of Fire Lanes (if applicable)	X	
1.8	Fire apparatus access roads	X	
1.9	Label any proposed roads as public or private	X	
1.10	Location and dimensions of sidewalks	X	
1.11	Typical cross sections and profiles of proposed streets, pedestrian walkways, and bikeways	X	
2.0	**Proposed Structures**	X	
2.1	Location and complete dimensions of proposed structures	X	
2.2	Setback dimensions of structure(s) to all property lines	X	
2.3	Proposed use of structures	X	
2.4	Gross square feet area of each structure	X	
2.5	Location of all building entrances	X	
2.6	Indicate type of roof construction/materials	X	
2.7	Location, height, and design detail of existing and proposed fences and walls	X	
2.8	Location of light standards and building mounted lights	X	
2.9	Location of dumpster and detail of dumpster enclosure with gate	NA	
2.10	Layout and dimensions of the lot(s) proposed for development	X	

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

Town of Amherst Planning Department 5583 Main Street Williamsville-NY-14221
(716) 631-7051- Fax: (716) 631-7153

Item No.	Item	Submitted	Official use
II Structures, Paved Areas, & Open Space (cont'd)			
3.0	**Floor Plans with individual rooms and spaces labeled** (fully dimensioned)	X	
4.0	**Building elevations with height dimensions from finished grade to the highest point of the roof and to midpoint of gable or hip of a pitched roof.** (fully dimensioned)	X	
4.1	Show screening of mechanical equipment	X	
5.0	**Parking/Loading/Stacking Areas**	X	
5.1	Location and complete dimensions of all paved areas	X	
5.2	Setback dimensions of all paved areas to property lines	X	
5.3	Dimension of typical parking space and drive aisles	X	
5.4	Location and layout of handicapped parking spaces & access aisles	X	
5.5	Detail of vertical signage for handicapped parking and access aisles	X	
5.6	Indicate minimum parking requirement & number of spaces provided	X	
5.7	Proposed signage for directing and guiding traffic	X	
5.8	Curb cut permits from NYS, Erie County, or Town (if applicable)	NA	
5.9	Pedestrian connections (from proposed structures to public sidewalk network)	X	
6.0	**Location and proposed development of all open spaces, including parks, playgrounds, and open reservations**	NA	
III Utilities and Drainage			
1.0	**Engineers Report** (bound separately from the Stormwater Pollution Prevention Plan [SWPPP])	X	
1.1	Stamped/sealed and signed by NYS licensed architect or professional engineer	X	
1.2	Proposed water service sizing, RPZ pressure and fire safety flow and pressure calculations	X	
1.3	Proposed sanitary sewer facility load calculations (avg. & peak flows) including calculation of the peaking factor	X	
1.4	Proposed storm drainage facility calculations (see information included with this application)	X	
2.0	**Grading Plan**	X	
2.1	Existing and proposed grades indicated (proposed grades may not exceed 1 on 3)	X	
3.0	**Water Service**	X	
3.1	Location, size and material of existing and proposed facilities	X	
3.2	Location of existing and proposed fire hydrant location(s)	X	
3.3	Indicate use of sprinklers, location of Fire Department connection, and proposed fire protection systems	X	
3.4	Existing and proposed meter/RPZ size and location	X	
3.5	Applicable construction details	X	
4.0	**Sanitary Sewers**	X	
4.1	Locations, sizes, slopes, inverts, and materials of all existing and proposed facilities	X	

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

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Item No.		Submitted	Official use
III Utilities and Drainage (cont'd)			
4.2	Applicable construction details	X	
4.3	Proposed water/oil/grease interceptor sizing calculations by a professional engineer (if applicable)	NA	
5.0	**Storm Drainage**	X	
5.1	Locations, sizes, slopes, inverts, and materials of existing and proposed storm drainage facilities	X	
5.2	Connection of roof drains to proposed drainage system	X	
5.3	Applicable Town Standard construction details	X	
5.4	Existing and proposed swales and ditches	X	
5.5	Detention area cross-section and high-level elevations	X	
5.6	County and State approval for tie-in to existing sewers		
6.0	**Stormwater Pollution Prevention Plan (SWPPP) as applicable** (bound separately from the Engineer's Report) **See attached checklist.**	X	
7.0	**Natural Gas Service**	X	
8.0	**Location of transformers, generators and other mechanical equipment; include detail drawings (if applicable)**	NA	
9.0	**Downstream Sanitary Capacity Analysis (DSCA) Report** (must be submitted if proposed average flows are greater than 2,500 gallons per day)	NA	
9.1	The DSCA Report must include a detailed downstream sewer capacity analysis and the calculations of and commitment to (via Developer commitment letter) the required financial contribution to the Town's I/I mitigation fund based on peak flow conditions. The contribution must be based on $250 per gallon per minute of mitigated flow	NA	
IV Lighting Plan			
1.0	**Photometric plan showing light spread in foot candles at property lines**	X	
1.1	Detail of all light standards, including dimension of height from finished grade	NA	
1.2	Detail of all exterior lighting fixtures	X	
V Landscape Plan			
1.0	**Wet/raised seal and signature of a licensed Landscape Architect**	X	
2.0	**Provide a calculation of the total Parking area and a calculation of interior parking area in square feet and as a percentage**	X	
3.0	**Indicate location, size, number and type of proposed landscape materials**	X	
4.0	**Indicate location, type and size of <u>all</u> existing trees 4" caliper or larger and indicate which will be removed or retained**	X	
VI Other Required Information/General Requirements			
1.0	**Complete boundary survey that includes all existing structures, acreage, legal description with reference to a property line, street, or other known feature, and easements plotted to scale by a NYS licensed land surveyor**	X	

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

Town of Amherst Planning Department 5583 Main Street Williamsville-NY-14221
(716) 631-7051- Fax: (716) 631-7153

Item No.		Submitted	Official Use
VI Other Required Information/General Requirements (cont'd)			
1.1	Copies of all easements, reciprocal access agreement or similar leag documents	NA	
2.0	**Topographic Survey with a 30 ft. buffer outside all property lines by a NYS licensed land surveyor**	X	
3.0	**Draft of any deed restrictions, covenants, provisions for home associations and common ownership, and reciprocal easement agreements (as applicable).**	NA	
4.0	**For assessment purposes, state intent to apply for condominium status (if applicable).**	NA	
5.0	**Completed and signed Environmental Assessment Form**	X	
5.1	Soil boring report and geotechnical report prepared by a qualified Professional Engineer (if applicable)	IN PROGRESS	
5.2	Traffic Impact Study (if applicable)	NA	
5.3	Archaeological survey (if applicable	NA	
5.4	Wetland Delineation report (if applicable)	X	
6.0	**Show existing zoning(s) of both the subject property and adjacent parcels on the Site Plan and the Landscape Plan**	X	
7.0	**Location of NYSDEC wetlands (including buffer area) and/or federal wetlands; indicate jurisdictional status**	X	
8.0	**Location of Floodway and floodplain** (if applicable)	NA	
9.0	**Documentation pertaining to any conditions of zonings, including copies of required deed restrictions; indicate date of rezoning and the parcel address under which it was rezoned (if applicable)**	NA	
10.0	**Documentation related to any required variances granted by the ZBA**	NA	
11.0	**For residential site plans, provide a statement from the appropriate school district that adequate school sites and facilities are available.**	NA	
12.0	**8 1/2" X 11" reduction of primary site plan drawing (see appendix "B" of application package for specifications)**	X	
13.0	**A CD containing a PDF of all site plan drawings (Must also be provided with revised drawings)**	X	
VII Additional Required Information for Projects in the Mixed Use Districts			
1.0	**Design Advisory Board Application**	NA	
1.1	Required for Major Site Plan	NA	
1.2	Required at the Planning Directors Discretion for Minor Site Plans	NA	
2.0	**Block & Street Network Plan**	NA	
2.1	Designation of Core, Local & Alley streets	NA	
2.2	Dimensions of Blocks	NA	
3.0	**Block Usage Plan (as applicable)**	NA	
3.1	Designation of site usage for each block including open space areas	NA	
4.0	**Phasing Plan**	NA	

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

Town of Amherst Planning Department 5583 Main Street Williamsville-NY-14221
(716) 631-7051- Fax: (716) 631-7153

For official use only:

_____
Approved/Date

X:\Current_Planning\Application Forms 2013 Working Doc\Major Site Plan\Site Plan Submittal Requirements and Checklist (3).doc

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

Town of Amherst Planning Department 5583 Main Street Williamsville-NY-14221
(716) 631-7051- Fax: (716) 631-7153

TOWN OF AMHERST
State Environmental Quality Review
ENVIRONMENTAL ASSESSMENT FORM
-- ADDENDUM --

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

Soil Name	Shallow excavations	Dwellings without basements	Dwellings with basements	Small commercial buildings	Local roads and streets
Wassiac Silt Loam	**Severe**	**Moderate**	**Severe**	**Moderate**	**Moderate**

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

In Progress Geotechnical report attached _____ Not applicable

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

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

4. Are there alternative locations on the site for this project? □ Yes X No

5. Location and size of real property owned by petitioner within one (1) mile of subject proposal:
2495 Wehrle Drive 8.457 A

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

Describe_____

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

7. Maximum number of vehicular trips to be generated per peak hour upon completion of project **8**
Source: **ITE Handbook**

8. Will blasting occur during construction? □ Yes X No

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

10. Proposed net additional gallons per day (gpd) of sanitary sewer discharge upon completion of project:
400 gpd average flow **10gpm** peak flow.

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

11. Based on the Town's *2011 Reconnaissance Level Survey of Historic Resources,* is your property 'blue-rated' for historic significance? □ Yes X No

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

TOWN OF AMHERST
State Environmental Quality Review
ENVIRONMENTAL ASSESSMENT FORM
-- ADDENDUM --

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

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2495 Wehrle Drive 8.457 A

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Describe_____

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400 gpd average flow **10gpm** peak flow.

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

11. Based on the Town's *2011 Reconnaissance Level Survey of Historic Resources,* is your property 'blue-rated' for historic significance? □ Yes **X** No

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Climate Controlled Self Storage Building		
Project Location (describe, and attach a general location map): 2495 Wehrle Drive, Amherst, NY SBL 81.02-3-20.1		
Brief Description of Proposed Action (include purpose or need): Construction of a new single story 70,786 SF Climate controlled Self Storage building with associated parking, loading areas, access roads and landscaping. the proposed action has been defined broadly to include all site work and improvements.		
Name of Applicant/Sponsor: 416homez Inc.	Telephone: 716-806-8261 E-Mail: vickyghotra90@gmail.com	
Address: 4493 South Buffalo Street (H3)		
City/PO: Orchard Park	State: NY	Zip Code: 14127
Project Contact (if not same as sponsor; give name and title/role): Same	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Same	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees ☐Yes ☑No		
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Major Site Plan approval	8-18-23
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☑Yes ☐No	Building Permit	TBD
e. County agencies ☐Yes ☑No		
f. Regional agencies ☐Yes ☑No		
g. State agencies ☐Yes ☑No		
h. Federal agencies ☐Yes ☑No		

i. Coastal Resources.
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☑Yes ☐No
iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes ☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes ☐No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes ☑No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes ☐No
If Yes, identify the plan(s):
NYS Heritage Areas:West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☑No
If Yes, identify the plan(s):

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

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?
RD Research and Development

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? Clarence Central School District

b. What police or other public protection forces serve the project site?
Amherst police, NY State Police

c. Which fire protection and emergency medical services serve the project site?
Main Transit Fire Department

d. What parks serve the project site?
Garison Park, Patriots and Heroes Park, Sunset Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Commercial - Self Storage

b. a. Total acreage of the site of the proposed action? 8.457 acres
b. Total acreage to be physically disturbed? 4.100 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 8.457 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: 12 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: _____

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

f. Does the project include new residential uses? ☐Yes ☑No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				
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 1

ii. Dimensions (in feet) of largest proposed structure: 28' height; 300' width; and 325' length

iii. Approximate extent of building space to be heated or cooled: 70,786 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: Bio-Retention, underground storm water detention.

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☑Other specify: On site temporary storm water retention

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

iv. Approximate size of the proposed impoundment. Volume: 0.171 million gallons; surface area: 0.38 acres

v. Dimensions of the proposed dam or impounding structure: NA height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): manufactured underground stormwater storage units

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):

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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: 400 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☑Yes ☐No
If Yes:

- Name of district or service area: Erie County Water Authority
- Does the existing public water supply have capacity to serve the proposal? ☑Yes ☐No
- Is the project site in the existing district? ☑Yes ☐No
- Is expansion of the district needed? ☐Yes ☑No
- Do existing lines serve the project site? ☑Yes ☐No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes ☑No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project:
- Source(s) of supply for the district:

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes ☑No
If, Yes:

- Applicant/sponsor for new district:
- Date application submitted or anticipated:
- Proposed source(s) of supply for new district:

v. If a public water supply will not be used, describe plans to provide water supply for the project:

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☑Yes ☐No
If Yes:

i. Total anticipated liquid waste generation per day: 400 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each):
Sanitary Waste only

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

- Name of wastewater treatment plant to be used: Town of Amherst Sewage Treatment Plant
- Name of district: Town of Amherst
- Does the existing wastewater treatment plant have capacity to serve the project? ☑Yes ☐No
- Is the project site in the existing district? ☑Yes ☐No
- Is expansion of the district needed? ☐Yes ☑No

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- Do existing sewer lines serve the project site? ☑Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☑No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☑No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑Yes ☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or 2.299 acres (impervious surface)

_____ Square feet or 8.457 acres (parcel size)

ii. Describe types of new point sources. Drainage of detained water to existing town ditch

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)?

Drainage of detained water to existing town ditch

- If to surface waters, identify receiving water bodies or wetlands: Existing town ditch
- Will stormwater runoff flow to adjacent properties? ☐Yes ☑No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☑Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☑Yes ☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

grading and excavating equipment

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

Power Generation

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

Gas Furnaces

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐Morning ☐Evening ☐Weekend ☐Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☑Yes ☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

750 Kwh

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

NYSEG

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☑No

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

i. During Construction:

- Monday - Friday: 7 am - 5 pm
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: 6 am - 9 pm
- Saturday: 6 am - 9 pm
- Sunday: 6 am - 9 pm
- Holidays: 6 am - 9 pm

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

If yes:

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

Construction vehicles and equipment 7 am - 5 pm M-F

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

Describe: _____

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

If yes:

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

Building wall packs mounted at 10' AFF, Area lights at 20' AFF, all lighting to be dark sky compliant

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

Describe: _____

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

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

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored _____

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

iii. Generally, describe the proposed storage facilities: _____

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

If Yes:

i. Describe proposed treatment(s):

Lawn maintenance

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

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

If Yes:

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

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

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

- Construction: _____
- Operation: _____

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

- Construction: _____
- Operation: _____

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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 Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.55	2.84	+2.29
• Forested	0	0	
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	6.929	4.08	-2.85
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.038	0	-0.038
• Wetlands (freshwater or tidal)	0.94	0.94	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Lawn	0	0.597	+0.597

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

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐Yes ☑No
If Yes,
i. Identify Facilities:

_____
_____

e. Does the project site contain an existing dam? ☐Yes ☑No
If Yes:
i. Dimensions of the dam and impoundment:
- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

_____
_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes ☑No
If Yes:
i. Has the facility been formally closed? ☐Yes ☐ No
- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____
_____

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

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☑No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____
_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes ☑ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes ☐No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____
☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____
_____
_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes ☑No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____
_____

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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? + 10' 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: Ovid Silt Loam 100 %
_____ %
_____ %

d. What is the average depth to the water table on the project site? Average: +8' feet

e. Drainage status of project site soils:
☐ Well Drained: ____ % of site
☑ Moderately Well Drained: 100 % of site
☐ Poorly Drained ____ % of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 100 % of site
☐ 10-15%: ____ % of site
☐ 15% or greater: ____ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☑ 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 Federal Waters, Federal Waters, Federal Waters 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: _____
Name - Pollutants - Uses:Ellicott Creek, Lower, and tribs – Nutrients;Silt/Sediment – Aquatic Life

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: _____

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

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

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐Yes ☑No
If Yes:
i. Species and listing (endangered or threatened):

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes ☑No
If Yes:
i. Species and listing:

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

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

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☑No
If Yes, provide county plus district name/number:

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

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

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

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e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☑ No

If Yes:

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

ii. Name: _____

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

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

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

If Yes:

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

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

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name Dean Architects PLLC - Mark Dean AIA Date 12-21-23

Signature _____ Title Principal

REGISTERED ARCHITECT MARK A DEAN 023853 STATE OF NEW YORK

PRINT FORM

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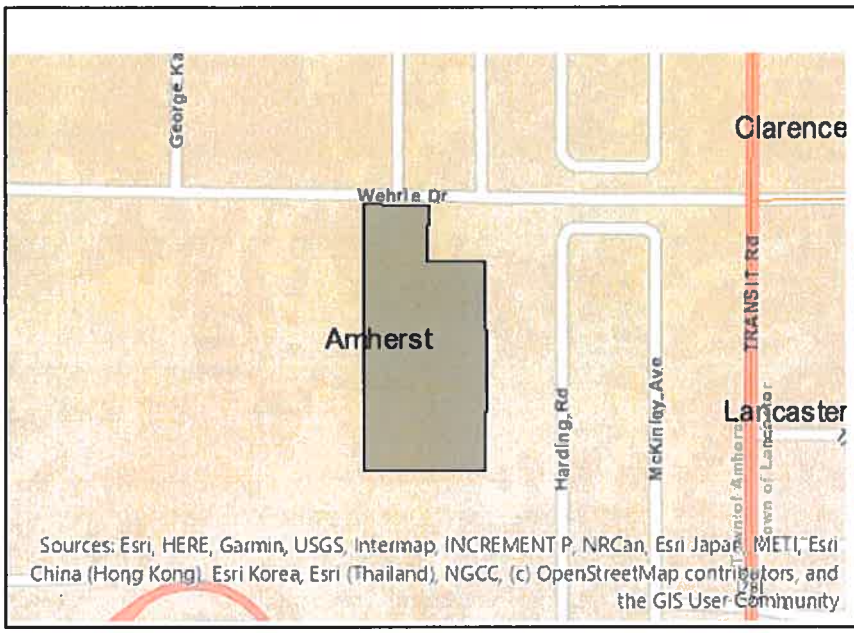
EAF Mapper Summary Report

Monday, August 14, 2023 1:40 PM



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]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Ellicott Creek, Lower, and tribs – Nutrients;Silt/Sediment – Aquatic Life
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No

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E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

EARTH DIMENSIONS, INC.
* Soil & Hydrogeologic Investigations * Wetland Delineations
1091 Jamison Road, Elma NY 14059
(716) 655-1717 * Fax (716) 655-2915 www.earthdimensions.com

June 2, 2015 W15E15

John Melancon
9280 Main Street
Clarence, New York 14031

Re: Preliminary Wetland Investigation – 8.46± acres
2495 Wehrle Drive
Town of Amherst
Erie County, New York

Dear Mr. Melancon:

Earth Dimensions, Inc. (EDI) has completed a preliminary wetland investigation at the above referenced site for the purpose of identifying potential regulated wetlands and waterways within the subject parcel. The site investigation was conducted on June 2, 2015. As noted on the attached site location map, approximately 0.94± acre of wetland was identified. It appears that the 0.08 acre and 0.05 acre wetlands would be deemed isolated and unregulated. It appears the 0.13 acre wetland would likely be regulated by the U.S. Army Corps of Engineers (USACE). It is unclear if the 0.68 acre wetland would be regulated as it continued off site.

The New York State Department of Environmental Conservation (NYSDEC) On-line Resource Mapper does not depict any wetlands within or adjacent to the project site. Therefore, NYSDEC has no jurisdiction over any wetlands at the subject property.

If your proposed development avoids impacts to the identified wetland areas, it is our professional opinion that the project may move forward without any coordination with USACE and NYSDEC relative to Section 404 of the Clean Water Act. If any wetland impacts are proposed, a detailed wetland delineation would need to be completed and submitted to USACE for a jurisdictional determination prior to any soil disturbance at the site.

If you have any questions or would like a price quote to complete a detailed wetland delineation, please contact our office at (716) 655-1717 or email slivingstone@earthdimensions.com.

Very truly yours,
Earth Dimensions, Inc.

Scott J. Livingstone
Senior Soil Scientist

Encl.

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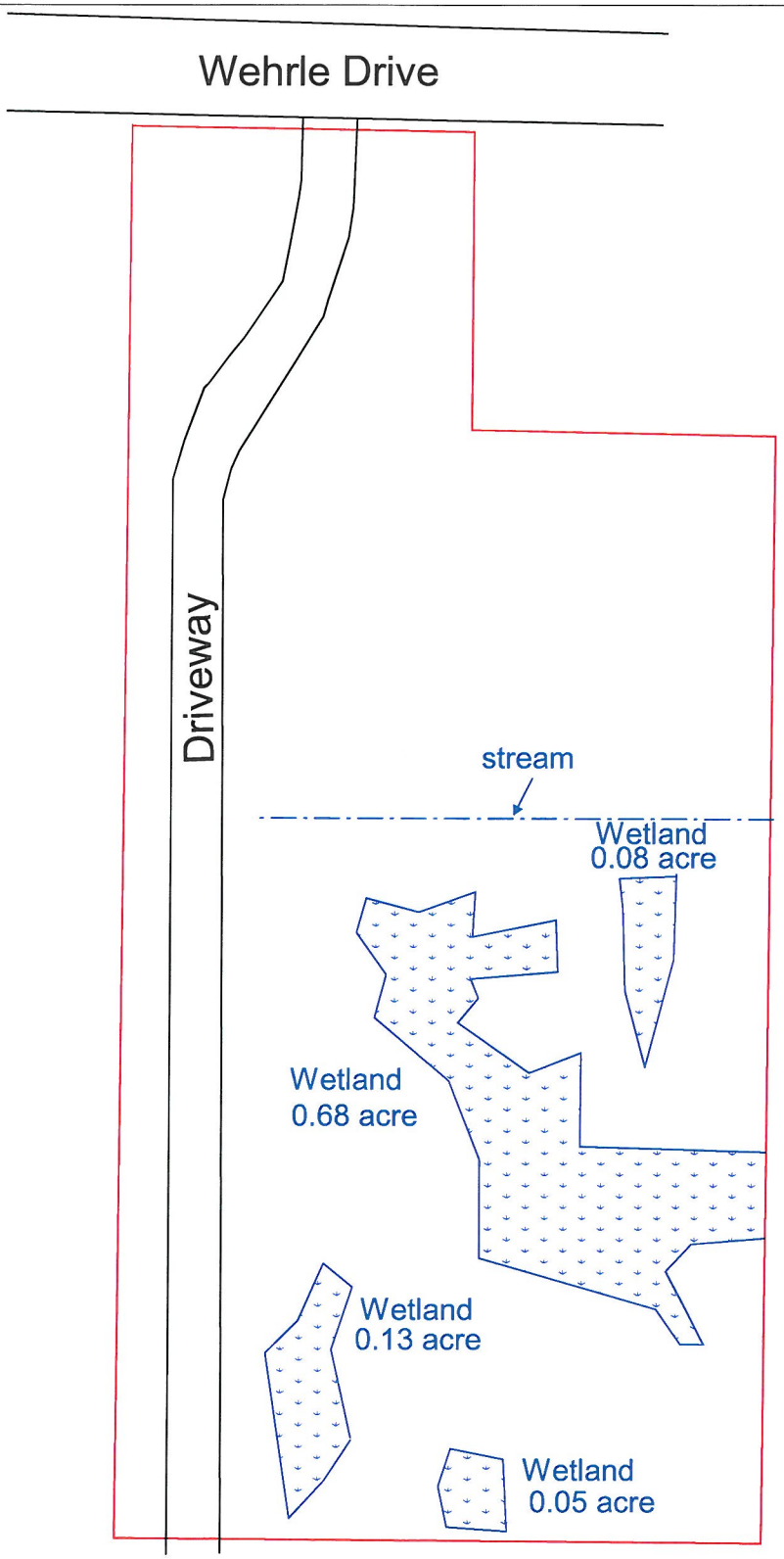

APPROXIMATE WETLAND ACREAGE

0.94 acre

*Please note, upon completion of a detailed wetland delineation, the amount and/or size of the wetlands may vary. A preliminary wetland investigation only provides the approximate size and location of federally jurisdictional wetlands.

N

EDI PROJECT CODE: W15E14

Map Date: 6/2/2015 SJL
Revised:

Baseline Map Provided by: NA

Scale: NOT TO SCALE

File Name:

Preliminary Wetlands Map
2495 Wehrle Drive

TOWN OF AMHERST ERIE COUNTY, NEW YORK

EARTH DIMENSIONS, INC.
* Soil and Hydrogeologic Investigations
* Wetland Delineations
1091 Jamison Road * Elma, NY 14059
(716) 655-1717 * Fax (716) 655-2915

LEGEND: WETLAND AREA

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

GLYNN GROUP
ENGINEERING & ARCHITECTURE, PLLC

Civil • Geotechnical
Structural • Architecture
Material Testing • Consulting

Climate Controlled Storage
2495 Wehrle Drive
Amherst, New York

Geotechnical Engineering Report

GGEA 23-1214

Prepared for:
416 Homez, Inc.
4493 South Buffalo Street H3
Orchard Park, New York 14213

Prepared by:
Glynn Group Engineering & Architecture, PLLC
415 South Transit Street
Lockport, New York 14094

October 26, 2023

GLYNN GROUP ENGINEERING & ARCHITECTURE, PLLC

415 South Transit Street, Lockport, New York 14094
voice 716.625.6933 / fax 716.625.6983
www.glynngroup.com

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

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- B Project Location Plan
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- D Seismic Site Class and Design Category
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1.0 INTRODUCTION

1.1 SCOPE

This report provides subsurface exploration data and geotechnical recommendations for the proposed construction of a new climate controlled storage facility at 2495 Wehrle Drive in the Town of Amherst, New York. Glynn Group Engineering & Architecture, PLLC (GGEA) has provided the following scope of services:

- Performed a site visit to examine site topography and establish five (5) soil borings within the footprint of proposed structure.
- Cleared utilities with UDig NY through drilling subcontractor.
- Mobilized drilling subcontractor with ATV drill rig and support crew.
- Provided SPT soil sampling at each boring location in accordance with ASTM D1586 "Standard Test Method for Penetration Test and Split-Barrel Sampling of Soils". All borings were advanced to auger refusal on bedrock.
- Provided soil boring logs (prepared by subcontractor), to include SPT data, N values, soil classification, refusal depth and encountered groundwater conditions.
- Prepared a geotechnical report in accordance with the 2020 NYS Building Code to include subsurface design parameters, seismic site class and design category, groundwater conditions, expansive soil analysis, liquefaction analysis, foundation recommendations, slab on grade recommendations, pavement recommendations and construction recommendations.

1.2 CONTRACT

GGEA performed this study in accordance with a written proposal to 416 Homez, Inc. dated August 22, 2023. GGEA received the notice to proceed via signed contract from Vicky Singh Ghotra on September 1, 2023. All services provided by GGEA are subject to the Standard Terms and Conditions included in the geotechnical proposal.

1.3 EXCLUSIONS

The project efforts exercised by GGEA include geotechnical analysis, design recommendations and the preparation of this report. The scope of this report specifically excludes any review of former site use, in particular, environmental or pollution related concerns.

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2.0 PROJECT BACKGROUND

2.1 SITE DESCRIPTION AND PROPOSED IMPROVEMENTS

The project site is located on the south side of Wehrle Drive approximately 1,100 feet west of Transit Road in the Town of Amherst, New York. The property encompasses approximately 8.4 acres and is identified as SBL 81.02-3-20.1. The property is relatively flat and characterized by a northern portion that is covered primarily by field grass and a southern portion that is covered by dense trees and shrubs. Historical aerials identify the site once served as an agricultural field. An existing unnamed paved roadway is located along the western limits of the property directly across from Berkley Road. The proposed construction is to consist of a 73,989 square foot one story climate controlled storage facility with an associated perimeter roadway and parking. A Project Location Plan has been included in Appendix B and a Subsurface Exploration Plan has been included in Appendix C.

2.2 GEOLOGIC SETTING

Geologic Maps of Western New York identify subsurface conditions to be composed of glacial till soils overlying shallow limestone bedrock of the Middle Devonian Onondaga Formation. The overburden soils at the site were deposited during the last glacial advance of the Pleistocene Epoch, referred to as the Wisconsinan Glacial Stage, which ended approximately 12,000 years ago. As the glacier advanced over the Western New York terrain, the ice mass carved, crushed and transported the underlying soil and rock to form glacial till, which typically consists of an unstratified dense matrix of silt, sand, rock and clay deposited beneath the ice. The underlying limestone bedrock was deposited in a warm shallow sea during the Middle Devonian approximately 390 million years ago.

3.0 FIELD EXPLORATION AND ANALYSIS

3.1 METHODOLOGY

The subsurface exploration consisted of five (5) SPT soil borings located throughout the property as identified on the Subsurface Exploration Plan included in Appendix C. GGEA performed a site visit on September 13, 2023 to examine the site topography and establish soil boring locations. GGEA's drilling subcontractor, Earth Dimensions Inc. (EDI), mobilized to the site on October 9, 2023 and completed drilling operations on the same day. Boreholes were backfilled with soil cuttings upon drilling completion.

Soil boring and sampling operations were performed using hollow stem augers to advance through overburden materials in accordance with ASTM D1586 "Standard Test Method for Standard Penetration Test (SPT) and Split-Barrel Sampling of Soils". Resistance values, or blow counts, were recorded for each six-inch advancement of a twenty-four inch long, two inch diameter split spoon sampler. "N" values were calculated by totaling the resistance values for the 6/12 and 12/18 inch intervals. All data recorded during drilling operations can be found on the soil boring logs included in Appendix A.

Retrieved soil samples were logged and visually classified by EDI in accordance with the ASEE System of Definition for Visual Identification of Soils (Burmister Classification System) and ASTM D2488 "Standard Practice for Description and Identification of Soils (Visual – Manual Procedure)". Discrepancies observed between classifications noted on the soil boring logs and those identified in this report are due to the assignment of USCS classifications by GGEA.

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3.2 SUBSURFACE CONDITIONS

All borings were advanced to auger refusal, which was encountered on limestone bedrock at depths ranging from 2.2 to 3.5 feet below existing grade. The site soils were found to typically consist of a thin layer of topsoil ranging from 0.4 to 1.5 feet overlying glacial till consisting of sandy silt with gravel (ML), sandy silty clay with gravel (CL-ML) and clayey gravel with sand (GC). Specific subsurface conditions can be found on the soil boring logs included in Appendix A, however representative soil profiles have been summarized follows:

B-1	0.0 – 1.0 ft	Topsoil.
	1.0 – 2.2 ft	Brown, damp, compact to very dense, sandy silt with gravel (ML). N value of 13.
	> 2.2 ft	Limestone bedrock.
B-2	0.0 – 0.5 ft	Topsoil.
	0.5 – 1.0 ft	Dark brown, damp, firm, sandy silty clay with gravel (CL-ML).
	1.0 – 2.2 ft	Light brown, damp, compact to very dense, sandy silt with gravel (ML). N value of 16.
	> 2.2 ft	Limestone bedrock.
B-3	0.0 – 1.0 ft	Topsoil.
	1.0 – 2.5 ft	Light brown, moist, compact to very dense, sandy silt with gravel (ML). N value of 16.
	> 2.5 ft	Limestone bedrock.
B-4	0.0 – 0.4 ft	Topsoil.
	0.4 – 3.0 ft	Brown, damp, dense, clayey gravel with sand (GC). N value of 40.
	> 3.0 ft	Limestone bedrock.

It is GGEA's opinion the extent of this exploration was sufficient to accurately characterize the subsurface conditions and provide information necessary for the preparation of this report. The soil borings portray the subsurface conditions encountered at the soil boring locations at the time of exploration. The stratification lines shown on the soil boring logs are approximate, whereas in-situ the changes between strata may be more gradual.

3.3 GROUNDWATER

Groundwater was not encountered in the augers upon the completion of drilling operations. Recovered soil samples were found to have a relatively low moisture content, with samples typically described as dry to moist. Based on these conditions, it is GGEA's opinion groundwater is not located within the overburden soils. The stabilized groundwater elevation is estimated at some depth within the limestone bedrock.

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4.0 GEOTECHNICAL EVALUATION AND RECOMMENDATIONS

4.1 BEARING CAPACITY AND FOUNDATIONS

The subsurface conditions at this site are of good structural quality and will provide for the construction of a shallow foundation system consisting of perimeter frost walls supported by continuous strip footings and interior/exterior columns supported by square spread footings. GGEA provides design and construction recommendations for foundations as follows:

1. Although native soils were found to typically exhibit a high relative density, due to the relatively shallow and variable depth of bedrock (2.2 to 3.0 feet), GGEA recommends advancing all exterior perimeter foundations to bedrock. Excavations shall be advanced through overburden soils and weathered rock until refusal is encountered using a toothed bucket.
2. Per Section 1809.5 of the 2020 NYS Building Code, foundations bearing directly on bedrock are not subject to the locally prescribed frost protection depth of > 3.5 feet below final grade.
3. Foundations bearing directly on bedrock should be designed for a net allowable bearing capacity not to exceed 10,000 psf.
4. Pinning of foundations to bedrock is not necessary unless pinning is required to resist uplift, to resist lateral forces or if specified by Town Code Enforcement.
5. Interior spread footings shall be advanced to a minimum depth of 2.0 feet below existing grade and should be constructed to bear on competent glacial till soil or bedrock. In the event interior foundation subgrade is to be composed of glacial till soil, the soil shall be vibratory compacted and the net allowable bearing capacity shall be limited to 4,000 psf. The net allowable bearing capacity may be increased to 10,000 psf in the event foundations are advanced to bedrock.
6. If the storage facility is to consist of a pre-engineered metal building (PEMB), foundation lateral forces should be restrained by one of the following methods:

    (a) tie rods spanning the building width through the foundation frost walls,

    (b) hairpins extending from the perimeter column pedestals into the floor slab,

    or

    (c) oversizing the foundations to provide friction resistance between the concrete and soil. The coefficient of sliding for mass concrete on clean limestone bedrock is estimated at 0.70 per Chapter 3, Table 1 of NAVFAC 7.2.

4.2 SLAB ON GRADE

The building interior slab on grade should be designed and constructed in accordance with the following recommendations:

1. All slabs should be designed using a recognized standard procedure, such as identified in the text "Designing Floor Slabs on Grade" by Ringo and Anderson (ISBN 0-924659-34-3). The thickness of the concrete slab should be determined based on the intended usage and proposed loading (fork truck dynamic loading and static rack loading).

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2. Topsoil and poor quality native soils should be removed beneath the footprint of the slab. Based on subsurface conditions encountered at the soil boring locations, excavation to a depth of approximately 1.5 feet is estimated to engage competent subgrade soil.
3. Once a competent subgrade elevation is achieved, the exposed subgrade should be compacted thoroughly with a smooth drum vibratory roller to produce a uniform density throughout. In place density testing of the subgrade is not required. The top surface of the subgrade should be pitched to drain to prevent ponding of stormwater.
4. After the subgrade is thoroughly compacted, proof roll the exposed subgrade with a fully loaded 10 wheel dump truck weighing at least 30 tons or a smooth drum roller having an effective force of at least 600 pounds per linear inch of roller width. Any area exhibiting weaving, yielding, rutting (>3/4 inch) or boiling should be reworked and compacted to produce an acceptable response *or* over excavated and replaced with Structural Fill. The depth of the undercut and type of Structural Fill will depend on the bearing condition at the base of the undercut, the weather at the time of construction and the soil material encountered. Proof rolling operations should be observed and directed by a qualified geotechnical professional.
5. After proof rolling of the prepared subgrade is successfully performed (including overexcavation and replacement of failing areas), Structural Fill should be installed as necessary to achieve the design subgrade elevation. The Structural Fill should be placed in maximum 9 inch lifts and compacted to 95 % modified proctor (ASTM D1557).
6. Upon successful installation of Structural Fill to the design subgrade elevation, a granular base composed of Select Structural Fill should be installed and compacted to 95 % modified proctor. The thickness of the granular base layer should be dictated by the slab design (prepared by others), however GGEA recommends a minimum granular base thickness of 8 inches.
7. Install subsurface utilities.
8. Install the concrete slab as designed. GGEA recommends a modulus of subgrade reaction (k) not to exceed 150 pci for properly prepared subgrade. The installation of a vapor barrier and specification of the concrete finish technique is at the discretion of the architect. Proper joint spacing and reinforcing steel spacing/placement will be critical to the long term performance of slab. The Portland Cement Association (PCA) recommends joint spacing in feet should be two to three times the slab thickness in inches.

Although not required for design, if the granular base is to be used as working surface for an extended period of time prior to concrete placement, the installation of a separation and reinforcement geotextile should be considered between the soil subgrade and granular base. GGEA recommends a woven geotextile such as US Fabrics US 250 (or equivalent). Any granular base that becomes contaminated with soil as a result of repeated construction traffic should be removed and replaced prior to placing concrete.

4.3 EXCAVATION, BACKFILL AND RETAINING WALLS

The native soils encountered within the construction depth of this project are composed primarily of loose topsoil overlying firm cohesive glacial till and compact to dense granular glacial till. Excavation through native soils can be accomplished with easy to moderate effort from standard excavation equipment, increasing in effort with depth. The limestone bedrock is of moderately hard composition and will require significant effort from a large hydraulic breaker (> 4,000 foot pounds) to remove.

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Native soils may be repurposed as Structural Fill, pending the soils are stockpiled and blended to create a homogenous material. The blended and stockpiled material must provide a USCS classification that meets the specification for Structural Fill (all soil material with the exception of USCS classifications of CH, MH, OH, OL, ML and CL-ML). Silt (ML) soil provide a potential for frost heave if subjected to water and freezing temperatures and therefore should not be used as Structural Fill where exposed to frost. Successful stockpiling and blending of excavated soils may result in a USCS classification acceptable for use as Structural Fill, however a large portion of the native soils are identified as ML and CL-ML on the boring logs, which is undesirable. Blending of the material with GC soils may yield a USCS classification that is acceptable for Structural Fill when laboratory tested.

The soils encountered at this site should be classified by an OSHA competent person in accordance with 29 CFR, Part 1926, OSHA Subpart P, "Excavations and Trenches" prior to and during excavation. From the testing and exploration program, GGEA estimates the site soils within the construction depth of this project can be classified as Type C under the OSHA classification guidelines. However, this classification may change depending on other site criteria and moisture conditions at the time of construction. An OSHA competent person should judge the potential need for excavation bracing and excavation geometry in the field.

Foundation backfill placed beneath structurally loaded areas (pavement, sidewalk, slab) should consist of properly placed and compacted Select Structural Fill. Foundation backfill placed in non-structural landscaped areas may consist of compacted Common Fill or Structural Fill. Excavated native soils may be repurposed as Common Fill pending they are free of topsoil. Excavated native soils may be repurposed as Structural Fill pending blending and testing as previously discussed.

In place density testing should be performed at a rate of one test per 50 feet of trench or 2,500 square feet of area per lift, at a minimum of one test per day of placement. Specifications regarding Common Fill, Structural Fill and Select Structural Fill are included in Appendix E. Foundation backfill shall be installed in a balanced condition with foundations completely backfilled prior to applying load.

If the project is to include the construction of retaining walls, the retaining walls should be backfilled with Structural Fill or Select Structural Fill compacted to 95% of modified proctor (ASTM D1557) density within 2 % of optimum moisture content. Clean poorly graded drainage stone should be installed directly behind the wall to allow for hydrostatic pressure relief through weeps or drain tile at the base. The drainage stone should be wrapped in a separation and filtration geotextile such as US 120NW or equivalent. The subgrade at the base of the retaining wall should be composed of bedrock and prepared in accordance with the recommendations of Section 4.1 of this report. GGEA provides the following estimated design parameters for native soils and compacted Select Structural Fill:

<u>Native sandy silt with gravel (ML)</u>

moist unit weight = 125 pcf

friction angle = 32^0

cohesion = 0 psf

Rankine theory

at rest pressure coefficient (Ko) = 0.47
active pressure coefficient (Ka) = 0.31
passive pressure coefficient (Kp) = 3.25

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2020 NYS Building Code Table 1610.1 Lateral Soil Load
at rest pressure = 100 psf/ft of depth
active pressure = 45 psf/ft of depth

coefficient of sliding for mass concrete = 0.35

Native clayey gravel with sand (GC)

moist unit weight = 130 pcf

friction angle = 32^0

cohesion = 0 psf

Rankine theory
at rest pressure coefficient (Ko) = 0.47
active pressure coefficient (Ka) = 0.31
passive pressure coefficient (Kp) = 3.25

2020 NYS Building Code Table 1610.1 Lateral Soil Load
at rest pressure = 60 psf/ft of depth
active pressure = 45 psf/ft of depth

coefficient of sliding for mass concrete = 0.40

Select Structural Fill

moist unit weight = 145 pcf

friction angle = 40^0

Rankine theory
at rest pressure coefficient (Ko) = 0.36
active pressure coefficient (Ka) = 0.22
passive pressure coefficient (Kp) = 4.60

2020 NYS Building Code Table 1610.1 Lateral Soil Load
at rest pressure = 60 psf/ft of depth
active pressure = 30 psf/ft of depth

coefficient of sliding for mass concrete = 0.55

Foundations for retaining walls shall be prepared in accordance with the parameters established in Section 4.1 of this report.

4.4 FLEIXBLE PAVEMENT

GGEA provides design and construction recommendations for flexible pavement as follows:

1. Remove existing topsoil and poor quality subsoil materials to the design subgrade elevation. Any poor quality soil (soft, saturated, organic) should be removed and replaced with Structural Fill. The subgrade should be graded to drain.

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2. Based on conditions observed at the soil boring locations, excavation to a depth of approximately 1.5 feet below existing grade is anticipated to engage competent subgrade.
3. Thoroughly compact the exposed subgrade with a smooth drum vibratory roller. In place density testing of the subgrade is not required.
4. After thorough compaction of the subgrade is performed, proof roll the exposed subgrade with a fully loaded 10 wheel dump truck weighing at least 30 tons or a smooth drum roller having an effective force of at least 600 pounds per linear inch of roller width. Any area exhibiting weaving, yielding, rutting or boiling should be reworked and compacted to produce an acceptable response or over excavated and replaced with Structural Fill. The depth of the undercut and type of Structural Fill will depend on the soil material encountered, weather conditions at the time of construction and the bearing conditions at the base of the undercut. The top surface of the subgrade should be pitched to drain to prevent ponding of stormwater. Proof rolling operations should be observed and directed by a qualified geotechnical professional.
5. Install Structural Fill as necessary to achieve the design subgrade elevation. Install in maximum 9 inch lifts and compact to 95 % modified proctor.
6. Once the design subgrade elevation is achieved, install a separation geotextile to prevent contamination of the overlying granular base layer with fines from the underlying subgrade soil. GGEA recommends an AASHTO Class 2 separation geotextile such as US Fabrics US 250 or equivalent.
7. Install a granular base layer composed of properly placed and compacted Select Structural Fill. GGEA recommends a minimum granular base thickness of 10 inches for automobile traffic and 12 inches for truck traffic.
8. If the design dictates, install ditches, lateral drains, weeps and storm drainage piping.
9. If catch basins are installed, special attention should be directed to the compaction of stone around the catch basins and the pipes. Failure to properly compact the stone will result in pavement settlement around the catch basins and ponding of water.
10. Construct a flexible pavement system consisting of asphalt concrete binder followed by asphalt concrete top (wearing course). GGEA provides recommended pavement sections as follows:

    Light Duty (primarily car traffic)
    10 inches Select Structural Fill – Compacted to 95 % Modified Proctor
    2.5 inches of asphalt concrete binder
    1.0 inch of asphalt concrete top

    Heavy Duty (mixed truck and car traffic)
    12 inches Select Structural Fill – Compacted to 95 % Modified Proctor
    3.5 inches of asphalt concrete binder
    1.5 inch of asphalt concrete top

Site contractors should be notified that roadways and parking areas will not support repeated travel by construction loads. Pavement and subgrade failure can be anticipated in areas that receive a high volume of heavy construction traffic. To preclude the overstressing of the pavement system it is recommended that haul roads be located in non-critical areas. As an option, the base course of stone can be overbuilt to a total thickness of 20 inches to serve as a haul route. The additional thickness of stone should be removed prior to paving along

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with any areas of stone that have been contaminated with soil. Failure to remove fine-grained soils from the stone base may cause pavement distress in the form of heaving resulting from freeze thaw effects.

In the event the binder layer is used as a working surface during construction or there is a prolonged time period between binder and top placement such that daily activities occur over the binder surface, the surface must be power washed, not just swept, and a tack coat should be applied prior to installation of the top course. In addition, any yielding area of pavement binder should be removed and replaced prior to application of the top course.

4.5 STORMWATER PONDS

The relatively shallow depth to bedrock encountered at this site provides limitations to stormwater pond construction. Compaction of native soils with a smooth drum vibratory roller may produce a soil of low permeability that will hold water, however the use of a synthetic geomembrane pond liner should be considered to improve pond integrity where soil cover over bedrock cannot be maintained at 12 inches or more.

4.6 EXPANSIVE SOIL

Some cohesive soils undergo volumetric change (shrinkage and swelling) with changes in moisture content and degree of saturation, which are commonly referred to as expansive soils. This condition primarily occurs with fat clay (CH) soil, which is a cohesive soil that exhibits a liquid limit of 50 or greater. The liquid limit is the water content, in percent, of a soil that defines the boundary between the plastic and viscous fluid states. Expansive soils can be found in many areas throughout Western New York and have been associated with foundation problems.

Laboratory testing was not performed on recovered soil samples, however visual classification did not identify USCS soil classifications associated with expansion concerns.

4.7 LIQUEFACTION

Liquefaction is the process where saturated cohesionless (granular) soils, specifically, loose sands and silts, transform from a solid into a liquid as a result of an increase in the pore water pressure caused by repeated disturbance such as experienced during seismic events. Liquefaction results in an immediate loss of shear strength and bearing capacity, causing total and differential settling of the overlying structure.

The soils encountered at this site exhibit a high relative density and are not susceptible to liquefaction.

4.8 SETTLEMENT

Shallow foundations designed, constructed and maintained in accordance with the recommendations of this report will provide for negligible settlement, with estimated total and differential settlement of significantly less than 1.0 inch and 0.5 inches, respectfully.

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4.9 SEISMIC SITE CLASS AND DESIGN CATEGORY

In accordance with Section 1613 (Earthquake Loads) of the 2020 NYS Building Code, GGEA has classified the site as **Seismic Site Class C.** The site classification is based on the summation of N values for the upper 100 feet of boring B-5 in accordance with ASCE 7-16 Equation 20.4-2. The design spectral response accelerations have been calculated as 0.149 g for the short period design spectral response acceleration (S_{DS}) and 0.046 g for the one second design spectral response acceleration (S_{D1}). In accordance with tables 1613.2.5(1) and 1613.2.5(2), using Risk Category II, the site is classified as **Seismic Design Category A.** Calculations have been provided in Appendix D.

4.10 GENERAL CONSTRUCTION RECOMMENDATIONS

GGEA provides general construction recommendations as follows:

1. Exposed soil bearing grades beneath foundations should be compacted to densify any soil that may have been disturbed by the excavation process. Compaction should be performed in accordance with the recommendations of item 5 in Section 4.1 of this report. Densification of the subgrade will assure the development of the anticipated bearing strength and reduce settlement potential.
2. Fine grained soils, such as those encountered within the proposed construction depth for this project, may lose considerable strength and bearing capacity if subjected to prolonged saturation. The accumulation of stormwater and/or perched groundwater within foundation excavations and subsequent deterioration of the foundation subgrade during construction should not be permitted. The foundation excavations should include temporary sumps located outside of the building footprint to permit water removal by means of suction pumps during construction. Likewise, water should not be permitted to accumulate in the foundation excavation after footings have been constructed and prior to backfilling. Care should be exercised to not allow pumped water to recycle back to into the excavations. Mud mats should be considered if the subgrade integrity cannot be maintained. Note this is applicable to soil foundation subgrade only and not bedrock.
3. If additional undercut is necessary during foundation excavation, the bottom should be graded to a uniform elevation and gradually sloped or stepped back to the design elevation. Undercut "pockets" should be avoided.
4. Conformance to OSHA standards is mandatory during excavation and trench work.
5. Topsoil and organic soils should be removed from all load bearing areas.
6. No fill material or concrete should be placed in water, over saturated subgrade or over frozen subgrade.
7. The foundation bearing grade should not be allowed to freeze either prior to or after placement of concrete. Insulating blankets should be used to cover bearing grades plus a one foot perimeter outside forms and constructed footings until backfill is placed.
8. Grading and contouring efforts should take care to address existing site drainage conditions and mitigate any conflicts with the proposed site development.
9. Continuous footings and associated wall loads should be proportioned to create nearly equal contact pressures throughout, which will serve to minimize differential settlement. Likewise, square spread footings and associated column loads should be proportioned to create nearly equal contact pressures at all locations.

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10. Upon excavation, if encountered soils or moisture contents are found to be different than those identified on the soil boring log and represented within this report, the bearing capacity of the soil and/or rock will need to be reevaluated by a qualified geotechnical engineer. Likewise, the footing design may then require adjustment to accommodate for a change in bearing capacity or for conditions of varying bearing capacity.

4.11 CONCLUSION

This completes the geotechnical report for the proposed climate controlled storage facility at 2495 Wehrle Drive in the Town of Amherst, New York. This report has been prepared based on the encountered subsurface conditions at the soil boring locations and pertinent data supplied by 416 Homez, Inc. The information presented within this report is intended to serve as the basis for foundation design and should be communicated to the project architect/design professional, excavation contractor and foundation contractor. Please contact GGEA if major project changes are made or if encountered subsurface conditions vary from those noted in this report.

Sincerely,

G. Edward Lover, P.G.
Senior Geologist

Mark W. Glynn, P.E.
Consulting Engineer, Principal

/gel

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

Appendix A

Subsurface Exploration Logs

Climate Controlled Storage
2495 Wehrle Drive
Amherst, New York

Geotechnical Engineering Report

GGEA 23-1214

October 26, 2023

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

GLYNN GROUP
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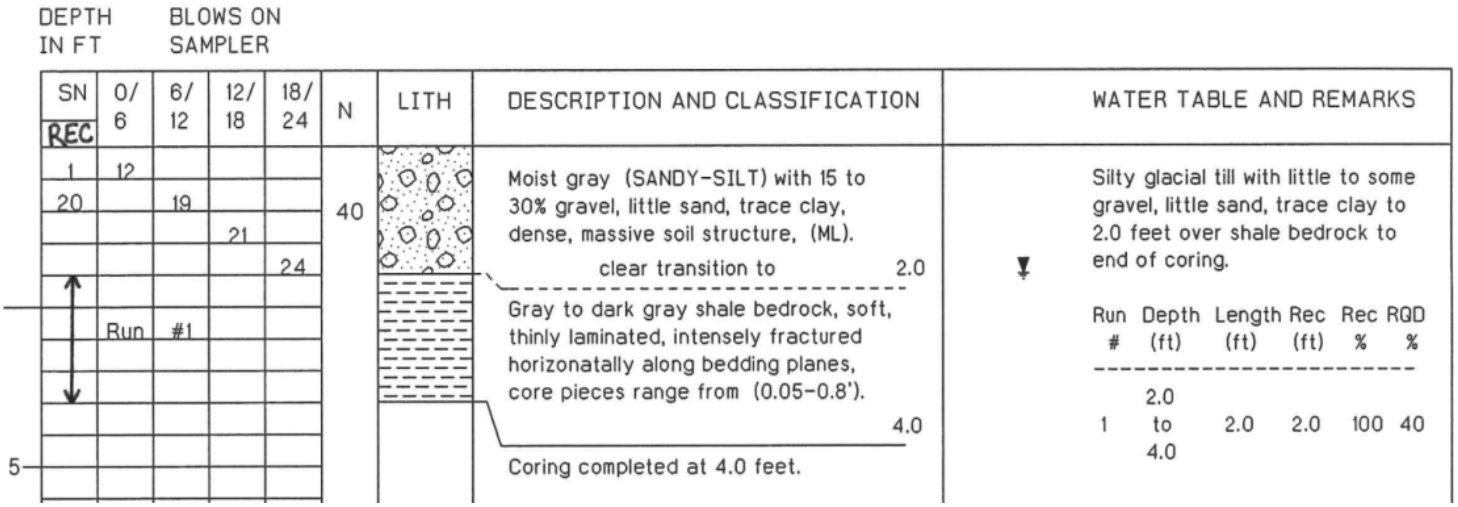
GEOTECHNICAL REFERENCE STANDARDS AND KEY TO SOIL BORING LOGS



Depth: The far left column provides the vertical scale of the boring log in feet below ground surface.

Sample Number (SN): The sample number is used for identification on sample containers and/or laboratory tests. Abbreviations are used for different samples and tests (Table 4.)

Sample Recovery (REC): Shown in the sample number column below the sample number in inches out of 24.

Blows: The number of blows obtained from each of the 6-inch intervals of a 24-inch Standard Penetration Test (ASTM D1586).

N-Value: The Standard Penetration Test N-Value, as specified by ASTM D1586 is defined as the number of blows required by a 140-pound hammer falling 30 inches per blow to drive a 2-inch outside diameter split spoon sampler 24 inches. The N-Value is the sum of the 6/12 and 12/18 value.

Lithology (LITH): A graphic representation of the soil and rock description and classification.

Description and classification:
All recovered soil and rock samples are described and classified in the field during the drilling process. Soil classifications are based on the Unified Soil Classification System ASTM D2487 and ASTM D2488. The relative proportion of soil mixtures with two or more soils is described in accordance with "Suggested Methods of Test for Identification of Soils" by D.M. Burmister, ASTM Special Technical Publication479, June 1970. Rock descriptions and classifications are frequently referenced from "Rock Core Evaluation Manual Geotechnical Engineering Manual GEM-23" by NYSDOT, 2015. Description and classification are based on visual observation, except where they have been modified to reflect results of laboratory tests as deemed appropriate.

- Soils Field Observations: Moisture (Table 2.), Color, Relative proportion of soil mixtures with two or more soils (Table 5.), Penetration Resistance (Table 3.), Soil Structure, and USCS Classification (Table 1.).
- Rock Field Observations: Color, Rock Type, Hardness (Table 6.), Grain size or Texture, Bedding (Table 7.), Fracturing (Table 8.), Size and Range, and additional observations. The field identification descriptors Rock Hardness, Bedding, and Fracturing are based off the NYSDOT GEM-23.
- The depths of stratum lines shown on the boring logs are based on interpretation and may not represent precise subsurface conditions.

Remarks: This section denotes depth of recovery, stratigraphy of soil and rock, depositional environment, and general documentation of drilling efforts and techniques.

Water Level: Water level readings are made in bore holes at times and under conditions stated on the boring logs. Fluctuations in the water level may occur due to factors other than those present at the time measurements are taken. The symbol " ▼ " denotes the water level below ground surface at a specified time.

RQD: Denotes the percentage of intact and sound rock retrieved from a borehole of any orientation. All pieces of intact and sound rock core equal to or greater than 100mm (4 in.) long are summed and divided by the total length of the core run. (ASTM D6032)

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GEOTECHNICAL REFERENCE STANDARDS AND KEY TO SOIL BORING LOGS

Table 1. Unified Soil Classification System

Major Divisions			Symbol	Typical Descriptions
Coarse Grained Soils	Gravel and Gravelly soils	Clean gravels (Little or no fines)	GW	Well-graded gravels, gravel-sand mixtures, little or no fines
			GP	Poorly-graded gravels, gravel-sand mixtures, little or no fines
	More than 50% of coarse fraction retained on No. 4 Sieve.	Gravels with fines (appreciable amount of fines)	GM	Silty gravels, gravel-sand-silt mixtures
			GC	Clayey gravels, gravel-sand-clay mixtures
	Sand and Sandy Soils	Clean sand (little or no fines)	SW	Well-graded sands, gravelly sands, little or no fines (Wide Equal Range)
			SP	Poorly-graded sands, gravelly sands, little or no fines, predominately one size or intermediate size
More than 50% of material is larger than No. 200 Sieve size.	More than 50% of coarse fraction passing No. 4 Sieve.	Sands with fines (appreciable amount of fines)	SM	Silty sands, sand-silt mixtures
			SC	Clayey-sands, sand-clay mixtures
Fine Grained Soils	Silts and Clays	Liquid limit LESS than 50	ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity
			CL	Inorganic clays or low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays
			OL	Organic silts and organic silty clays or low plasticity
Less than 50% of material is smaller than No. 200 Sieve size.	Silts and Clays	Liquid limit GREATER than 50	MH	Inorganic silts, micaccous or diatomaccous fine sand or silty soils
			CH	Inorganic clays or high plasticity, fat clays
			OH	Organic clays or medium to high plasticity, organic silts
Highly Organic Soils			PT	Peat, humus, swamp soils with high organic contents

NOTE: MULTIPLE SYMBOLS ARE USED TO DISTINGUISH DUAL AND BORDERLINE SOILS

Table 2. Relative Soil Moisture

Moisture Content	
Dry	Absence of moisture, dusty, dry to the touch
Moist	Damp but no visible water
Wet	Visible free water

Table 3. Relative Soil Penetrative Resistance

Penetrative Resistance of Non-Cohesive Soils	
Term	Blows
Very Loose	0 - 4
Loose	5 - 10
Compact	11 - 30
Dense	30 - 50
Very Dense	>50

Penetrative Resistance of Cohesive Soils	
Term	Blows
Very Soft	0 - 2
Soft	3 - 4
Firm	5 - 8
Stiff	9 - 15
Very Stiff	15 - 30
Hard	> 30

Table 4. Sample Abbreviations

Symbol	Description
ST	Shelby Tube Sample
VS	Vane Shear Test
WR	Weight of rods: A zero blow count with the weight of rods only.
WH	Weight of hammer: A zero blow count with the weight of the rods plus the weight of the hammer.
50/#	Denotes if the number of blows exceeds 50 before 0.5 ft. interval. (ex. 50/4 or 50 blows over 4 inches)
Run	An individual advancement of core equipment

Table 5. Modified Burmister

Proportion of Soil Mixtures	
Trace	0 - 10%
Little	10 - 20%
Some	20 - 35%
And	35 - 50%

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GEOTECHNICAL REFERENCE STANDARDS AND KEY TO SOIL BORING LOGS

Table 6. Relative Rock Hardness

Relative Rock Hardness	Long Description
Very soft rock	Can be scratched with fingernail. Slight indentation produced by light blow of point of geologic pick. Requires power tools for excavation.
Soft rock	Hand-held specimen crumbles under firm blows with point of geologic pick.
Moderately soft rock	Shallow indentations (0.04 to 0.12 in. (1 to 3 mm)) can be made by firm blows with point of geologic pick. Can be peeled with pocket knife with difficulty.
Moderately hard rock	Cannot be peeled or scraped with knife. Can be distinctly scratched with a steel nail.
Hard rock	Intact hand-held specimen requires more than one hammer blow to break it. Can be faintly scratched by a steel nail.
Very hard rock	Cannot be scratched with a steel nail. Intact specimen breaks only by repeated, heavy blows with geologic hammer.
Extremely hard rock	Intact specimen can only be chipped, not broken, by repeated, heavy blows of a geologic hammer.

Table 7. Rock Bedding

Bedding	Description
Very Thick-Bedding	Greater than 4 ft. (>1.2 m)
Thick-Bedded	1 ft. to 4 ft. (0.3 m to 1.2 m)
Medium-Bedded	4 in. to 12 in. (100 mm to 300mm)
Thin-Bedded	1.2 in. to 4 in. (30 mm to 100 mm)
Very Thin-Bedded	0.5 in. to 1.2 in. (13mm to 30mm)
Thickly Laminated	0.1 in. to 0.5 in. (3 mm to 13 mm)
Thinly Laminated	Les than 0.1 in. (< 3 mm)
None	

Table 8. Degree of Rock Core Fracturing

Degree of Fracturing	Description
Unfractured	No observed fractures.
Very slightly fractured	Core recovered in lengths greater than 3 ft. (1 m).
Slightly to very slightly fractured	Core recovered in lengths from 1 to 3 ft. (0.3 m to 1 m).
Slightly fractured	Core recovered mostly in lengths from 1 to 3 ft. (0.3 to 1 m) with few scattered lengths less than 1 ft. (0.3 m) or greater than 3 ft. (1 m).
Moderately to slightly fractured	Core recovered mostly in lengths averaging 1 ft. (0.3 m).
Moderately fractured	Core recovered mostly in lengths from 0.33 to 1 ft. (0.1 to 0.3 m) with most lengths about 0.67 ft. (0.2 m).
Intensely to moderately fractured	Core recovered in lengths of 0.33 to 0.67 ft. (0.1 to 0.2 m) with most lengths about 0.5 ft. (0.15 m).
Intensely fractured	Core recovered mostly in lengths from 0.1 to 0.33 ft. (0.03 to 0.1 m) with most lengths less than 0.33 ft. (0.1 m) and with fragmented intervals
Very intensely to intensely fractured	Core recovered as short core lengths averaging less than 0.1 ft. (0.03 m).
Very intensely fractured	Core recovered mostly as chips and fragments with a few scattered short core lengths.

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1091 Jamison Road | Elma, NY 14059
(716) 655-1717 | EDI@earthdimensions.com

EDI Job Code: 15E15b **Hole Number** B-1-23 **Surface Elevation:**
Project Name: 2495 Wehrle Drive **Northing:** **Easting:**
Project Location: Town of Amherst, Erie County, NY **Date Started:** 10/9/2023
Client: Glynn Group Engineering & Architecture, PLLC **Date Completed:** 10/9/2023

Depth (ft)	SN	Rec (in)	Blows on Sampler 0/6	6/12	12/18	18/24	N	LITH	Description and Classification	Water Table and Remarks
	1	12	5	6	7	50/5	13		Dry to moist dark brown (SANDY-SILT) topsoil fill with 0 to 5% gravel, little to some sand, trace to little organic matter, trace clay and asphalt remnants, firm, massive soil structure, (ML). 1.0	Coarse silty topsoil fill with little to some sand, trace to little organic matter, trace clay, gravel, and asphalt remnants to 1.0 feet over coarse silty glacial till with some sand, trace to little gravel to auger refusal.
	2	0	50/1						Dry brown to light brown (SANDY-SILT) with 5 to 15% gravel, some sand, trace clay, compact to very dense, massive soil structure, (ML). 2.2	No water at completion.
									Advanced augers to refusal at 2.2 feet.	Note: Advanced bore hole with 2 1/4" ID x 6" OD hollow stem auger casing with continuous split spoon sampling to auger refusal at 2.2 feet. Bore hole was backfilled with cuttings to ground surface upon completion.
5										
10										
15										
20										

N=NUMBER OF BLOWS TO DRIVE 2" SPOON 12" WITH 140lb. WEIGHT FALLING 30" PER BLOW

Logged By: Kyle Shearing

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

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(716) 655-1717 | EDI@earthdimensions.com

EDI Job Code: 15E15b **Hole Number** B-2-23 **Surface Elevation:**
Project Name: 2495 Wehrle Drive **Northing:** **Easting:**
Project Location: Town of Amherst, Erie County, NY **Date Started:** 10/9/2023
Client: Glynn Group Engineering & Architecture, PLLC **Date Completed:** 10/9/2023

Depth (ft)	SN	Rec (in)	Blows on Sampler 0/6	6/12	12/18	18/24	N	LITH	Description and Classification	Water Table and Remarks
	1	16	4	4	12	50/2	16		Dry dark brown (SAND-SILT-CLAY) topsoil with little to some sand, trace to little clay and organic matter, firm, weakly granular soil structure, (ML-CL). 0.5	Silty topsoil with little to some gravel, trace to little clay and organic matter to 0.5 feet over silty glacial till with little sand and clay, trace to little gravel, trace organic matter to 1.0 feet over coarse silty glacial till with some sand, little to some limestone and chert stone fragments, trace clay to auger refusal.
	2	0	50/1						Dry dark brown to grayish brown (SAND-SLIT-CLAY) with 5 to 15% mostly angular gravel, little sand and clay, trace organic matter, firm, massive soil structure, (ML-CL). 1.0	
5									Dry light brown gravelly (SANDY-SILT) with 15 to 30% mostly limestone and chert stone fragments, some sand, trace clay, compact to very dense, massive soil structure, (ML) tending toward (GM),(SM). 2.2	No water at completion.
									Advanced augers to refusal at 2.2 feet.	Note: Advanced bore hole with 2 1/4" ID x 6" OD hollow stem auger casing with continuous split spoon sampling to auger refusal at 2.2 feet. Bore hole was backfilled with cuttings to ground surface upon completion.
10										
15										
20										

N=NUMBER OF BLOWS TO DRIVE 2" SPOON 12" WITH 140lb. WEIGHT FALLING 30" PER BLOW

Logged By: Kyle Shearing

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

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EDI Job Code: 15E15b **Hole Number** B-3-23 **Surface Elevation:**
Project Name: 2495 Wehrle Drive **Northing:** **Easting:**
Project Location: Town of Amherst, Erie County, NY **Date Started:** 10/9/2023
Client: Glynn Group Engineering & Architecture, PLLC **Date Completed:** 10/9/2023

Depth (ft)	SN	Rec (in)	Blows on Sampler 0/6	6/12	12/18	18/24	N	LITH	Description and Classification	Water Table and Remarks
	1	24	2	2	4	12	6		Moist dark brown (SANDY-SILT) topsoil with some sand, trace to little organic matter, trace clay, very loose, granular soil structure, (ML). 1.0	Coarse silty topsoil with some sand, trace to little organic matter, trace clay to 1.0 feet over coarse silty glacial till with little to some sand, trace clay, gravel, and organic matter to auger refusal.
	2	4	50/5						Moist to dry light brown (SANDY-SILT) with 5 to 10% gravel, little to some sand, trace clay and organic matter, compact to very dense, massive soil structure, (ML). 2.5	No water at completion.
									Advanced augers to refusal at 2.5 feet.	Note: Advanced bore hole with 2 1/4" ID x 6" OD hollow stem auger casing with continuous split spoon sampling to auger refusal at 2.5 feet. Bore hole was backfilled with cuttings to ground surface upon completion.
5										
10										
15										
20										

N=NUMBER OF BLOWS TO DRIVE 2" SPOON 12" WITH 140lb. WEIGHT FALLING 30" PER BLOW

Logged By: Kyle Shearing

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

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EDI Job Code: 15E15b **Hole Number** B-4-23 **Surface Elevation:**
Project Name: 2495 Wehrle Drive **Northing:** **Easting:**
Project Location: Town of Amherst, Erie County, NY **Date Started:** 10/9/2023
Client: Glynn Group Engineering & Architecture, PLLC **Date Completed:** 10/9/2023

Depth (ft)	SN	Rec (in)	Blows on Sampler 0/6	6/12	12/18	18/24	N	LITH	Description and Classification	Water Table and Remarks
	1	12	12	22	18	10	40		Dry brown (SAND-SILT-CLAY) topsoil with little sand and clay, trace to little organic matter, very stiff, weakly granular soil structure, (ML-CL). 0.4	Silty topsoil with little sand and clay, trace to little organic matter to 0.4 feet over silty glacial till with some limestone and chert stone fragments, little to some sand, trace to little clay with an occasional cobble to auger refusal.
	2	8	22	50/3					Dry brown very gravelly (SAND-SILT-CLAY) with 40 to 60% mostly limestone and chert stone fragments, occasional cobble, little to some sand, trace to little clay, hard, massive soil structure, (GC). 3.0	No water at completion.
									Advanced augers to refusal at 3.0 feet.	Note: Advanced bore hole with 2 1/4" ID x 6"OD hollow stem auger casing with continuous split spoon sampling to auger refusal at 3.0 feet. Bore hole was backfilled with cuttings to ground surface upon completion.
5										
10										
15										
20										

N=NUMBER OF BLOWS TO DRIVE 2" SPOON 12" WITH 140lb. WEIGHT FALLING 30" PER BLOW

Logged By: Kyle Shearing

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

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EDI Job Code: 15E15b **Hole Number** B-5-23 **Surface Elevation:**
Project Name: 2495 Wehrle Drive **Northing:** **Easting:**
Project Location: Town of Amherst, Erie County, NY **Date Started:** 10/9/2023
Client: Glynn Group Engineering & Architecture, PLLC **Date Completed:** 10/9/2023

Depth (ft)	SN	Rec (in)	Blows on Sampler 0/6	6/12	12/18	18/24	N	LITH	Description and Classification	Water Table and Remarks
	1	24	2	6	8	10	14		Moist dark brown (SAND-SILT-CLAY) topsoil with little to some sand, trace to little clay and organic matter, very loose, granular soil structure, (ML-CL). 0.5	Silty topsoil with little to some sand, trace to little clay and organic matter to 0.5 feet over slity glacial till with little sand and gravel, trace to little clay to 2.5 feet over limestone stone fragments to auger refusal.
	2	8	12	50/2					Moist to dry light brown (SAND-SILT-CLAY) with 10 to 20% gravel, little sand, trace to little clay, very stiff, massive soil structure, (ML-CL). 2.5	No water at completion.
									Gray limstone stone fragments, moderately hard. 2.7	Note: Advanced bore hole with 2 1/4" ID x 6" OD hollow stem auger casing with continuous split spoon sampling to auger refusal at 2.7 feet. Bore hole was backfilled with cuttings to ground surface upon completion.
5									Advanced augers to refusal at 2.7 feet.	
10										
15										
20										

N=NUMBER OF BLOWS TO DRIVE 2" SPOON 12" WITH 140lb. WEIGHT FALLING 30" PER BLOW

Logged By: Kyle Shearing

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

Appendix B

Project Location Plan

Climate Controlled Storage
2495 Wehrle Drive
Amherst, New York

Geotechnical Engineering Report

GGEA 23-1214

October 26, 2023

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

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Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

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415 S. TRANSIT STREET
LOCKPORT, NEW YORK 14094
VOICE (716) 625 - 6933 / FAX (716) 625-6983
www.glynngroup.com

PROJECT: 2495 WEHRLE DRIVE			SHEET NO.: S1
SUBJECT: PROJECT LOCATION PLAN			
CLIENT: 416 HOMEZ, INC.			
PROJ. NO.: 23-1214	SCALE: 1" = 400'	DATE: 09.14.23	BY: GEL

Appendix C

Subsurface Exploration Plan

Climate Controlled Storage
2495 Wehrle Drive
Amherst, New York

Geotechnical Engineering Report

GGEA 23-1214

October 26, 2023

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

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LOCKPORT, NEW YORK 14094
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PROJECT: 2495 WEHRLE DRIVE			SHEET NO.: S2
SUBJECT: BORING LOCATION PLAN			
CLIENT: 416 HOMEZ, INC.			
PROJ. NO.: 23-1214	SCALE: 1" = 100'	DATE: 09.14.23	BY: GEL

Appendix D

Seismic Site Class and Design Category

Climate Controlled Storage
2495 Wehrle Drive
Amherst, New York

Geotechnical Engineering Report

GGEA 23-1214

October 26, 2023

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

GLYNN GROUP
ENGINEERING & ARCHITECTURE, PLLC

Project : 2495 Wehrle Drive
Client: 416 Homez, Inc.
GGEA # : 23-1214
Date: 11.26.23

B-5

Depth (di)	N Value (Ni)
2.7	14
97.3	100

ASCE 7-16
Equation 20.4-2

$$N = \frac{100}{\sum \frac{di}{Ni}} = 85.8$$

ASCE 7-16
Table 20.3-1

$N > 50$ **SITE CLASS C**

2020 NYS Code Section 1613

F_a =	1.3	Site coefficient Table 1613.2.3(1)
F_v =	1.5	Site coefficient Table 1613.2.3(2)
S_s =	0.172	Mapped accelerations short periods Figure 1613.2.1(1)
S_1 =	0.045	Mapped accelerations 1 sec period Figure 1613.2.1(2)
S_{MS} =	0.224	Maximum spectral response short periods equation 16-36
S_{M1} =	0.068	Maximum spectral response 1 sec periods equation 16-37
S_{DS} =	0.149	Design spectral response short periods equation 16-38
S_{D1} =	0.045	Design spectral response 1 sec periods equation 16-39

Risk Category = II Table 1604.5

Seismic Design Category = **A** Table 1613.2.5(1)
Table 1613.2.5(2)

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Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

Appendix E

Fill Specifications

Climate Controlled Storage
2495 Wehrle Drive
Amherst, New York

Geotechnical Engineering Report

GGEA 23-1214

October 26, 2023

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

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Structural • Architecture
Material Testing • Consulting

Common Fill

All soil and/or crushed rock material with the exception
of those with USCS classifications of
CH, MH, OH, and OL.

Place material in 12 inch lifts (loose) and compact to 90 % of modified proctor (ASTM D-1557) maximum dry density within 2 % of optimum moisture content.

The material should be compacted using a smooth drum vibratory roller (for large applications) or a reversible vibratory plate tamper (for smaller applications) such as a Bomag BPR 35/60 or similar (weight > 400 lbs).

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

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Material Testing • Consulting

Structural Fill

All soil and/or crushed rock material with the exception
of those with USCS classifications of
CH, MH, OH, OL, ML and CL-ML.

Place material in 9 inch lifts (loose) and compact to 95 % of modified proctor (ASTM D-1557) maximum dry density within 2 % of optimum moisture content.

The material should be compacted using a smooth drum vibratory roller (for large applications) or a reversible vibratory plate tamper (for smaller applications) such as a Bomag BPR 35/60 or similar (weight > 400 lbs).

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

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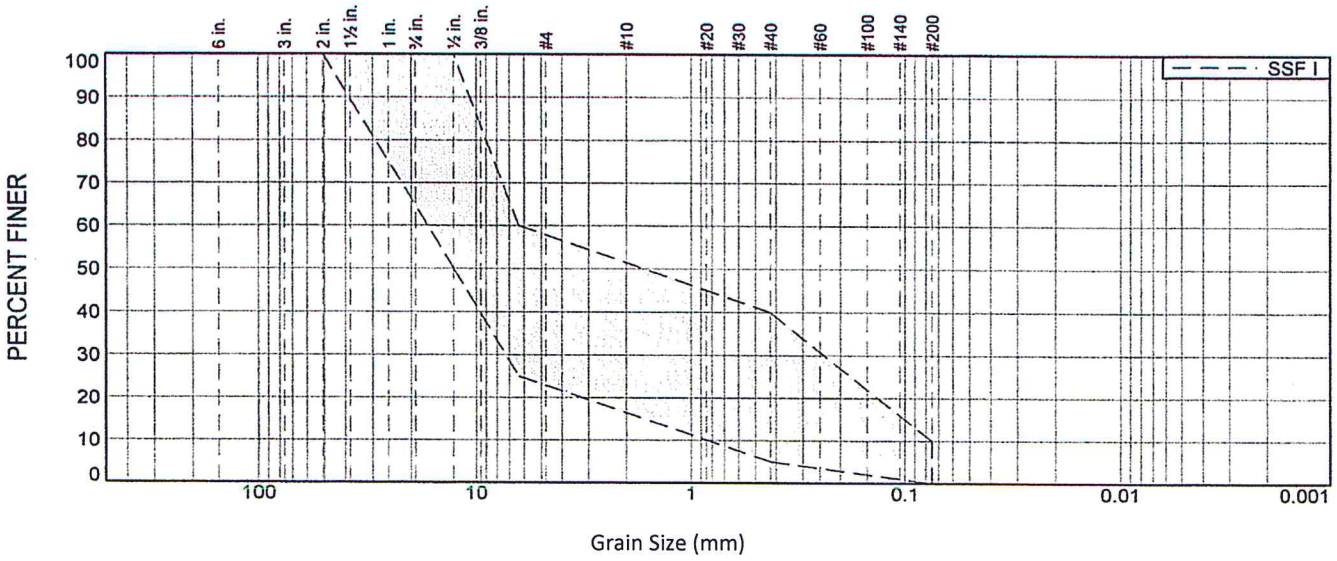
Select Structural Fill

NYSDOT Item No. 304.12 Subbase Course, Type 2

Sieve Size	Required % Passing
2 inch	100
1/4 inch	25 - 60
No. 40	5 - 40
No. 200	0 - 10



In addition to the above specification, material shall also meet the well graded qualifications of ASTM D-2487, such that USCS classification = GW, GW-GM, SW or SW-SM.

Place material in 9 inch lifts (loose) and compact to 95 % of modified proctor (ASTM D-1557) maximum dry density within 2 % of optimum moisture content.

The material should be compacted using a smooth drum vibratory roller (for large applications) or a reversible vibratory plate tamper (for smaller applications) such as a Bomag BPR 35/60 or similar (weight > 400 lbs).

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

GLYNN GROUP ENGINEERING & ARCHITECTURE, PLLC
415 South Transit Street, Lockport, New York 14094
voice 716.625.6933 / fax 716.625.6983
www.glynngroup.com

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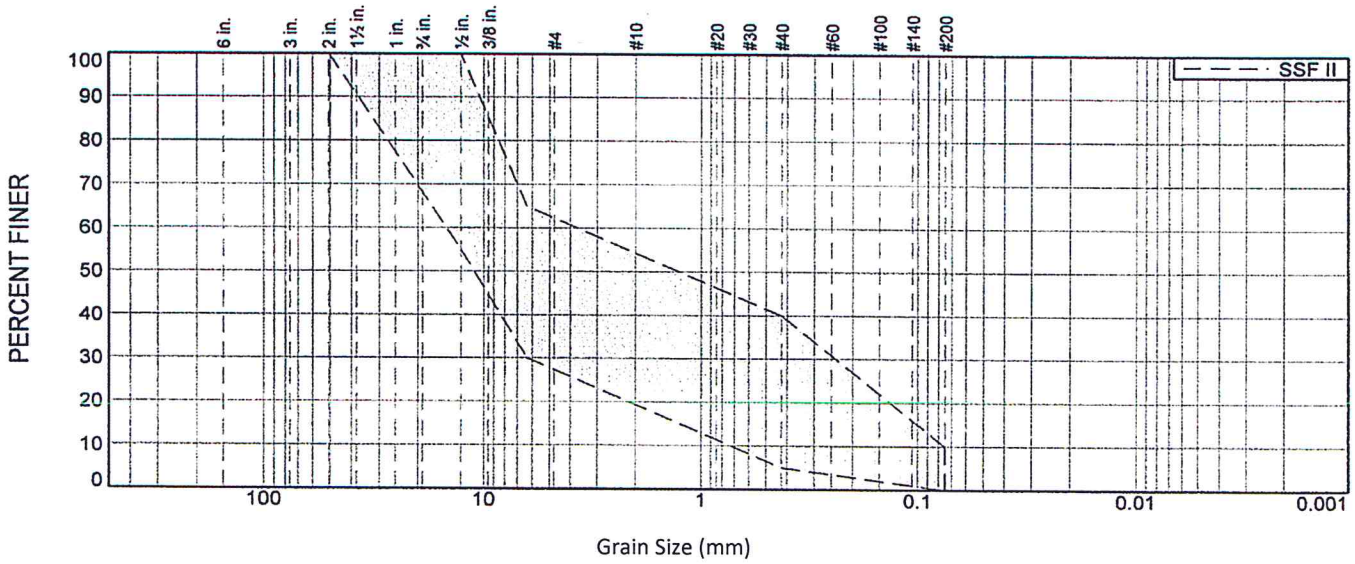
ENGINEERING & ARCHITECTURE, PLLC

Civil • Geotechnical
Structural • Architecture
Material Testing • Consulting

Select Structural Fill

NYSDOT Item No. 304.14 Subbase Course, Type 4

Sieve Size	Required % Passing
2 inch	100
1/4 inch	30 - 65
No. 40	5 - 40
No. 200	0 - 10



In addition to the above specification, material shall also meet the well graded qualifications of ASTM D-2487, such that USCS classification = GW, GW-GM, SW or SW-SM.

Place material in 9 inch lifts (loose) and compact to 95 % of modified proctor (ASTM D-1557) maximum dry density within 2 % of optimum moisture content.

The material should be compacted using a smooth drum vibratory roller (for large applications) or a reversible vibratory plate tamper (for smaller applications) such as a Bomag BPR 35/60 or similar (weight > 400 lbs).

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www.glynngroup.com

Attachment: SP-2023-12 application 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

WEHRLE DRIVE

Width Varies 60.0' Pavement

1156.08' To NE Corner of Lot 83
= Original Center Line of Transit Road

Center Line = North Line of Lot 83

213.53' Deed & Meas.

Acquired by County of Erie
Map No. SK 374-131 Parcel No. 134

69.00' 138.00'

90°47'33" Meas.

Set P.K Nail

7.03'+/-

89°12'27" Meas.

South Line Wehrle Drive as a 66' Wide Right of Way

Gas Marker

Drive On Line

Gas Valve
Water Valve
Sanitary Manhole

Sign

Stop Sign

Gas Valve

Found Iron 0.56'E. 0.49'No.

Found Iron 0.55'E. 0.58'No.

South Line of Wehrle Drive as Currently Laid Out

Utility Well

Solar Panel

No. 2495

Sign

Drive 1.40'E.

Parallel with East Line Lot 83

195.47'Meas.

235.50' Deed & Meas.

EXCEPTION SBL: 82.09-7-1

235.50'

EXCEPTION SBL: 82.09-7-2

235.50'

Catch Basin 4.78'E.

Drive 3.38'E.

Approximate Location of Tree Line

90°47'33" Meas.

Found Iron 0.85'So.

Found Tall I.P. 0.48'No. 0.71'E.

69.00' 138.00'

Found Tall I.P. 0.65'E. 1.03'No.

Found Iron 1.0'So. 0.30'W.

207.00' Deed & Meas.

Parallel with North Line of Lot 83

Approximate Location of Tree Line

Sanitary Manhole

Sign

Drive 4.49'E.

Drive 18.03'E.

D r i v e

Catch Basin 18.82'E.

Drive 4.99'E.

B l a c k t o p

Catch Basin

8.31+/- Acres

(Includes Road Area)

East Line of Land Conveyed By L. 2411 Pg. 479
& Parallel with East Line Lot 83

735.46' Deed & Meas.

652.23'

Drive 4.34'E.

Sanitary Manhole

5' Ditch 24" PVC

14" Metal Pipe

Mail Boxes

Water Valve

Fire Hydrant

28" Metal Pipe

24" PVC 3' Ditch

14" Metal Pipe

983.10' Deed & Meas.

943.07'Meas.

D r i v e

B l a c k t o p

Drive 1.39'E.
Drive 21.21'E.

Sign

S t o n e

Parallel with West Line Lot 83

Found I.P.

Pole 5.31'W.

78.0'

Garage 4.77'E.

FRAME GARAGE

Garage 5.33'E.

W o o d s B u s h & B r u s h

Found I.P. 0.65'W.

Catch Basin 25.34'E.

Catch Basin

Approximate Location of Tree Line

78.0'

Pole 9.38'W.

Found I.P.

Sign

Drive 46.16'So.

Drive 48.60'So.

60.0'

96.0'

90°51'42"Meas.

Found I.P. 7.10'No. 0.25'E.

Fire Hydrant

Water Valve

Sanitary Manhole

Drive 28.0'E.

Water Valve

Sign

403.57' Deed 420.54' Meas.

Found Iron 0.50'No. 0.25'E.

Set I.P.

Stop Sign

10" Metal Pipe

Approximate Location of Tree Line

Pole 10.16'W. 9.29'No.

10" Metal Pipe

Light

10"PVC

15" Metal Pipe

Sign

Stop Sign

Sign

Sign

Light

B l a c k t o p P a r k i n g A r e a

EQUIVALENTS

0.01' = 1/8"
0.02' = 1/4"
0.03' = 3/8"
0.04' = 1/2"
0.05' = 5/8"
0.06' = 3/4"
0.07' = 13/16"
0.08' = 15/16"
0.09' = 1-1/16"
0.10' =1-3/16"
0.20' = 2-3/8"
0.30' = 3-5/8"
0.40' = 4-13/16"
0.50' = 6"
0.60' = 7-3/16"
0.70' = 8-3/8"
0.80' = 9-5/8"
0.90' = 10-3/16"
1.00' = 12"

0 60 120
Scale = 1" = 60'

LOCATION: Part of Lot 83, T-11, R-7, H.L.C.S, Town of Amherst, Erie Co. N.Y.

ROBERT M. SIEPEL
Professional Land Surveyor
610 Englewood Ave.
Buffalo, N.Y. 14223
Phone/Fax (716)838-3344
email: siepelsurveying@hotmail.com
Successor To: Richard W. Siepel

TYPE:	DATE:	REQUESTED BY:
Survey (Not Staked)	10-18-2022	Wesolowski Law Group

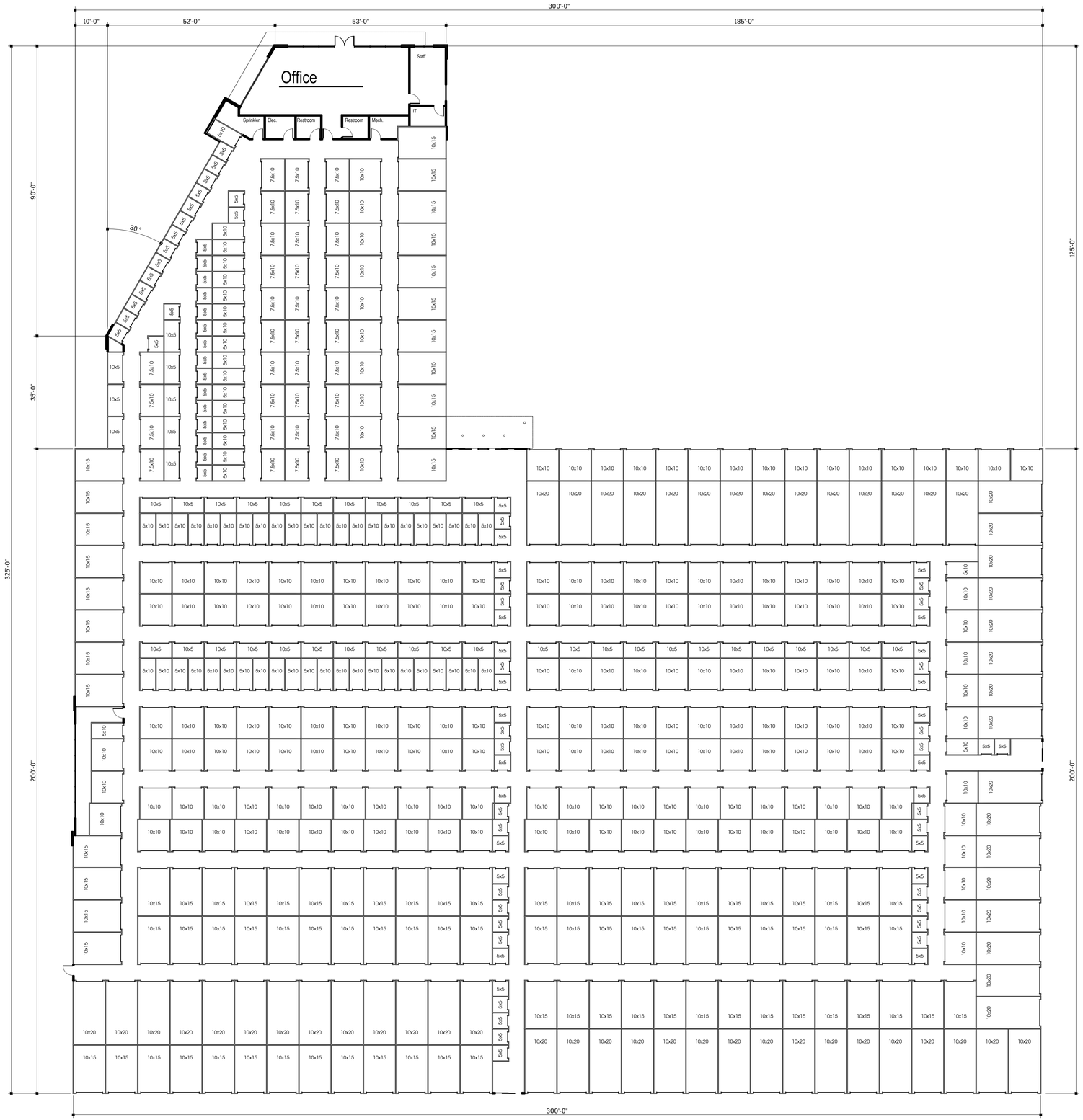
This Map Void Unless EMBOSSED or STAMPED with New York State Licensed Land Surveyor Seal No. 51020
Altering any item on this Map is in violation of the law, excepting as provided in Section 7209 of the NYS Education Law.

This Survey was Prepared without Benefit of Current Abstract of Title.

Job Number 22313

New York License Number 51020

Attachment: SP-2023-12 drawings 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)



1 FLOOR PLAN
1/16"=1'-0"

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PRELIMINARY
NOT FOR CONSTRUCTION

3284 Walden Avenue
Depew, New York 14043
Phone: (716) 651-0381
Fax: (716) 651-0382

22-208

Climate Contolled Self Storage Facility

2495 Wehrle Drive
Amherst, NY

No.	Description	Date	By

DATE: 8-15-2023

DRAWN BY:

CHECKED BY: M. Dean

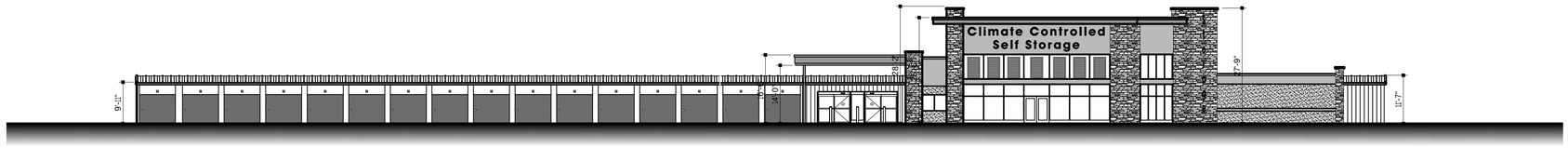
SCALE: Noted

Floor Plan

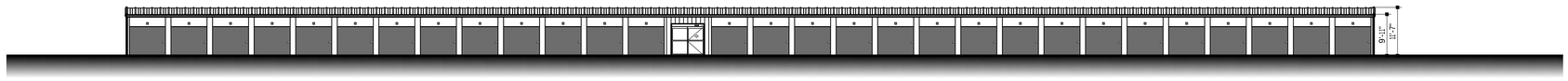
A1

Copyright Dean Architects

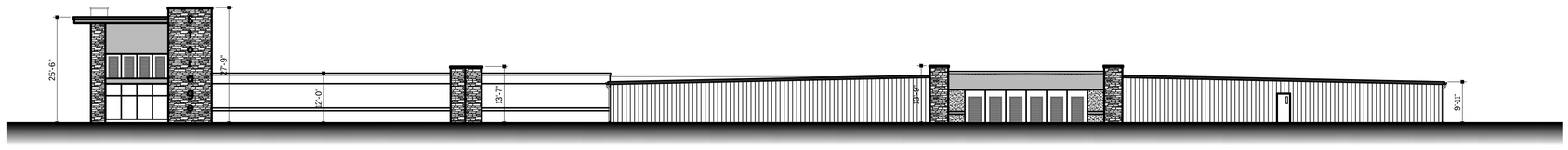
Attachment: SP-2023-12 drawings 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)



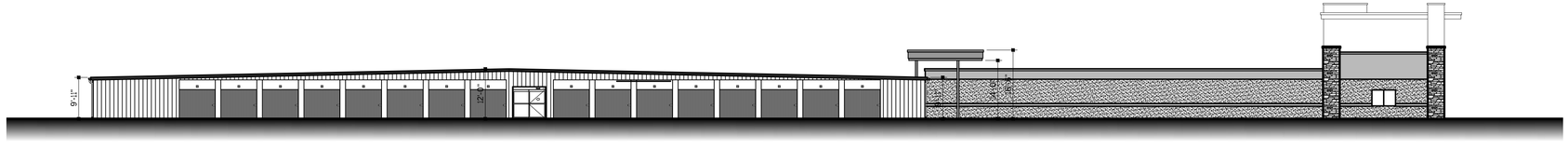
1 NORTH ELEVATION
1/16"=1'-0"



2 SOUTH ELEVATION
1/16"=1'-0"



3 WEST ELEVATION
1/16"=1'-0"



4 EAST ELEVATION
1/16"=1'-0"

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Fax: (716) 651-0382

22-208

Climate Contolled Self Storage Facility

2495 Wehrle Drive
Amherst, NY

No.	Description	Date	By

DATE: 8-15-2023

DRAWN BY: | CHECKED BY: M. Dean

SCALE: Noted

Elevations

A2

Attachment: SP-2023-12 drawings 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

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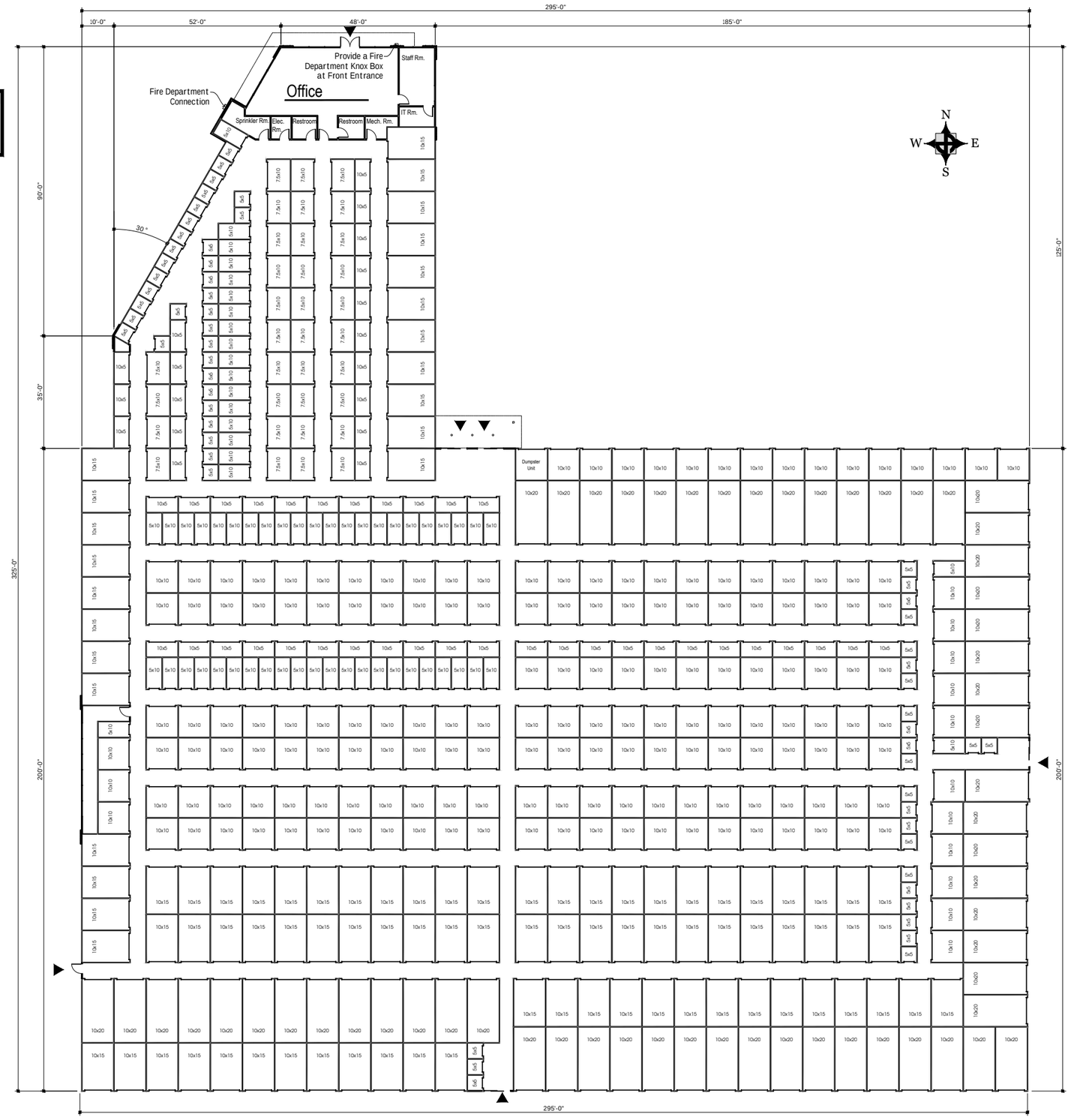
Note that the building is fully sprinklered with ordinary hazard group 2 system meeting the requirements for NFPA13



1 FLOOR PLAN
1/16"=1'-0"

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Phone: (716) 651-0381
Fax: (716) 651-0382

22-208

Climate Contolled Self Storage Facility

2495 Wehrle Drive
Amherst, NY

No.	Description	Date	By
1	Per Planning Review Comments	12-21-23	MK

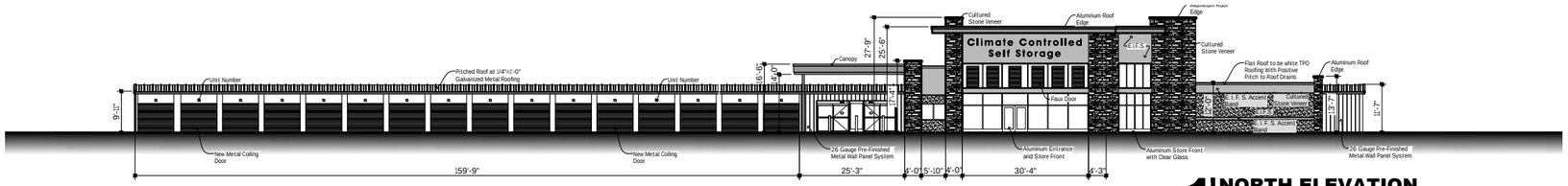
DATE: 8-29-2023
DRAWN BY:
CHECKED BY: M. Dean
SCALE: Noted

Floor Plan

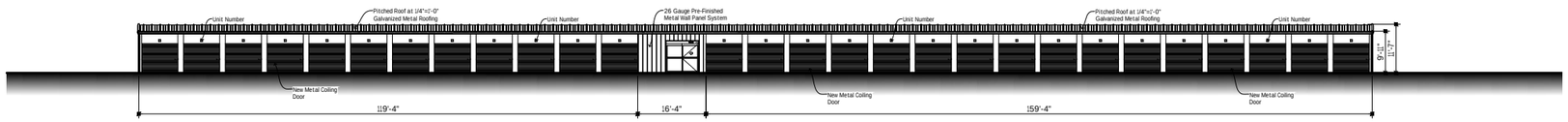
A1

Attachment: SP-2023-12 drawings 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

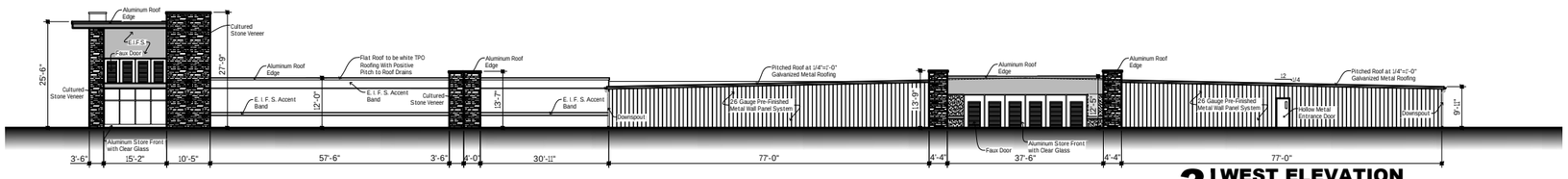
Copyright D



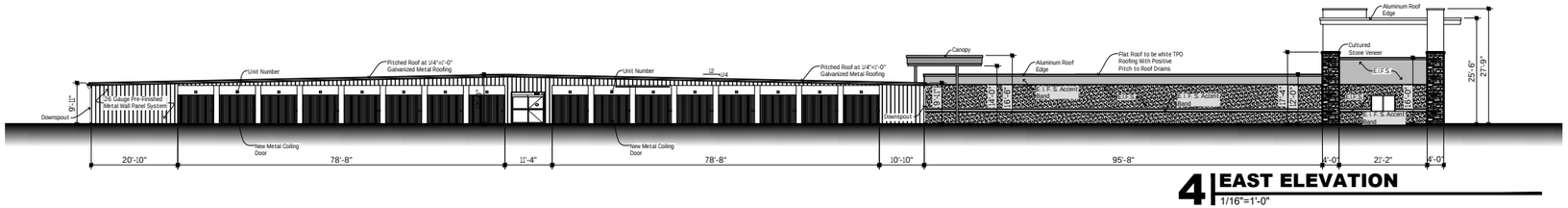
1 NORTH ELEVATION
1/16"=1'-0"



2 SOUTH ELEVATION
1/16"=1'-0"



3 WEST ELEVATION
1/16"=1'-0"



4 EAST ELEVATION
1/16"=1'-0"

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Phone: (716) 651-0381
Fax: (716) 651-0382

22-208

Climate Contolled Self Storage Facility

2495 Wehrle Drive
Amherst, NY

No.	Description	Date	By
1	Per Planning Review Comments	12-21-23	MK

DATE: 8-29-2023

DRAWN BY: M. Dean

CHECKED BY:

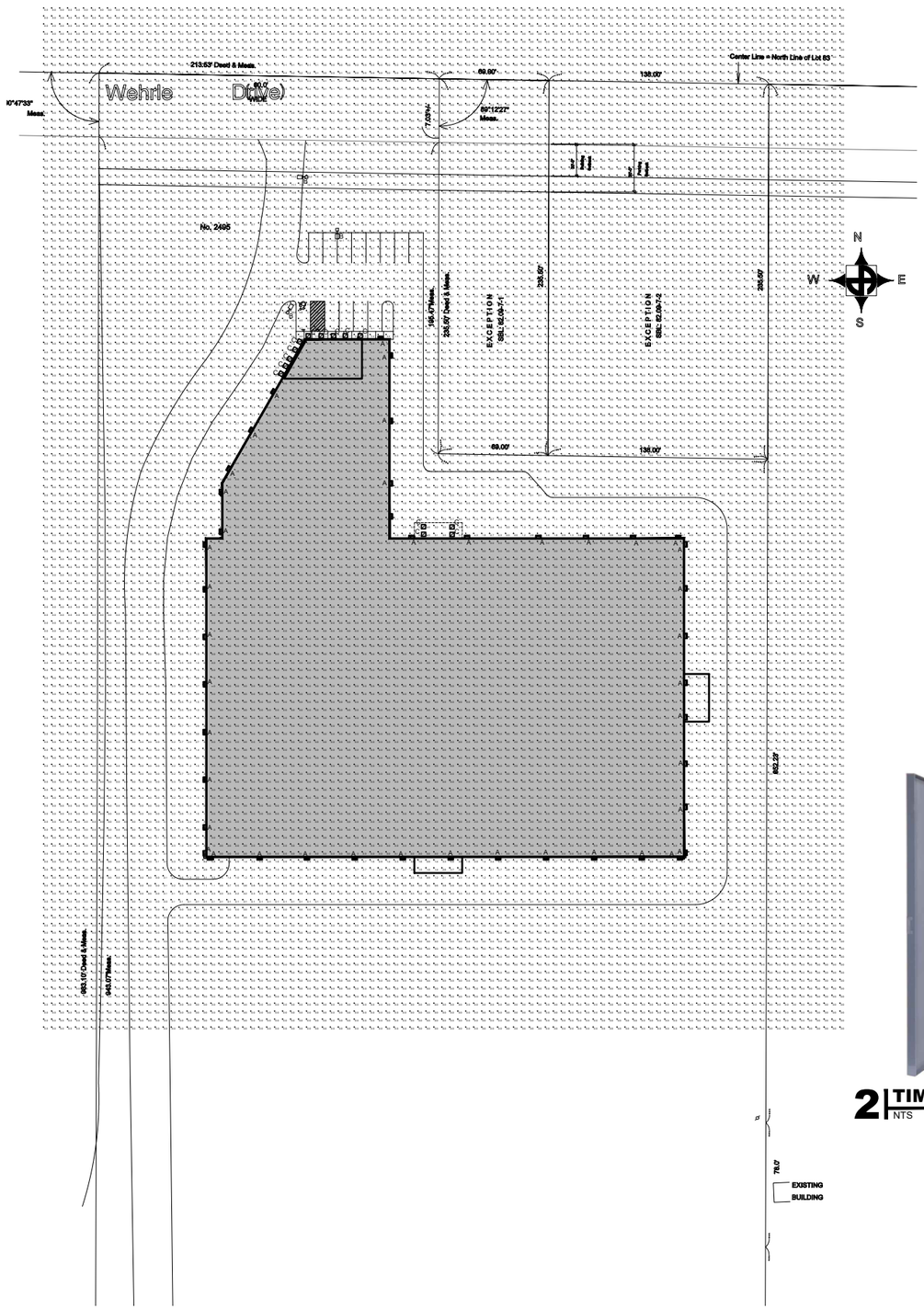
SCALE: Noted

Elevations

A2

Attachment: SP-2023-12 drawings 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

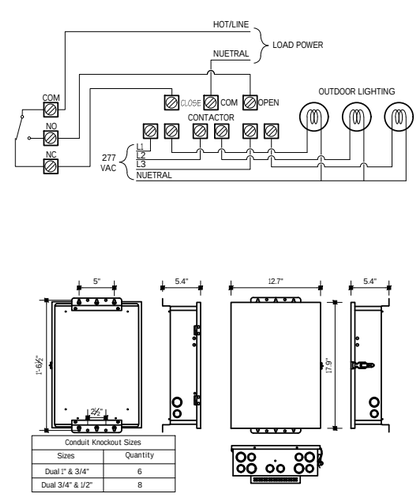
Copyright

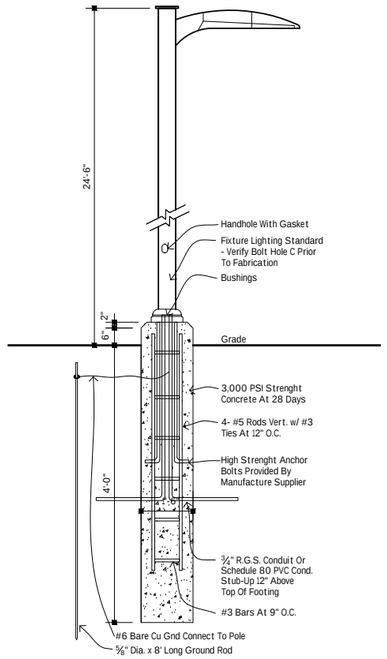


1 SITE LIGHTING PLAN
1"=40'

Lighting Fixture Schedule										
Symbol	Label		QTY	Catalog Number	Description	Lamp	Number Lamps	Lumens per Lamp	LLF	Wattage	Height
	A		81	WDGE2 LED P1SW 35K 80CRI VW	WDGE LED WITH P1SW PERFORMANCE PACK, 3500K,80CRI, VISUAL COMFORT WIDE OPTIC	LED	1	ABSOLUTE	1	9.9	10'-0"
	B		3	DSX1 LED P8 40K T3M MVOLT HS	DSX1 LED P8 40K T3M MVOLT with houseside shield	LED	1	19090	1	201	25'-0"
	C		14	WF4 SQ B LED 30K MVOLT MB	4" LED ULTRA THIN WAFER SQUARE BAFFLE 3000K	LED	1	ABSOLUTE	1	10.4	12'-0"

2 TIME CLOCK
NTS





3 LIGHT POLE BASE
1/2"=1'-0"

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Phone: (716) 651-0381
Fax: (716) 651-0382

1.b

22-346

(28243 : SP-2023-12, 2495 Wehrle Dr.)

Attachment: SP-2023-12 drawings 011824 (2824

Project For:
Self Storage Facility
2495 Wehrle Dr
Buffalo, NY 14221

No.	Description	Date	By
1	Per Planning Review Comments	12-21-23	MK

DATE: 8-21-2023
DRAWN BY:
CHECKED BY: M. Dean
SCALE: 1"=40'

SITE PHOTOMETRICS

C1.0

Copyrigh

WEHRLE DRIVE

Width Varies 60.0' Pavement

1156.08' To NE Corner of Lot 83
= Original Center Line of Transit Road

Center Line = North Line of Lot 83

213.53' Deed & Meas.

Acquired by County of Erie
Map No. SK 374-131 Parcel No. 134
& Map No. SK 374-132 Parcel No. 135

69.00' 138.00'

7.03'+/-

89°12'27" Meas.

South Line Wehrle Drive as a 66' Wide Right of Way

Set P.K Nail

Gas Marker

Drive On Line

Water Valve

225

Gas Valve

Sanitary Manhole

Sign

Solar Panel

Utility Well

Stop Sign

Gas Valve

Found Iron 0.56'E. 0.49'No.

Found Iron 0.55'E. 0.58'No.

South Line of Wehrle Drive as Currently Laid Out

20' Water Line EASEMENT
To Town of Amherst L. 8172 Pg. 325
20' Sanitary Sewer EASEMENT
To Town of Amherst L. 9212 Pg. 80

15' Gas Line EASEMENT To
National Fuel Gas Dist. Corp.
L. 8218 Pg. 255

Sign

Drive 0.22'W.

195.47'Meas.

235.50' Deed & Meas.

EXCEPTION SBL: 82.09-7-1

235.50'

EXCEPTION SBL: 82.09-7-2

235.50'

Parallel with East Line Lot 83

Found Iron 0.85'So.

90°47'33" Meas.

Catch Basin 1.78'E.

Drive On Line

Approximate Location of Tree Line

No. 2495

Found Tall I.P. 0.48'No. 0.71'E.

69.00' 138.00'

Found Tall I.P. 0.65'E. 1.03'No.

Found Iron 1.0'So. 0.30'W.

207.00' Deed & Meas.

Approximate Location of Tree Line

Parallel with North Line of Lot 83

Sanitary Manhole

Sign

Drive 0.29'E.

Drive 13.38'E.

D r i v e

983.10' Deed & Meas.

943.10'Meas.

25' Ingress/ Egress EASEMENT To EMED Co. Inc.
Liber 9961 of Deeds Page 173
25' Wide Roadway EASEMENT

Catch Basin 12.67'E.

Drive 1.31'E.

B l a c k t o p

Catch Basin

8.13 +/- Acres

(Includes Road Area)

East Line of Land Conveyed To Jacob Werkley L. 2461 Pg. 479 & Parallel with East Line Lot 83

486.93'

735.46' Deed & Meas.

652.23'

40' Drainage EASEMENT Area

90°

Drive 3.46'E.

Mail Boxes

Sanitary Manhole

5' Ditch

378.00'

24" PVC

14" Metal Pipe

40.00'

Water Valve

28" Metal Pipe

24" PVC

3' Ditch

14" Metal Pipe

40.00'

378.00'

Fire Hydrant

10' Water Line EASEMENT

15' Easement To National Fuel Gas Distribution Corp.
Liber 10131 of Deeds Page 682

W o o d s B u s h & B r u s h

Drive 10.60'E.
Drive 9.29'E.

Sign

S t o n e

B l a c k t o p

Parallel with West Line Lot 83

10' Wide Permanent Sanitary Sewer EASEMENT

Pole 5.31'W.

Found I.P.

78.0'

Garage 4.77'E.

FRAME GARAGE

Garage 5.33'E.

Found I.P. 0.65'W.

78.0'

Approximate Location of Tree Line

Pole 9.38'W.

Found I.P.

60.0'

Catch Basin 12.0'E.

Catch Basin

Sign

Approximate Location of Tree Line

Drive 46.0'So.

Drive 48.60'So.

96.0'

90°52'37"Meas.

Pole 10.16'W. 9.29'No.

Found I.P. 7.10'No. 0.25'E.

Found Iron 0.50'No. 0.25'E.

Fire Hydrant

Water Valve

Sign

Sanitary Manhole

Drive 10.0'E.

Water Valve

403.57' Deed & Meas.

Approximate Location of Tree Line

NE Corner & North Line of EMed Co. Inc. L. 9961 Pg. 173

Stop Sign

10" Metal Pipe

10" Metal Pipe

Light

10"PVC

15" Metal Pipe

Sign

Stop Sign

Sign

Sign

NW Corner of EMed Co. Inc. L. 9961 Pg. 173

Light

B l a c k t o p P a r k i n g A r e a

EASEMENTS

(Deed 1057, Apr. 8th 1903)
The Independent Union Telephone Company:
The Right to Construct, Maintain and Operate Poles and Fixtures Along Transit Road
(Does Not Affect Premises)

Liber 5542 of Deeds Page 540
Raymond A. Smith to Iroquois Gas Corporation
The Right to Construct, Maintain and Operate Gas Fixtures
(No Specific Bounds)

Liber 8172 of Deeds Page 324
Raymond A. Smith to Town of Amherst
The Right to Construct, Maintain and Operate a 12" Ductile Iron waterline over and across the Northerly 20.0' of the Property. (As a 66' Wide Right of Way)

Liber 8218 of Deeds Page 255
Raymond A. Smith To National Fuel Gas Distribution Corporation
The Right to Construct, Maintain and Operate a Gas Pipeline along the Southerly 15.0' of Wehrle Drive. (As a 66' Wide Right of Way).

Liber 9212 of Deeds Page 80
Mildred M. Smith To Town of Amherst
The Right To Construct Maintain and Operate a Sanitary Sewer Line over and across
The Northerly 20.0' of the Property. (As a 66' Wide Right of Way)

Liber 9288 of Deeds Page 357
Mildred M. Smith To Town of Amherst
The Right To Construct Maintain and Operate a Sanitary Sewer Line To Sanitary Sewer Connection to Cleanout (Termination Point). Additional 10' Beyond Cleanout Reserved for Work Purposes Only.

Liber 9961 of Deeds Page 173
Inducon Park Associates, Inc. To EMED CO Inc.
Ingress/ Egress Easement for Installation of Underground Utilities and Services including Gas, Water, Electric Etc. for a 25.0' Wide Roadway. Exhibit "A"

Liber 10131 of Deeds Page 682
Donato Curico To National Fuel Gas Distribution Corporation
The Right to Construct, Maintain and Operate a Gas Pipeline as a 15.0' Easement as shown on National Fuel Map F29364.

Book 184 Page 9277
Donato Curico To County of Erie (State of New York)
Appropriation by the County of Erie for Right of Way Widening
Map No. SK 374-131 Parcel No. 134 & Map No. SK 374-132 Parcel No. 135

EQUIVALENTS

0.01' = 1/8"
0.02' = 1/4"
0.03' = 3/8"
0.04' = 1/2"
0.05' = 5/8"
0.06' = 3/4"
0.07' = 13/16"
0.08' = 15/16"
0.09' = 1-1/16"
0.10' =1-3/16"
0.20' = 2-3/8"
0.30' = 3-5/8"
0.40' = 4-13/16"
0.50' = 6"
0.60' = 7-3/16"
0.70' = 8-3/8"
0.80' = 9-5/8"
0.90' = 10-3/16"
1.00' = 12"

0 60 120
Scale = 1" = 60'

LOCATION: Part of Lot 83, T-11, R-7, H.L.C.S, Town of Amherst, Erie Co. N.Y.

ROBERT M. SIEPEL
Professional Land Surveyor
610 Englewood Ave.
Buffalo, N.Y. 14223
Phone/Fax (716)838-3344
email: siepelsurveying@hotmail.com
Successor To: Richard W. Siepel

TYPE:	DATE:	REQUESTED BY:
Survey	10-18-2022	Wesolowski Law Group
Revised	12-1-2022	Wesolowski Law Group

This Map Void Unless EMBOSSED or STAMPED with New York State Licensed Land Surveyor Seal No. 51020
Altering any item on this Map is in violation of the law, excepting as provided in Section 7209 of the NYS Education Law.

This Survey was Prepared without Benefit of Current Abstract of Title.

Job Number 22313

New York License Number 51020

Attachment: SP-2023-12 drawings 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

WEHRLE DRIVE (VARYING WIDTHS)

(C.R. 290)

BENCHMARK: CHISELED SQUARE IN N.E. CORNER OF CONC. PAD FOR METER PIT, ELEV. 702.12

BENCHMARK: TOP OF SHUT-OFF ON HYDRANT, ELEV. 703.42

LEGEND

- OE — OVERHEAD ELECTRIC
- OT — OVERHEAD TELEPHONE
- OE&T — OVERHEAD ELECTRIC & TELEPHONE
- FM — FORCE MAIN
- SS — SANITARY SEWER
- ST — STORM SEWER
- W — WATER
- G — GAS
- X — FENCE
- P.P. — POWER POLE
- L.P. — LIGHT POLE
- M.B. — MAILBOX
- C.B. — CATCH BASIN
- ST. M.H. — STORM MANHOLE
- SAN. M.H. — SANITARY MANHOLE
- W.V. — WATER VALVE
- HYD. — HYDRANT
- SIGN
- G.V. — GAS VALVE
- C.O. — CLEAN OUT
- N.F.V. — NOT FIELD VERIFIED
- CURB WITH ELEVATIONS

REPUTED OWNER
FOUR LABS PROPERTIES LLC
L-11375, P-2106

REPUTED OWNER
DIANE B. TRANZ
L-8812, P-68

REPUTED OWNER
IGNAZIO NAPOLI
L-11206, P-9066

REPUTED OWNER
FIRST WEHRLE GROUP LLC
L-11153, P-9765

REPUTED OWNER
DONATO CURCIO
L-9961, P-176

REPUTED OWNER
JOANNE BOLOGNESE
L-10976, P-7464

REPUTED OWNER
MANDY DICKINSON
L-11154, P-4254

REPUTED OWNER
COREY J. HOGAN
L-10884, P-6186

REPUTED OWNER
JAMES A. & KATHLEEN A. SANTILLO
L-11093, P-4968

REPUTED OWNER
CHARLES J. SCHRUEFER
L-10708, P-200

REPUTED OWNER
EMED CO. INC.
L-11259, P-7742

OPERATING AUTHORITY FOR UTILITIES

1) TELEPHONE SERVICE----- VERIZON
65 FRANKLIN STREET
BUFFALO, NY 14202 (716) 398-5725

2) ELECTRIC SERVICE------ NATIONAL GRID
300 ERIE BOULEVARD
SYRACUSE, NY 13202 (315) 428-6319

3) GAS SERVICE---------- NATIONAL FUEL GAS CORPORATION
6363 MAIN STREET
AMHERST, NY 14221 (716) 857-7431

4) SANITARY SEWER SERVICE -TOWN OF AMHERST ENGINEERING DEPARTMENT
1100 NORTH FOREST ROAD
WILLIAMSVILLE, NY 14221 (716) 631-7154

5) WATER SERVICE -------- ERIE COUNTY WATER AUTHORITY
3030 UNION ROAD
CHEEKTOWAGA, NY 14225 (716) 684-1510

6) STORM SEWER SERVICE--- TOWN OF AMHERST ENGINEERING DEPARTMENT
1100 NORTH FOREST ROAD
WILLIAMSVILLE, NY 14221 (716) 631-7154

7) COMMUNICATIONS ------- SPECTRUM (USIC)
1767 VETERANS MEMORIAL HIGHWAY, SUITE 7
ISLANDIA, NY 11749 (800) 262-8600

GENERAL NOTES

1) BENCHMARK: TOP OF SHUT-OFF ON HYDRANT LOCATED AT THE SOUTHWEST CORNER OF THE PROJECT SITE ELEVATION 703.42 (NAVD 88)

   BENCHMARK: CHISELED SQUARE IN N.E. CORNER OF CONC. PAD FOR METER PIT, ELEV. 702.12

2) UNDERGROUND UTILITY INFORMATION SHOWN WAS DERIVED FROM RECORD PLANS SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES. PRIOR TO ANY CONSTRUCTION OR EXCAVATION AT SITE, THE PROPER UTILITY AUTHORITY SHOULD BE NOTIFIED. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

3) FOR REFERENCE SEE TOWN OF AMHERST TAX MAP 81.02-3-20.1

4) FOR REFERENCE SEE MAP PREPARED BY PRATT & HUTH ASSOCIATES, P.C. DATED JANUARY 16, 1988, LAST REVISED APRIL 20, 1995 AND IDENTIFIED AS JOB NO. 88006.

5) PROPERTY LINES & RIGHT OF WAY SHOWN ARE APPROXIMATE IN LOCATION.

6) THIS SURVEY WAS PERFORMED UNDER WINTER CONDITIONS AND IS SUBJECT TO SUCH VARIATIONS AS MAY BE REVEALED AT A LATER DATE. APPROXIMATE GENERAL SNOW DEPTH WAS 6"-8" ON SURVEYED PREMISES.

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

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ALL RIGHTS RESERVED

REVISION	REVISION

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS MAP IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

McINTOSH & McINTOSH, P.C.
CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS
429 PINE STREET, LOCKPORT, NEW YORK 14094
PHONE 433-2535 PHONE 625-8360

TOPOGRAPHICAL MAP OF PART OF LOT-83, TWP.-11, R.-7, HOLLAND PURCHASE

LOCATION TOWN OF AMHERST, ERIE COUNTY, NEW YORK

JOB No. 10138 | SCALE: 1"= 30' | DATE: DECEMBER 20, 2022

DRAWN JEM, III
COMP. JEM, III
DESC.
CADFILE 10138.DWG

Attachment: SP-2023-12 drawings 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

WEHRLE DRIVE (VARYING WIDTHS) (C.R. 290)

LEGEND

OE	OVERHEAD ELECTRIC
OT	OVERHEAD TELEPHONE
OE&T	OVERHEAD ELECTRIC & TELEPHONE
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M.B.	MAILBOX
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W.V.	WATER VALVE
HYD.	HYDRANT
	SIGN
G.V.	GAS VALVE
C.O.	CLEAN OUT
N.F.V.	NOT FIELD VERIFIED

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L–11153, P–9765

REPUTED OWNER
FOUR LABS PROPERTIES LLC
L–11375, P–2106

REPUTED OWNER
DIANE B. TRANZ
L–8812, P–68

REPUTED OWNER
IGNAZIO NAPOLI
L–11206, P–9066

REPUTED OWNER
416HOMEZ INC.
L–11420, P–5387

REPUTED OWNER
EMED CO. INC.
L–11259, P–7742

REPUTED OWNER
JOANNE BOLOGNESE
L–10976, P–7464

REPUTED OWNER
MANDY DICKINSON
L–11154, P–4254

REPUTED OWNER
COREY J. HOGAN
L–10884, P–6186

REPUTED OWNER
BRIAN & MAREN MRUGALSKI
L–11417, P–4762

REPUTED OWNER
CHARLES J. SCHRUEFER
L–10708, P–200

GENERAL NOTES

1) UNDERGROUND UTILITY INFORMATION SHOWN WAS DERIVED FROM RECORD PLANS SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES. PRIOR TO ANY CONSTRUCTION OR EXCAVATION AT SITE, THE PROPER UTILITY AUTHORITY SHOULD BE NOTIFIED. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
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3) FOR REFERENCE SEE MAP PREPARED BY PRATT & HUTH ASSOCIATES, P.C. DATED JANUARY 16, 1988, LAST REVISED APRIL 20, 1995 AND IDENTIFIED AS JOB NO. 88006.
4) FOR REFERENCE SEE SURVEY PREPARED BY ROBERT M. SIEPEL, DATED OCTOBER 18, 2022 AND IDENTIFIED AS JOB NO. 22313.
5) FOR REFERENCE SEE TOPOGRAPHIC MAP PREPARED BY McINTOSH & McINTOSH, P.C. DATED DECEMBER 20, 2022 AND IDENTIFIED AS JOB NO. 10138.
6) PROPERTY LINES & RIGHT OF WAY SHOWN ARE APPROXIMATE IN LOCATION.
7) TREE LOCATIONS WERE ONLY REQUIRED IN THE NORTHERLY PORTION OF THE PROJECT AREA.

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

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REVISION	REVISION

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CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS
429 PINE STREET, LOCKPORT, NEW YORK 14094
PHONE 433–2535 PHONE 625–8360

TREE SURVEY OF PART OF LOT–83, TWP.–11, R.–7, HOLLAND PURCHASE
LOCATION **TOWN OF AMHERST, ERIE COUNTY, NEW YORK**

JOB No. 10138–TR	SCALE: 1"= 30'	DATE: SEPTEMBER 15, 2023	DRAWN JEM III
			COMP. JEM III
			DESC.
			CADFILE 10138–TR.DWG

Attachment: SP-2023-12 drawings 011824 (28243 : SP-2023-12, 2495 Wehrle Dr.)

Climate Controlled
Self Storage
Storage
D·E·A·N
ARCHITECTS

D·E·A·N
ARCHITECTS

Climate Controlled
Self Storage
Storage
D·E·A·N
ARCHITECTS

Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

ADOPTED

Meeting: 01/18/24 06:30 PM
Department: Planning
Category: Site Plan and Relief from Conditions of Site Plan
Prepared By: Amy Carrato
Initiator: Dan Howard
Sponsors:
DOC ID: 28250

PLANNING BOARD ITEM (ID # 28250)

Proposed Mixed Use Building, SP-2023-14

Property located at 5226 & 5228 Main Street
5226 Main St. LLC, Petitioner

Proposed demolition of the existing structures on the sites and construction of a four story commercial/apartment building consisting of 10,930 sq. ft. of first floor commercial space and 30 apartments for lease on the upper floors. Vehicular access to the site is proposed via a single driveway from Main Street with a vehicular connection to the property located at 5262-5274 Main Street (Tops Plaza) and an emergency only access connection to the parcel westerly located at 5214 Main Street. Parking is shown for 65 vehicles on site. Residential and commercial access to the building are separate, with the primary residential access on the north side of the building. A resident amenity space is shown on the roof of the building.

11/18/2024

Sean Hopkins, Esq., Hopkins Sorgi & McCarthy, represented the petitioner, explained the proposal and was available to answer questions from the Board. Patrick Sheedy, Carmina Wood Design, was also present.

In response to the Board's questions, Mr. Hopkins stated the adjacent property owner was contacted and denied creating vehicular access to their site, there will be pedestrian access.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Ms. Penberthy moved to adjourn the request. The motion was seconded by Mr. Raffaele and carried. Ayes 5, Noes 0, Absent 2 (Giuliani, Kahn).

ATTACHMENTS:

- SP-2023-14 application 011824 (PDF)
- SP-2023-14 drawings 011824 (PDF)

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 2/15/2024 6:30 PM**
MOVER:	Brittany Lee Penberthy, Board Member	
SECONDER:	Joseph P. Raffaele Jr., Board Member	
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.	
ABSENT:	Dal Giuliani, Carrie H. Kahn	

Date: November 20, 2023

Site Plan Application - Proposed Mixed-Use - 5226 & 5228 Main Street
Applicant: 5226 Main, LLC c/o Sean Hopkins, Esq., 5500 Main Street, Suite 343 - Williamsville, NY 14221
Tel: 716.510-4338
E-mail: shopkins@hsmlegal.com

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Major Site Plan Review

For Official Use

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

Address Verified by Assessor's Office

_____ _____
VERIFIED BY DATE

Site Plan Review		**Fill In Applicable Fees**
1 acre or less	$1,250.00	$1,250.00
Each Additional acre or fraction thereof	$ 650.00/acre	$650.00
Amendments to Site Plans	$1,200.00	_____
Request for Relief of / or Change to Conditions of Site Plan Approval	$1,200.00	_____
Request for Extension of Site Plan Approval	$ 450.00	_____
Stormwater Pollution Prevention Plan		
1-4.99 Acres	$ 500.00	$500.00
5-10 Acres	$ 750.00	_____
>10 Acres	$1,000.00	_____
Affidavit Fee for Public Hearing	$ 15.00	$15.00
	TOTAL FEE:	$ 2,415.00

Materials Received by Planning Department

_____ _____
RECEIVED BY DATE

Materials Accepted by Town Clerk & Fee Paid

_____ _____
ACCEPTED BY DATE

To Be Completed By Applicant

Petitioner: Name: 5226 Main, LLC c/o Sean W. Hopkins, Esq.

Address: 5500 Main Street, Suite 343

Williamsville, New York 14221

_____

_____
city state zip code

Phone: 510-4338 Fax: _____ E Mail: shopkins@hsmlegal.com

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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

Name: Patrick Sheedy Jr., P.E. & Brian Slevar, AIA

Address: Carmina Wood Design

487 Main Street, Suite 500

Buffalo (city) New York (state) 14203 (zip code)

Phone: 842-3165 Fax: 842-0263

E Mail: psheedy@carminawooddesign.com and bslevar@carminawooddesign.com

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

Address: 5226 & 5228 Main Street

SBL No(s): 80.08-7-9 and 80.08-7-10

Project Name: Proposed Mixed-Use Project

Project Description:

See attached Exhibit "2" for Project Description. A completed Part 1 of the Full Environmental Assessment Form with Page 5[a] is provided at Exhibit "1" of this Site Plan Application.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Town of Amherst Planning Department 5583 Main Street Williamsville-NY-14221
(716) 631-7051- Fax: (716) 631-7153

If this petition is an amendment to a previously approved site plan, please describe the proposed changes (include type and size of existing structures and number of existing parking spaces):

Not Applicable.

	existing	proposed	total
Gross Floor Area (non-residential):	0	10,930 sq. ft.	10,930 sq. ft.
Number of Residential Units:	0	30	30
Number of Parking Spaces:	0	66	66

Acreage of Parcel: 1.1

Frontage on Public Roads: 110.30 ft. of frontage on Main Street

Existing Zoning District(s) TI-4

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Town of Amherst Planning Department 5583 Main Street Williamsville-NY-14221
(716) 631-7051- Fax: (716) 631-7153

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

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Full Environmental Assessment Form
Part 1 - Project and Setting

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

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Proposed Mixed-Use Redevelopment Project		
Project Location (describe, and attach a general location map): 5226 and 5228 Main Street - Town of Amherst - Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed redevelopment project ("action") consists of a mixed-use project consisting of 10,930 sq. ft. of first floor commercial space and 30 upper floor apartments for lease and all related site improvements to be located at 5226 and 5228 Main Street (the "Project Site") as well as the demolition of the two structures located on the Project Site. The proposed action has been defined broadly to include all required discretionary approvals and permits as including Site Plan Approval from the Planning Board as well as all proposed site improvements. The project purpose is to develop the Project Site for as a mixed-use project per the recommended land use in Figure 6-A of the Town's adopted Comprehensive Plan. The proposed mixed-use redevelopment project is an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") that will not result in any potentially significant adverse environmental impacts. As such, the issuance of a negative declaration pursuant to the State Environmental Quality Review Act ("SEQRA") is both appropriate and justified. It is important to mention that the Town Board issued a Negative Declaration pursuant to SEQRA on September 5, 2023. A copy of the negative declaration issued by the Town Board on September 5, 2023 is provided at Attachment "A".		
Name of Applicant/Sponsor: Ellicott Development c/o Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC	Telephone: 716.510-4338 E-Mail: shopkins@hsmlegal.com	
Address: 5500 Main Street, Suite 343		
City/PO: Williamsville	State: NY	Zip Code: 14221
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): 5226 Main, LLC - All other information same as above.	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees ☐Yes ☑No		
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Planning Board - Site Plan Approval	November 20, 2023
c. City, Town or Village Zoning Board of Appeals ☑Yes ☐No	Zoning Board of Appeals - Area Variance(s)	November 20, 2023
d. Other local agencies ☑Yes ☐No	Building Dept. - Building and demolition permits; Town of Amherst IDA - PILOT, etc.	To be Determined
e. County agencies ☐Yes ☑No		
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	NYSDOT - Highway Work Permit; NYSDEC - DSCA	To be Determined
h. Federal agencies ☐Yes ☑No		

i. Coastal Resources.

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

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

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes ☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes ☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes ☐No

If Yes, identify the plan(s):

NYS Heritage Areas:West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☑No

If Yes, identify the plan(s):

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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?
TI-4 Traditional Infill 4 ("TI-4")

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☑ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Williamsville Central School District.

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

c. Which fire protection and emergency medical services serve the project site?
Volunteer fire department for district in which the Project Site is located.

d. What parks serve the project site?
There are various parks in the Town of Amherst and the Village of Williamsville that will be accessible to the future residents of the mixed-use project.

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)? Mixed-Use project consisting of 10,930 sq. ft. of first floor commercial space and 30 upper floor apartments for lease.

b. a. Total acreage of the site of the proposed action? 1.1 acres
b. Total acreage to be physically disturbed? 1.1 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.1 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: _____

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

f. Does the project include new residential uses? ☑ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				30
At completion of all phases				30

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

If Yes,

i. Total number of structures 1

ii. Dimensions (in feet) of largest proposed structure: 50 ft. height; 45 ft. width; and 267 ft. length

iii. Approximate extent of building space to be heated or cooled: 10,930 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.

Not applicable

iv. Approximate size of the proposed impoundment. Volume: TBD 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):

Underground stormwater management improvements.

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☑ No

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): _____

_____

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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: 9,600 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: ECWA water district
- 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:
Not applicable.

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: 9,600 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each):
Sanitary wastewater.

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

- Name of wastewater treatment plant to be used: Town of Amherst Wastewater Treatment Plant located on Tonawanda Creek Road.
- Name of district: Town of Amherst consolidated sanitary sewer 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

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- 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: _____

No.

_____

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☑ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

_____

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☑ No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? [Copies of the Traffic Impact Study prepared by Passero Associates dated April 19, 2023 submitted with the Site Plan Application.] ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

_____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

_____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☐No

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

i. During Construction:

- Monday - Friday: 7:00 to 7:00
- Saturday: As needed
- Sunday: Not applicable
- Holidays: Not applicable

ii. During Operations:

- Monday - Friday: To be determined by retail tenants
- Saturday: To be determined by retail tenants
- Sunday: To be determined by retail tenants
- Holidays: To be determined by retail tenants

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

If yes:

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

Construction equipment and activities limited to daytime hours is a temporary and unavoidable adverse impact.

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

Describe: _____

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

If yes:

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

Lighting will comply with the stringent lighting standards contained in the Zoning Code.

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

Describe: _____

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

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

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored _____

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

iii. Generally, describe the proposed storage facilities:_____

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

If Yes:

i. Describe proposed treatment(s):

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

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

If Yes:

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

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

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

- Construction: _____
- Operation: _____

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

- Construction: _____
- Operation: _____

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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:

Wide assortment of commercial uses along Main Street including grocery store in retail plaza, restaurants, gas station, banks, office uses, etc.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	.6	.95	.35
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Yards and Greenspace	.5	.06	(.44)

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

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☑ Yes ☐ No
If Yes,
i. Identify Facilities:
There is a group home located on North Union Road within 1,500 ft. of the project site.

e. Does the project site contain an existing dam? ☐ Yes ☑ No
If Yes:
i. Dimensions of the dam and impoundment:
- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:
_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☑ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:
_____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☑ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:
_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☑ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☑ No
☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____
☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures:_____
_____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☑ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
_____

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2.a

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? >3 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:

Ovid Silt Loam	24 %
Urban Land - Wassaic Complex	76 %
	%

d. What is the average depth to the water table on the project site? Average: >3 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%:	100 % of site
☑	10-15%:	76 % 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: _____

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

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

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑ No

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

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

If Yes:
i. Species and listing: _____
_____

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

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

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No
If Yes, provide county plus district name/number: _____

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

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

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

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e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☑ Yes ☐ No

If Yes:

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

ii. Name: Reformed Mennonite Church (Former)

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

Designated historic resource at consisting of stone building redeveloped as an Evans Bank branch

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

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

If Yes:

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

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

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name Ellicott Development Date November 20, 2023

Signature Sean Hopkins Title Attorney for Project Sponsor

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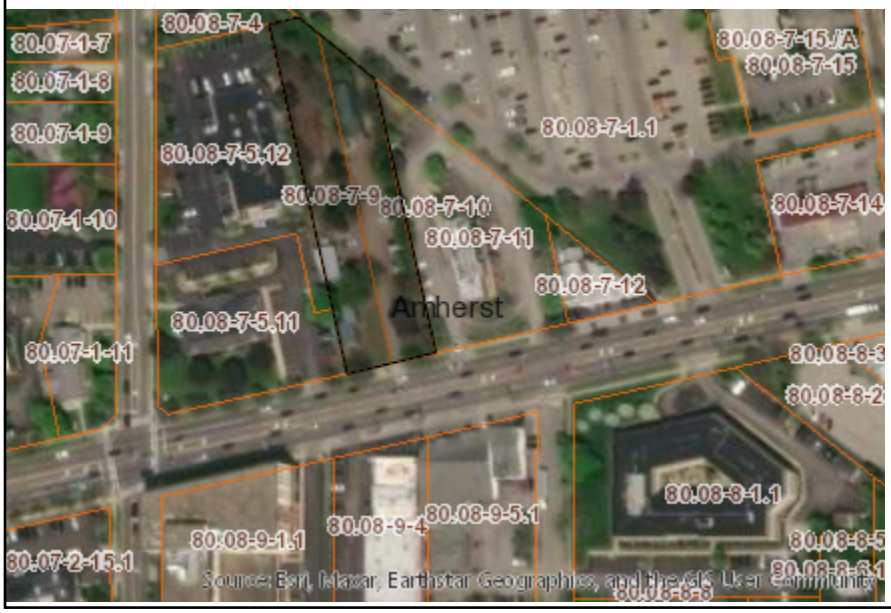
PRINT FORM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No

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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]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Reformed Mennonite Church (Former)
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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TOWN OF AMHERST ATTACHMENT
State Environmental Quality Review
ENVIRONMENTAL ASSESSMENT FORM

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

Soil Name	Shallow excavations	Dwellings without basements	Dwellings with basements	Small commercial buildings	Local roads and streets
Urban land odessa	✔				
Ovid silt loam	✔				

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

✔ Geotechnical report attached _____ Not applicable

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

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

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

5. Location and size of real property owned by petitioner within one (1) mile of subject proposal:
1.10 acres total [5226 & 5228 Main Street]

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

Describe_____

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

7. Maximum number of vehicular trips to be generated per hour upon completion of project 37
Source: Traffic Study by Passero Associates, dated 4/19/23

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

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

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

10,647 average flow 45,099 peak flow.

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

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Attachment "A" of Part 1 of Full Environmental Assessment Form – Negative Declaration issued by the Town Board pursuant to SEQRA on September 5, 2023

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Amherst

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

Brian J. Kulp
Supervisor

Daniel C. Howard
Planning Dire

Daniel J. Ulatowski
Assistant Planning

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Town Board	**Project**:	Z-2023-06
Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	**Date**:	September 5. 2023

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

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

Title of Action: Rezoning Request.

SEQR Status: Unlisted action.

Description of Action: Rezoning of 1.1± acres of land from General Business District (GB) to Traditional Infill 4 District (TI-4) to allow for the future use and development of the site for a four-story mixed-use building consisting of 10,930 sq. ft. of first floor commercial space (50% restaurant & 50% retail) and 30 upper floor apartments for lease with a single vehicular access point to Main Street and parking for 67 vehicles.

Location: 5226 and 5228 Main Street, Town of Amherst, Erie County, New York

Petitioner: 5226 Main, LLC

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Reasons Supporting This Determination

Based on information submitted by the applicant, including a Full Environmental Assessment Form (EAF) - Part 1, a complete rezoning application, and concept plan, a preliminary staff analysis was undertaken. Based on the results of the EAF Part 2 and compared to the criteria listed in Section 617.7, all indications are that the proposed rezoning of 1.1± acres of land from General Business District (GB) to Traditional Infill 4 District (TI-4) to allow for the future use and development of the site for a four-story mixed-use building consisting of 10,930 sq. ft. of first floor commercial space (50% restaurant & 50% retail) and 30 upper floor apartments for lease with a single vehicular access point to Main Street and parking for 67 vehicles 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 EAF submitted on June 12, 2023 and the Geotechnical Engineering Report prepared by Barron & Associates, PC and submitted on April 24, 2023 do not indicate any substantial adverse impacts to the aforementioned. The Town Engineering Department will review any proposed site plan application and its associated EAF along with the Geotechnical Engineering Report at which time all stormwater, sanitary sewer and water supply will be met.

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

3. The project is not expected to create any material conflict with the Town Comprehensive Plan. The project will comply with all regulations of the Town Zoning Ordinance before final site plan approval is granted. The Town Building Department on April 27, 2023 and Zoning Enforcement Officer on June 7 2023 reviewed the applications and EAF's submitted on April 24 and June 12, 2023 and has no objection or comments on the proposed rezoning.

4. The project is within an area identified by the State as potentially containing significant cultural or archeological resources. Review by the NYS Office of Parks, Recreation, Historic Preservation will occur upon submittal of a site plan and prior to any proposed construction on the subject sites and will need to determine that that there will be no impact on these resources prior to issuance of a final approved site plan drawing set and issuance of any building permits for construction.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The subject request is for rezoning from the GB zoning district to the TI-4 zoning district. Neighboring uses are medical and banking offices, automotive repair, supermarket and one single family residence zoned GB; therefore, the project is consistent with surrounding land use.

6. The proposed rezoning to TI-4 for a proposed four-story mixed-use building consisting of 10,930 sq. ft. of first floor commercial space and 30 upper floor apartments parking for 67 vehicles will not cause a major change in the use of either the quantity or type of energy.

7. The rezoning to TI-4 for the proposed four-story mixed-use building will not create any hazard to human health. The Fire Chief's Association on May 2, 2023 has reviewed the rezoning request and supporting documentation and has no objection to or adverse comments on the proposed rezoning.

8. The rezoning to TI-4 will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The proposed four-story mixed-use building will be consistent with the scale of surrounding land uses.

9. The rezoning to TI-4 for the proposed four-story mixed-use building consisting of 10,930 sq. ft. of first floor commercial space and 30 upper floor apartments will not significantly increase the number of people using the site over its previous level of use.

10. Review by the Town Traffic/Safety Board on July 6, 2023 and NYSDOT on May 24, 2023 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 April 27, 2023, Traffic/Safety Board on July 6, 2023, Assessor on May 2, 2023, Fire Chiefs' Association on May 2, 2023, Zoning Enforcement Officer on June 7, 2023, and Right-of-Way Agent on April 27, 2023 along with an outside agency, New York State Department of Transportation on May 24, 2023. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.

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

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Scott Marshall, Principal Planner — date: Sept. 6, 2023

Brian J. Kulpa, Supervisor — date: 9/7/23

SM/ac
X:\Current_Planning\Files\Rezonings\2023\Z-2023-06_(5226_&_5228_Main_St)_2023\Z-2023-06_TB_Neg_Dec_090523.docx

cc: Amherst Town Clerk
Amherst Building Department
ECDEP
NYSDOT
Sean W. Hopkins, Esq., Hopkins Sorgi & McCarthy, 5500 Main St., Ste. 343, Williamsville, NY 14221
Thomas M. Fox, Ellicott Development Co., 295 Main Street, Suite 700, Buffalo, NY 14203-2219
Christopher Wood, P.E., Carmina Wood Design, 487 Main Street, Suite 500, Buffalo, NY 14203
Brian J. Slevar, AIA, Carmina Wood Design, 487 Main Street, Suite 500, Buffalo, NY 14203

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Exhibit 2 of Site Plan Application – Project Description

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

EXHIBIT 2

PROJECT DESCRIPTION - PROPOSED MIXED-USE PROJECT
5226 & 5228 MAIN STREET

I. Description of the Mixed-Use Project:

The Applicant is seeking Site Plan Approval from the Planning Board in connection with the proposed mixed-use project to be located on the approximately 1.1 acres of property located at 5226 and 5228 Main Street (collectively the "Project Site"). The proposed mixed-use project consists of a four story building with 10,930 sq. ft. of first floor commercial space and 30 apartments for lease on the upper floors all related site improvements depicted on the full-size copy of the Site Plan [Drawing C-100] attached to this Site Plan Application. A reduced size copy of the Site Plan [Drawing C-100] is attached as Exhibit "3". A reduced-size copy of the color building renderings [Drawings A-501 & A502] are attached as Exhibit "4".

The Project Site is properly zoned TI-4 pursuant to Resolution 2023-711 adopted by the Town Board on September 5, 2023. A copy of Resolution No. 2023-711 as adopted by the Town Board on September 5, 2023 is attached as Exhibit "5".

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Exhibit 3 of Site Plan Application – Reduced-Size Copy of Site Plan [Drawing C-100 – Date: 11/20/2023]

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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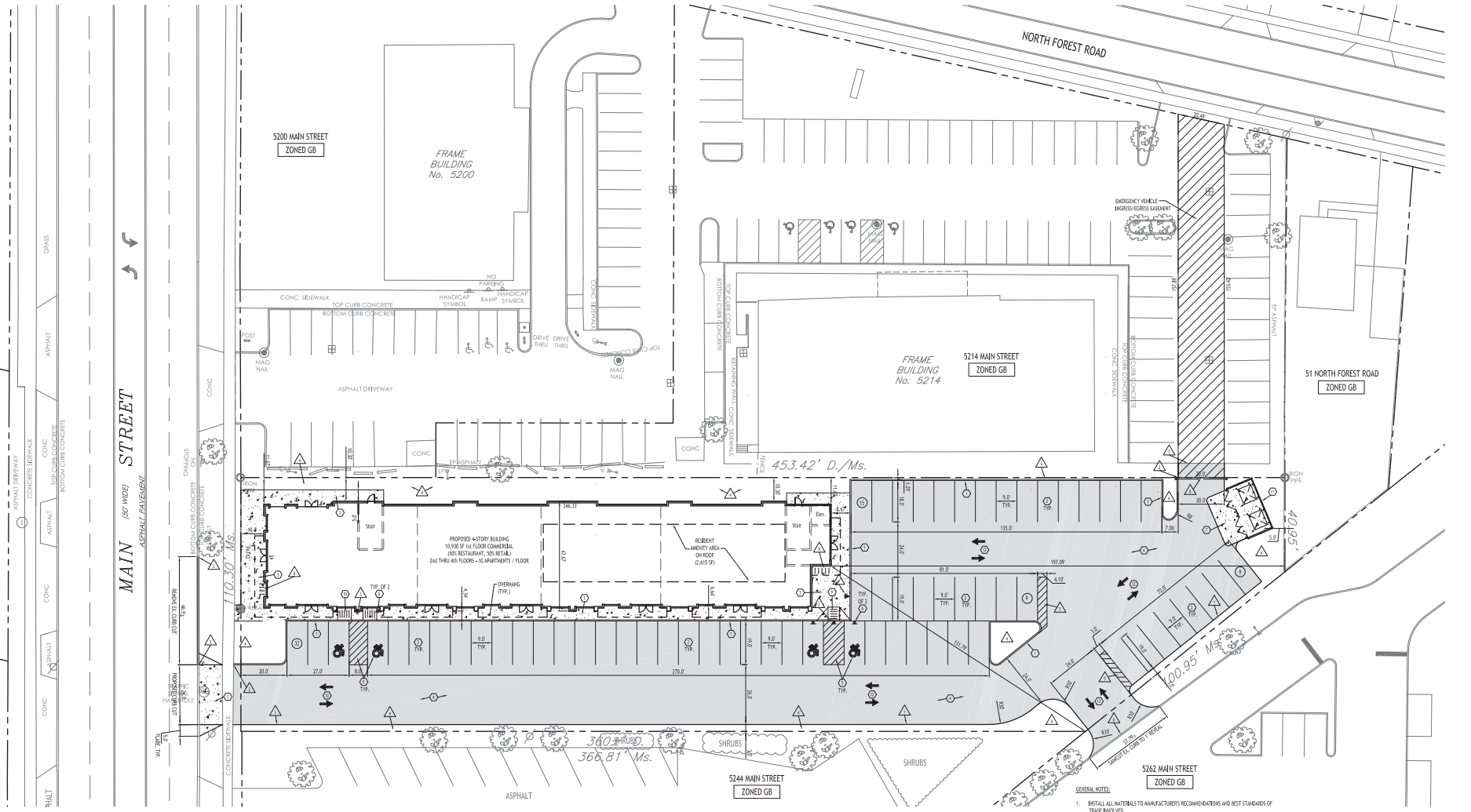

Site Plan

SCALE: 1"=20'

Site Data		
SITE AREA = 1.1 AC ±		
ZONED: REZONE TO T1 - 4 (GENERAL FRONTAGE)		
USE: PROPOSED 4-STORY MIXED USE BUILDING - 10,930 SF COMMERCIAL + 30 APTS		
SETBACKS - BUILDING	REQUIRED	PROVIDED
FRONT	10' MIN./30' MAX.	10.0' MIN.
SIDE	0' MIN.	10.30' MIN.
REAR	0' MIN.	131.79' MIN.
SETBACKS - PARKING		
FRONT (PRIMARY STREET)	20' MIN.	20' FT.
SIDE	0' MIN.	1.29' FT MIN.
REAR	0' MIN.	3.0' FT MIN.
TOTAL VEHICLE SPACES	66	66
BICYCLE	19	19
ELECTRIC VEHICLE READY SPACES	1	1
GREENSPACE		
INTERIOR PARKING GREENSPACE:	5% (1,393 SF)	3% (710 SF) *
MAX. BUILDING HEIGHT	4 stories / 45'	4 stories / 54' *
OUTDOOR AMENITY SPACE	10% (0.06 AC)	10% (0.06 AC)
	82.72'	45' (40.8%) *

PARKING CALCULATION (per Section 5A-4-1-4)

RETAIL SALES: (5,465 GSF)
REQD: 2.5 per 1,000 sf
REQD = (5,465/ 1,000) x 2.5 = 14 SPACES REQD

RESTAURANT: (5,465 GSF)
REQD: 4.0 per 1,000 sf
REQD = (5,465/ 1,000) x 4.0 = 22 SPACES REQD

APARTMENTS:
REQD: 1 space per 1 or 2-bdrm unit = 1 x 30 units
REQD = 30 SPACES REQD

TOTAL PARKING SPACES REQUIRED = 66 SPACES

BICYCLE CALCULATION (per Section 5A-4-1-4.A)

RESIDENTIAL:
REQD: 0.5 per UNIT (20 max.)
REQD = 0.5 x 30 = 15 REQD.

COMMERCIAL:
REQD: 1 space per 3,000 sf
REQD = 10,930 sf/ 3,000 = 4 SPACES REQD

TOTAL BICYCLE SPACES REQUIRED = 19 SPACES

ELECTRIC VEHICLE CALCULATION (per Section 5A-4-1-5.D)

1% OF TOTAL PARKING = 66 x 0.01 = 1 SPACES REQD.

DETAIL LEGEND (SEE RELATED SHEET)

- (A) TYPE 'A' CONCRETE CURB
- (B) 90° PARKING STALL
- (C) CONCRETE SIDEWALK, 5' WIDE UNLESS OTHERWISE NOTED
- (D) STANDARD DUTY ASPHALT
- (E) HANDICAP PAVEMENT MARKINGS
- (F) HANDICAPPED PARKING SIGN
- (G) EXTERIOR CONCRETE SLAB ON GRADE
- (H) LIGHT POLE FOUNDATION
- (I) SIDEWALK CURB RAMP
- (J) HANDICAP PAVEMENT RAMP
- (K) DUMPSTER ENCLOSURE
- (L) PAINTED TRAFFIC ARROWS

NOTE LEGEND

- (1) EDGE OF PAVEMENT
- (2) RUNOUT CURB IN 2' OR MATCH EXISTING CURB
- (3) INSTALL "NO PARKING" SIGN, M.U.T.C.D. SIGN NO. R7-1C
- (4) LANDSCAPED AREA - SEE LANDSCAPE PLAN, IF NO PLANTINGS, INSTALL TOPSOIL & SEED
- (5) 4" WIDE WHITE PAINT STRIPE @ 45° & 2' O.C., HATCH AREA AS SHOWN
- (6) MATCH EX. PAVEMENT, SAWCUT AS REQ'D TO ACHIEVE SQUARE EDGE TO MATCH
- (7) EMERGENCY GATE WITH KNOX BOX, DETAILED BY OTHERS
- (8) DECORATIVE BIKE RACK, DETAILED BY OTHERS
- (9) ELECTRIC VEHICLE CHARGING STATION

SITE NOTES:

1. ALL RADII SHALL BE 3-5' UNLESS OTHERWISE NOTED.
2. ALL DISTURBED AREAS: SHALL HAVE 4" MIN. OF TOPSOIL AND SEED.
3. ALL DIMENSIONS FROM PROPERTY LINES SHALL BE MEASURED PERPENDICULAR TO THE PROPERTY LINE.
4. CENTER ENTRANCE SIDEWALKS ON DOOR OPENINGS.
5. BUILDING DIMENSIONS ARE APPROXIMATE, REFER TO ARCHITECTURAL DRAWINGS FOR LAYOUT DIMENSIONS.
6. ALL HANDICAP RAMPS (NOT WITHIN THE NYSDOT R.O.W.) AND/OR SIDEWALKS FLUSH TO PAVEMENT SHALL HAVE ADA COMPLIANT TACTILE WARNING STRIPS WHERE ENTERING PARKING AREAS/DRIVEWAYS. SIDEWALKS FLUSH TO PAVEMENT WITHIN THE NYSDOT R.O.W. SHALL ADHERE TO THE NOTES AND DESIGN REGULATIONS AS STATED ON NYSDOT STANDARD SHEET 608-01.
7. EXISTING TREE LOCATIONS ARE APPROXIMATE, CONTRACTOR TO LOCATE LOCATIONS PRIOR TO CONSTRUCTION AND COORDINATE WITH TOWN LANDSCAPE ARCHITECT WHICH TREES SHALL BE REMOVED AND WHICH SHALL REMAIN AND BE PROTECTED DURING CONSTRUCTION.

GENERAL NOTES:

1. INSTALL ALL MATERIALS TO MANUFACTURERS RECOMMENDATIONS AND BEST STANDARDS OF TRADE INVOLVED.
2. SUBSTITUTIONS SHALL BE MADE ONLY WITH OWNERS APPROVAL AND BE OF EQUIVALENT QUALITY TO WHAT IS SPECIFIED.
3. WORK SHALL BE COMPLETED IN STRICT ACCORDANCE WITH ALL LOCAL CODES AND OSHA SAFETY RULES AND REGULATIONS.
4. VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AT THE SITE. NOTIFY OWNER & ENGINEER OF DISCREPANCIES IN CONDITIONS SHOWN ON DRAWINGS PRIOR TO PROCEEDING WITH THE WORK.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ANY EXISTING STRUCTURES TO REMAIN AND ANY FINISH MATERIAL INSTALLED WHILE WORKING ON OTHER COMPONENTS.
6. CONTRACTOR SHALL KEEP JOB FREE OF DEBRIS AND MAKE FINAL CLEANUP TO SATISFACTION OF OWNER.
7. CONTRACTOR SHALL ASCERTAIN THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION SO THAT THIS WORK WILL NOT DISTURB EXISTING LINES AND/OR INSTALLATIONS. COORDINATE ALL WORK WITH THE APPLICABLE UTILITY COMPANIES.
8. ALL OTHER PERMITS REQUIRED BY STATE OF NEW YORK, COUNTY OF ERIE, AND TOWN OF AMHERST ARE THE RESPONSIBILITY OF THE CONTRACTOR/DEVELOPER/OWNER.
9. EXISTING CURB AND REMOVAL OF EXISTING ENTRANCE SHALL BE SAW CUT FULL-DEPTH AND NEATLY REMOVED FROM THE BACKSIDE. EXISTING PAVEMENT SHALL NOT BE DISTURBED AND THE PAVEMENT EDGE SHALL BE USED AS FORM FOR PLACING NEW CURB.
10. SANITARY SEWER EASEMENTS SHOWN ARE APPROXIMATE BASED ON RECORD PLANS PROVIDED BY TOWN OF AMHERST ENGINEERING DEPARTMENT. SURVEYOR TO VERIFY LOCATION PRIOR TO CONSTRUCTION.
11. REFER TO NYSDOT STANDARD SHEET 608-03 FOR DRIVEWAY ENTRANCE AND LAYOUT INFORMATION ALONG MAIN STREET.
12. ALL DISTURBED AREAS WITHIN NYSDOT R.O.W. TO BE RESTORED USING ITEM 610.1402 TOPSOIL - ROADSIDE AND ITEM 610.1602 TURF ESTABLISHMENT - LAWNS AND COMPLY WITH NYSDOT STANDARDS AND SPECIFICATIONS SECTION 713 - LANDSCAPE DEVELOPMENT MATERIALS.

SITE LEGEND

- PROPERTY LINE
- PROPOSED CURB
- PROPOSED SIDEWALK / CONCRETE PAD
- NUMBER OF PARKING SPACES
- PROPOSED SIGN
- PROPOSED STANDARD DUTY ASPHALT PAVEMENT
- PROPOSED LIGHT POLE

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

20 0 20 40Ft.

CARMINAWOOD DESIGN
487 Main Street, Suite 900
Buffalo, New York 14203
Phone: (716) 842-3165
111 Bain Street, Suite 332
East Aurora, New York 14052
Phone: (336) 937-9009

Mixed Use Building

5226 & 5228 Main Street
Amherst, NY

REVISIONS:

No.	Description	Date

DRAWING NAME:
Site Plan

Date: 11/20/23
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
C-100

Project No: 22.111

Exhibit 4 of Site Plan Application – Reduced-Size Copies Color Building Elevations [Drawing A-500 & A502]

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

1 Main Street Elevation
A-500 scale: 1/8 = 1'-0"

Total Upper: 1601.25sf x 20% = 1584sf Required Upper Floor Transparency = 360.99sf or 22.54% Provided
Total Grounds: 588.75sf x 20% = 117.75sf Required Ground Floor Transparency = 291.33sf or 49.48% Provided

2 Parking Elevation
scale: 1/8 = 1'-0"

Total Upper: 8468.83f x 20% = 1693.77sf Required Upper Floor Transparency = 1871.37sf or 22.10% Provided
Total Ground: 3113.83sf x 20% = 622.77sf Required Ground Floor Transparency = 1675.14sf or 53.80% Provided

CARMINA WOOD DESIGN

REVISIONS:
No. Description Date

ELLICOTT DEVELOPMENT

PROJECT NAME:
Concept Documents for:
Mixed Use Development
5226 Main Street
Amherst, New York

Issued for Approval 11.13.2023
Drawn By: BJS
Checked By: BJS

DRAWING NAME:
Mixed Use Concept Elevations

DRAWING NO.
A-500

Project No: 22.051

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

1 Rear Elevation
A-501 scale: 1/8 = 1'-0"

2 Lot Line Elevation
scale: 1/8 = 1'-0"

CARMINAWOOD DESIGN

REVISIONS:
No. Description Date

ELLICOTT DEVELOPMENT

PROJECT NAME:
Concept Documents for:
Mixed Use Development
5226 Main Street
Amherst, New York

Issued for Approval 11.13.2023
Drawn By: BJS
Checked By: BJS

DRAWING NAME:
Mixed Use Concept Elevations

DRAWING NO.
A-501

Project No: 22.051

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Exhibit 5 of Site Plan Application – Resolution No. 2023-711 as adopted by the Town Board on September 5, 2023

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

RESOLUTION 2023-711
ADOPTED DOC ID: 27883

Adoption of Local Law to Amend the Zoning Map (5226 and 5228 Main Street, Z-2023-06)

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR are complete, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of June 15, 2023 that the proposed rezoning of 1.1± acres of land from General Business District (GB) to Traditional Infill 4 District (TI-4) at 5226 and 5228 Main Street is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

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

1. That pedestrian and vehicular access be pursued ~~provided~~ between the subject sites and 5262-5274 Main Street (Tops Plaza).

8/21/2023
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was opened at 7:12 PM.

Sean Hopkins, Esq., presented.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the September 5th Town Board meeting, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was closed at 7:23 PM.

9/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. A motion to amend was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. Amendment adds the underlined language. A motion to approve as amended was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

RESULT:	**ADOPTED AS AMENDED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Full Environmental Assessment Form
Part 1 - Project and Setting

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

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Proposed Mixed-Use Redevelopment Project		
Project Location (describe, and attach a general location map): 5226 and 5228 Main Street - Town of Amherst - Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed redevelopment project ("action") consists of a mixed-use project consisting of 10,930 sq. ft. of first floor commercial space and 30 upper floor apartments for lease and all related site improvements to be located at 5226 and 5228 Main Street (the "Project Site") as well as the demolition of the two structures located on the Project Site. The proposed action has been defined broadly to include all required discretionary approvals and permits as including Site Plan Approval from the Planning Board as well as all proposed site improvements. The project purpose is to develop the Project Site for as a mixed-use project per the recommended land use in Figure 6-A of the Town's adopted Comprehensive Plan. The proposed mixed-use redevelopment project is an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") that will not result in any potentially significant adverse environmental impacts. As such, the issuance of a negative declaration pursuant to the State Environmental Quality Review Act ("SEQRA") is both appropriate and justified. It is important to mention that the Town Board issued a Negative Declaration pursuant to SEQRA on September 5, 2023. A copy of the negative declaration issued by the Town Board on September 5, 2023 is provided at Attachment "A".		
Name of Applicant/Sponsor: Ellicott Development c/o Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC	Telephone: 716.510-4338 E-Mail: shopkins@hsmlegal.com	
Address: 5500 Main Street, Suite 343		
City/PO: Williamsville	State: NY	Zip Code: 14221
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): 5226 Main, LLC - All other information same as above.	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees ☐Yes ☑No		
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Planning Board - Site Plan Approval	November 20, 2023
c. City, Town or Village Zoning Board of Appeals ☑Yes ☐No	Zoning Board of Appeals - Area Variance(s)	November 20, 2023
d. Other local agencies ☑Yes ☐No	Building Dept. - Building and demolition permits; Town of Amherst IDA - PILOT, etc.	To be Determined
e. County agencies ☐Yes ☑No		
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	NYSDOT - Highway Work Permit; NYSDEC - DSCA	To be Determined
h. Federal agencies ☐Yes ☑No		

i. Coastal Resources.

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

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

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning [The Project Site is located in a community with an approved Local Waterfront Revitalization Program. The response checks automatically No using NYSDEC EAF Mapper.]

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes ☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes ☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes ☐No

If Yes, identify the plan(s):

NYS Heritage Areas:West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☑No

If Yes, identify the plan(s):

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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?
TI-4 Traditional Infill 4 ("TI-4")

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☑ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Williamsville Central School District.

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

c. Which fire protection and emergency medical services serve the project site?
Volunteer fire department for district in which the Project Site is located.

d. What parks serve the project site?
There are various parks in the Town of Amherst and the Village of Williamsville that will be accessible to the future residents of the mixed-use project.

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)? Mixed-Use project consisting of 10,930 sq. ft. of first floor commercial space and 30 upper floor apartments for lease.

b. a. Total acreage of the site of the proposed action? 1.1 acres
b. Total acreage to be physically disturbed? 1.1 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.1 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: _____

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f. Does the project include new residential uses? ☑ Yes ☐ No

2.a

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				30
At completion of all phases				30

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

If Yes,

i. Total number of structures 1

ii. Dimensions (in feet) of largest proposed structure: 50 ft. height; 45 ft. width; and 267 ft. length

iii. Approximate extent of building space to be heated or cooled: 10,930 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.

Not applicable

iv. Approximate size of the proposed impoundment. Volume: TBD 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):

Underground stormwater management improvements.

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): _____

_____

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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: 9,600 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: ECWA water district
- 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: Not applicable.

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: 9,600 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): Sanitary wastewater.

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

- Name of wastewater treatment plant to be used: Town of Amherst Wastewater Treatment Plant located on Tonawanda Creek Road.
- Name of district: Town of Amherst consolidated sanitary sewer 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

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- 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: _____

No.

_____

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☑ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

_____

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☑ No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? [Copies of the Traffic Impact Study prepared by Passero Associates dated April 19, 2023 submitted with the Site Plan Application.] ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

_____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

_____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☐No

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

i. During Construction:

- Monday - Friday: 7:00 to 7:00
- Saturday: As needed
- Sunday: Not applicable
- Holidays: Not applicable

ii. During Operations:

- Monday - Friday: To be determined by retail tenants
- Saturday: To be determined by retail tenants
- Sunday: To be determined by retail tenants
- Holidays: To be determined by retail tenants

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

If yes:

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

Construction equipment and activities limited to daytime hours is a temporary and unavoidable adverse impact.

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

Describe: _____

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

If yes:

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

Lighting will comply with the stringent lighting standards contained in the Zoning Code.

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

Describe: _____

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

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

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored _____

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

iii. Generally, describe the proposed storage facilities:_____

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

If Yes:

i. Describe proposed treatment(s):

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

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

If Yes:

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

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

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

- Construction: _____
- Operation: _____

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

- Construction: _____
- Operation: _____

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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:

Wide assortment of commercial uses along Main Street including grocery store in retail plaza, restaurants, gas station, banks, office uses, etc.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	.6	.95	.35
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Yards and Greenspace	.5	.06	(.44)

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2.a

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

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☑ Yes ☐ No
If Yes,
i. Identify Facilities:
There is a group home located on North Union Road within 1,500 ft. of the project site and an elderly care facility located at 5125 Main Street.

e. Does the project site contain an existing dam? ☐ Yes ☑ No
If Yes:
i. Dimensions of the dam and impoundment:
- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:
_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☑ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:
_____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☑ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:
_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☑ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☑ No
☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____
☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures:_____
_____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☑ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
_____

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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? >3 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:

Ovid Silt Loam	24 %
Urban Land - Wassaic Complex	76 %
	%

d. What is the average depth to the water table on the project site? Average: >3 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%:	100 % of site
☑	10-15%:	76 % 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: _____

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

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

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑ No

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

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

If Yes:
i. Species and listing: _____
_____

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

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

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No
If Yes, provide county plus district name/number: _____

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

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

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

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e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☑ Yes ☐ No

If Yes:

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

ii. Name: Reformed Mennonite Church (Former)

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

Designated historic resource at consisting of stone building redeveloped as an Evans Bank branch

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

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

If Yes:

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

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

F. Additional Information

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

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

G. Verification

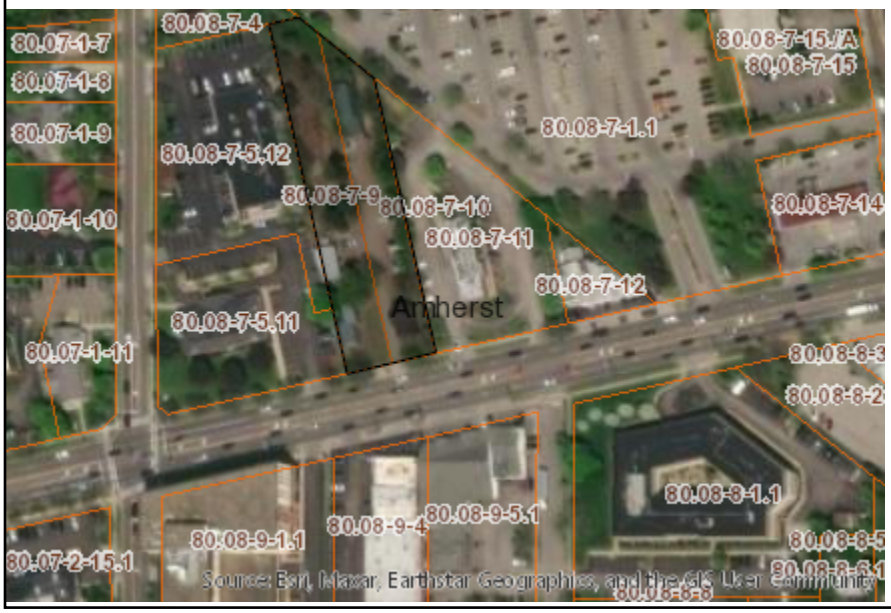
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Ellicott Development Date December 21, 2023

Signature Sean Hopkins Title Attorney for Project Sponsor

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

PRINT FORM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No

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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]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Reformed Mennonite Church (Former)
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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TOWN OF AMHERST ATTACHMENT
State Environmental Quality Review
ENVIRONMENTAL ASSESSMENT FORM

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

Soil Name	Shallow excavations	Dwellings without basements	Dwellings with basements	Small commercial buildings	Local roads and streets
Urban land odessa	✔				
Ovid silt loam	✔				

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

✔ Geotechnical report attached _____ Not applicable

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

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

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

5. Location and size of real property owned by petitioner within one (1) mile of subject proposal:
1.10 acres total [5226 & 5228 Main Street]

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

Describe_____

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

7. Maximum number of vehicular trips to be generated per hour upon completion of project 37
Source: Traffic Study by Passero Associates, dated 4/19/23

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

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

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

10,647 average flow 45,099 peak flow.

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

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Attachment "A" of Part 1 of Full Environmental Assessment Form – Negative Declaration issued by the Town Board pursuant to SEQRA on September 5, 2023

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Amherst

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

Brian J. Kulp
Supervisor

Daniel C. Howard
Planning Dire

Daniel J. Ulatowski
Assistant Planning

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Town Board	**Project**:	Z-2023-06
Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	**Date**:	September 5. 2023

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

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

Title of Action: Rezoning Request.

SEQR Status: Unlisted action.

Description of Action: Rezoning of 1.1± acres of land from General Business District (GB) to Traditional Infill 4 District (TI-4) to allow for the future use and development of the site for a four-story mixed-use building consisting of 10,930 sq. ft. of first floor commercial space (50% restaurant & 50% retail) and 30 upper floor apartments for lease with a single vehicular access point to Main Street and parking for 67 vehicles.

Location: 5226 and 5228 Main Street, Town of Amherst, Erie County, New York

Petitioner: 5226 Main, LLC

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Reasons Supporting This Determination

Based on information submitted by the applicant, including a Full Environmental Assessment Form (EAF) - Part 1, a complete rezoning application, and concept plan, a preliminary staff analysis was undertaken. Based on the results of the EAF Part 2 and compared to the criteria listed in Section 617.7, all indications are that the proposed rezoning of 1.1± acres of land from General Business District (GB) to Traditional Infill 4 District (TI-4) to allow for the future use and development of the site for a four-story mixed-use building consisting of 10,930 sq. ft. of first floor commercial space (50% restaurant & 50% retail) and 30 upper floor apartments for lease with a single vehicular access point to Main Street and parking for 67 vehicles 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 EAF submitted on June 12, 2023 and the Geotechnical Engineering Report prepared by Barron & Associates, PC and submitted on April 24, 2023 do not indicate any substantial adverse impacts to the aforementioned. The Town Engineering Department will review any proposed site plan application and its associated EAF along with the Geotechnical Engineering Report at which time all stormwater, sanitary sewer and water supply will be met.

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

3. The project is not expected to create any material conflict with the Town Comprehensive Plan. The project will comply with all regulations of the Town Zoning Ordinance before final site plan approval is granted. The Town Building Department on April 27, 2023 and Zoning Enforcement Officer on June 7 2023 reviewed the applications and EAF's submitted on April 24 and June 12, 2023 and has no objection or comments on the proposed rezoning.

4. The project is within an area identified by the State as potentially containing significant cultural or archeological resources. Review by the NYS Office of Parks, Recreation, Historic Preservation will occur upon submittal of a site plan and prior to any proposed construction on the subject sites and will need to determine that that there will be no impact on these resources prior to issuance of a final approved site plan drawing set and issuance of any building permits for construction.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The subject request is for rezoning from the GB zoning district to the TI-4 zoning district. Neighboring uses are medical and banking offices, automotive repair, supermarket and one single family residence zoned GB; therefore, the project is consistent with surrounding land use.

6. The proposed rezoning to TI-4 for a proposed four-story mixed-use building consisting of 10,930 sq. ft. of first floor commercial space and 30 upper floor apartments parking for 67 vehicles will not cause a major change in the use of either the quantity or type of energy.

7. The rezoning to TI-4 for the proposed four-story mixed-use building will not create any hazard to human health. The Fire Chief's Association on May 2, 2023 has reviewed the rezoning request and supporting documentation and has no objection to or adverse comments on the proposed rezoning.

8. The rezoning to TI-4 will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The proposed four-story mixed-use building will be consistent with the scale of surrounding land uses.

9. The rezoning to TI-4 for the proposed four-story mixed-use building consisting of 10,930 sq. ft. of first floor commercial space and 30 upper floor apartments will not significantly increase the number of people using the site over its previous level of use.

10. Review by the Town Traffic/Safety Board on July 6, 2023 and NYSDOT on May 24, 2023 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 April 27, 2023, Traffic/Safety Board on July 6, 2023, Assessor on May 2, 2023, Fire Chiefs' Association on May 2, 2023, Zoning Enforcement Officer on June 7, 2023, and Right-of-Way Agent on April 27, 2023 along with an outside agency, New York State Department of Transportation on May 24, 2023. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.

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

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Scott Marshall, Principal Planner — date: Sept. 6, 2023

Brian J. Kulpa, Supervisor — date: 9/7/23

SM/ac
X:\Current_Planning\Files\Rezonings\2023\Z-2023-06_(5226_&_5228_Main_St)_2023\Z-2023-06_TB_Neg_Dec_090523.docx

cc: Amherst Town Clerk
Amherst Building Department
ECDEP
NYSDOT
Sean W. Hopkins, Esq., Hopkins Sorgi & McCarthy, 5500 Main St., Ste. 343, Williamsville, NY 14221
Thomas M. Fox, Ellicott Development Co., 295 Main Street, Suite 700, Buffalo, NY 14203-2219
Christopher Wood, P.E., Carmina Wood Design, 487 Main Street, Suite 500, Buffalo, NY 14203
Brian J. Slevar, AIA, Carmina Wood Design, 487 Main Street, Suite 500, Buffalo, NY 14203

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

CARMINAWOOD
DESIGN

STORMWATER POLLUTION PREVENTION PLAN
for
CONSTRUCTION ACTIVITIES

At

Mixed Use Building
5226 & 5228 Main Street
Town of Amherst, Erie County, New York

Prepared for

Ellicott Development

295 Main Street, Suite 700
Buffalo, NY 14203

Prepared by

Carmina Wood Design

487 Main Street, Suite 500
Buffalo, NY 14203

Telephone: (716) 842-3165
Fax: (716) 842-0263

November 2023

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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101 SCOPE

A. **PURPOSE:** Ellicott Development (ED) has placed an emphasis on following the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity governing storm water discharges during construction, and in accordance with erosion control practices. The Contractor's participation in this program is mandatory and its non-compliance is subject to various remedies, including without limitation, monetary set-offs, withholding payments; reimbursement for costs, expenses (including reasonable attorney's fees), fines and civil penalties incurred by ED; and/or liquidated damages. This section provides a descriptive explanation of ED's Storm Water Pollution Prevention Program and required Contractor participation.

The Engineer of record for this project certifies that this SWPPP meets the requirements and is in compliance with the New York State Stormwater Management Design Manual and latest NYSDEC Phase II stormwater regulation requirements.

B. **SPDES General Permit for Stormwater Discharges from Construction Activity:** Regulations promulgated by the NYSDEC to regulate the discharge of storm water from construction activities on sites where more than one (1) acre of soil is disturbed. One of the ways to comply with these regulations for affected sites is to request coverage under the General Permit for Construction Activities for New York State. In order to use the General Permit, a Notice of Intent (NOI) form must be completed and electronically submitted to the NYSDEC at least 5 business days prior to any earth-disturbing activities (this time frame may increase to 60 business days if a full review of the SWPPP is determined necessary by the NYSDEC) and a Storm Water Pollution Prevention Plan (SWPPP) for the site must be prepared and followed during the construction activities. Once a copy of the SPDES permit is received from NYSDEC, a copy will be included in Appendix F of this report.

Approval from a regulated, traditional land use control MS4:

1. An **owner or operator** of a construction activity that is not subject to the requirements of a regulated, traditional land use control MS4 must first develop a SWPPP in accordance with all applicable requirements of this permit and then submit a completed NOI form to the NYSDEC.

2. An **owner or operator** of a construction activity that is subject to the requirements of a regulated, traditional land use control MS4 must first develop a SWPPP in accordance with all applicable requirements of this permit and then have its SWPPP reviewed and accepted by the MS4 prior to submitting the NOI to the NYSDEC. The **owner or operator** shall have the "MS4 SWPPP Acceptance" form signed by the principal executive officer or ranking elected official from the regulated, traditional land use control MS4, or by a duly authorized representative of that person, and then submit that form along with the NOI to the address referenced under "Notice of Intent (NOI) Submittal".

C. **RESPONSIBILITIES OF THE CONTRACTOR:** The Contractor shall manage the discharge of storm water from the site in accordance with the NYSDEC General Permit for Construction Activities conditions and the following provisions of this section. The Operator shall be responsible for

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conducting the storm water management practices in accordance with the permit. The Contractor shall be responsible for providing **qualified inspector**s to conduct the inspections required by the SWPPP. The Contractor shall be responsible for any enforcement action taken or imposed by federal, state, or local agencies, including the cost of fines, construction delays, and remedial actions resulting from the Contractor's failure to comply with the permit provisions. It shall be the responsibility of the Contractor to make any changes to the SWPPP necessary when the Contractor or any of his subcontractors elects to use borrow or fill or material storage sites, either contiguous to or remote from the construction site, when such sites are used solely for this construction site. Such sites are considered to be part of the construction site covered by the permit and this SWPPP. Off-site borrow, fill, or material storage sites which are used for multiple construction projects are not subject to this requirement, unless specifically required by state or local jurisdictional entity regulations. The Contractor should consider this requirement in negotiating with earthwork subcontractors, since the choice of an off-site borrow, fill, or material storage site may impact their duty to implement, make changes to, and perform inspections required by the SWPPP for the site.

D. **NOTICE OF INTENT:** The Operator has petitioned the NYSDEC for coverage under the storm water discharges during construction at this site to be covered by the SPDES General Permit for Construction Activity for the State of New York. A Notice of Intent (NOI) for coverage under this permit has been filed by the Operator. The SWPPP must be prepared prior to submittal of the NOI form. The Operator will require the Contractor to be a co-permittee with the Operator. The Contractor will be required to post the NOI at the construction site along with any building permits.

E. **CONTRACTOR CERTIFICATION & TRAINING:** Proof of Training/Certification of the Contractor's designated individual shall be kept on site at all times.

F. **REQUIREMENTS FOR THE GENERAL CONTRACTOR AND SUBCONTRACTOR(S):** The General Contractor and Subcontractor(s) shall sign the "Contractor's Certification Statement" (located in the Appendix of this report) verifying they have been instructed on how to comply with and fully understand the requirements of the SPDES General Permit for Construction Activity for the State of New York and the SWPPP. These certifications must be signed, by a responsible corporate officer or other party meeting the "Signatory Requirements" of the SPDES General Permit, on behalf of each entity, prior to the beginning of any construction activities.

G. **STORM WATER POLLUTION PREVENTION PROGRAM LOCATION REQUIREMENTS:** The SWPPP is meant to be a working document that shall be maintained at the site of the Construction Activities at all times throughout the project, shall be readily available upon request by the Operator's personnel or NYSDEC or any other agency with regulatory authority over storm water issues, and shall be kept on-site until the site complies with the Final Stabilization section of this document. A sign or other notice must be posted near the main entrance of the construction site which contains a completed NOI, the location of the SWPPP and the name and phone number of a contact person responsible for scheduling SWPPP viewing times, and any other state specific requirements.

H. **INSPECTIONS AND RECORD-KEEPING:**

A. **<u>General Construction Site Inspection and Maintenance Requirements</u>**

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1. The **owner or operator** must ensure that all erosion and sediment control practices and all post-construction stormwater management practices identified in the SWPPP are maintained in effective operating condition at all times.

2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the ECL, common law or federal law, or prohibit New York State from taking any measures, whether civil or criminal, to prevent violations of the laws of the State of New York, or protect the public health and safety and/or the environment.

B. **Owner or operator Maintenance Inspection Requirements**

1. The **owner or operator** shall inspect, in accordance with the requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, the erosion and sediment controls identified in the SWPPP to ensure that they are being maintained in effective operating condition at all times.

2. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the **owner or operator** can stop conducting the maintenance inspections. The **owner or operator** shall begin conducting the maintenance inspections in accordance with Part IV.B.1. of the General Permit as soon as soil disturbance activities resume.

3. For construction sites where soil disturbance activities have been shut down with partial project completion, the **owner or operator** can stop conducting the maintenance inspections if all areas disturbed as of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational.

C. **Qualified inspector Inspection Requirements**

The **owner or operator** shall have a **qualified inspector** conduct site inspections in conformance with the following requirements:

Note: The **trained contractor** identified in Part III.A.6 of the General Permit **cannot** conduct the **qualified inspector** site inspections unless they meet the **qualified inspector** qualifications included in Appendix A of the General Permit. In order to perform these inspections, the trained contractor would have to be a:

- Licensed Professional Engineer,
- Certified Professional in Erosion and Sediment Control (CPESC),
- Registered Landscape Architect, or

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- Someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity.

1. A **qualified inspector** shall conduct site inspections for all construction activities identified in Tables 1 and 2 of Appendix B of the General Permit, with the exception of:

   a. The construction of a single family residential subdivision with 25% or less impervious cover at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C of the General Permit and not directly discharging to one of the 303(d) segments listed in Appendix E of the General Permit;

   b. The construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E of the General Permit;

   c. Construction on agricultural property that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres; and

   d. Construction activities located in the watersheds identified in Appendix D of the General Permit that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land.

2. Unless otherwise notified by the Department, the **qualified inspector** shall conduct site inspections in accordance with the following timetable:

   a. For construction sites where soil disturbance activities are on-going, the **qualified inspector** shall conduct a site inspection at least once every seven (7) calendar days.

   b. For construction sites where soil disturbance activities are on-going and the **owner or operator** has received authorization in accordance with Part II.C.3 of the General Permit to **disturb greater than five (5) acres** of soil at any one time, the **qualified inspector** shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

   c. For construction sites where soil disturbance activities have been **temporarily suspended (e.g. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas**, the **qualified inspector** shall conduct a site inspection at least once every thirty (30) calendar days. The **owner or operator** shall notify the Regional Office stormwater contact person (see contact information in Appendix F of the General Permit) or, in areas

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under the jurisdiction of a regulated, traditional land use control MS4, the MS4 (provided the MS4 is not the **owner or operator** of the construction activity) in writing prior to reducing the frequency of inspections.

d. For construction sites where **soil disturbance activities have been shut down with partial project completion**, the **qualified inspector** can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The **owner or operator** shall notify the Regional Office stormwater contact person or, in areas under the jurisdiction of a regulated, traditional land use control MS4, the MS4 (provided the MS4 is not the **owner or operator** of the construction activity). in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the **owner or operator** shall have the **qualified inspector** perform a final inspection and certify that all disturbed areas have achieved final stabilization, and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the "Final Stabilization" and "Post-Construction Stormwater Management Practice" certification statements on the NOT. The **owner or operator** shall then submit the completed NOT form to the address in Part II.A.1 of the General Permit.

3. At a minimum, the **qualified inspector** shall inspect all erosion and sediment control practices to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved final stabilization, all points of discharge to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site, and all points of discharge from the construction site.

4. The **qualified inspector** shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:

   a. Date and time of inspection;

   b. Name and title of person(s) performing inspection;

   c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;

   d. A description of the condition of the runoff at all points of discharge from the construction site. This shall include identification of any discharges of sediment from the construction site. Include discharges from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;

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e. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site which receive runoff from disturbed areas. This shall include identification of any discharges of sediment to the surface waterbody;

f. Identification of all erosion and sediment control practices that need repair or maintenance;

g. Identification of all erosion and sediment control practices that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;

h. Description and sketch of areas that are disturbed at the time of the inspection and areas that have been stabilized (temporary and/or final) since the last inspection;

i. Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;

j. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s); and

k. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The **qualified inspector** shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The **qualified inspector** shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The **qualified inspector** shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.

5. Within one business day of the completion of an inspection, the **qualified inspector** shall notify the **owner or operator** and appropriate contractor or subcontractor identified in Part III.A.6. of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.

6. All inspection reports shall be signed by the **qualified inspector**. Pursuant to Part II.C.2 of the General Permit, the inspection reports shall be maintained on site with the SWPPP.

Record Retention - The **owner or operator** shall retain a copy of the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form and any inspection reports that

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were prepared in conjunction with this permit for a period of at least five (5) years from the date that the site achieves final stabilization. This period may be extended by the Department, in its sole discretion, at any time upon written notification.

I. **SWPPP MODIFICATIONS:** The inspection report should also identify if any revisions to the SWPPP are warranted due to unexpected conditions. The SWPPP is meant to be a dynamic working guide that is to be kept current and amended whenever there is a change in design, construction, operation, or maintenance at the construction site that has or could have a significant effect on the discharge of pollutants or when the plan proves to be ineffective in eliminating or significantly minimizing pollutant discharges. The Contractor's failure to modify or report deficiencies to the Operator will result in the Contractor being liable for fines and construction delays resulting from any federal, state, or local agency enforcement action.

J. **FINAL STABILIZATION AND TERMINATION OF PERMIT COVERAGE:** A site can be considered finally stabilized when all soil disturbing activities have been completed and a uniform perennial vegetative cover with a density of **85%** for the unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been established and the facility no longer discharges storm water associated with construction activities and a Notice of Termination (NOT) form filed by the Operator(s) with the NYSDEC. The Operator's Project Manager must complete the NOT. The NOT must be signed by the signatory (or equivalent position) on the NOI and subsequently submitted to the appropriate agency. The Operator's Project Manager must provide a completed copy of the NOT to the Contractor for inclusion in the SWPPP, which will then be optically scanned into the final SWPPP document as required. This filing terminates coverage under the General Permit and terminates the Contractor's responsibility to implement the SWPPP, but the requirements of the SWPPP, including periodic inspections, must be continued until the NOT is filed. The **owner or operator** shall also have the **qualified inspector** perform a final level 1 inspection and document all site conditions to be signed off on by a licensed professional engineer ensuring all installed catch basins are free of any debris or accumulation of sediment. This inspection report shall be submitted along with the NOT to the Department. This inspection shall be Final payment and/or the release of retainage will be withheld until all provisions of the SWPPP have been submitted, completed and accepted by the Operator.

102 PROJECT NAME AND LOCATION

Mixed Use Building

5226 & 5228 Main Street

Town of Amherst, County of Erie, New York

Easting:

Northing:

Estimated Area of Site ≈ 1.1 acres

Estimated Area to be disturbed by Construction Activities ≈ 1.1 acres

A general location map is included as Appendix A.

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103 OPERATOR'S NAME AND ADDRESS

Ellicott Development

295 Main Street, Suite 700

Buffalo, NY 14203

Contact Person: Williams Paladino

Telephone: 716-864-0060

104 PROJECT DESCRIPTION

This project is a redevelopment of a 1.1-acre site located on Main Street in the Town of Amherst. Construction will consist of a four-story mixed-use building totaling 10,930 sf of commercial space and 30 multi-family units, with associated utility, lighting and landscaping improvements. Currently the site is developed consisting of multiple buildings, all of which are to be demolished. The proposed site development area to be disturbed for this project is approximately 1.1 acres when construction is completed.

Soil disturbing activities will include:

A. Construction of temporary construction exit points

B. Clearing & grubbing of the site within disturbance limits

C. Installation of the underground detention basin & bioretention area including topsoil & seed

D. Installation of storm sewer pipes and inlets

E. Construction of utilities

F. Construction of curb and parking lot

G. Final grading & landscaping

H. Construction of building

This project is owned by Ellicott Development and will be developed by the same. The work area consists of approximately 1.1 acres for which erosion and sediment controls have been developed and fully addressed in this written plan and the Erosion and Sediment Control Plans. See the construction documents for additional details.

105 RUNOFF COEFFICIENT, SOILS, AND RAINFALL INFORMATION

The initial runoff curve number for the pre-construction site is "CN" = 94. The post-construction runoff curve number for the site will be "CN" = 96. The site is 1.1 acres of which approximately 1.1 acres will be disturbed by construction activities.

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See soils information located in Appendix I.

The site is in Erie County, which receives an average of approximately 45 inches rainfall annually with the highest amounts of rainfall received in the months of May thru September. Annual snow for this area is approximately 120 inches.

106 WATERS

The runoff generated from this site will discharge to existing NYSDOT storm sewer system along Main Street.

107 INDIAN COUNTRY LANDS

This project is not located on Indian Lands.

108 ENDANGERED AND THREATENED SPECIES

No endangered or threatened species have been determined to be on the site.

109 CRITICAL HABITAT

See section 108 above.

110 HISTORIC PLACES

The assessed property is shown on the NYSHPO map as an archeologically sensitive area, a review from NYSHPO and been completed and a letter of no impact has been issued.

111 WETLANDS AND/OR OTHER SURFACE WATERS

No federal or state wetlands are found on the project site.

112 EROSION AND SEDIMENT CONTROLS

112.1 STABILIZATION PRACTICES

Stabilization practices for this site include:

A. Land clearing activities shall be done only in areas where earthwork will be performed and shall progress as earthwork is needed.

B. Use of stabilization method for all slopes having a slope greater than 1V:3H.

C. Permanent seeding and planting of all unpaved areas using the hydromulching grass seeding technique.

D. Mulching exposed areas.

E. Vegetation preservation in undisturbed areas.

F. Frequent watering to minimize wind erosion during construction.

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a. **For sites where 5 acres or more are disturbed at any one time**: In areas where soil disturbance activity has been temporarily or permanently ceased, temporary and/or permanent soil stabilization measures shall be installed and/or implemented within seven (7) days from the date the soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the most current version of the New York Standards and Specifications for Erosion and Sediment Control.

b. The **owner or operator** shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.

c. The **owner or operator** shall install any additional measures needed to protect water quality.

112.2 STRUCTURAL PRACTICES

Structural practices for this site include:

A. Inlet protection using a method detailed in the Construction Documents.

B. Perimeter protection using temporary silt fence/silt sock or silt sock.

C. Outlet protection using rip-rap stone and end sections.

D. Stabilized Construction Entrance.

E. Temporary stone wash off areas.

F. Storm sewer, curb/gutter.

G. Sediment traps and basins.

112.3 SEQUENCE OF MAJOR ACTIVITIES

The Contractor will be responsible for implementing the following erosion control and storm water management control measures. The Contractor may designate these tasks to certain subcontractors as he sees fit, but the ultimate responsibility for implementing these controls and ensuring their proper functioning remains with the Contractor. The order of activities will be as follows:

A. Construct temporary construction exits at locations shown on the Demolition & Erosion Control Plan Sheet

B. Install perimeter silt fence/silt socks/silt sock in the locations shown on the Demolition & Erosion Control Plan Sheet

C. Clear & Grub site

D. Installation of underground detention basin

E. Commence site grading

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F. Disturbed areas of the site where construction activity has ceased for more than 14 days shall be temporarily seeded and watered.

G. Construction of buildings

H. Installation of proposed utilities

I. Finalize pavement subgrade preparation.

J. Construct all curb, drainage inlets, storm sewer pipes and storm sewer manholes, as shown on the plans. Install temporary inlet protection at the locations of all inlets.

K. Dust control.

L. Remove inlet protection around inlets and manholes no more than 48 hours prior to placing stabilized base course.

M. Install base material as required for pavement.

N. Carry out final grading and seeding and planting.

O. Clean storm system following construction, clean detention basins of any silt and return to design grades.

P. Remove silt fencing/silt sock only after all paving is complete and exposed surfaces are stabilized.

Q. Remove temporary construction exits only prior to pavement construction in these areas.

Note: Sediment control storage during construction (traps & basins) during construction shall be 134 cy per acre of disturbance per NYSDEC requirements.

112.4 STORM WATER MANAGEMENT

The existing site currently either sheet drains north to the neighboring property or to the central existing catch basin believed to outlet to the existing storm sewer system along Main Street.

Stormwater runoff collected onsite as a result of the proposed development will be routed through the proposed storm sewer system consisting of a bioretention area and underground detention system connected by a series of catch basins, yard drains and smooth interior HDPE pipe. The bioretention areas on site is designed to provide 100% of the required runoff reduction volume (RRv) and water quality volume treatment (WQv) for the 1.1 acre tributary area. The soils in the vicinity of the bioretention area are mainly USDA hydrologic group 'D' and therefore the system will be installed with underdrains per NYSDEC requirements. The bioretention area will consist of 6" perforated HDPE underdrains in 12" of drainage gravel, followed by filter fabric and then finally 18" minimum of planting soil. Overflow yard drains will be installed to allow 6" maximum ponding for RRv treatment. Stormwater detention is required per NYSDEC standards and specifications. The underground detention field was designed to consist of ADS StormTech SC-740 chambers to allow for stormwater to be temporarily stored and discharged at a controlled rate. The chamber system is surrounded by stone and wrapped in geotextile fabric. Note that StormTech is one type of "chamber" system

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and there are several other by different manufacturers that may be used pending approval by the design engineer. Site specific shop drawings will be required from the contractor for approval by the engineer prior to construction of the specific system selected. An 8" outlet control pipe along with an outlet control device will be provided downstream of the underground detention field underdrain pipe and header pipe. Discharge from the outlet pipe will outlet to the existing NYSDOT storm sewer system along Main Street.

Chapter 9 of the NYSDEC Stormwater Management Design Manual details design requirements for redevelopment projects, which this project is categorized as. Runoff reduction and water quality practices are not required for the redevelopment area, but are required for the **newly created impervious areas**. The existing site has a total of **0.80** acres of impervious cover**.** The total amount of impervious cover post development is **0.95** acres, a**n inc**rease of 0.**15** acres in impervious area. Runoff reduction volume (RRv), water quality volume (WQv) and stormwater volume attenuation for the site is designed in accordance with Chapter 4 of the NYSDEC Stormwater design manual. The bioretention area is provided as a "green infrastructure" practice to provide runoff reduction and water quality treatment to meet the Chapter 4 requirements for the currently undeveloped areas. Runoff from the site was looked at as a whole for the calculation of volume attenuation requirements. The proposed underground detention field is designed to accommodate the 1-year through 100-year storm events controlling the offsite runoff rate to less than the existing runoff rates, as well as the below stated Town stormwater runoff requirements.

The NYSDEC Stormwater Management Design Manual requires a five-step process for Stormwater Management Planning as outlined in Chapter 3. The five steps include:

1. Site planning to preserve natural features and reduce impervious cover.
    - Given the narrow shape of the project site and previous development, it is not feasible to preserve any natural vegetation.
2. Calculation of Water Quality Volume (WQv=RRv) for site.
    - See Stormwater Drainage Calculations.
3. Incorporation of Green Infrastructure techniques and standard SMPs with Runoff Reduction Volume (RRv) capacity.
    - Bioretention area was incorporated into the site design to provide required RRv for the development. See Stormwater Drainage Calculations.
4. Use of standard SMPs where applicable, to treat the portion of water quality volume not addressed by green infrastructure techniques and standard SMPs with RRv capacity.
    - Since the provided RRv is greater than the WQv required, use of standard SMPs to treat the remaining WQv is not applicable.
5. Design of volume and peak rate control practices where required.
    - See Stormwater Drainage Calculations.

The NYSDEC Stormwater Management Design Manual requires (5) five different criteria be considered when designing a stormwater management system. Those criteria are Water

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Quality, Runoff Reduction Volume, Channel Protection, Overbank Flooding and Extreme Storm Protection. Below is a summary of each item and how it is incorporated into this project.

Water Quality & Runoff Reduction Volume:

The NYSDEC requires reduction of the total water quality volume by green infrastructure techniques and SMP's to replicate pre-development hydrology. A bioretention area was incorporated into the site layout to provide the required RRv for contributing WQv runoff area for the development. The bioretention area will provide 538 cf RRv. The minimum RRv required is 1,343 cf. The bioretention area will treat the remaining 805 cf of WQv. The required WQv = 1,343 cf. The sum of the WQv treated and the RRv is equal to the required WQv, therefore the practice is acceptable.

Channel Protection:

The NYSDEC requires that 24-Hour extended detention be provided for the proposed 1-year storm event. A volume of 6,181 cf is accommodated in the detention basin at elevation 571.06.

Overbank Flooding:

The NYSDEC requires that the 10-year proposed storm event be attenuated with detention and that the outlet be restricted to the 10-year existing storm event. A volume of 8,552 cf is accommodated in the detention basin at elevation 571.99.

Extreme Storm Protection:

The NYSDEC requires that the 100-year proposed storm event be attenuated with detention and that the outlet be restricted to the 100-year existing storm event. A volume of 36,336 cf is accommodated in the detention basin at elevation 574.14.

Refer to the engineer's report for storm sewer design criteria, runoff summary tables and stormwater drainage calculations.

113 OTHER CONTROLS

113.1 OFF-SITE VEHICLE TRACKING

A stabilized construction exit will be provided to help reduce vehicle tracking of sediments. Existing paved areas will remain as long as possible and will be used for vehicle wash areas and to further aid in the reduction of vehicle tracking of sediments. The paved streets adjacent to the site entrance shall be inspected daily and swept as necessary to remove any excess mud, dirt, or rock tracked from the site. Dump trucks hauling material to/from the construction site will be covered with a tarpaulin. The job site superintendent will be responsible for seeing that these procedures are followed.

113.2 EXCAVATION SPOIL MATERIALS

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Excavation spoil materials are generated during the excavation of the development's building and utilities installation. These materials must be properly managed to prevent them from contributing to storm water discharges. The materials generated from the development of this project will be hauled off-site or stockpiled for re-use in designated areas which will have temporary erosion & sediment control measures installed. Any removal from site will be done under the necessary permits required by the local governing agencies.

113.3 DUST CONTROL

Minimizing wind erosion and controlling dust will be accomplished by one or more of the following methods:

A. Frequent watering of excavation and fill areas.

B. Providing gravel or paving at entrance/exit drives, parking areas and transit paths.

113.4 WASTE DISPOSAL

If needed, all waste materials will be collected and stored in securely lidded metal dumpsters rented from an approved waste management company. The dumpster will comply with all local and state solid waste management regulations.

All trash and construction debris from the site will be deposited in the dumpsters. The dumpsters will be emptied when full and then hauled to a NYSDEC approved landfill for proper disposal. No construction waste will be buried on-site. All personnel will be instructed regarding the correct procedures for waste disposal.

113.5 SANITARY WASTE

If needed, portable toilet units or field offices with toilet facilities connected to the municipal sanitary sewer will be used for sanitary purposes. All portable toilet units will be emptied a minimum of once per week by a licensed portable facility provided in compliance with local and state regulations.

113.6 CONCRETE WASTE FROM CONCRETE TRUCKS

A. Emptying of excess unhardened concrete and/or washout from concrete delivery trucks will be allowed on the job site, but in either (1) specifically designated diked areas which have been prepared to prevent contact between concrete and/or washout and storm water which will be discharged from the site or (2) in locations where waste concrete will be poured into forms to make rip-rap or other useful concrete products.

B. Hardened waste concrete from the designated diked areas described above will be disposed of in accordance with applicable local and state regulations with regards to disposal of construction debris.

113.7 HAZARDOUS SUBSTANCES & HAZARDOUS WASTE

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A. All hazardous waste materials will be disposed of by the Contractor in the manner specified by local, state, and/or federal regulations and by the manufacturer of such products. Site personnel will be instructed in these practices by the job superintendent, who will also be responsible for seeing these practices are followed. Material Safety Data Sheets (MSDS's) for each substance with hazardous properties that is used on the job site will be obtained and used for the proper management of potential wastes that may result from these products. An MSDS will be posted in the immediate area where such products are stored and/or used and another copy of each MSDS will be maintained in the SWPPP file at the job site construction office. Each employee who must handle a substance with hazardous properties will be instructed on the use of MSDS sheets and the specific information in the applicable MSDS for the product he/she is using, particularly regarding spill control techniques.

B. The contractor will implement the Spill Prevention Control and Countermeasures (SPCC) Plan found within this SWPPP and will train all personnel in the proper cleanup and handling of spilled materials. No spilled hazardous materials of hazardous wastes will be allowed to come in contact with storm water discharges. If such contact occurs, the storm water discharge shall be contained on site until appropriate measures in compliance with state and federal regulations are taken to dispose of such contaminated storm water. It shall be the responsibility of the job superintendent to properly train all personnel in the use of the SPCC plan.

C. Any spills of hazardous materials which are in excess of the Reportable Quantities as defined by the EPA regulations shall be immediately reported to the EPA National Response Center at 1-100-424-1102. From SWPPP-9 "Reportable Quantity Release Form" must be filled out.

D. In order to minimize the potential for a spill of hazardous materials to come in contact with storm water, the following steps will be implemented:

1. All materials with hazardous properties (such as pesticides, petroleum products, fertilizers, detergents, construction chemicals, acids, paints, paint solvents, cleaning solvents, additives for soil stabilization, concrete curing compounds and additives, etc.) will be stored in a secure location, under cover, when not in use.

2. The minimum practical quantity of all such materials will be kept on the job site.

3. A spill control and containment kit (containing for example, absorbent such as kitty litter or sawdust, acid neutralizing powder, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) will be provided at the storage site.

4. All of the product in a container will be used before the container is disposed of. All such containers will be triple rinsed with water prior to disposal. The rinse water used in these containers will be disposed of in a manner in

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compliance with state and federal regulations and will not be allowed to mix with storm water discharges.

5. All products will be stored in and used from the original container with the original product label.

6. All products will be used in strict compliance with instructions on the product label.

7. The disposal of excess or used products will be in strict compliance with instructions on the product label.

113.8 CONTAMINATED SOILS

A. Any contaminated soils (resulting from spills of materials with hazardous properties) which may result from construction activities will be contained and cleaned up immediately in accordance with the procedures given in the Spill Prevention Control and Countermeasures (SPCC) Plan and in accordance with applicable state and federal regulations.

B. The job site superintendent will be responsible for seeing that these procedures are followed.

114 COMPLIANCE WITH FEDERAL, STATE, AND LOCAL REGULATIONS

The Contractor will obtain copies of any and all local and state regulations which are applicable to storm water management, erosion control, and pollution minimization at this job site and will comply fully with such regulations. The Contractor will submit written evidence of such compliance if requested by the Operator or any agent of a regulatory body. The Contractor will comply with all conditions of the SPDES General Permit for Construction Activity for the State of New York, including the conditions related to maintaining the SWPPP and evidence of compliance with the SWPPP at the job site and allowing regulatory personnel access to the job site and to records in order to determine compliance.

The SWPPP for this site development project requires regulated MS4 approval from the Town of Amherst. All changes to the SWPPP must be approved by the Town of Amherst prior to applying changes to the SWPPP in the field.

115 INSPECTION AND MAINTENANCE PROCEDURES

The following inspection and maintenance practices will be used to maintain erosion and sediment controls and stabilization measures.

1. All control measures will be inspected by the owner/operator at least weekly and shall continue until the site complies with the Final Stabilization section of this document (See Section 116).

2. All control measures will be inspected by a Qualified Professional at least weekly and shall continue until the site complies with the Final Stabilization section of this document (See Section 116).

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3. All measures will be maintained in good working order; if repairs or other measures are found to be necessary, they will be initiated within 24 hours of report.

4. Built up sediment will be removed from silt fence/silt sock when it has reached one-third the height of the fence.

5. Silt fence/silt socks will be inspected for depth of sediment, tears, etc., to see if the fabric is securely attached to the fence posts, and to see that the fence posts are securely in the ground.

6. Temporary and permanent seeding and all other stabilization measures will be inspected for bare spots, washouts, and healthy growth.

7. A maintenance inspection report will be made after each inspection. Copies of the report forms to be completed by the inspector are included in this SWPPP.

8. The job site superintendent will be responsible for selecting and training the individuals who will be responsible for these inspections, maintenance and repair activities, and filling out inspection and maintenance reports.

9. Personnel selected for the inspection and maintenance responsibilities will receive training from the job site superintendent. They will be trained in all the inspection and maintenance practices necessary for keeping the erosion and sediment controls that are used onsite in good working order. They will also be trained in the completion of, initiation of actions required by, and the filing of the inspection forms. Documentation of this personnel training will be kept on site with the SWPPP.

10. Disturbed areas and materials storage areas will be inspected for evidence of or potential for pollutants entering stormwater systems.

11. Report to the NYSDEC within 24 hours any noncompliance with the SWPPP that will endanger public health or the environment. Follow up with a written report within 5 days of the noncompliance event. The following events require 24 hour reporting: a) any unanticipated bypass which exceeds any effluent limitation in the permit, b) any upset which exceeds any effluent limitation in the permit, and c) a violation of a maximum daily discharge limitation for any of the pollutants listed by the NYSDEC in the permit to be reported within 24 hours. The written submission must contain a description of the non-compliance and its cause; the period of non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

12. Releases of hazardous substances or oil in excess of reportable quantities (as established under 40 CFR 110, 40 CFR 117 or 40 CFR 302) must be reported.

Upon completion of construction, the property owner is responsible for ensuring that the stormwater facilities are regularly inspected and maintained. Maintenance and inspection procedures are as follows.

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1. On a quarterly basis and following significant rainfall events or snow-melts, perform the following:

   - Inspect catch basins, storm manholes, treatment structures, storm piping and stormwater pond for debris and accumulation of sediment.
   - Remove and properly dispose of any collected debris and sediment in accordance with applicable state, federal and local regulations.
   - Flush piping with water if necessary to remove accumulated sediment.
   - Bioretention areas shall be maintained per the NYSDEC Maintenance and Management Checklist included in this SWPPP.
   - Check all stone outfall structures for erosion and re-stone if necessary to prevent further erosion.
   - Inspect grassed/landscaped areas for un-vegetated areas or areas with less than 85% healthy stand of grass and reseed and mulch as necessary. Water daily if reseeded in July and August.
   - A record of all inspections should be kept.

2. Maintain all lawn areas by regular mowing, including the grassed slopes of the stormwater pond and any grass swales. Any eroded areas shall be regarded, seeded and mulched immediately.

116 INSPECTION AND MAINTENANCE REPORT FORMS

Once installation of any required or optional erosion control device or measure has been implemented, inspections shall be performed by a Qualified Professional at least once every seven (7) calendar days. For construction sites where soil disturbance activities are on-going and the **owner or operator** has received authorization in accordance with Part II.C.3 of the General Permit to disturb greater than five (5) acres of soil at any one time, the **qualified inspector** shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days. The owner and contractor shall obtain from the MS4 an approval for disturbing more than five-acres at any given time. For construction sites where active construction has been suspended, inspection frequency under the general permit can be reduced to once every 30 days, provided temporary stabilization measures have been applied to all disturbed areas. The forms found in this SWPPP shall be used by the inspectors to inventory and report the condition of each measure to assist in maintaining the erosion and sediment control measures in good working order.

These report forms shall become an integral part of the SWPPP and shall be made readily accessible to governmental inspection officials, the Operator's Engineer, and the Operator for review upon request during visits to the project site. In addition, copies of the reports shall be provided to any of these persons, upon request, via mail or facsimile transmission. Inspection and maintenance report forms are to be maintained by the permittee for five years following the final stabilization of the site.

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117 OTHER RECORD-KEEPING REQUIREMENTS

The Contractor shall keep the following records related to construction activities at the site:

- Dates when major grading activities occur and the areas which were graded
- Dates and details concerning the installation of structural controls
- Dates when construction activities cease in an area
- Dates when an areas is stabilized, either temporarily or permanently
- Dates of rainfall and the amount of rainfall
- Dates and descriptions of the character and amount of any spills of hazardous materials
- Records of reports filed with regulatory agencies if reportable quantities of hazardous materials spilled

118 SPILL PREVENTION CONTROL AND COUNTERMEASURES (SPCC) PLAN

118.1 MATERIALS COVERED

The following materials or substances are expected to be present onsite during construction:

- Concrete/Additives/Wastes
- Cleaning solvents
- Sanitary wastes
- Detergents
- Petroleum based products
- Paints/Solvents
- Pesticides
- Solid and construction wastes
- Acids
- Fertilizers
- Soil stabilization additives

118.2 MATERIAL MANAGEMENT PRACTICES

The following are the material management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to stormwater runoff. The job site superintendent will be responsible for ensuring that these procedures are followed.

A. Good Housekeeping

The following good housekeeping practices will be followed onsite during the construction project.

1. An effort will be made to store only enough products required to do the job.

2. All materials stored onsite will be stored in a neat, orderly manner and, if possible, under a roof or in a containment area. At a minimum, all containers

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will be stored with their lids on when not in use. Drip pans shall be provided under all dispensers.

3. Products will be kept in their original containers with the original manufacturer's label in legible condition.

4. Substances will not be mixed with one another unless recommended by the manufacturer.

5. Whenever possible, all of a product will be used up before disposing of the container.

6. Manufacturer's recommendations for proper use and disposal will be followed.

7. The job site superintendent will be responsible for daily inspections to ensure proper use and disposal of materials.

B. Hazardous Products

These practices will be used to reduce the risks associated with hazardous materials. Material Safety Data Sheets (MSDS's) for each substance with hazardous properties that is used on the job site will be obtained and used for the proper management of potential wastes that may result from these products. An MSDS will be posted in the immediate area where such product is stored and/or used and another copy of each MSDS will be maintained in the SWPPP file at the job site construction trailer office. Each employee who must handle a substance with hazardous properties will be instructed on the use of MSDS sheets and the specific information in the applicable MSDS for the product he/she is using, particularly regarding spill control techniques.

1. Products will be kept in original containers with the original labels in legible condition.

2. Original labels and material safety data sheets (MSDS's) will be procured and used for each material.

3. If surplus product must be disposed of, manufacturer's or local/state/federal recommended methods for proper disposal will be followed.

4. A spill control and containment kit (containing for example, absorbent such as kitty litter or sawdust, acid neutralizing powder, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) will be provided at the storage site.

5. All of the product in a container will be used before the container is disposed of. All such containers will be triple rinsed with water prior to disposal. The rinse water used in these containers will be disposed of in a manner in compliance with state and federal regulations and will not be allowed to mix with storm water discharges.

C. Hazardous Waste

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All hazardous waste materials will be disposed of by the Contractor in the manner specified by local, state, and/or federal regulations and by the manufacturer of such products. Site personnel will be instructed in these practices by the job site superintendent, who will also be responsible for seeing that these practices are followed.

D. Product Specific Practices

The following product specific practices will be followed on the job site.

1. Petroleum Products

All onsite vehicles will be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers which are clearly labeled. Any petroleum storage tanks stored onsite will be located within a containment area that is designed with an impervious surface between the tank and the ground. The secondary containment must be designed to provide a containment volume that is equal to 110% of the volume of the largest tank. Drip pans shall be provided for all dispensers. Any asphalt substances used onsite will be applied according to the manufacturer's recommendations. The location of any fuel tanks and/or equipment storage areas must be identified on a plan by the contractor once the locations have been determined.

2. Fertilizers

Fertilizers will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked in the soil to limit exposure to stormwater. Storage will be in a covered shed. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.

3. Paints, Paint Solvents, and Cleaning Solvents

All containers will be tightly sealed and stored when not in use. Excess paint and solvents will not be discharged to the storm sewer system but will be properly disposed of according to manufacturer's instructions or state and federal regulations.

4. Concrete Wastes

Concrete trucks will be allowed to wash out or discharge surplus concrete or drum wash water on the site, but only in either (1) specifically designated diked areas which have been prepared to prevent contact between the concrete and/or wash out and storm water which will be discharged from the site or (2) in locations where waste concrete can be poured into forms to make riprap or other useful concrete products.

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The hardened residue from the concrete wash out diked areas will be disposed of in the same manner as other non-hazardous construction waste materials or may be broken up and used on site as deemed appropriate by the Contractor. The job site superintendent will be responsible for seeing that these procedures are followed.

All concrete wash out areas will be located in an area where the likelihood of the area contributing to storm water discharges is negligible. If required, additional BMPs must be implemented to prevent concrete wastes from contributing to storm water discharges. The location of concrete wash out area(s) must be identified on a plan by the contractor once the locations have been determined. In addition, a standard detail on the construction of the concrete wash out shall be included on this plan.

E. Solid and Construction Wastes

All waste materials will be collected and stored in an appropriately covered container and/or securely lidded metal dumpster rented from a local waste management company which must be a solid waste management company licensed to do business in New York and the Town of Amherst. The dumpster will comply with all local and state solid waste management regulations.

All trash and construction debris from the site will be deposited in the dumpster. The dumpster will be emptied a minimum of twice per week or more often if necessary, and the trash will be hauled to a landfill approved by the NYSDEC. No construction waste materials will be buried on site. All personnel will be instructed regarding the correct procedures for waste disposal.

All waste dumpsters and roll-off containers will be located in an area where the likelihood of the containers contributing to storm water discharges is negligible. If required, additional BMPs must be implemented, such as sandbags around the base, to prevent wastes from contributing to storm water discharges. The location of waste dumpsters and roll-off containers must be identified on a plan by the contractor once the locations have been determined.

F. Sanitary Wastes

Portable toilet units or field offices with toilet facilities connected to the municipal sanitary sewer will be used for sanitary purposes. All portable toilet units will be emptied a minimum of once per week by a licensed portable facility provided in compliance with local and state regulations.

All sanitary waste units will be located in an area where the likelihood of the unit contributing to storm water discharges is negligible. If required, additional BMPs must be implemented, such as sandbags around the base, to prevent wastes from contributing to storm water discharges. The location of sanitary waste units must be identified on a plan by the contractor once the locations have been determined.

G. Contaminated Soils

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Any contaminated soils (resulting from spills of materials with hazardous properties) which may result from construction activities will be contained and cleaned up immediately in accordance with the procedures given in the Materials Management Plan and in accordance with applicable state and federal regulations.

118.3 SPILL PREVENTION AND RESPONSE PROCEDURES

The Contractor will train all personnel in the proper handling and cleanup of spilled materials. No spilled hazardous materials or hazardous wastes will be allowed to come in contact with storm water discharges. If such contact occurs, the storm water discharge will be contained on site until appropriate measures in compliance with state and federal regulations are taken to dispose of such contaminated storm water. It shall be the responsibility of the job site superintendent to properly train all personnel in spill prevention and clean up procedures.

A. In order to minimize the potential for a spill of hazardous materials to come into contact with storm water, the following steps will be implemented:

1. All materials with hazardous properties (such as pesticides, petroleum products, fertilizers, detergents, construction chemicals, acids, paints, paint solvents, cleaning solvents, additives for soil stabilization, concrete curing compounds and additives, etc.) will be stored in a secure location, with their lids on, preferably under cover, when not in use.

2. The minimum practical quantity of all such materials will be kept on the job site.

3. A spill control and containment kit (containing, for example, absorbent materials, acid neutralizing powder, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) will be provided at the storage site.

4. Manufacturer's recommended methods for spill cleanup will be clearly posted and site personnel will be trained regarding these procedures and the location of the information and cleanup supplies.

B. In the event of a spill, the following procedures should be followed

1. All spills will be cleaned up immediately after discovery.

2. The spill area will be kept well ventilated and personnel will wear appropriate protective clothing to prevent injury from contact with the hazardous substances.

3. The project manager and the Engineer of Record will be notified immediately.

Spills of toxic or hazardous materials will be reported to the appropriate federal, state, and/or local government agency, regardless of the size of the spill. Spills of amounts that exceed Reportable Quantities of certain

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substances specifically mentioned in federal regulations (40 CFR 110, 40 CFR 117, and 40 CFR 302) must be immediately reported to the EPA National Response Center, telephone 1-100-424-1102. From SWPPP-9 "Reportable Quantity Release Form" must be filled out.

4. If the spill exceeds a Reportable Quantity, the SWPPP must be modified within seven (7) calendar days of knowledge of the discharge to provide a description of the release, the circumstances leading to the release, and the date of the release. The plans must identify measures to prevent the recurrence of such releases and to respond to such releases.

C. The job site superintendent will be the spill prevention and response coordinator. He will designate the individuals who will receive spill prevention and response training. These individuals will each become responsible for a particular phase of prevention and response. The names of these personnel will be posted in the material storage area and in the office trailer onsite.

119 CONTROL OF NON-STORM WATER DISCHARGES

Certain types of discharges are allowable under the NYSDEC SPDES General Permit for Construction Activity for the State of New York, and it is the intent of this SWPPP to allow such discharges. These types of discharges will be allowed under the conditions that no pollutants will be allowed to come in contact with the water prior to or after its discharge. The control measures which have been outlined previously in this SWPPP will be strictly followed to ensure that no contamination of these non-storm water discharges takes place. The following allowable non-storm water discharges which may occur at the job site include:

A. Discharges from firefighting activities.

B. Fire hydrant flushings (see note below)

C. Waters used to wash vehicles or control dust in order to minimize offsite sediment tracking.

D. Routine external building washdown which does not use detergents.

E. Pavement wash waters where spills or leaks of hazardous materials have not occurred or detergents have not been used.

F. Air conditioning condensate.

G. Springs or other uncontaminated groundwater, including dewatering ground water infiltration.

H. Foundation or footing drains where no contamination with process materials such as solvents is present.

Note: The Contractor shall discharge any super-chlorinated water from water distribution pipe disinfection activities into sanitary sewer system

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120 STORM WATER CONTROL FACILITY MAINTENANCE

The frequency of inspections for the bioretention area shall match the frequencies listed on the “Bioretention Operation, Maintenance and Management Inspection Checklist” in Appendix K of the SWPPP. The frequency of inspections for the underground detention system should follow manufacturer's recommendations.

The proposed catch basins, as per section 115, shall be inspected 4 times per year for removal of floatable debris. Any silt buildup over 6” in depth shall be removed and disposed of properly off-site.

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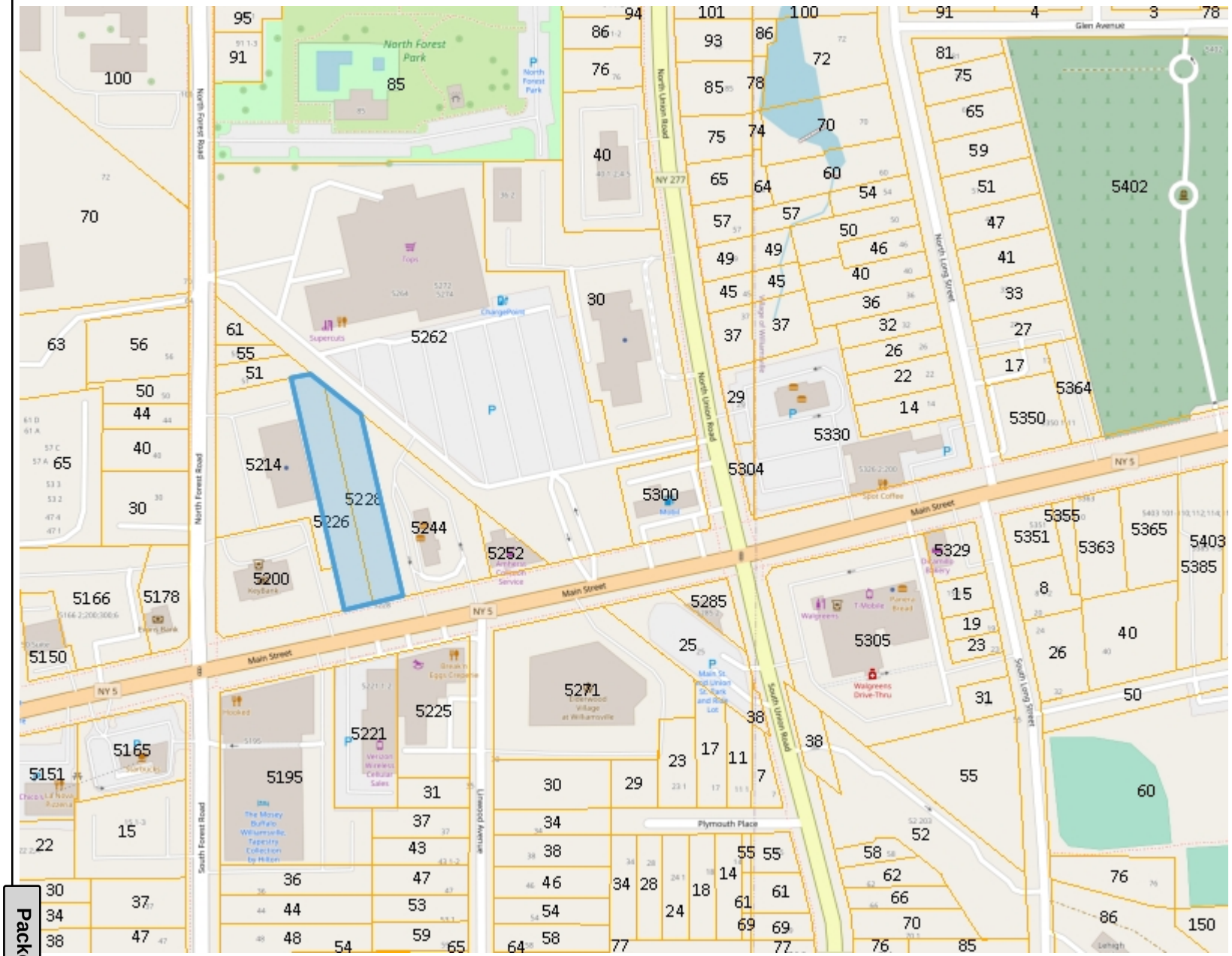
Appendix A

Site Location Map

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Erie County On-Line Mapping Application



Legend

- Parcels

0.07 0.1 Miles

VGS_1984_Web_Mercator_Auxiliary_Sphere

HIS MAP IS NOT TO BE USED FOR NAVIGATION

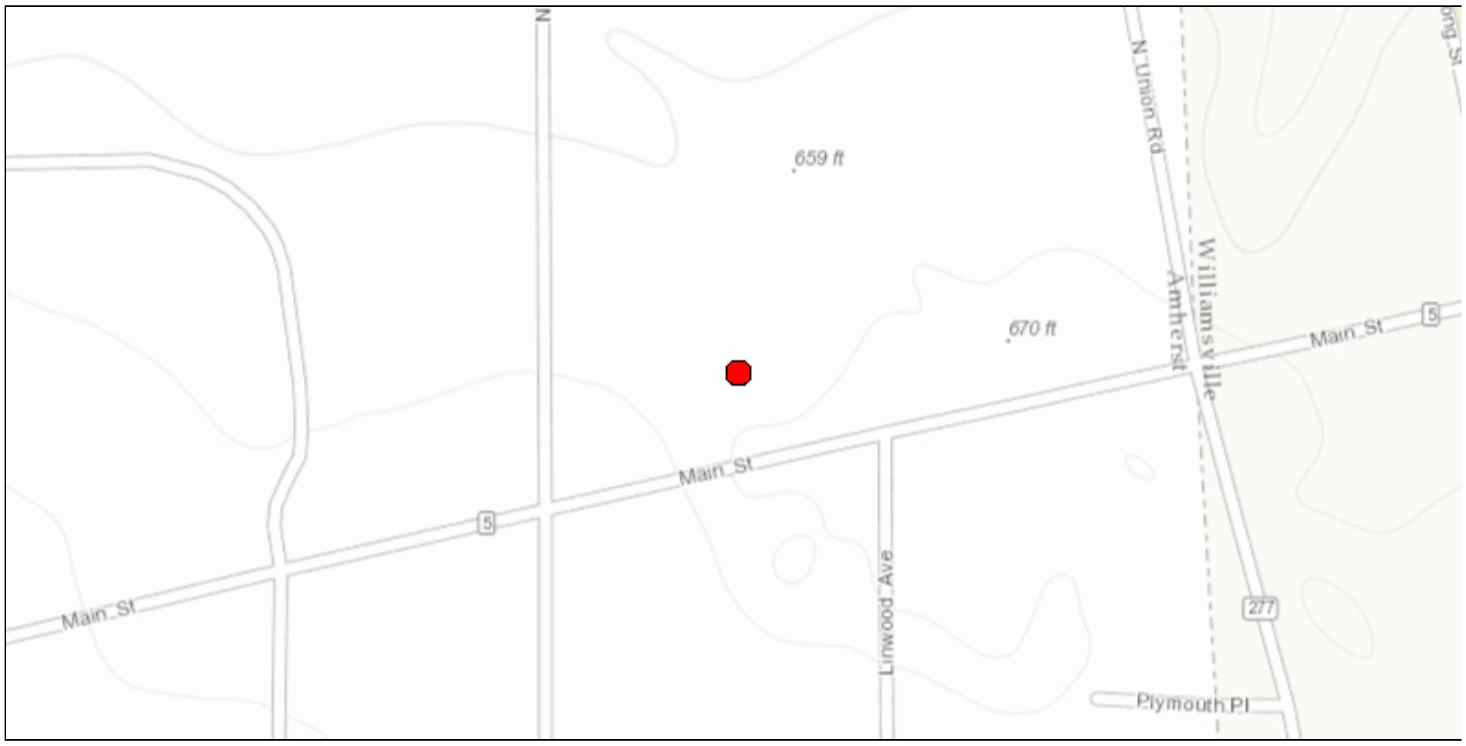
ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 4,514

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Stormwater Interactive Map



The coordinates of the point you clicked on are:

UTM 18	**Easting:**	193466.436	**Northing:**	4763350.495
Longitude/Latitude	**Latitude:**	42.961	**Longitude:**	-78.758

The approximate address of the point you clicked on is:
5226 Main St, Buffalo, New York, 14221

County: Erie
Town: Amherst
USGS Quad: BUFFALO NE

DEC Administrative Boundaries

Region 9:
(Western New York) Allegany, Chautauqua, Cattaraugus, Erie, Niagara and Wyoming counties. For more information visit http://www.dec.ny.gov/about/617.html.

Impaired Lakes for MSGP

PWL ID: undefined
Waterbody Name: undefined
Waterbody Type: undefined
Applicable Sectors: undefined
Pollutant: undefined

MS4 GP Automatically Designated Areas

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Appendix B

NYSDEC Notice of Intent (NOI)

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

NOTICE OF INTENT

New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505

NYR _____ (for DEC use only)

Stormwater Discharges Associated with Construction Activity Under State Pollutant Discharge Elimination System (SPDES) General Permit # GP-0-20-001

All sections must be completed unless otherwise noted. Failure to complete all items may result in this form being returned to you, thereby delaying your coverage under this General Permit. Applicants must read and understand the conditions of the permit and prepare a Stormwater Pollution Prevention Plan prior to submitting this NOI. Applicants are responsible for identifying and obtaining other DEC permits that may be required.

-IMPORTANT-
RETURN THIS FORM TO THE ADDRESS ABOVE

OWNER/OPERATOR MUST SIGN FORM

Owner/Operator Information

Owner/Operator (Company Name/Private Owner Name/Municipality Name)
Ellicott Development

Owner/Operator Contact Person Last Name (NOT CONSULTANT)
Paladino

Owner/Operator Contact Person First Name
William

Owner/Operator Mailing Address
295 Main Street, Suite 100

City
Buffalo

State: NY
Zip: 14203 -

Phone (Owner/Operator): 716 - 864 - 0060
Fax (Owner/Operator): ___ - ___ - ____

Email (Owner/Operator)
bpaladino@ellicottdevelopment.com

FED TAX ID
__ - _____ (not required for individuals)

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Project Site Information

Project/Site Name

Mixed Use Building

Street Address (NOT P.O. BOX)

5226 Main Street

Side of Street

● **North** ○ **South** ○ **East** ○ **West**

City/Town/Village (THAT ISSUES BUILDING PERMIT)

Amherst

State: NY

Zip: 14221-

County: Erie

DEC Region: 9

Name of Nearest Cross Street

Linwood Avenue

Distance to Nearest Cross Street (Feet)

150

Project In Relation to Cross Street

○ **North** ○ **South** ○ **East** ● **West**

Tax Map Numbers
Section-Block-Parcel

80.08-7-9

Tax Map Numbers

80.08-7-10

1. Provide the Geographic Coordinates for the project site. To do this, go to the NYSDEC Stormwater Interactive Map on the DEC website at:

https://gisservices.dec.ny.gov/gis/stormwater/

Zoom into your Project Location such that you can accurately click on the centroid of your site. Once you have located the centroid of your project site, go to the bottom right hand corner of the map for the X, Y coordinates. Enter the coordinates into the boxes below. For problems with the interactive map use the help function.

X Coordinates (Easting)

-7 .

Ex. -73.749

Y Coordinates (Northing)

.

Ex. 42.652

2. What is the nature of this construction project?

○ **New Construction**

● **Redevelopment with increase in impervious area**

○ **Redevelopment with no increase in impervious area**

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3. Select the predominant land use for both pre and post development conditions.
SELECT ONLY ONE CHOICE FOR EACH

Pre-Development Existing Land Use

- ○ FOREST
- ○ PASTURE/OPEN LAND
- ○ CULTIVATED LAND
- ○ SINGLE FAMILY HOME
- ○ SINGLE FAMILY SUBDIVISION
- ○ TOWN HOME RESIDENTIAL
- ○ MULTIFAMILY RESIDENTIAL
- ○ INSTITUTIONAL/SCHOOL
- ○ INDUSTRIAL
- ● COMMERCIAL
- ○ ROAD/HIGHWAY
- ○ RECREATIONAL/SPORTS FIELD
- ○ BIKE PATH/TRAIL
- ○ LINEAR UTILITY
- ○ PARKING LOT
- ○ OTHER

Post-Development Future Land Use

- ○ SINGLE FAMILY HOME
- ○ SINGLE FAMILY SUBDIVISION — Number of Lots
- ○ TOWN HOME RESIDENTIAL
- ○ MULTIFAMILY RESIDENTIAL
- ○ INSTITUTIONAL/SCHOOL
- ○ INDUSTRIAL
- ○ COMMERCIAL
- ○ MUNICIPAL
- ○ ROAD/HIGHWAY
- ○ RECREATIONAL/SPORTS FIELD
- ○ BIKE PATH/TRAIL
- ○ LINEAR UTILITY (water, sewer, gas, etc.)
- ○ PARKING LOT
- ○ CLEARING/GRADING ONLY
- ○ DEMOLITION, NO REDEVELOPMENT
- ○ WELL DRILLING ACTIVITY *(Oil, Gas, etc.)
- ● OTHER: mixed use

***Note**: for gas well drilling, non-high volume hydraulic fractured wells only

4. In accordance with the larger common plan of development or sale, enter the total project site area; the total area to be disturbed; existing impervious area to be disturbed (for redevelopment activities); and the future impervious area constructed within the disturbed area. (Round to the nearest tenth of an acre.)

Total Site Area	Total Area To Be Disturbed	Existing Impervious Area To Be Disturbed	Future Impervious Area Within Disturbed Area
1.1	1.1	0.8	0.9

5. Do you plan to disturb more than 5 acres of soil at any one time? ○ **Yes** ● **No**

6. Indicate the percentage of each Hydrologic Soil Group(HSG) at the site.

A	B	C	D
%	%	%	100 %

7. Is this a phased project? ○ **Yes** ● **No**

8. Enter the planned start and end dates of the disturbance activities.

Start Date	End Date
05/01/2024	05/01/2025

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9. Identify the nearest surface waterbody(ies) to which construction site runoff will discharge.

Name

Ellicott Creek

9a. Type of waterbody identified in Question 9?

- ○ Wetland / State Jurisdiction On Site (Answer 9b)
- ○ Wetland / State Jurisdiction Off Site
- ○ Wetland / Federal Jurisdiction On Site (Answer 9b)
- ○ Wetland / Federal Jurisdiction Off Site
- ● Stream / Creek On Site
- ○ Stream / Creek Off Site
- ○ River On Site
- ○ River Off Site
- ○ Lake On Site
- ○ Lake Off Site
- ○ Other Type On Site
- ○ Other Type Off Site

9b. How was the wetland identified?

- ○ Regulatory Map
- ○ Delineated by Consultant
- ○ Delineated by Army Corps of Engineers
- ○ Other (identify)

10. Has the surface waterbody(ies) in question 9 been identified as a 303(d) segment in Appendix E of GP-0-20-001? ● **Yes** ○ **No**

11. Is this project located in one of the Watersheds identified in Appendix C of GP-0-20-001? ○ **Yes** ● **No**

12. Is the project located in one of the watershed areas associated with AA and AA-S classified waters? ○ **Yes** ● **No**
If no, skip question 13.

13. Does this construction activity disturb land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey? ○ **Yes** ● **No**
If Yes, what is the acreage to be disturbed?

14. Will the project disturb soils within a State regulated wetland or the protected 100 foot adjacent area? ○ **Yes** ● **No**

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15. Does the site runoff enter a separate storm sewer system (including roadside drains, swales, ditches, culverts, etc)? ◉ Yes ○ No ○ Unknown

16. What is the name of the municipality/entity that owns the separate storm sewer system?

NYSDOT

17. Does any runoff from the site enter a sewer classified as a Combined Sewer? ○ Yes ◉ No ○ Unknown

18. Will future use of this site be an agricultural property as defined by the NYS Agriculture and Markets Law? ○ Yes ◉ No

19. Is this property owned by a state authority, state agency, federal government or local government? ○ Yes ◉ No

20. Is this a remediation project being done under a Department approved work plan? (i.e. CERCLA, RCRA, Voluntary Cleanup Agreement, etc.) ○ Yes ◉ No

21. Has the required Erosion and Sediment Control component of the SWPPP been developed in conformance with the current NYS Standards and Specifications for Erosion and Sediment Control (aka Blue Book)? ◉ Yes ○ No

22. Does this construction activity require the development of a SWPPP that includes the post-construction stormwater management practice component (i.e. Runoff Reduction, Water Quality and Quantity Control practices/techniques)? ◉ Yes ○ No
If No, skip questions 23 and 27-39.

23. Has the post-construction stormwater management practice component of the SWPPP been developed in conformance with the current NYS Stormwater Management Design Manual? ◉ Yes ○ No

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24. The Stormwater Pollution Prevention Plan (SWPPP) was prepared by:

- ● **Professional Engineer (P.E.)**
- ○ **Soil and Water Conservation District (SWCD)**
- ○ **Registered Landscape Architect (R.L.A)**
- ○ **Certified Professional in Erosion and Sediment Control (CPESC)**
- ○ **Owner/Operator**
- ○ **Other**

SWPPP Preparer
Carmina Wood Design

Contact Name (Last, Space, First)
Wood Christopher

Mailing Address
487 Main Street, Suite 500

City
Buffalo

State NY Zip 14203 -

Phone 716 - 842 - 3165

Fax - -

Email
cwood@carminawooddesign.com

SWPPP Preparer Certification

I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the GP-0-20-001. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

First Name Christopher **MI**

Last Name Wood

Date 11 / 20 / 2023

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25. Has a construction sequence schedule for the planned management practices been prepared? ● Yes ○ No

26. Select **all** of the erosion and sediment control practices that will be employed on the project site:

Temporary Structural

- ○ Check Dams
- ○ Construction Road Stabilization
- ○ Dust Control
- ○ Earth Dike
- ○ Level Spreader
- ○ Perimeter Dike/Swale
- ○ Pipe Slope Drain
- ○ Portable Sediment Tank
- ○ Rock Dam
- ○ Sediment Basin
- ○ Sediment Traps
- ● Silt Fence
- ● Stabilized Construction Entrance
- ● Storm Drain Inlet Protection
- ○ Straw/Hay Bale Dike
- ○ Temporary Access Waterway Crossing
- ○ Temporary Stormdrain Diversion
- ○ Temporary Swale
- ○ Turbidity Curtain
- ○ Water bars

Biotechnical

- ○ Brush Matting
- ○ Wattling

Vegetative Measures

- ○ Brush Matting
- ○ Dune Stabilization
- ○ Grassed Waterway
- ○ Mulching
- ○ Protecting Vegetation
- ○ Recreation Area Improvement
- ● Seeding
- ○ Sodding
- ○ Straw/Hay Bale Dike
- ○ Streambank Protection
- ○ Temporary Swale
- ○ Topsoiling
- ○ Vegetating Waterways

Permanent Structural

- ○ Debris Basin
- ○ Diversion
- ○ Grade Stabilization Structure
- ○ Land Grading
- ○ Lined Waterway (Rock)
- ○ Paved Channel (Concrete)
- ○ Paved Flume
- ○ Retaining Wall
- ○ Riprap Slope Protection
- ○ Rock Outlet Protection
- ○ Streambank Protection

Other

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Post-construction Stormwater Management Practice (SMP) Requirements

Important: Completion of Questions 27-39 is not required if response to Question 22 is No.

27. Identify all site planning practices that were used to prepare the final site plan/layout for the project.

- ○ **Preservation of Undisturbed Areas**
- ○ **Preservation of Buffers**
- ○ **Reduction of Clearing and Grading**
- ○ **Locating Development in Less Sensitive Areas**
- ○ **Roadway Reduction**
- ○ **Sidewalk Reduction**
- ○ **Driveway Reduction**
- ○ **Cul-de-sac Reduction**
- ● **Building Footprint Reduction**
- ○ **Parking Reduction**

27a. Indicate which of the following soil restoration criteria was used to address the requirements in Section 5.1.6("Soil Restoration") of the Design Manual (2010 version).

- ● All disturbed areas will be restored in accordance with the Soil Restoration requirements in Table 5.3 of the Design Manual (see page 5-22).
- ○ Compacted areas were considered as impervious cover when calculating the **WQv Required**, and the compacted areas were assigned a post-construction Hydrologic Soil Group (HSG) designation that is one level less permeable than existing conditions for the hydrology analysis.

28. Provide the total Water Quality Volume (WQv) required for this project (based on final site plan/layout).

Total WQv Required

			.				**acre-feet**

29. Identify the RR techniques (Area Reduction), RR techniques(Volume Reduction) and Standard SMPs with RRv Capacity in Table 1 (See Page 9) that were used to reduce the Total WQv Required(#28).

Also, provide in Table 1 the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

Note: Redevelopment projects shall use Tables 1 and 2 to identify the SMPs used to treat and/or reduce the WQv required. If runoff reduction techniques will not be used to reduce the required WQv, skip to question 33a after identifying the SMPs.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

7738089822

Table 1 - Runoff Reduction (RR) Techniques and Standard Stormwater Management Practices (SMPs)

	Total Contributing Area (acres)		Total Contributing Impervious Area (acres)	
RR Techniques (Area Reduction)				
○ Conservation of Natural Areas (RR-1)		and/or		
○ Sheetflow to Riparian Buffers/Filters Strips (RR-2)		and/or		
○ Tree Planting/Tree Pit (RR-3)		and/or		
○ Disconnection of Rooftop Runoff (RR-4)		and/or		
RR Techniques (Volume Reduction)				
○ Vegetated Swale (RR-5)				
○ Rain Garden (RR-6)				
○ Stormwater Planter (RR-7)				
○ Rain Barrel/Cistern (RR-8)				
○ Porous Pavement (RR-9)				
○ Green Roof (RR-10)				
Standard SMPs with RRv Capacity				
○ Infiltration Trench (I-1)				
○ Infiltration Basin (I-2)				
○ Dry Well (I-3)				
○ Underground Infiltration System (I-4)				
○ Bioretention (F-5)				
○ Dry Swale (O-1)				
Standard SMPs				
○ Micropool Extended Detention (P-1)				
○ Wet Pond (P-2)				
○ Wet Extended Detention (P-3)				
○ Multiple Pond System (P-4)				
○ Pocket Pond (P-5)				
○ Surface Sand Filter (F-1)				
○ Underground Sand Filter (F-2)				
○ Perimeter Sand Filter (F-3)				
○ Organic Filter (F-4)				
○ Shallow Wetland (W-1)				
○ Extended Detention Wetland (W-2)				
○ Pond/Wetland System (W-3)				
○ Pocket Wetland (W-4)				
○ Wet Swale (O-2)				

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Table 2 - Alternative SMPs (DO NOT INCLUDE PRACTICES BEING USED FOR PRETREATMENT ONLY)

Alternative SMP	Total Contributing Impervious Area (acres)
○ Hydrodynamic	
○ Wet Vault	
○ Media Filter	
○ Other _____	

Provide the name and manufacturer of the Alternative SMPs (i.e. proprietary practice(s)) being used for WQv treatment.

Name

Manufacturer

Note: Redevelopment projects which do not use RR techniques, shall use questions 28, 29, 33 and 33a to provide SMPs used, total WQv required and total WQv provided for the project.

30. Indicate the Total RRv provided by the RR techniques (Area/Volume Reduction) and Standard SMPs with RRv capacity identified in question 29.

Total RRv provided

_____ **acre-feet**

31. Is the Total RRv provided (#30) greater than or equal to the total WQv required (#28).

○ **Yes** ● **No**

If Yes, go to question 36.
If No, go to question 32.

32. Provide the Minimum RRv required based on HSG.
[Minimum RRv Required = (P)(0.95)(Ai)/12, Ai=(S)(Aic)]

Minimum RRv Required

0.102 **acre-feet**

32a. Is the Total RRv provided (#30) greater than or equal to the Minimum RRv Required (#32)?

● **Yes** ○ **No**

If Yes, go to question 33.
Note: Use the space provided in question #39 to summarize the specific site limitations and justification for not reducing 100% of WQv required (#28). A detailed evaluation of the specific site limitations and justification for not reducing 100% of the WQv required (#28) must also be included in the SWPPP.
If No, sizing criteria has not been met, so NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

33. Identify the Standard SMPs in Table 1 and, if applicable, the Alternative SMPs in Table 2 that were used to treat the remaining total WQv(=Total WQv Required in 28 - Total RRv Provided in 30).

Also, provide in Table 1 and 2 the total impervious area that contributes runoff to each practice selected.

Note: Use Tables 1 and 2 to identify the SMPs used on Redevelopment projects.

33a. Indicate the Total WQv provided (i.e. WQv treated) by the SMPs identified in question #33 and Standard SMPs with RRv Capacity identified in question 29.

WQv Provided

[ ][ ][ ].[ ][ ][ ] **acre-feet**

Note: For the standard SMPs with RRv capacity, the WQv provided by each practice = the WQv calculated using the contributing drainage area to the practice - RRv provided by the practice. (See Table 3.5 in Design Manual)

34. Provide the sum of the Total RRv provided (#30) and the WQv provided (#33a).

[ ][ ][ ].[ ][ ][ ]

35. Is the sum of the RRv provided (#30) and the WQv provided (#33a) greater than or equal to the total WQv required (#28)? ◉ **Yes** ○ **No**

If Yes, go to question 36.
If No, sizing criteria has not been met, so NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

36. Provide the total Channel Protection Storage Volume (CPv) required and provided or select waiver (36a), if applicable.

CPv Required

[ ][ ][ ].[ ][ ][ ] **acre-feet**

CPv Provided

[ ][ ][ ].[ ][ ][ ] **acre-feet**

36a. The need to provide channel protection has been waived because:

○ Site discharges directly to tidal waters or a fifth order or larger stream.

○ Reduction of the total CPv is achieved on site through runoff reduction techniques or infiltration systems.

37. Provide the Overbank Flood (Qp) and Extreme Flood (Qf) control criteria or select waiver (37a), if applicable.

Total Overbank Flood Control Criteria (Qp)

Pre-Development

[ ][ ][ ].[ ][ ][ ] **CFS**

Post-development

[ ][ ][ ].[ ][ ][ ] **CFS**

Total Extreme Flood Control Criteria (Qf)

Pre-Development

[ ][ ][ ].[ ][ ][ ] **CFS**

Post-development

[ ][ ][ ].[ ][ ][ ] **CFS**

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

37a. The need to meet the Qp and Qf criteria has been waived because:

- ○ Site discharges directly to tidal waters or a fifth order or larger stream.
- ○ Downstream analysis reveals that the Qp and Qf controls are not required

38. Has a long term Operation and Maintenance Plan for the post-construction stormwater management practice(s) been developed? ● Yes ○ No

If Yes, Identify the entity responsible for the long term Operation and Maintenance

Ellicott Development

39. Use this space to summarize the specific site limitations and justification for not reducing 100% of WQv required(#28). (See question 32a) This space can also be used for other pertinent project information.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

40. Identify other DEC permits, existing and new, that are required for this project/facility.

- ○ Air Pollution Control
- ○ Coastal Erosion
- ○ Hazardous Waste
- ○ Long Island Wells
- ○ Mined Land Reclamation
- ○ Solid Waste
- ○ Navigable Waters Protection / Article 15
- ○ Water Quality Certificate
- ○ Dam Safety
- ○ Water Supply
- ○ Freshwater Wetlands/Article 24
- ○ Tidal Wetlands
- ○ Wild, Scenic and Recreational Rivers
- ○ Stream Bed or Bank Protection / Article 15
- ○ Endangered or Threatened Species(Incidental Take Permit)
- ○ Individual SPDES
- ○ SPDES Multi-Sector GP [N][Y][R][ ][ ][ ][ ][ ][ ]
- ○ Other [ ]
- ● None

41. Does this project require a US Army Corps of Engineers Wetland Permit? ○ **Yes** ● **No**
If Yes, Indicate Size of Impact. [ ][ ][ ][ ][ ].[ ]

42. Is this project subject to the requirements of a regulated, traditional land use control MS4? ● **Yes** ○ **No**
(If No, skip question 43)

43. Has the "MS4 SWPPP Acceptance" form been signed by the principal executive officer or ranking elected official and submitted along with this NOI? ● **Yes** ○ **No**

44. If this NOI is being submitted for the purpose of continuing or transferring coverage under a general permit for stormwater runoff from construction activities, please indicate the former SPDES number assigned. [N][Y][R][ ][ ][ ][ ][ ][ ]

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Owner/Operator Certification

I have read or been advised of the permit conditions and believe that I understand them. I also understand that, under the terms of the permit, there may be reporting requirements. I hereby certify that this document and the corresponding documents were prepared under my direction or supervision. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further understand that coverage under the general permit will be identified in the acknowledgment that I will receive as a result of submitting this NOI and can be as long as sixty (60) business days as provided for in the general permit. I also understand that, by submitting this NOI, I am acknowledging that the SWPPP has been developed and will be implemented as the first element of construction, and agreeing to comply with all the terms and conditions of the general permit for which this NOI is being submitted.

Print First Name

William

MI

Print Last Name

Paladino

Owner/Operator Signature

Date

/ /

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Appendix C

MS4 SWPPP Acceptance Form

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

NYS Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505

MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form

for

Construction Activities Seeking Authorization Under SPDES General Permit

*(NOTE: Attach Completed Form to Notice Of Intent and Submit to Address Above)

I. Project Owner/Operator Information	
1. Owner/Operator Name:	Ellicott Development
2. Contact Person:	William Paladino
3. Street Address:	295 Main Street, Suite 700
4. City/State/Zip:	Buffalo, NY 14203
II. Project Site Information	
5. Project/Site Name:	Mixed Use Building
6. Street Address:	5226 & 5228 Main Street
7. City/State/Zip:	Williamsville, NY 14221
III. Stormwater Pollution Prevention Plan (SWPPP) Review and Acceptance Information	
8. SWPPP Reviewed by:	
9. Title/Position:	
10. Date Final SWPPP Reviewed and Accepted:	
IV. Regulated MS4 Information	
11. Name of MS4:	
12. MS4 SPDES Permit Identification Number: NYR20A	
13. Contact Person:	
14. Street Address:	
15. City/State/Zip:	
16. Telephone Number:	

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

MS4 SWPPP Acceptance Form - continued

V. Certification Statement - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative

I hereby certify that the final Stormwater Pollution Prevention Plan (SWPPP) for the construction project identified in question 5 has been reviewed and meets the substantive requirements in the SPDES General Permit For Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s). Note: The MS4, through the acceptance of the SWPPP, assumes no responsibility for the accuracy and adequacy of the design included in the SWPPP. In addition, review and acceptance of the SWPPP by the MS4 does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name:

Title/Position:

Signature:

Date:

VI. Additional Information

(NYS DEC - MS4 SWPPP Acceptance Form - January 2015)

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Appendix D

Engineer's Report

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

CARMINAWOOD
DESIGN

ENGINEER'S REPORT

for

Mixed Use Building
5226 & 5228 Main Street
Town of Amherst, Erie County, New York

Prepared for

Ellicott Development

295 Main Street, Suite 700
Buffalo, NY 14203

Prepared by

Carmina Wood Design

487 Main Street, Suite 500
Buffalo, NY 14203

Telephone: (716) 842-3165
Fax: (716) 842-0263

November 2023

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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Written Engineer's Report

Section 1 - Location & Description
Section 2 - Water Service
Section 3 - Sanitary Sewer Service
Section 4 - Storm Sewer Service

Appendices

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- Downstream Sewer Capacity Analysis

Appendix B Storm Sewer System Drainage Calculations

- Existing Runoff
- Proposed Runoff
    - Green Infrastructure & Water Quality Calculations

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Section 1 - Location & Description

This project is a redevelopment of a 1.1-acre site located on Main Street in the Town of Amherst. Construction will consist of a four-story mixed-use building totaling 10,930 sf of commercial space and 30 multi-family units, with associated utility, lighting and landscaping improvements. Currently the site is developed consisting of multiple buildings, all of which are to be demolished. The proposed site development area to be disturbed for this project is approximately 1.1 acres when construction is completed.

Section 2 - Water Service

Water service for the mixed-use building will be tapped off the existing 10" ECWA water main on the south side of Main Street. The service will be a 6" Class 52 DI combined water service, then split into a 6" PVC fire service and a 4" PVC domestic service at the ROW line. Both services will continue into an internal mechanical room where the 4" domestic service will have a meter and RPZ and the 6" fire service will have an RPDA, to be specified by others. Proper heat and lighting will be provided to the enclosure, drainage due to testing or failure of the RPZ will be to the outside grade. The owner will be responsible for keeping the drainage ports clear of snow and debris. Water inside the mixed-use building will be used for typical domestic uses.

The mixed-use building is to be sprinklered, interior fire protection system to be designed by others. One public hydrant will be installed near the project site Main Street will ensure fire hose coverage not exceeding 600' for the mixed-use building.

Domestic Summary:	
Peak Operating Demand:	29.28 gpm
Water Main:	10" on Main Street
Static Pressure:	82 psi (ECWA)
Friction Loss:	0.0 psi
Loss through meter/RPZ:	23.1 psi
Elevation Loss:	0.0 psi
Pressure after RPZ:	67.5 psi

Repairs to all devices will be made during off hours, dual backflow preventers are not required. The site is located in a 100-year flood plain. Disinfection of the water service following installation will be continuous feed, according to AWWA C-651, latest revision.

Section 3 - Sanitary Sewer Service

The proposed mixed-use building will have a 6" SDR-35 PVC sanitary lateral at 1.0% minimum slope. This lateral will connect the nearest public sanitary sewer manhole east of the project site along Main Street via a public sanitary sewer extension of 8" SDR-35 PVC at 0.4% slope.

Design Parameters

Retail:	0.1 gal/day/sf x 5,465 sf = 547 gpd
2-bedroom unit:	220 gal/day/units x 30 units = 6,600 gpd
Restaurant:	35 gal/day/seats x 100 seats = 3,500 gpd
	Total = 10,647 gpd

10,647 gpd * 4.24 = 45,099 gpd *use peaking factor of 4.24

The hydraulic loading rate is per "Design Standards for Intermediate Sized Wastewater Treatment Systems" 2014, NYSDEC.

Downstream sewer capacity analysis report is included in Appendix A of this report.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Section 4 - Storm Sewer Service

The existing site currently either sheet drains north to the neighboring property or to the central existing catch basin believed to outlet to the existing storm sewer system along Main Street.

Stormwater runoff collected onsite as a result of the proposed development will be routed through the proposed storm sewer system consisting of a bioretention area and underground detention system connected by a series of catch basins, yard drains and smooth interior HDPE pipe. The bioretention areas on site is designed to provide 100% of the required runoff reduction volume (RRv) and water quality volume treatment (WQv) for the 1.1 acre tributary area. The soils in the vicinity of the bioretention area are mainly USDA hydrologic group 'D' and therefore the system will be installed with underdrains per NYSDEC requirements. The bioretention area will consist of 6" perforated HDPE underdrains in 12" of drainage gravel, followed by filter fabric and then finally 18" minimum of planting soil. Overflow yard drains will be installed to allow 6" maximum ponding for RRv treatment. Stormwater detention is required per NYSDEC standards and specifications. The underground detention field was designed to consist of ADS StormTech SC-740 chambers to allow for stormwater to be temporarily stored and discharged at a controlled rate. The chamber system is surrounded by stone and wrapped in geotextile fabric. Note that StormTech is one type of "chamber" system and there are several other by different manufacturers that may be used pending approval by the design engineer. Site specific shop drawings will be required from the contractor for approval by the engineer prior to construction of the specific system selected. An 8" outlet control pipe along with an outlet control device will be provided downstream of the underground detention field underdrain pipe and header pipe. Discharge from the outlet pipe will outlet to the existing NYSDOT storm sewer system along Main Street.

Chapter 9 of the NYSDEC Stormwater Management Design Manual details design requirements for redevelopment projects, which this project is categorized as. Runoff reduction and water quality practices are not required for the redevelopment area, but are required for the newly created impervious areas. The existing site has a total of 0.80 acres of impervious cover. The total amount of impervious cover post development is 0.95 acres, an increase of 0.15 acres in impervious area. Runoff reduction volume (RRv), water quality volume (WQv) and stormwater volume attenuation for the site is designed in accordance with Chapter 4 of the NYSDEC Stormwater design manual. The bioretention area is provided as a "green infrastructure" practice to provide runoff reduction and water quality treatment to meet the Chapter 4 requirements for the currently undeveloped areas. Runoff from the site was looked at as a whole for the calculation of volume attenuation requirements. The proposed underground detention field is designed to accommodate the 1-year through 100-year storm events controlling the offsite runoff rate to less than the existing runoff rates, as well as the below stated Town stormwater runoff requirements.

Town of Amherst Requirement:
The Town of Amherst requires that the 25-year proposed storm event be attenuated with detention and that the outlet flowrate be restricted to the 10-year existing storm event.

Underground Detention Basin Summary:
ADS StormTech SC-740
Top of chambers =
Bottom of chambers =
Bottom of stone =
100-year storm storage volume =

Water Quality Summary:
WQv req'd = 1,343 cf (0.030 ac-ft)
RRv min. req'd = 241 cf (0.005 ac-ft)
RRv provided - bioretention area = 538 cf (0.012 ac-ft)
WQv provided – bioretention area = 805 cf (0.018 ac-ft)

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Total RRv + WQv provided = 538 cf + 805 cf = 1,343 cf (0.030 ac-ft)

Bioretention: 100% of minimum post-development Runoff Reduction volume (RRv) & Water Quality Volume Treatment (WQv)
Area: 1,007 sf (total)
Bottom Elevation: 658.50

Detention: Comparison of the existing 1-year vs. the proposed 1-year runoff
Comparison of the existing 10-year vs. the proposed 10-year runoff
Comparison of the existing 10-year vs. the proposed 25-year runoff
Comparison of the existing 100-year vs. the proposed 100-year runoff

Runoff Summary:

Event	Ex. Runoff (cfs)	Pro. Runoff (cfs)*	Result (cfs)
1-year	2.78	1.17	-1.61
10-year	5.17	1.71	-3.46
25-year	6.48	1.97	-4.51
100-year	9.04	2.51	-6.53

* Proposed runoff flowrate is the rate controlled by the 8" outlet pipe from the underground detention basin which ultimately discharges to the existing NYSDOT storm sewer system.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Appendix A

Sanitary Sewer and Water Demand Calculations

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

CARMINA WOOD DESIGN
487 MAIN STREET, SUITE 500
BUFFALO, NEW YORK, 14203
(716) 842-3165
FAX (716) 842-0263

Project No.: 22.111 Date: 11/20/2023
Project Name: Mixed Use Building
Project Address: 5226 & 5228 Main Street Amherst, NY
Subject: Sanitary Sewer & Water Demand Calcs
Sheet: 1 of 2

Sanitary Sewage Demand Calculations:

0.1	gal/d/sf	x	5,465	sf	=	547	gpd	*use 0.1 gallons per sq. ft. per day (retail)
35	gal/d/seat	x	100	seat	=	3,500	gpd	*use 35 gallons per seat per day (restaurant)
220	gal/d/unit	x	30	unit	=	6,600	gpd	*use 220 gallons per unit per day (2 bdrm)

Total Site Sanitary Demand: = 10,647 gpd

Find Peak Sanitary Demand:

Peaking Factor based on Population:

Total demand: 10,647 gpd / 100 gpcd = 106 per capita

Population (P) = 106 people

Peaking Factor : (18 +/P) / (4 + /P) where P is in thousands

Peaking Factor = 4.24

Peak Sanitary Demand = 10,647 x 4.24 = 45,099 gpd
= 0.045 MGD
= 0.070 cfs

Required Infiltration and Inflow Mitigation:

Peak Sanitary Flow = 45,099 gpd = 31.32 gpm

4:1 offset flow per NYSDEC requirements = 31.32 x 4 = 125.27 gpm req'd

Mitigation Credit = $250 / gpm

Mitigation Agreement Amount = $31,318.67

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

CARMINA WOOD DESIGN
487 MAIN STREET, SUITE 500
BUFFALO, NEW YORK, 14203
(716) 842-3165
FAX (716) 842-0263

Project No.: 23-4037 Date: 11/20/2023
Project Name: Proposed Retail w/ Drive Thru
Project Address: 5105 & 5117 Sheridan Drive Amherst, NY
Subject: Sanitary Sewer & Water Demand Calcs
Sheet: 2 of 2

Water Demand Calculations (domestic):

Proposed Retail

10,647 gpd x 1.1 = 11,711 gpd *use 110% of sewage demand

*use 1.8 peaking factor and assume a 12 hour day

11,711 gpm x 1day/12hr x 1hr/60min = 16.27 gpm

16.27 gpm x 1.8 = 29.28 gpm Q_{peak}

Headlosses:

Q_{peak} = 29.28 gpm
Pipe = 2 inch Polyethylene C = 140
Length = 75 LF (approx. distance from tap to RPZ in hot box)

$$H_L = \frac{10.44\ L\ Q^{1.85}}{C^{1.85}\ D^{4.866}} = \frac{10.44(75)(3.78)^{1.85}}{(140)^{1.85}\ (2)^{4.866}} = 1.48 \text{ ft} = 0.64 \text{ psi}$$

Δ elev = 2 ft = 0.87 psi
Loss through meter = 1 psi
Loss through RPZ = 12 psi
Total Losses = 14.5 psi
Static Pressure = 82 psi (per ECWA)
Residual Pressure Following RPZ = 82 - 13.9 = 67.5 psi (available after rpz & meter)

Water Demand Calculations (fire):

Proposed Mixed Use

Q = 1,000 gpd

Headlosses:

Q_{peak} = 1000 gpm
Pipe = 6 inch Ductile Iron C = 140
Length = 150 LF (approx. distance from tap to RPDA in hot box)

$$H_L = \frac{10.44\ L\ Q^{1.85}}{C^{1.85}\ D^{4.866}} = \frac{10.44(90)(1000)^{1.85}}{(140)^{1.85}\ (6)^{4.866}} = 9.73 \text{ ft} = 4.21 \text{ psi}$$

Δ elev = 0 ft = 0.00 psi
Loss Through RPZ = 12.0 psi
Total Losses = 16.2 psi
Static Pressure = 82.0 psi (per ECWA)
Residual Pressure after RPDA = 82 - 16.2 = 65.8 psi

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Appendix B

Storm Sewer System Drainage Calculations

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

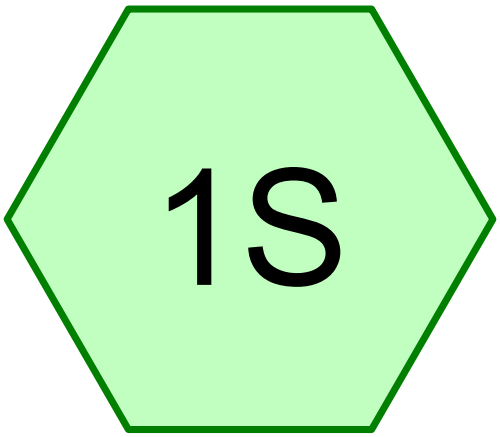
Existing Runoff

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Events for Subcatchment 1S: Existing

Event	Rainfall (inches)	Runoff (cfs)	Volume (cubic-feet)	Depth (inches)
1-Year	1.87	2.78	5,092	1.28
2-Year	2.20	3.41	6,326	1.58
5-Year	2.69	4.33	8,191	2.05
10-Year	3.14	5.17	9,925	2.49
25-Year	3.84	6.48	12,649	3.17
50-Year	4.48	7.66	15,156	3.80
100-Year	**5.23**	**9.04**	**18,108**	**4.54**

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



Existing

Subcat Reach Pond Link

Routing Diagram for 22.111 existing
Prepared by Carmina Wood Morris, PC, Printed 11/19/2023
HydroCAD® 10.20-2g s/n 05019 © 2022 HydroCAD Software Solutions LLC

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Rainfall Events Listing (selected events)

Event#	Event Name	Storm Type	Curve	Mode	Duration (hours)	B/B	Depth (inches)	AMC
1	1-Year	Type II 24-hr		Default	24.00	1	1.87	2
2	10-Year	Type II 24-hr		Default	24.00	1	3.14	2
3	25-Year	Type II 24-hr		Default	24.00	1	3.84	2
4	100-Year	Type II 24-hr		Default	24.00	1	5.23	2

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Area Listing (all nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
33,977	98	Paved parking, HSG D (1S)
3,049	98	Roofs, HSG D (1S)
10,890	82	Woods/grass comb., Fair, HSG D (1S)
47,916	**94**	**TOTAL AREA**

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Soil Listing (all nodes)

Area (sq-ft)	Soil Group	Subcatchment Numbers
0	HSG A	
0	HSG B	
0	HSG C	
47,916	HSG D	1S
0	Other	
47,916		**TOTAL AREA**

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Ground Covers (all nodes)

HSG-A (sq-ft)	HSG-B (sq-ft)	HSG-C (sq-ft)	HSG-D (sq-ft)	Other (sq-ft)	Total (sq-ft)	Ground Cover	Su Nu
0	0	0	33,977	0	33,977	Paved parking	
0	0	0	3,049	0	3,049	Roofs	
0	0	0	10,890	0	10,890	Woods/grass comb., Fair	
0	**0**	**0**	**47,916**	**0**	**47,916**	**TOTAL AREA**	

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Pipe Listing (all nodes)

Line#	Node Number	In-Invert (feet)	Out-Invert (feet)	Length (feet)	Slope (ft/ft)	n	Width (inches)	Diam/Height (inches)	Inside-Fill (inches)
1	1S	0.00	0.00	120.0	0.0100	0.010	0.0	8.0	0.0

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Time span=0.00-60.00 hrs, dt=0.01 hrs, 6001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Existing Runoff Area=1.100 ac 77.27% Impervious Runoff Depth=1.28"
Flow Length=190' Slope=0.0100 '/' Tc=1.8 min CN=94 Runoff=2.78 cfs 5,092 cf

Total Runoff Area = 47,916 sf Runoff Volume = 5,092 cf Average Runoff Depth = 1.28"
22.73% Pervious = 10,890 sf 77.27% Impervious = 37,026 sf

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Subcatchment 1S: Existing

[47] Hint: Peak is 177% of capacity of segment #2

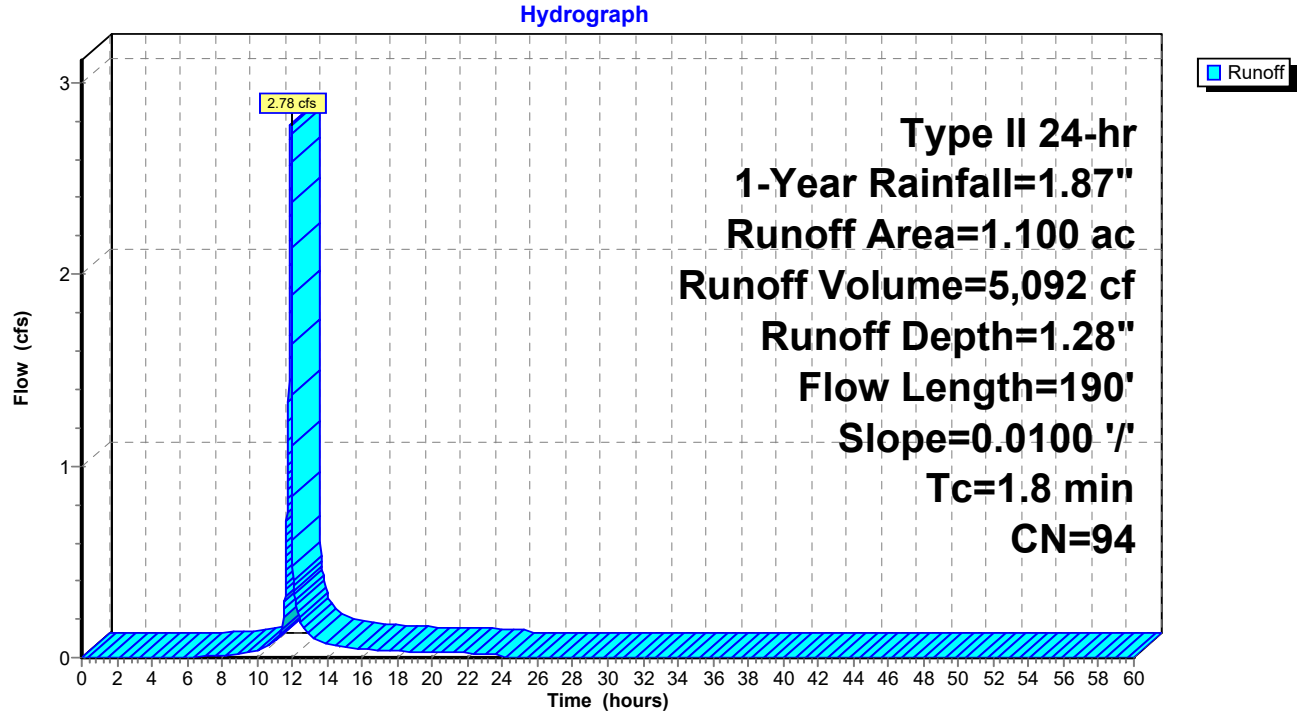
Runoff = 2.78 cfs @ 11.92 hrs, Volume= 5,092 cf, Depth= 1.28"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Type II 24-hr 1-Year Rainfall=1.87"

Area (ac)	CN	Description
0.070	98	Roofs, HSG D
0.780	98	Paved parking, HSG D
0.250	82	Woods/grass comb., Fair, HSG D
1.100	94	Weighted Average
0.250		22.73% Pervious Area
0.850		77.27% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.4	70	0.0100	0.86		**Sheet Flow, dirt/gravel** Smooth surfaces n= 0.011 P2= 2.50"
0.4	120	0.0100	4.50	1.57	**Pipe Channel, pipe flow** 8.0" Round Area= 0.3 sf Perim= 2.1' r= 0.17' n= 0.010 PVC, smooth interior
1.8	190	Total			

Subcatchment 1S: Existing



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Time span=0.00-60.00 hrs, dt=0.01 hrs, 6001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Existing Runoff Area=1.100 ac 77.27% Impervious Runoff Depth=2.49"
Flow Length=190' Slope=0.0100 '/' Tc=1.8 min CN=94 Runoff=5.17 cfs 9,925 cf

Total Runoff Area = 47,916 sf Runoff Volume = 9,925 cf Average Runoff Depth = 2.49"
22.73% Pervious = 10,890 sf 77.27% Impervious = 37,026 sf

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Subcatchment 1S: Existing

[47] Hint: Peak is 329% of capacity of segment #2

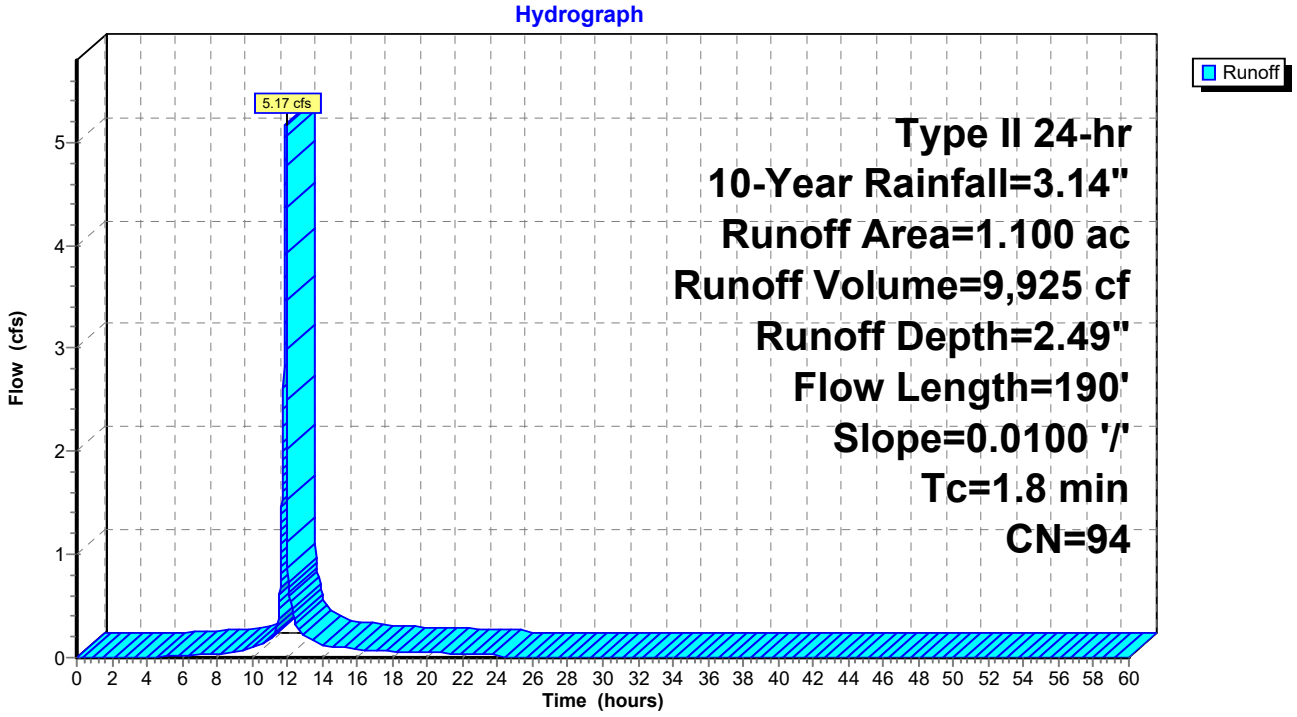
Runoff = 5.17 cfs @ 11.92 hrs, Volume= 9,925 cf, Depth= 2.49"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Type II 24-hr 10-Year Rainfall=3.14"

Area (ac)	CN	Description
0.070	98	Roofs, HSG D
0.780	98	Paved parking, HSG D
0.250	82	Woods/grass comb., Fair, HSG D
1.100	94	Weighted Average
0.250		22.73% Pervious Area
0.850		77.27% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.4	70	0.0100	0.86		**Sheet Flow, dirt/gravel** Smooth surfaces n= 0.011 P2= 2.50"
0.4	120	0.0100	4.50	1.57	**Pipe Channel, pipe flow** 8.0" Round Area= 0.3 sf Perim= 2.1' r= 0.17' n= 0.010 PVC, smooth interior
1.8	190	Total			

Subcatchment 1S: Existing



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Time span=0.00-60.00 hrs, dt=0.01 hrs, 6001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Existing Runoff Area=1.100 ac 77.27% Impervious Runoff Depth=3.17"
Flow Length=190' Slope=0.0100 '/' Tc=1.8 min CN=94 Runoff=6.48 cfs 12,649 cf

Total Runoff Area = 47,916 sf Runoff Volume = 12,649 cf Average Runoff Depth = 3.17"
22.73% Pervious = 10,890 sf 77.27% Impervious = 37,026 sf

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Subcatchment 1S: Existing

[47] Hint: Peak is 412% of capacity of segment #2

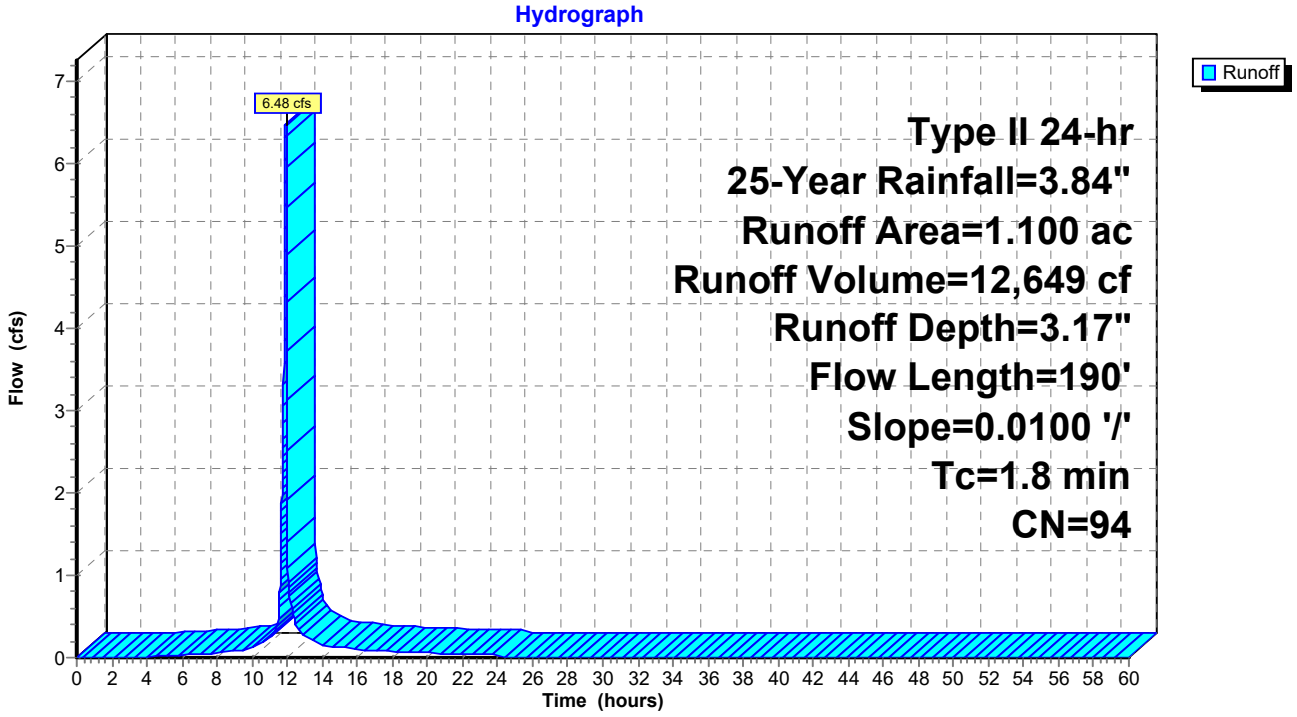
Runoff = 6.48 cfs @ 11.92 hrs, Volume= 12,649 cf, Depth= 3.17"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Type II 24-hr 25-Year Rainfall=3.84"

Area (ac)	CN	Description
0.070	98	Roofs, HSG D
0.780	98	Paved parking, HSG D
0.250	82	Woods/grass comb., Fair, HSG D
1.100	94	Weighted Average
0.250		22.73% Pervious Area
0.850		77.27% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.4	70	0.0100	0.86		**Sheet Flow, dirt/gravel** Smooth surfaces n= 0.011 P2= 2.50"
0.4	120	0.0100	4.50	1.57	**Pipe Channel, pipe flow** 8.0" Round Area= 0.3 sf Perim= 2.1' r= 0.17' n= 0.010 PVC, smooth interior
1.8	190	Total			

Subcatchment 1S: Existing



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Time span=0.00-60.00 hrs, dt=0.01 hrs, 6001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Existing Runoff Area=1.100 ac 77.27% Impervious Runoff Depth=4.54"
Flow Length=190' Slope=0.0100 '/' Tc=1.8 min CN=94 Runoff=9.04 cfs 18,108 cf

Total Runoff Area = 47,916 sf Runoff Volume = 18,108 cf Average Runoff Depth = 4.54"
22.73% Pervious = 10,890 sf 77.27% Impervious = 37,026 sf

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Subcatchment 1S: Existing

[47] Hint: Peak is 575% of capacity of segment #2

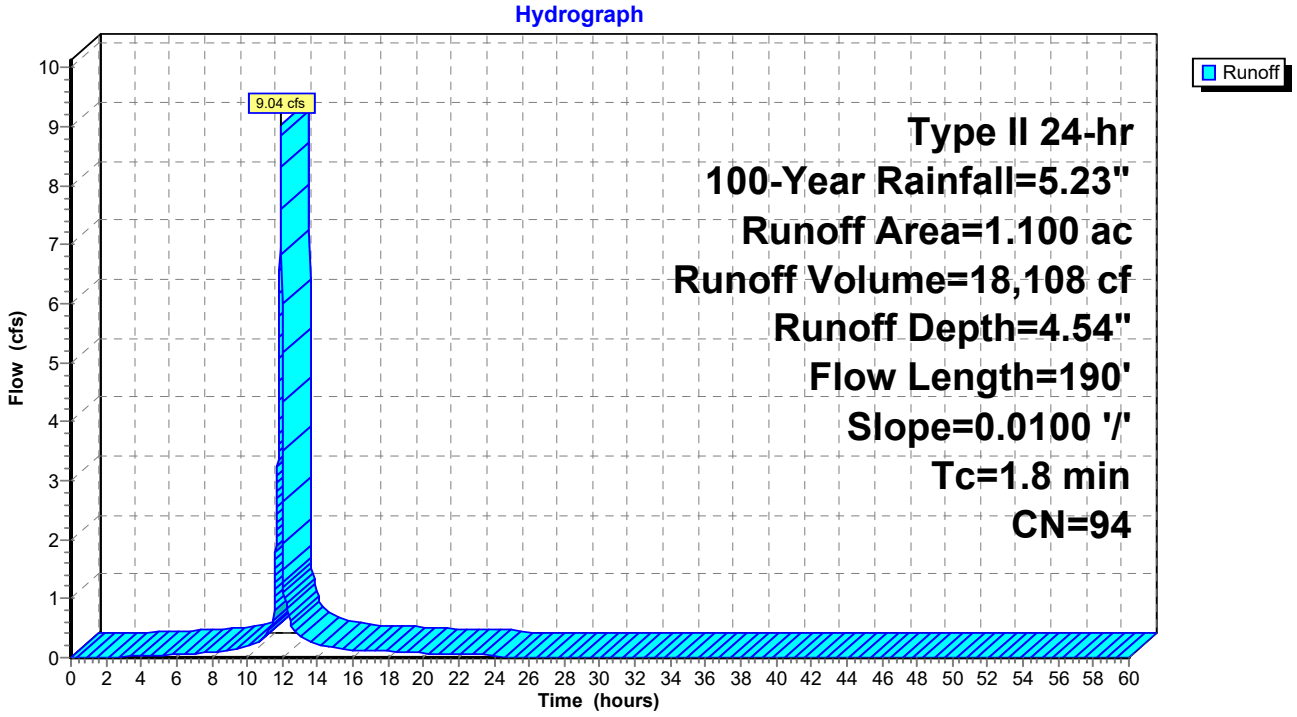
Runoff = 9.04 cfs @ 11.92 hrs, Volume= 18,108 cf, Depth= 4.54"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Type II 24-hr 100-Year Rainfall=5.23"

Area (ac)	CN	Description
0.070	98	Roofs, HSG D
0.780	98	Paved parking, HSG D
0.250	82	Woods/grass comb., Fair, HSG D
1.100	94	Weighted Average
0.250		22.73% Pervious Area
0.850		77.27% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.4	70	0.0100	0.86		**Sheet Flow, dirt/gravel** Smooth surfaces n= 0.011 P2= 2.50"
0.4	120	0.0100	4.50	1.57	**Pipe Channel, pipe flow** 8.0" Round Area= 0.3 sf Perim= 2.1' r= 0.17' n= 0.010 PVC, smooth interior
1.8	190	Total			

Subcatchment 1S: Existing



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

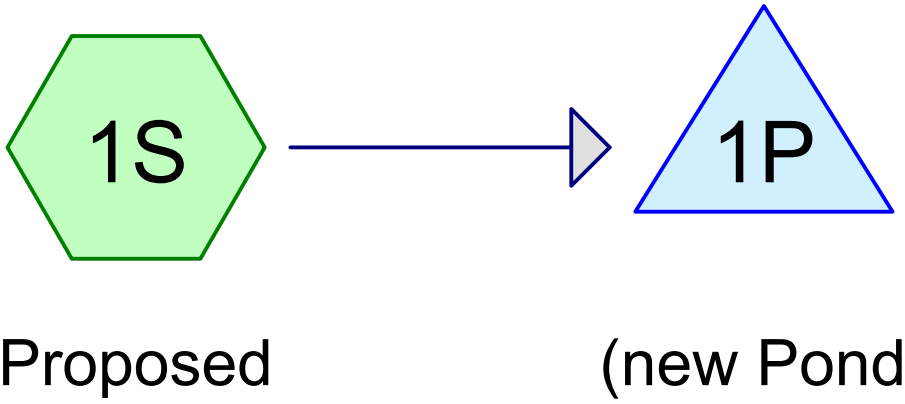
Proposed Runoff

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Events for Pond 1P: (new Pond)

Event	Inflow (cfs)	Primary (cfs)	Elevation (feet)	Storage (cubic-feet)
1-Year	3.00	1.17	654.41	1,594
2-Year	3.61	1.32	654.57	1,976
5-Year	4.51	1.53	654.81	2,555
10-Year	5.33	1.71	655.05	3,100
25-Year	6.59	1.97	655.44	3,967
50-Year	7.75	2.20	655.84	4,772
100-Year	**9.09**	**2.51**	**656.44**	**5,721**

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



Subcat Reach Pond Link

Routing Diagram for 22.111 proposed
Prepared by Carmina Wood Morris, PC, Printed 11/19/2023
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Rainfall Events Listing (selected events)

Event#	Event Name	Storm Type	Curve	Mode	Duration (hours)	B/B	Depth (inches)	AMC
1	1-Year	Type II 24-hr		Default	24.00	1	1.87	2
2	10-Year	Type II 24-hr		Default	24.00	1	3.14	2
3	25-Year	Type II 24-hr		Default	24.00	1	3.84	2
4	100-Year	Type II 24-hr		Default	24.00	1	5.23	2

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Area Listing (all nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
6,534	80	>75% Grass cover, Good, HSG D (1S)
30,928	98	Paved parking, HSG D (1S)
10,454	98	Roofs, HSG D (1S)
47,916	**96**	**TOTAL AREA**

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Soil Listing (all nodes)

Area (sq-ft)	Soil Group	Subcatchment Numbers
0	HSG A	
0	HSG B	
0	HSG C	
47,916	HSG D	1S
0	Other	
47,916		**TOTAL AREA**

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Ground Covers (all nodes)

HSG-A (sq-ft)	HSG-B (sq-ft)	HSG-C (sq-ft)	HSG-D (sq-ft)	Other (sq-ft)	Total (sq-ft)	Ground Cover	Su Nu
0	0	0	6,534	0	6,534	>75% Grass cover, Good	
0	0	0	30,928	0	30,928	Paved parking	
0	0	0	10,454	0	10,454	Roofs	
0	**0**	**0**	**47,916**	**0**	**47,916**	**TOTAL AREA**	

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Pipe Listing (all nodes)

Line#	Node Number	In-Invert (feet)	Out-Invert (feet)	Length (feet)	Slope (ft/ft)	n	Width (inches)	Diam/Height (inches)	Inside-Fill (inches)
1	1S	0.00	0.00	220.0	0.0100	0.010	0.0	12.0	0.0
2	1P	653.50	653.18	32.0	0.0100	0.013	0.0	8.0	0.0

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Time span=0.00-60.00 hrs, dt=0.01 hrs, 6001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Proposed Runoff Area=1.100 ac 86.36% Impervious Runoff Depth=1.45"
Flow Length=380' Tc=2.2 min CN=96 Runoff=3.00 cfs 5,785 cf

Pond 1P: (new Pond) Peak Elev=654.41' Storage=1,594 cf Inflow=3.00 cfs 5,785 cf
8.0" Round Culvert n=0.013 L=32.0' S=0.0100 '/' Outflow=1.17 cfs 5,785 cf

Total Runoff Area = 47,916 sf Runoff Volume = 5,785 cf Average Runoff Depth = 1.45"
13.64% Pervious = 6,534 sf 86.36% Impervious = 41,382 sf

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Subcatchment 1S: Proposed

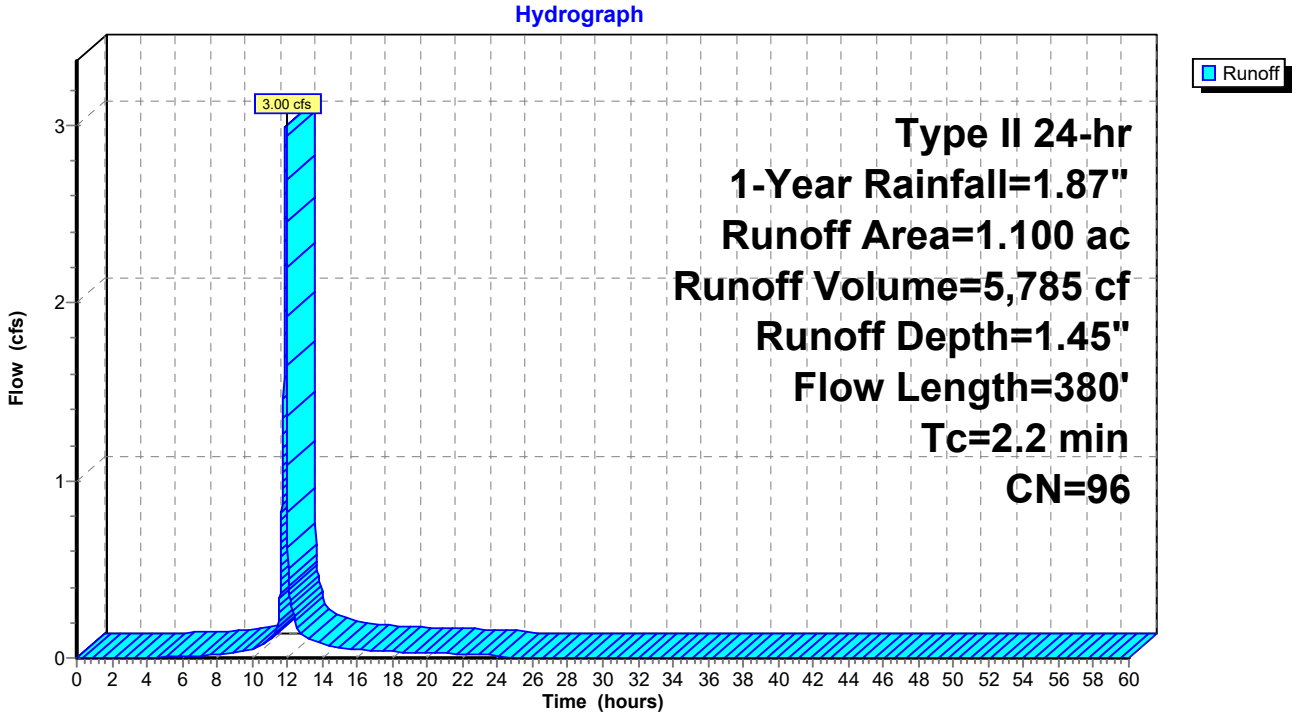
Runoff = 3.00 cfs @ 11.93 hrs, Volume= 5,785 cf, Depth= 1.45"
Routed to Pond 1P : (new Pond)

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Type II 24-hr 1-Year Rainfall=1.87"

Area (ac)	CN	Description
0.240	98	Roofs, HSG D
0.710	98	Paved parking, HSG D
0.150	80	>75% Grass cover, Good, HSG D
1.100	96	Weighted Average
0.150		13.64% Pervious Area
0.950		86.36% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.6	160	0.0330	1.63		**Sheet Flow, pavement** Smooth surfaces n= 0.011 P2= 2.50"
0.6	220	0.0100	5.90	4.63	**Pipe Channel, pipe flow** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.010 PVC, smooth interior
2.2	380	Total			

Subcatchment 1S: Proposed



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Pond 1P: (new Pond)

Inflow Area = 47,916 sf, 86.36% Impervious, Inflow Depth = 1.45" for 1-Year event
Inflow = 3.00 cfs @ 11.93 hrs, Volume= 5,785 cf
Outflow = 1.17 cfs @ 12.05 hrs, Volume= 5,785 cf, Atten= 61%, Lag= 7.3 min
Primary = 1.17 cfs @ 12.05 hrs, Volume= 5,785 cf

Routing by Stor-Ind method, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Peak Elev= 654.41' @ 12.01 hrs Surf.Area= 2,993 sf Storage= 1,594 cf

Plug-Flow detention time= 35.9 min calculated for 5,785 cf (100% of inflow)
Center-of-Mass det. time= 35.8 min (819.9 - 784.1)

Volume	Invert	Avail.Storage	Storage Description
#1A	653.50'	2,721 cf	**20.50'W x 146.02'L x 3.50'H Field A** 10,477 cf Overall - 3,675 cf Embedded = 6,801 cf x 40.0% Voids
#2A	654.00'	3,675 cf	**ADS_StormTech SC-740 +Cap** x 80 Inside #1 Effective Size= 44.6"W x 30.0"H => 6.45 sf x 7.12'L = 45.9 cf Overall Size= 51.0"W x 30.0"H x 7.56'L with 0.44' Overlap 80 Chambers in 4 Rows
		6,396 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	653.50'	**8.0" Round Culvert** L= 32.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 653.50' / 653.18' S= 0.0100 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.35 sf

Primary OutFlow Max=1.17 cfs @ 12.05 hrs HW=654.38' (Free Discharge)
↑—**1=Culvert** (Barrel Controls 1.17 cfs @ 3.36 fps)

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Pond 1P: (new Pond) - Chamber Wizard Field A

Chamber Model = ADS_StormTechSC-740 +Cap (ADS StormTech®SC-740 with cap length)
Effective Size= 44.6"W x 30.0"H => 6.45 sf x 7.12'L = 45.9 cf
Overall Size= 51.0"W x 30.0"H x 7.56'L with 0.44' Overlap

51.0" Wide + 6.0" Spacing = 57.0" C-C Row Spacing

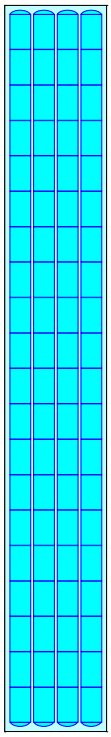
20 Chambers/Row x 7.12' Long +0.81' Cap Length x 2 = 144.02' Row Length +12.0" End Stone x 2 = 146.02' Base Length
4 Rows x 51.0" Wide + 6.0" Spacing x 3 + 12.0" Side Stone x 2 = 20.50' Base Width
6.0" Stone Base + 30.0" Chamber Height + 6.0" Stone Cover = 3.50' Field Height

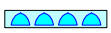
80 Chambers x 45.9 cf = 3,675.2 cf Chamber Storage

10,476.7 cf Field - 3,675.2 cf Chambers = 6,801.5 cf Stone x 40.0% Voids = 2,720.6 cf Stone Storage

Chamber Storage + Stone Storage = 6,395.8 cf = 0.147 af
Overall Storage Efficiency = 61.0%
Overall System Size = 146.02' x 20.50' x 3.50'

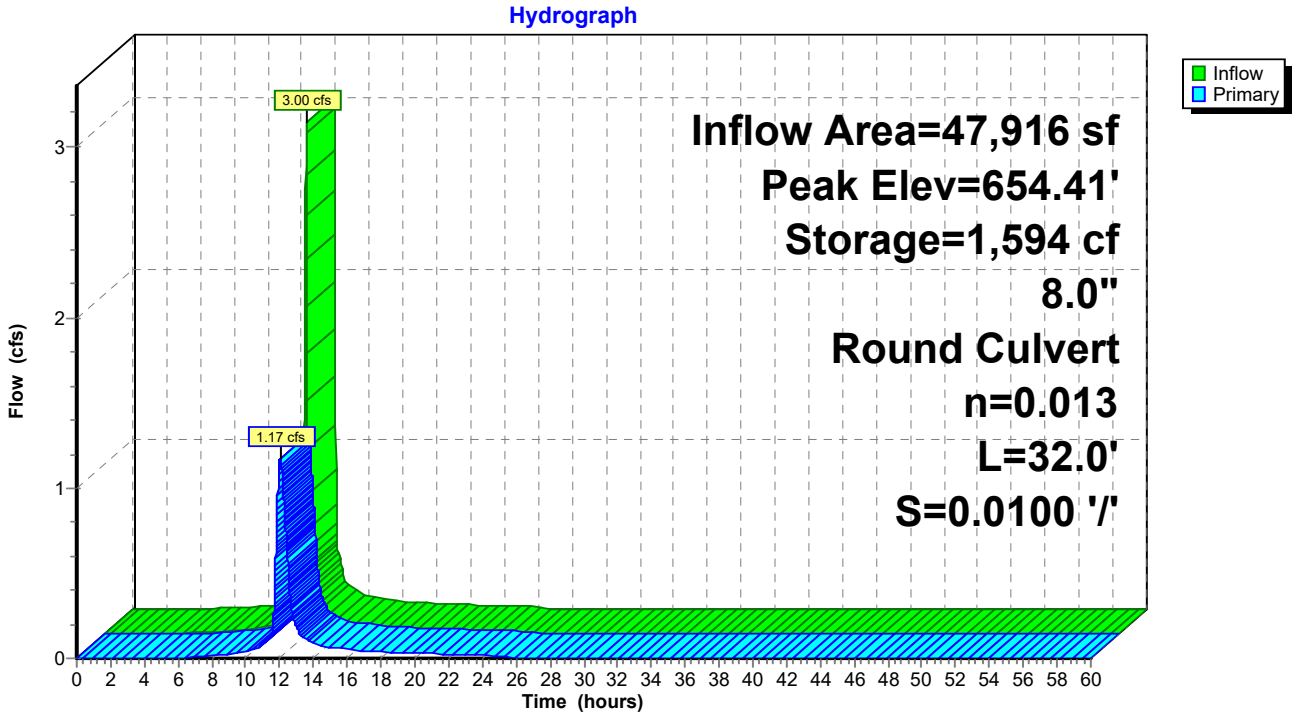
80 Chambers
388.0 cy Field
251.9 cy Stone





Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Pond 1P: (new Pond)



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Time span=0.00-60.00 hrs, dt=0.01 hrs, 6001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Proposed Runoff Area=1.100 ac 86.36% Impervious Runoff Depth=2.69"
Flow Length=380' Tc=2.2 min CN=96 Runoff=5.33 cfs 10,741 cf

Pond 1P: (new Pond) Peak Elev=655.05' Storage=3,100 cf Inflow=5.33 cfs 10,741 cf
8.0" Round Culvert n=0.013 L=32.0' S=0.0100 '/' Outflow=1.71 cfs 10,741 cf

Total Runoff Area = 47,916 sf Runoff Volume = 10,741 cf Average Runoff Depth = 2.69"
13.64% Pervious = 6,534 sf 86.36% Impervious = 41,382 sf

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Subcatchment 1S: Proposed

[47] Hint: Peak is 115% of capacity of segment #2

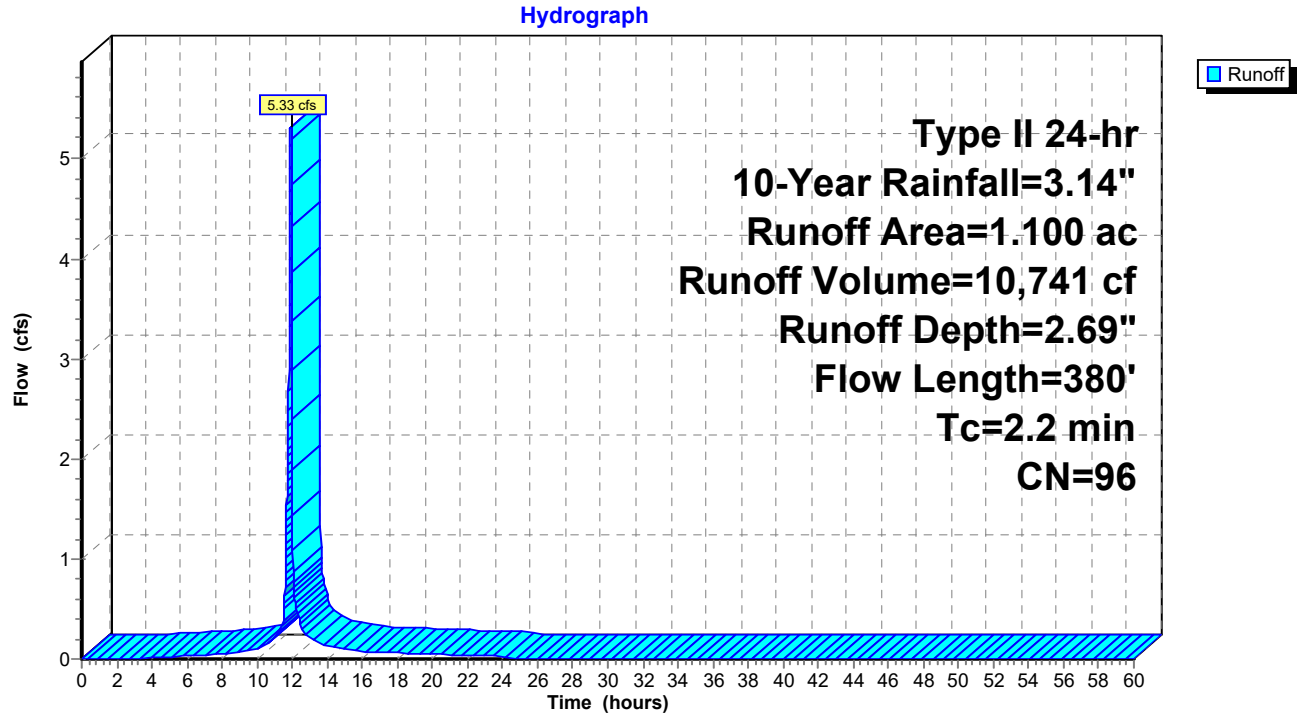
Runoff = 5.33 cfs @ 11.93 hrs, Volume= 10,741 cf, Depth= 2.69"
Routed to Pond 1P : (new Pond)

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Type II 24-hr 10-Year Rainfall=3.14"

Area (ac)	CN	Description
0.240	98	Roofs, HSG D
0.710	98	Paved parking, HSG D
0.150	80	>75% Grass cover, Good, HSG D
1.100	96	Weighted Average
0.150		13.64% Pervious Area
0.950		86.36% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.6	160	0.0330	1.63		**Sheet Flow, pavement** Smooth surfaces n= 0.011 P2= 2.50"
0.6	220	0.0100	5.90	4.63	**Pipe Channel, pipe flow** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.010 PVC, smooth interior
2.2	380	Total			

Subcatchment 1S: Proposed



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Pond 1P: (new Pond)

Inflow Area = 47,916 sf, 86.36% Impervious, Inflow Depth = 2.69" for 10-Year event
Inflow = 5.33 cfs @ 11.93 hrs, Volume= 10,741 cf
Outflow = 1.71 cfs @ 12.01 hrs, Volume= 10,741 cf, Atten= 68%, Lag= 5.3 min
Primary = 1.71 cfs @ 12.01 hrs, Volume= 10,741 cf

Routing by Stor-Ind method, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Peak Elev= 655.05' @ 12.01 hrs Surf.Area= 2,993 sf Storage= 3,100 cf

Plug-Flow detention time= 31.8 min calculated for 10,739 cf (100% of inflow)
Center-of-Mass det. time= 31.9 min (799.5 - 767.6)

Volume	Invert	Avail.Storage	Storage Description
#1A	653.50'	2,721 cf	**20.50'W x 146.02'L x 3.50'H Field A** 10,477 cf Overall - 3,675 cf Embedded = 6,801 cf x 40.0% Voids
#2A	654.00'	3,675 cf	**ADS_StormTech SC-740 +Cap** x 80 Inside #1 Effective Size= 44.6"W x 30.0"H => 6.45 sf x 7.12'L = 45.9 cf Overall Size= 51.0"W x 30.0"H x 7.56'L with 0.44' Overlap 80 Chambers in 4 Rows
		6,396 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	653.50'	**8.0" Round Culvert** L= 32.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 653.50' / 653.18' S= 0.0100 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.35 sf

Primary OutFlow Max=1.71 cfs @ 12.01 hrs HW=655.05' (Free Discharge)
↑—**1=Culvert** (Barrel Controls 1.71 cfs @ 4.90 fps)

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Pond 1P: (new Pond) - Chamber Wizard Field A

Chamber Model = ADS_StormTechSC-740 +Cap (ADS StormTech®SC-740 with cap length)
Effective Size= 44.6"W x 30.0"H => 6.45 sf x 7.12'L = 45.9 cf
Overall Size= 51.0"W x 30.0"H x 7.56'L with 0.44' Overlap

51.0" Wide + 6.0" Spacing = 57.0" C-C Row Spacing

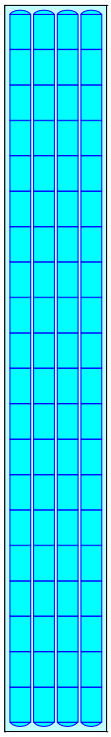
20 Chambers/Row x 7.12' Long +0.81' Cap Length x 2 = 144.02' Row Length +12.0" End Stone x 2 = 146.02' Base Length
4 Rows x 51.0" Wide + 6.0" Spacing x 3 + 12.0" Side Stone x 2 = 20.50' Base Width
6.0" Stone Base + 30.0" Chamber Height + 6.0" Stone Cover = 3.50' Field Height

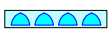
80 Chambers x 45.9 cf = 3,675.2 cf Chamber Storage

10,476.7 cf Field - 3,675.2 cf Chambers = 6,801.5 cf Stone x 40.0% Voids = 2,720.6 cf Stone Storage

Chamber Storage + Stone Storage = 6,395.8 cf = 0.147 af
Overall Storage Efficiency = 61.0%
Overall System Size = 146.02' x 20.50' x 3.50'

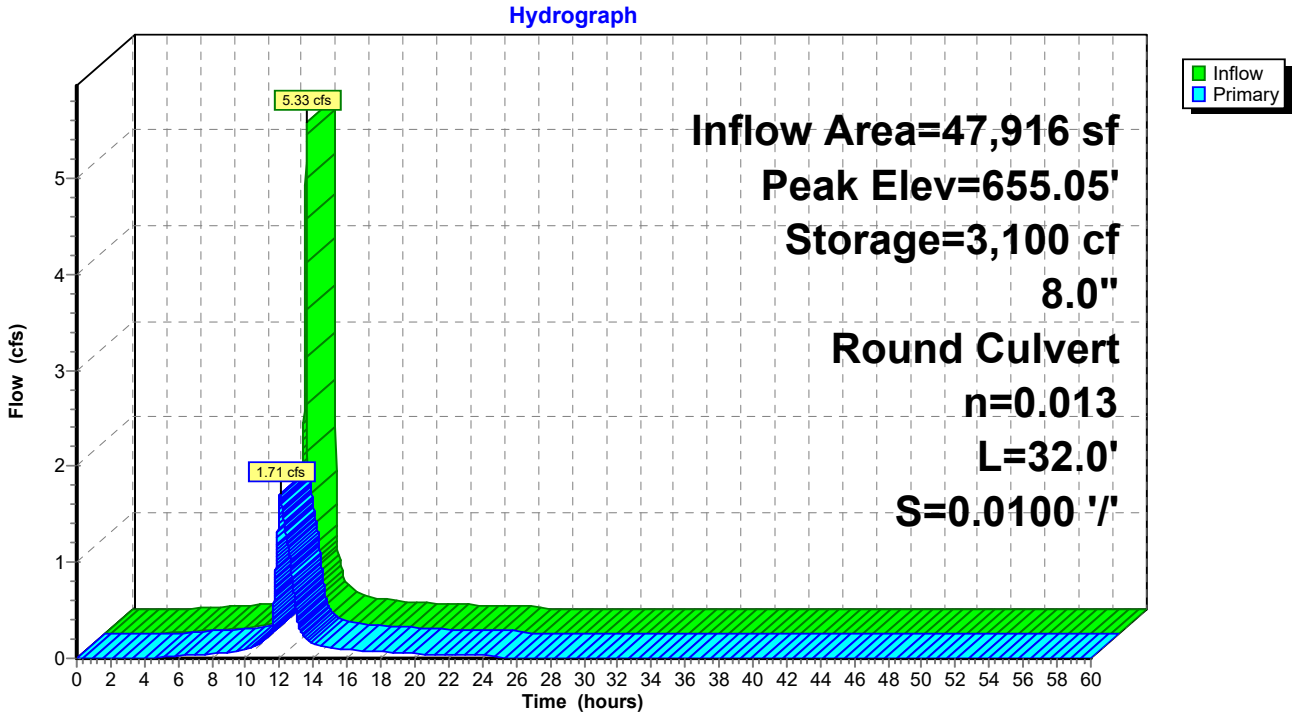
80 Chambers
388.0 cy Field
251.9 cy Stone





Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Pond 1P: (new Pond)



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Time span=0.00-60.00 hrs, dt=0.01 hrs, 6001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Proposed Runoff Area=1.100 ac 86.36% Impervious Runoff Depth=3.38"
Flow Length=380' Tc=2.2 min CN=96 Runoff=6.59 cfs 13,503 cf

Pond 1P: (new Pond) Peak Elev=655.44' Storage=3,967 cf Inflow=6.59 cfs 13,503 cf
8.0" Round Culvert n=0.013 L=32.0' S=0.0100 '/' Outflow=1.97 cfs 13,503 cf

Total Runoff Area = 47,916 sf Runoff Volume = 13,503 cf Average Runoff Depth = 3.38"
13.64% Pervious = 6,534 sf 86.36% Impervious = 41,382 sf

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Subcatchment 1S: Proposed

[47] Hint: Peak is 142% of capacity of segment #2

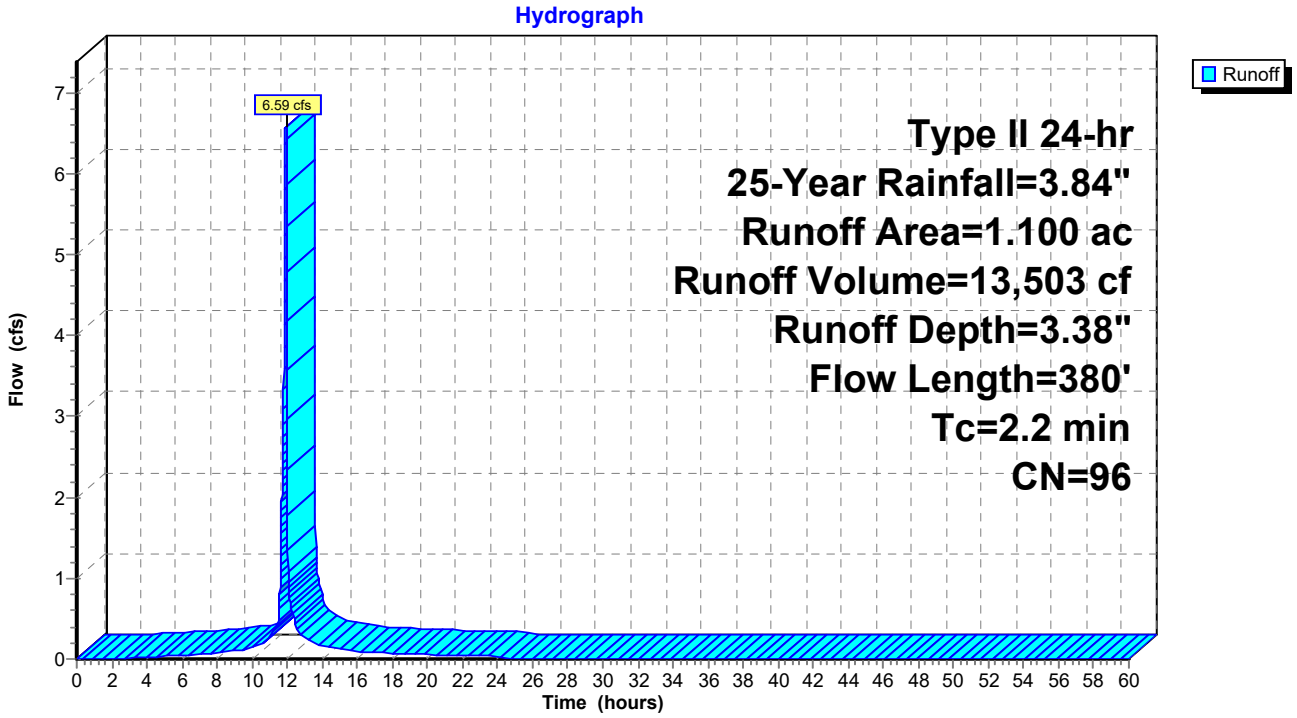
Runoff = 6.59 cfs @ 11.92 hrs, Volume= 13,503 cf, Depth= 3.38"
Routed to Pond 1P : (new Pond)

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Type II 24-hr 25-Year Rainfall=3.84"

Area (ac)	CN	Description
0.240	98	Roofs, HSG D
0.710	98	Paved parking, HSG D
0.150	80	>75% Grass cover, Good, HSG D
1.100	96	Weighted Average
0.150		13.64% Pervious Area
0.950		86.36% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.6	160	0.0330	1.63		**Sheet Flow, pavement** Smooth surfaces n= 0.011 P2= 2.50"
0.6	220	0.0100	5.90	4.63	**Pipe Channel, pipe flow** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.010 PVC, smooth interior
2.2	380	Total			

Subcatchment 1S: Proposed



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Pond 1P: (new Pond)

Inflow Area = 47,916 sf, 86.36% Impervious, Inflow Depth = 3.38" for 25-Year event
Inflow = 6.59 cfs @ 11.92 hrs, Volume= 13,503 cf
Outflow = 1.97 cfs @ 12.02 hrs, Volume= 13,503 cf, Atten= 70%, Lag= 5.5 min
Primary = 1.97 cfs @ 12.02 hrs, Volume= 13,503 cf

Routing by Stor-Ind method, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Peak Elev= 655.44' @ 12.02 hrs Surf.Area= 2,993 sf Storage= 3,967 cf

Plug-Flow detention time= 31.1 min calculated for 13,500 cf (100% of inflow)
Center-of-Mass det. time= 31.3 min (793.2 - 761.9)

Volume	Invert	Avail.Storage	Storage Description
#1A	653.50'	2,721 cf	**20.50'W x 146.02'L x 3.50'H Field A** 10,477 cf Overall - 3,675 cf Embedded = 6,801 cf x 40.0% Voids
#2A	654.00'	3,675 cf	**ADS_StormTech SC-740 +Cap** x 80 Inside #1 Effective Size= 44.6"W x 30.0"H => 6.45 sf x 7.12'L = 45.9 cf Overall Size= 51.0"W x 30.0"H x 7.56'L with 0.44' Overlap 80 Chambers in 4 Rows
		6,396 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	653.50'	**8.0" Round Culvert** L= 32.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 653.50' / 653.18' S= 0.0100 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.35 sf

Primary OutFlow Max=1.97 cfs @ 12.02 hrs HW=655.44' (Free Discharge)
↑—**1=Culvert** (Barrel Controls 1.97 cfs @ 5.65 fps)

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Pond 1P: (new Pond) - Chamber Wizard Field A

Chamber Model = ADS_StormTechSC-740 +Cap (ADS StormTech®SC-740 with cap length)
Effective Size= 44.6"W x 30.0"H => 6.45 sf x 7.12'L = 45.9 cf
Overall Size= 51.0"W x 30.0"H x 7.56'L with 0.44' Overlap

51.0" Wide + 6.0" Spacing = 57.0" C-C Row Spacing

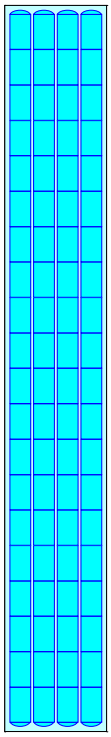
20 Chambers/Row x 7.12' Long +0.81' Cap Length x 2 = 144.02' Row Length +12.0" End Stone x 2 = 146.02' Base Length
4 Rows x 51.0" Wide + 6.0" Spacing x 3 + 12.0" Side Stone x 2 = 20.50' Base Width
6.0" Stone Base + 30.0" Chamber Height + 6.0" Stone Cover = 3.50' Field Height

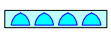
80 Chambers x 45.9 cf = 3,675.2 cf Chamber Storage

10,476.7 cf Field - 3,675.2 cf Chambers = 6,801.5 cf Stone x 40.0% Voids = 2,720.6 cf Stone Storage

Chamber Storage + Stone Storage = 6,395.8 cf = 0.147 af
Overall Storage Efficiency = 61.0%
Overall System Size = 146.02' x 20.50' x 3.50'

80 Chambers
388.0 cy Field
251.9 cy Stone





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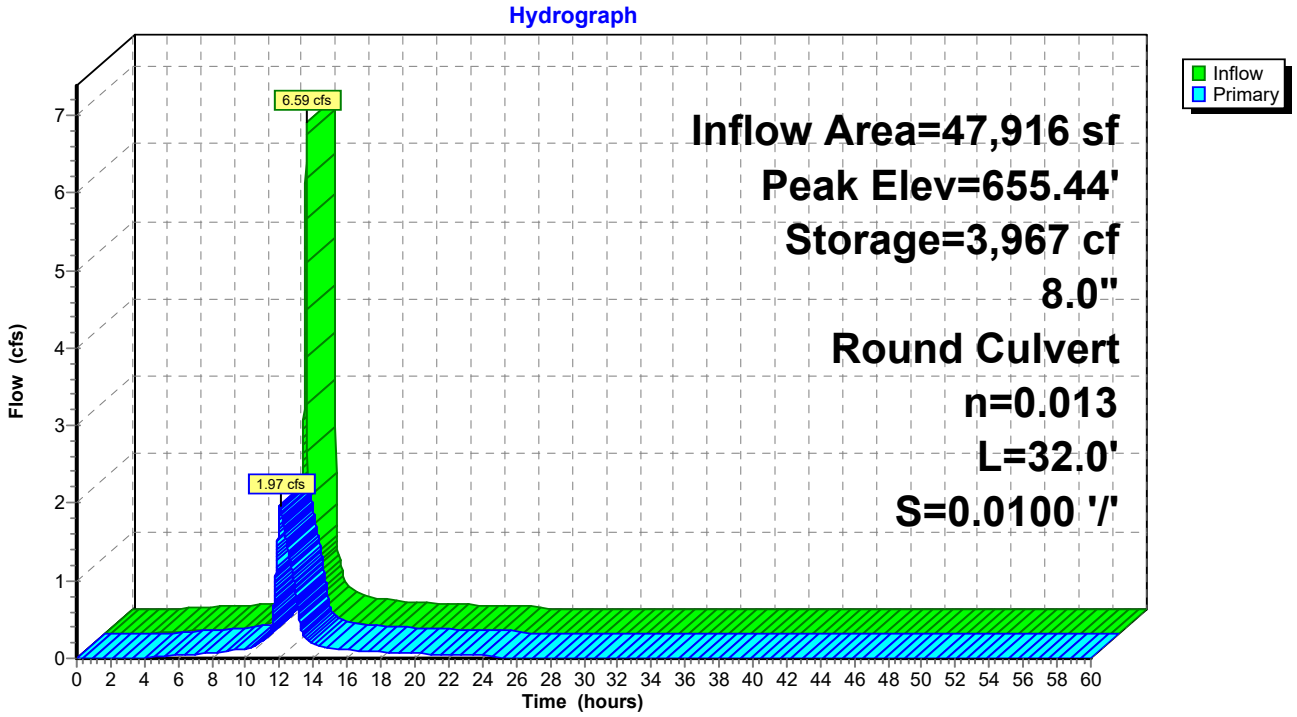
Pond 1P: (new Pond)



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Time span=0.00-60.00 hrs, dt=0.01 hrs, 6001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Proposed Runoff Area=1.100 ac 86.36% Impervious Runoff Depth=4.76"
Flow Length=380' Tc=2.2 min CN=96 Runoff=9.09 cfs 19,011 cf

Pond 1P: (new Pond) Peak Elev=656.44' Storage=5,721 cf Inflow=9.09 cfs 19,011 cf
8.0" Round Culvert n=0.013 L=32.0' S=0.0100 '/' Outflow=2.51 cfs 19,011 cf

Total Runoff Area = 47,916 sf Runoff Volume = 19,011 cf Average Runoff Depth = 4.76"
13.64% Pervious = 6,534 sf 86.36% Impervious = 41,382 sf

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Subcatchment 1S: Proposed

[47] Hint: Peak is 196% of capacity of segment #2

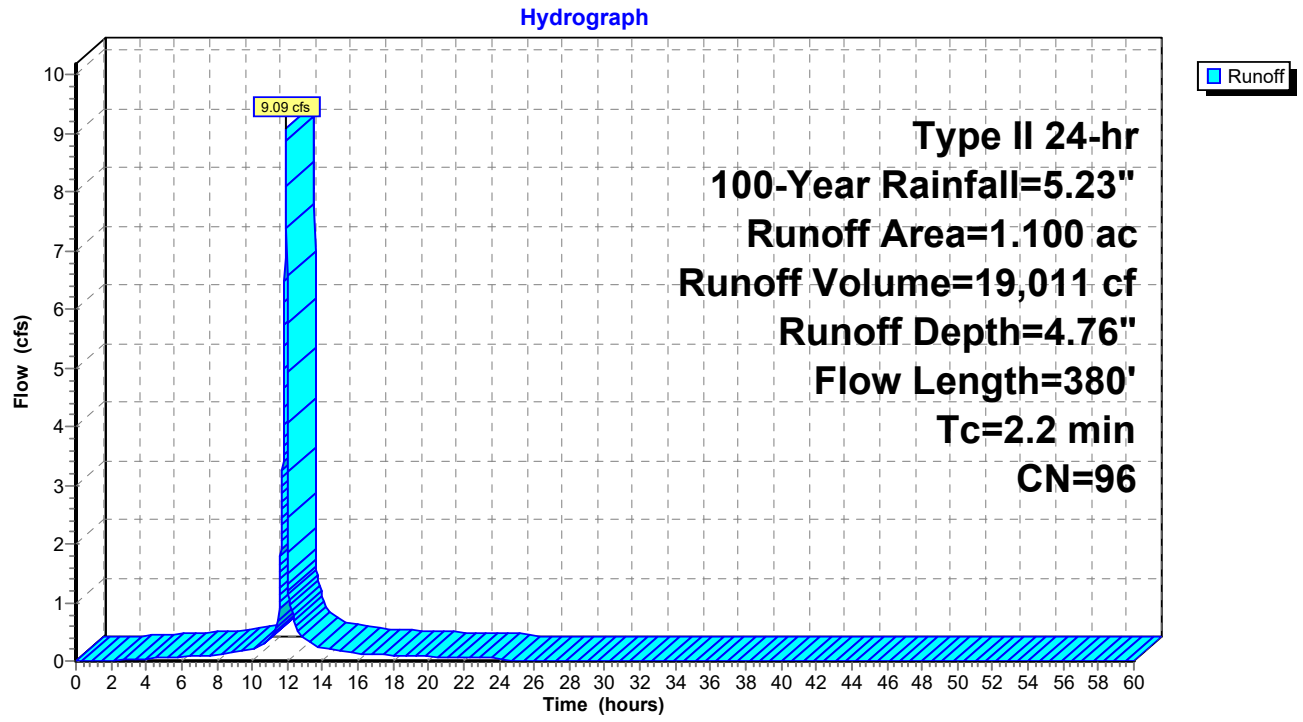
Runoff = 9.09 cfs @ 11.92 hrs, Volume= 19,011 cf, Depth= 4.76"
Routed to Pond 1P : (new Pond)

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Type II 24-hr 100-Year Rainfall=5.23"

Area (ac)	CN	Description
0.240	98	Roofs, HSG D
0.710	98	Paved parking, HSG D
0.150	80	>75% Grass cover, Good, HSG D
1.100	96	Weighted Average
0.150		13.64% Pervious Area
0.950		86.36% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.6	160	0.0330	1.63		**Sheet Flow, pavement** Smooth surfaces n= 0.011 P2= 2.50"
0.6	220	0.0100	5.90	4.63	**Pipe Channel, pipe flow** 12.0" Round Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.010 PVC, smooth interior
2.2	380	Total			

Subcatchment 1S: Proposed



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Pond 1P: (new Pond)

Inflow Area = 47,916 sf, 86.36% Impervious, Inflow Depth = 4.76" for 100-Year event
Inflow = 9.09 cfs @ 11.92 hrs, Volume= 19,011 cf
Outflow = 2.51 cfs @ 12.02 hrs, Volume= 19,011 cf, Atten= 72%, Lag= 5.7 min
Primary = 2.51 cfs @ 12.02 hrs, Volume= 19,011 cf

Routing by Stor-Ind method, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Peak Elev= 656.44' @ 12.02 hrs Surf.Area= 2,993 sf Storage= 5,721 cf

Plug-Flow detention time= 30.8 min calculated for 19,008 cf (100% of inflow)
Center-of-Mass det. time= 31.0 min (785.0 - 754.0)

Volume	Invert	Avail.Storage	Storage Description
#1A	653.50'	2,721 cf	**20.50'W x 146.02'L x 3.50'H Field A** 10,477 cf Overall - 3,675 cf Embedded = 6,801 cf x 40.0% Voids
#2A	654.00'	3,675 cf	**ADS_StormTech SC-740 +Cap** x 80 Inside #1 Effective Size= 44.6"W x 30.0"H => 6.45 sf x 7.12'L = 45.9 cf Overall Size= 51.0"W x 30.0"H x 7.56'L with 0.44' Overlap 80 Chambers in 4 Rows
		6,396 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	653.50'	**8.0" Round Culvert** L= 32.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 653.50' / 653.18' S= 0.0100 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.35 sf

Primary OutFlow Max=2.51 cfs @ 12.02 hrs HW=656.44' (Free Discharge)
↑—**1=Culvert** (Barrel Controls 2.51 cfs @ 7.19 fps)

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Pond 1P: (new Pond) - Chamber Wizard Field A

Chamber Model = ADS_StormTechSC-740 +Cap (ADS StormTech®SC-740 with cap length)
Effective Size= 44.6"W x 30.0"H => 6.45 sf x 7.12'L = 45.9 cf
Overall Size= 51.0"W x 30.0"H x 7.56'L with 0.44' Overlap

51.0" Wide + 6.0" Spacing = 57.0" C-C Row Spacing

20 Chambers/Row x 7.12' Long +0.81' Cap Length x 2 = 144.02' Row Length +12.0" End Stone x 2 = 146.02' Base Length
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80 Chambers x 45.9 cf = 3,675.2 cf Chamber Storage

10,476.7 cf Field - 3,675.2 cf Chambers = 6,801.5 cf Stone x 40.0% Voids = 2,720.6 cf Stone Storage

Chamber Storage + Stone Storage = 6,395.8 cf = 0.147 af
Overall Storage Efficiency = 61.0%
Overall System Size = 146.02' x 20.50' x 3.50'

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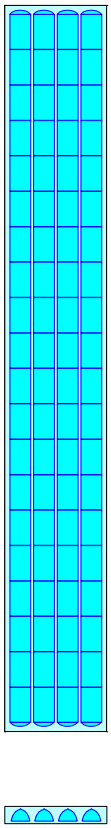

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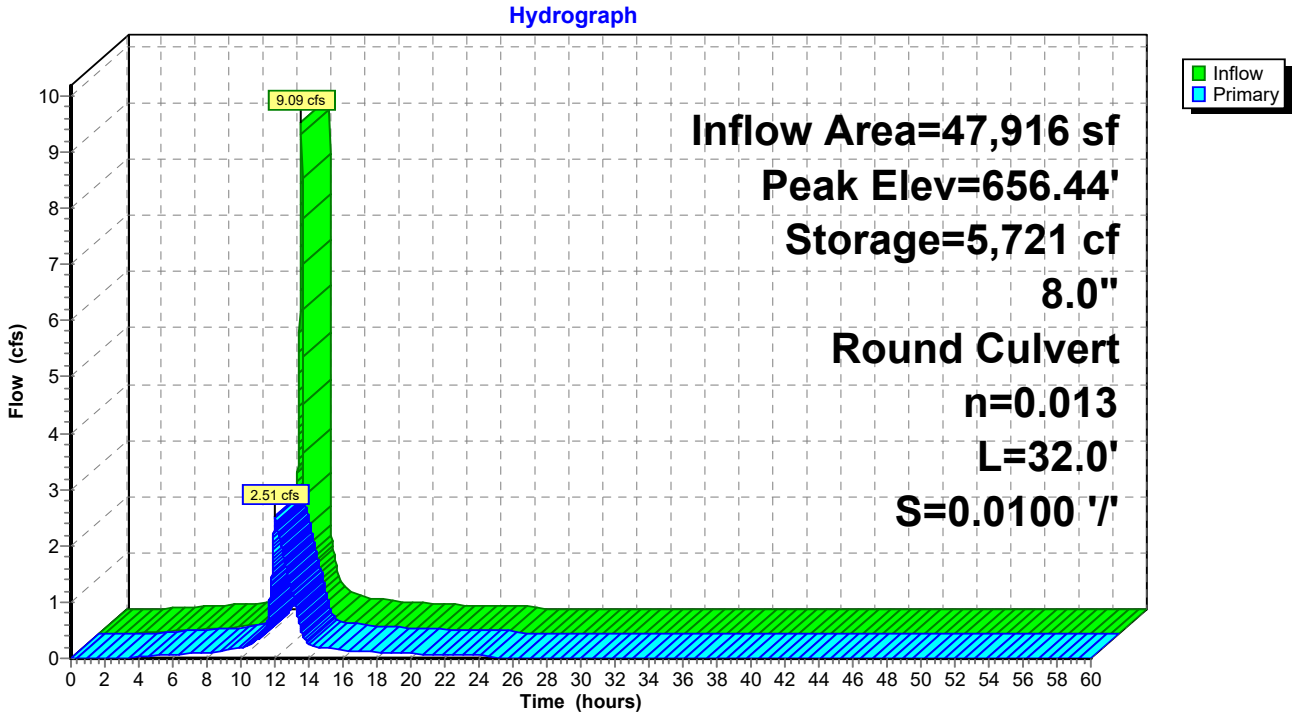
Pond 1P: (new Pond)



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Green Infrastructure & Water Quality Calculations

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Version 1.7
Last Updated: 10/02/2015

Total Water Quality Volume Calculation
WQv(acre-feet) = [(P)(Rv)(A)] /12

Is this project subject to Chapter 10 of the NYS Design Manual (i.e. WQv is equal to post-development 1 year runoff volume)?.....	

Design Point:	1	
P=	1.00	*inch*

Breakdown of Subcatchments

Catchment Number	Total Area *(Acres)*	Impervious Area *(Acres)*	Percent Impervious *%*	Rv	WQv *(ft^3)*	Description
1	1.10	0.35	32%	0.34	1,343	
2						
3						
4						
5						
6						
7						
8						
9						
10						
Subtotal (1-30)	1.10	0.35	32%	0.34	**1,343**	**Subtotal 1**
Total	1.10	0.35	32%	0.34	**1,343**	**Initial WQv**

Identify Runoff Reduction Techniques By Area

Technique	Total Contributing Area *(Acre)*	Contributing Impervious Area *(Acre)*	Notes
Conservation of Natural Areas	0.00	0.00	*minimum 10,000 sf*
Riparian Buffers	0.00	0.00	*maximum contributing length 75 feet to 150 feet*
Filter Strips	0.00	0.00	
Tree Planting	0.00	0.00	*Up to 100 sf directly connected impervious area may be subtracted per tree*
Total	**0.00**	**0.00**	

Recalculate WQv after application of Area Reduction Techniques

	Total Area *(Acres)*	Impervious Area *(Acres)*	Percent Impervious *%*	Runoff Coefficient Rv	WQv *(ft^3)*
"<<Initial WQv"	1.10	0.35	32%	0.34	1,343
Subtract Area	0.00	0.00			
WQv adjusted after Area Reductions	**1.10**	**0.35**	32%	0.34	1,343
Disconnection of Rooftops		0.00			
Adjusted WQv after Area Reduction and Rooftop Disconnect	1.10	0.35	32%	0.34	**1,343**
WQv reduced by Area Reduction techniques					0

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Bioretention Worksheet

(For use on HSG C or D Soils with underdrains)

Af=WQv*(df)/[k*(hf+df)(tf)]

Af	Required Surface Area (ft2)
WQv	Water Quality Volume (ft3)
df	Depth of the Soil Medium (feet)
hf	Average height of water above the planter bed
tf	Volume Through the Filter Media (days)

k — The hydraulic conductivity [ft/day], can be varied depending on the properties of the soil media. Some reported conductivity values are: ***Sand*** - 3.5 ft/day (City of Austin 1988); ***Peat*** - 2.0 ft/day (Galli 1990); ***Leaf Compost*** - 8.7 ft/day (Claytor and Schueler, 1996); ***Bioretention Soil*** (0.5 ft/day (Claytor &

Design Point:	1

Enter Site Data For Drainage Area to be Treated by Practice							
Catchment Number	**Total Area** *(Acres)*	**Impervious Area** *(Acres)*	**Percent Impervious** *%*	**Rv**	**WQv** *(ft^3)*	**Precipitation** *(in)*	**Description**
1	1.10	0.35	0.32	0.34	1343.10	1.00	
Enter Impervious Area Reduced by Disconnection of Rooftops			32%	0.34	1,343	<<WQv after adjusting for Disconnected Rooftops	
Enter the portion of the WQv that is not reduced for all practices routed to this practice.						*ft^3*	

Soil Information			
Soil Group	D		
Soil Infiltration Rate	0.00	*in/hour*	*Okay*
Using Underdrains?	Yes	*Okay*	

Calculate the Minimum Filter Area				
		Value	Units	Notes
WQv		1,343	*ft^3*	
Enter Depth of Soil Media	*df*	1.5	*ft*	*2.5-4 ft*
Enter Hydraulic Conductivity	*k*	0.5	*ft/day*	
Enter Average Height of Ponding	*hf*	0.5	*ft*	*6 inches max.*
Enter Filter Time	*tf*	2	*days*	
Required Filter Area	***Af***	**1007**	***ft^2***	

Determine Actual Bio-Retention Area			
Filter Width	6.11	*ft*	
Filter Length	165	*ft*	
Filter Area	1008.15	*ft^2*	
Actual Volume Provided	1344	*ft^3*	

Determine Runoff Reduction				
Is the Bioretention contributing flow to another practice?		No	Select Practice	
RRv	538			
RRv applied	**538**	***ft^3***	***This is 40% of the storage provided or WQv whichever is less.***	
Volume Treated	805	*ft^3*	*This is the portion of the WQv that is not reduced in the practice.*	
Volume Directed	0	*ft^3*	This volume is directed another practice	
Sizing √	OK		*Check to be sure Area provided ≥ Af*	

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Minimum RRv

Enter the Soils Data for the site		
Soil Group	Acres	S
A		55%
B		40%
C		30%
D	**1.10**	20%
Total Area	1.1	

Calculate the Minimum RRv		
S =	**0.20**	
Impervious =	0.35	*acre*
Precipitation	1	*in*
Rv	0.95	
Minimum RRv	**241**	***ft3***
	0.01	af

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Mixed Use Buidling - 5226 5228 Main Street
Town of Amherst, Erie County, New York

WATER QUALITY REQUIRED FOR PROPOSED DEVELOPMENT AREA Area, Acres = 1.1
(Note: Reference Chap. 9 NYSDEC Stormwater Design Manual)

"Redevelopment Activity", Acres = 0.80 "New development", Acres = 0.3
(existing, disturbed impervious area)

Total proposed impervious, Acres = 0.95 Adjusted impervious, Acres = 0.35
"New" impervious, Acres = 0.15 (25% redevelopment, 100% new development)

Water Quality Volume (WQv) WQv=(P*Rv*A)/12

Where:	P=90% Rainfall Event Number	P= 1
	Rv= 0.05+0.009*(I)	Rv= 0.33
	IC=Impervious Cover, Acres	IC= 0.35
	I=Impervious Cover (%)	I= 32
	A=Runoff Area, Acres	A= 1.1

WQv (ac-ft)= 0.030
WQv (cf)= 1,343

RRv PROVIDED FOR PROPOSED DEVELOPMENT AREA (See NYSDEC worksheets)

		WQv, cf	RRv, cf
Min. RRv Req'd, cf = 241	RRv, Bioretention Areas	805	538
Min. RRv Req'd, ac-ft = 0.006	WQv, Detention Pond	0	0
	TOTAL, cf	805	538
	TOTAL, ac-ft	0.018	0.012

WQ & RR SUMMARY (ac-ft):

TOTAL WATER QUALITY PROVIDED FOR PROPOSED DEVELOPMENT AREA 0.030

IS WATER QUALITY VOLUME REQUIREMENT MET? Yes
(WQv provided equal to or greater than WQv required)

IS RUNOFF REDUCTION VOLUME REQUIREMENT MET? Yes
(RRv provided equal to or greater than Min. RRv required)

Revised 08/09/2016

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Appendix E

NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

From

CONSTRUCTION ACTIVITY

Permit No. GP- 0-20-001

Issued Pursuant to Article 17, Titles 7, 8 and Article 70

of the Environmental Conservation Law

Effective Date: January 29, 2020

Expiration Date: January 28, 2025

John J. Ferguson

Chief Permit Administrator

1-23-20

Authorized Signature

Date

Address: NYS DEC
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, N.Y. 12233-1750

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

PREFACE

Pursuant to Section 402 of the Clean Water Act ("CWA"), stormwater *discharges* from certain *construction activities* are unlawful unless they are authorized by a *National Pollutant Discharge Elimination System ("NPDES")* permit or by a state permit program. New York administers the approved State Pollutant Discharge Elimination System (SPDES) program with permits issued in accordance with the New York State Environmental Conservation Law (ECL) Article 17, Titles 7, 8 and Article 70.

An *owner or operator* of a *construction activity* that is eligible for coverage under this permit must obtain coverage prior to the *commencement of construction activity*. Activities that fit the definition of "*construction activity*", as defined under 40 CFR 122.26(b)(14)(x), (15)(i), and (15)(ii), constitute construction of a *point source* and therefore, pursuant to ECL section 17-0505 and 17-0701, the *owner or operator* must have coverage under a SPDES permit prior to *commencing construction activity*. The *owner or operator* cannot wait until there is an actual *discharge* from the *construction site* to obtain permit coverage.

***Note: The italicized words/phrases within this permit are defined in Appendix A.**

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

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Part 1. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application

This permit authorizes stormwater *discharges* to *surface waters of the State* from the following *construction activities* identified within 40 CFR Parts 122.26(b)(14)(x), 122.26(b)(15)(i) and 122.26(b)(15)(ii), provided all of the eligibility provisions of this permit are met:

1. *Construction activities* involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a *larger common plan of development or sale* that will ultimately disturb one or more acres of land; excluding *routine maintenance activity* that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;

2. *Construction activities* involving soil disturbances of less than one (1) acre where the Department has determined that a *SPDES* permit is required for stormwater *discharges* based on the potential for contribution to a violation of a *water quality standard* or for significant contribution of *pollutants* to *surface waters of the State.*

3. *Construction activities* located in the watershed(s) identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

B. Effluent Limitations Applicable to Discharges from Construction Activities

Discharges authorized by this permit must achieve, at a minimum, the effluent limitations in Part I.B.1. (a) – (f) of this permit. These limitations represent the degree of effluent reduction attainable by the application of best practicable technology currently available.

1. Erosion and Sediment Control Requirements - The *owner or operator* must select, design, install, implement and maintain control measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. The selection, design, installation, implementation, and maintenance of these control measures must meet the non-numeric effluent limitations in Part I.B.1.(a) – (f) of this permit and be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, using sound engineering judgment. Where control measures are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must include in the *Stormwater Pollution Prevention Plan* ("SWPPP") the reason(s) for the

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deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

a. **Erosion and Sediment Controls.** Design, install and maintain effective erosion and sediment controls to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such controls must be designed, installed and maintained to:

   (i) *Minimize* soil erosion through application of runoff control and soil stabilization control measure to *minimize pollutant discharge*s;

   (ii) Control stormwater *discharge*s, including both peak flowrates and total stormwater volume, to *minimize* channel and *streambank* erosion and scour in the immediate vicinity of the *discharge* points;

   (iii) *Minimize* the amount of soil exposed during *construction activity*;

   (iv) *Minimize* the disturbance of *steep slopes*;

   (v) *Minimize* sediment *discharge*s from the site;

   (vi) Provide and maintain *natural buffer*s around surface waters, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce *pollutant discharge*s, unless *infeasible*;

   (vii) *Minimize* soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted;

   (viii) Unless *infeasible*, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover; and

   (ix) *Minimize* dust. On areas of exposed soil, *minimize* dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged from the site.

b. **Soil Stabilization**. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the current soil disturbance activity ceased. For construction sites that *directly discharge* to one of the 303(d) segments

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listed in Appendix E or is located in one of the watersheds listed in Appendix C, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. See Appendix A for definition of *Temporarily Ceased*.

c. **Dewatering**. *Discharge*s from *dewatering* activities, including *discharge*s from *dewatering* of trenches and excavations, must be managed by appropriate control measures.

d. **Pollution Prevention Measures**. Design, install, implement, and maintain effective pollution prevention measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such measures must be designed, installed, implemented and maintained to:

(i) *Minimize* the *discharge* of *pollutants* from equipment and vehicle washing, wheel wash water, and other wash waters. This applies to washing operations that use clean water only. Soaps, detergents and solvents cannot be used;

(ii) *Minimize* the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, hazardous and toxic waste, and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a *discharge* of *pollutants*, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use) ; and

(iii) Prevent the *discharge* of *pollutants* from spills and leaks and implement chemical spill and leak prevention and response procedures.

e. **Prohibited *Discharges*.** The following *discharge*s are prohibited:

(i) Wastewater from washout of concrete;

(ii) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

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(iii) Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance;

(iv) Soaps or solvents used in vehicle and equipment washing; and

(v) Toxic or hazardous substances from a spill or other release.

f. Surface Outlets. When discharging from basins and impoundments, the outlets shall be designed, constructed and maintained in such a manner that sediment does not leave the basin or impoundment and that erosion at or below the outlet does not occur.

C. Post-construction Stormwater Management Practice Requirements

1. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must select, design, install, and maintain the practices to meet the *performance criteria* in the New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015, using sound engineering judgment. Where post-construction stormwater management practices ("SMPs") are not designed in conformance with the *performance criteria* in the Design Manual, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

2. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must design the practices to meet the applicable *sizing criteria* in Part I.C.2.a., b., c. or d. of this permit.

a. Sizing Criteria for New Development

(i) Runoff Reduction Volume ("RRv"): Reduce the total Water Quality Volume ("WQv") by application of RR techniques and standard SMPs with RRv capacity. The total WQv shall be calculated in accordance with the criteria in Section 4.2 of the Design Manual.

(ii) Minimum RRv and Treatment of Remaining Total WQv: Construction activities that cannot meet the criteria in Part I.C.2.a.(i) of this permit due to site limitations shall direct runoff from all newly constructed impervious areas to a RR technique or standard SMP with RRv capacity unless infeasible. The specific site limitations that prevent the reduction of 100% of the WQv shall be documented in the SWPPP.

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For each impervious area that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered infeasible.

In no case shall the runoff reduction achieved from the newly constructed impervious areas be less than the Minimum RRv as calculated using the criteria in Section 4.3 of the Design Manual. The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

(iii) Channel Protection Volume ("Cpv"): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
(1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
(2) The site discharges directly to tidal waters, or fifth order or larger streams.

(iv) *Overbank* Flood Control Criteria ("Qp"): Requires storage to attenuate the post-development 10-year, 24-hour peak discharge rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
(1) the site discharges directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

(v) Extreme Flood Control Criteria ("Qf"): Requires storage to attenuate the post-development 100-year, 24-hour peak discharge rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
(1) the site discharges directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

b. *Sizing Criteria* for *New Development* in Enhanced Phosphorus Removal Watershed

(i) Runoff Reduction Volume (RRv): Reduce the total Water Quality Volume (WQv) by application of RR techniques and standard SMPs with RRv capacity. The total WQv is the runoff volume from the 1-year, 24 hour design storm over the post-developed watershed and shall be

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calculated in accordance with the criteria in Section 10.3 of the Design Manual.

(ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.b.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible.*

In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRv as calculated using the criteria in Section 10.3 of the Design Manual. The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

(iii) Channel Protection Volume (Cpv): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
(1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
(2) The site *discharge*s directly to tidal waters, or fifth order or larger streams.

(iv) *Overbank* Flood Control Criteria (Qp): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
(1) the site *discharge*s directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

(v) Extreme Flood Control Criteria (Qf): Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
(1) the site *discharge*s directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that *overbank* control is not required.

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c. Sizing Criteria for Redevelopment Activity

(i) Water Quality Volume (WQv): The WQv treatment objective for *redevelopment activity* shall be addressed by one of the following options. *Redevelopment activities* located in an Enhanced Phosphorus Removal Watershed (see Part III.B.3. and Appendix C of this permit) shall calculate the WQv in accordance with Section 10.3 of the Design Manual. All other *redevelopment activities* shall calculate the WQv in accordance with Section 4.2 of the Design Manual.

(1) Reduce the existing *impervious cover* by a minimum of 25% of the total disturbed, *impervious area*. The Soil Restoration criteria in Section 5.1.6 of the Design Manual must be applied to all newly created pervious areas, or

(2) Capture and treat a minimum of 25% of the WQv from the disturbed, *impervious area* by the application of standard SMPs; or reduce 25% of the WQv from the disturbed, *impervious area* by the application of RR techniques or standard SMPs with RRv capacity., or

(3) Capture and treat a minimum of 75% of the WQv from the disturbed, *impervious area* as well as any additional runoff from tributary areas by application of the alternative practices discussed in Sections 9.3 and 9.4 of the Design Manual., or

(4) Application of a combination of 1, 2 and 3 above that provide a weighted average of at least two of the above methods. Application of this method shall be in accordance with the criteria in Section 9.2.1(B) (IV) of the Design Manual.

If there is an existing post-construction stormwater management practice located on the site that captures and treats runoff from the *impervious area* that is being disturbed, the WQv treatment option selected must, at a minimum, provide treatment equal to the treatment that was being provided by the existing practice(s) if that treatment is greater than the treatment required by options 1 – 4 above.

(ii) Channel Protection Volume (Cpv): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

(iii) *Overbank* Flood Control Criteria (Qp): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

(iv) Extreme Flood Control Criteria (Qf): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site

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d. Sizing Criteria for Combination of Redevelopment Activity and New Development

Construction projects that include both New Development and Redevelopment Activity shall provide post-construction stormwater management controls that meet the sizing criteria calculated as an aggregate of the Sizing Criteria in Part I.C.2.a. or b. of this permit for the New Development portion of the project and Part I.C.2.c of this permit for Redevelopment Activity portion of the project.

D. Maintaining Water Quality

The Department expects that compliance with the conditions of this permit will control *discharge*s necessary to meet applicable *water quality standards*. It shall be a violation of the *ECL* for any discharge to either cause or contribute to a violation of *water quality standards* as contained in Parts 700 through 705 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, such as:

1. There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions;

2. There shall be no increase in suspended, colloidal or settleable solids that will cause deposition or impair the waters for their best usages; and

3. There shall be no residue from oil and floating substances, nor visible oil film, nor globules of grease.

If there is evidence indicating that the stormwater *discharge*s authorized by this permit are causing, have the reasonable potential to cause, or are contributing to a violation of the *water quality standards*; the *owner or operator* must take appropriate corrective action in accordance with Part IV.C.5. of this general permit and document in accordance with Part IV.C.4. of this general permit. To address the *water quality standard* violation the *owner or operator* may need to provide additional information, include and implement appropriate controls in the SWPPP to correct the problem, or obtain an individual SPDES permit.

If there is evidence indicating that despite compliance with the terms and conditions of this general permit it is demonstrated that the stormwater *discharge*s authorized by this permit are causing or contributing to a violation of *water quality standards*, or if the Department determines that a modification of the permit is necessary to prevent a violation of *water quality standards*, the authorized *discharge*s will no longer be eligible for coverage under this permit. The Department may require the *owner or operator* to obtain an individual SPDES permit to continue discharging.

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E. Eligibility Under This General Permit

1. This permit may authorize all *discharges* of stormwater from *construction activity* to *surface waters of the State* and *groundwaters* except for ineligible *discharges* identified under subparagraph F. of this Part.

2. Except for non-stormwater *discharges* explicitly listed in the next paragraph, this permit only authorizes stormwater *discharge*s; including stormwater runoff, snowmelt runoff, and surface runoff and drainage, from *construction activities*.

3. Notwithstanding paragraphs E.1 and E.2 above, the following non-stormwater discharges are authorized by this permit: those listed in 6 NYCRR 750-1.2(a)(29)(vi), with the following exception: “Discharges from firefighting activities are authorized only when the firefighting activities are emergencies/unplanned”; waters to which other components have not been added that are used to control dust in accordance with the SWPPP; and uncontaminated *discharge*s from *construction site* de-watering operations. All non-stormwater discharges must be identified in the SWPPP. Under all circumstances, the *owner or operator* must still comply with *water quality standards* in Part I.D of this permit.

4. The *owner or operator* must maintain permit eligibility to *discharge* under this permit. Any *discharges* that are not compliant with the eligibility conditions of this permit are not authorized by the permit and the *owner or operator* must either apply for a separate permit to cover those ineligible *discharges* or take steps necessary to make the *discharge* eligible for coverage.

F. Activities Which Are Ineligible for Coverage Under This General Permit

All of the following are **not** authorized by this permit:

1. *Discharge*s after *construction activities* have been completed and the site has undergone *final stabilization*;

2. *Discharges* that are mixed with sources of non-stormwater other than those expressly authorized under subsection E.3. of this Part and identified in the SWPPP required by this permit;

3. *Discharges* that are required to obtain an individual SPDES permit or another SPDES general permit pursuant to Part VII.K. of this permit;

4. *Construction activities* or *discharges* from *construction activities* that may adversely affect an *endangered or threatened species* unless the *owner or*

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operator has obtained a permit issued pursuant to 6 NYCRR Part 182 for the project or the Department has issued a letter of non-jurisdiction for the project. All documentation necessary to demonstrate eligibility shall be maintained on site in accordance with Part II.D.2 of this permit;

5. *Discharges* which either cause or contribute to a violation of *water quality standards* adopted pursuant to the *ECL* and its accompanying regulations;

6. *Construction activities* for residential, commercial and institutional projects:

   a. Where the *discharge*s from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and

   b. Which are undertaken on land with no existing *impervious cover*; and

   c. Which disturb one (1) or more acres of land designated on the current United States Department of Agriculture ("USDA") Soil Survey as Soil Slope Phase "D", (provided the map unit name is inclusive of slopes greater than 25%), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.

7. *Construction activities* for linear transportation projects and linear utility projects:

   a. Where the *discharge*s from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and

   b. Which are undertaken on land with no existing *impervious cover*; and

   c. Which disturb two (2) or more acres of land designated on the current USDA Soil Survey as Soil Slope Phase "D" (provided the map unit name is inclusive of slopes greater than 25%), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.

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8. *Construction activities* that have the potential to affect an *historic property*, unless there is documentation that such impacts have been resolved. The following documentation necessary to demonstrate eligibility with this requirement shall be maintained on site in accordance with Part II.D.2 of this permit and made available to the Department in accordance with Part VII.F of this permit:

   a. Documentation that the *construction activity* is not within an archeologically sensitive area indicated on the sensitivity map, and that the *construction activity* is not located on or immediately adjacent to a property listed or determined to be eligible for listing on the National or State Registers of Historic Places, and that there is no new permanent building on the *construction site* within the following distances from a building, structure, or object that is more than 50 years old, or if there is such a new permanent building on the *construction site* within those parameters that NYS Office of Parks, Recreation and Historic Preservation (OPRHP), a Historic Preservation Commission of a Certified Local Government, or a qualified preservation professional has determined that the building, structure, or object more than 50 years old is not historically/archeologically significant.

      - 1-5 acres of disturbance - 20 feet
      - 5-20 acres of disturbance - 50 feet
      - 20+ acres of disturbance - 100 feet, or

   b. DEC consultation form sent to OPRHP, and copied to the NYS DEC Agency Historic Preservation Officer (APO), and
      (i) the State Environmental Quality Review (SEQR) Environmental Assessment Form (EAF) with a negative declaration or the Findings Statement, with documentation of OPRHP's agreement with the resolution; or
      (ii) documentation from OPRHP that the *construction activity* will result in No Impact; or
      (iii) documentation from OPRHP providing a determination of No Adverse Impact; or
      (iv) a Letter of Resolution signed by the owner/operator, OPRHP and the DEC APO which allows for this *construction activity* to be eligible for coverage under the general permit in terms of the State Historic Preservation Act (SHPA); or

   c. Documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act for a coterminous project area:

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(i) No Affect
(ii) No Adverse Affect
(iii) Executed Memorandum of Agreement, or

d. Documentation that:

(i) SHPA Section 14.09 has been completed by NYS DEC or another state agency.

9. *Discharge*s from *construction activities* that are subject to an existing SPDES individual or general permit where a SPDES permit for *construction activity* has been terminated or denied; or where the *owner or operator* has failed to renew an expired individual permit.

Part II. PERMIT COVERAGE

A. How to Obtain Coverage

1. An *owner or operator* of a *construction activity* that is not subject to the requirements of a regulated, traditional land use control MS4 must first prepare a SWPPP in accordance with all applicable requirements of this permit and then submit a completed Notice of Intent (NOI) to the Department to be authorized to discharge under this permit.

2. An *owner or operator* of a *construction activity* that is subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then have the SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department. The *owner or operator* shall have the "MS4 SWPPP Acceptance" form signed in accordance with Part VII.H., and then submit that form along with a completed NOI to the Department.

3. The requirement for an *owner or operator* to have its SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department does not apply to an *owner or operator* that is obtaining permit coverage in accordance with the requirements in Part II.F. (Change of *Owner or Operator*) or where the *owner or operator* of the *construction activity* is the *regulated, traditional land use control MS4* . This exemption does not apply to *construction activities* subject to the New York City Administrative Code.

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B. Notice of Intent (NOI) Submittal

1. Prior to December 21, 2020, an owner or operator shall use either the electronic (eNOI) or paper version of the NOI that the Department prepared. Both versions of the NOI are located on the Department's website (http://www.dec.ny.gov/). The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the following address:

   NOTICE OF INTENT
   NYS DEC, Bureau of Water Permits
   625 Broadway, 4th Floor
   Albany, New York 12233-3505

2. Beginning December 21, 2020 and in accordance with EPA's 2015 NPDES Electronic Reporting Rule (40 CFR Part 127), the *owner or operator* must submit the NOI electronically using the *Department's* online NOI.

3. The *owner or operator* shall have the SWPPP preparer sign the "SWPPP Preparer Certification" statement on the NOI prior to submitting the form to the Department.

4. As of the date the NOI is submitted to the Department, the *owner or operator* shall make the NOI and SWPPP available for review and copying in accordance with the requirements in Part VII.F. of this permit.

C. Permit Authorization

1. An *owner or operator* shall not *commence construction activity* until their authorization to *discharge* under this permit goes into effect.

2. Authorization to *discharge* under this permit will be effective when the *owner or operator* has satisfied all of the following criteria:

   a. project review pursuant to the State Environmental Quality Review Act ("SEQRA") have been satisfied, when SEQRA is applicable. See the Department's website (http://www.dec.ny.gov/) for more information,

   b. where required, all necessary Department permits subject to the *Uniform Procedures Act ("UPA")* (see 6 NYCRR Part 621), or the equivalent from another New York State agency, have been obtained, unless otherwise notified by the Department pursuant to 6 NYCRR 621.3(a)(4). *Owners or operators* of *construction activities* that are required to obtain *UPA* permits

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must submit a preliminary SWPPP to the appropriate DEC Permit Administrator at the Regional Office listed in Appendix F at the time all other necessary *UPA* permit applications are submitted. The preliminary SWPPP must include sufficient information to demonstrate that the *construction activity* qualifies for authorization under this permit,

c. the final SWPPP has been prepared, and

d. a complete NOI has been submitted to the Department in accordance with the requirements of this permit.

3. An *owner or operator* that has satisfied the requirements of Part II.C.2 above will be authorized to *discharge* stormwater from their *construction activity* in accordance with the following schedule:

   a. For *construction activities* that are not subject to the requirements of a *regulated, traditional land use control MS4*:

      (i) Five (5) business days from the date the Department receives a complete electronic version of the NOI (eNOI) for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.; or

      (ii) Sixty (60) business days from the date the Department receives a complete NOI (electronic or paper version) for *construction activities* with a SWPPP that has not been prepared in conformance with the design criteria in technical standard referenced in Part III.B.1. or, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C., the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, or;

      (iii) Ten (10) business days from the date the Department receives a complete paper version of the NOI for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.

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b. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*:

(i) Five (5) business days from the date the Department receives both a complete electronic version of the NOI (eNOI) and signed "*MS4* SWPPP Acceptance" form, or

(ii) Ten (10) business days from the date the Department receives both a complete paper version of the NOI and signed "MS4 SWPPP Acceptance" form.

4. Coverage under this permit authorizes stormwater *discharges* from only those areas of disturbance that are identified in the NOI. If an *owner or operator* wishes to have stormwater *discharges* from future or additional areas of disturbance authorized, they must submit a new NOI that addresses that phase of the development, unless otherwise notified by the Department. The *owner or operator* shall not *commence construction activity* on the future or additional areas until their authorization to *discharge* under this permit goes into effect in accordance with Part II.C. of this permit.

D. General Requirements For Owners or Operators With Permit Coverage

1. The *owner or operator* shall ensure that the provisions of the SWPPP are implemented from the *commencement of construction activity* until all areas of disturbance have achieved *final stabilization* and the Notice of Termination ("NOT") has been submitted to the Department in accordance with Part V. of this permit. This includes any changes made to the SWPPP pursuant to Part III.A.4. of this permit.

2. The *owner or operator* shall maintain a copy of the General Permit (GP-0-20-001), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form, inspection reports, responsible contractor's or subcontractor's certification statement (see Part III.A.6.), and all documentation necessary to demonstrate eligibility with this permit at the *construction site* until all disturbed areas have achieved *final stabilization* and the NOT has been submitted to the Department. The documents must be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection.

3. The *owner or operator* of a *construction activity* shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Department or, in areas under the jurisdiction of a *regulated, traditional land*

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use control MS4, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*). At a minimum, the *owner or operator* must comply with the following requirements in order to be authorized to disturb greater than five (5) acres of soil at any one time:

a. The *owner or operator* shall have a *qualified inspector* conduct **at least** two (2) site inspections in accordance with Part IV.C. of this permit every seven (7) calendar days, for as long as greater than five (5) acres of soil remain disturbed. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

b. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016.

c. The *owner or operator* shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.

d. The *owner or operator* shall install any additional site-specific practices needed to protect water quality.

e. The *owner or operator* shall include the requirements above in their SWPPP.

4. In accordance with statute, regulations, and the terms and conditions of this permit, the Department may suspend or revoke an *owner's or operator's* coverage under this permit at any time if the Department determines that the SWPPP does not meet the permit requirements or consistent with Part VII.K..

5. Upon a finding of significant non-compliance with the practices described in the SWPPP or violation of this permit, the Department may order an immediate stop to all activity at the site until the non-compliance is remedied. The stop work order shall be in writing, describe the non-compliance in detail, and be sent to the *owner or operator*.

6. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*, the *owner or operator* shall notify the

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regulated, traditional land use control MS4 in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the SWPPP required by Part III.A. 4. and 5. of this permit. Unless otherwise notified by the *regulated, traditional land use control MS4*, the *owner or operator* shall have the SWPPP amendments or modifications reviewed and accepted by the *regulated, traditional land use control MS4* prior to commencing construction of the post-construction stormwater management practice.

E. Permit Coverage for Discharges Authorized Under GP-0-15-002

1. Upon renewal of SPDES General Permit for Stormwater Discharges from *Construction Activity* (Permit No. GP-0-15-002), an *owner or operator* of *a construction activity* with coverage under GP-0-15-002, as of the effective date of GP- 0-20-001, shall be authorized to *discharge* in accordance with GP- 0-20-001, unless otherwise notified by the Department.

   An *owner or operator* may continue to implement the technical/design components of the post-construction stormwater management controls provided that such design was done in conformance with the technical standards in place at the time of initial project authorization. However, they must comply with the other, non-design provisions of GP-0-20-001.

F. Change of Owner or Operator

1. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original *owner or operator* must notify the new *owner or operator*, in writing, of the requirement to obtain permit coverage by submitting a NOI with the Department. For *construction activities* subject to the requirements of a *regulated, traditional land use control MS4,* the original *owner or operator* must also notify the MS4, in writing, of the change in ownership at least 30 calendar days prior to the change in ownership.

2. Once the new *owner or operator* obtains permit coverage, the original *owner or operator* shall then submit a completed NOT with the name and permit identification number of the new *owner or operator* to the Department at the address in Part II.B.1. of this permit. If the original *owner or operator* maintains ownership of a portion of the *construction activity* and will disturb soil, they must maintain their coverage under the permit.

3. Permit coverage for the new *owner or operator* will be effective as of the date the Department receives a complete NOI, provided the original *owner or*

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operator was not subject to a sixty (60) business day authorization period that has not expired as of the date the Department receives the NOI from the new *owner or operator*.

Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A. General SWPPP Requirements

1. A SWPPP shall be prepared and implemented by the *owner or operator* of each *construction activity* covered by this permit. The SWPPP must document the selection, design, installation, implementation and maintenance of the control measures and practices that will be used to meet the effluent limitations in Part I.B. of this permit and where applicable, the post-construction stormwater management practice requirements in Part I.C. of this permit. The SWPPP shall be prepared prior to the submittal of the NOI. The NOI shall be submitted to the Department prior to the *commencement of construction activity*. A copy of the completed, final NOI shall be included in the SWPPP.

2. The SWPPP shall describe the erosion and sediment control practices and where required, post-construction stormwater management practices that will be used and/or constructed to reduce the *pollutants* in stormwater *discharges* and to assure compliance with the terms and conditions of this permit. In addition, the SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater *discharges*.

3. All SWPPPs that require the post-construction stormwater management practice component shall be prepared by a *qualified professional* that is knowledgeable in the principles and practices of stormwater management and treatment.

4. The *owner or operator* must keep the SWPPP current so that it at all times accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the *owner or operator* shall amend the SWPPP, including construction drawings:

    a. whenever the current provisions prove to be ineffective in minimizing *pollutants* in stormwater *discharges* from the site;

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b. whenever there is a change in design, construction, or operation at the *construction site* that has or could have an effect on the *discharge* of *pollutants*;

c. to address issues or deficiencies identified during an inspection by the *qualified inspector,* the Department or other regulatory authority; and

d. to document the final construction conditions.

5. The Department may notify the *owner or operator* at any time that the SWPPP does not meet one or more of the minimum requirements of this permit. The notification shall be in writing and identify the provisions of the SWPPP that require modification. Within fourteen (14) calendar days of such notification, or as otherwise indicated by the Department, the *owner or operator* shall make the required changes to the SWPPP and submit written notification to the Department that the changes have been made. If the *owner or operator* does not respond to the Department's comments in the specified time frame, the Department may suspend the *owner's or operator's* coverage under this permit or require the *owner or operator* to obtain coverage under an individual SPDES permit in accordance with Part II.D.4. of this permit.

6. Prior to the *commencement of construction activity*, the *owner or operator* must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP; and the contractor(s) and subcontractor(s) that will be responsible for constructing the post-construction stormwater management practices included in the SWPPP. The *owner or operator* shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the *trained contractor.* The *owner or operator* shall ensure that at least one *trained contractor* is on site on a daily basis when soil disturbance activities are being performed.

   The *owner or operator* shall have each of the contractors and subcontractors identified above sign a copy of the following certification statement below before they commence any *construction activity*:

   "I hereby certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *owner or operator* must comply with

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the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater *discharge*s from *construction activities* and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations"

In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the *trained contractor* responsible for SWPPP implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed. The *owner or operator* shall attach the certification statement(s) to the copy of the SWPPP that is maintained at the *construction site*. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, they must also sign the certification statement and provide the information listed above.

7. For projects where the Department requests a copy of the SWPPP or inspection reports, the *owner or operator* shall submit the documents in both electronic (PDF only) and paper format within five (5) business days, unless otherwise notified by the Department.

B. Required SWPPP Contents

1. Erosion and sediment control component - All SWPPPs prepared pursuant to this permit shall include erosion and sediment control practices designed in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Where erosion and sediment control practices are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must demonstrate *equivalence* to the technical standard. At a minimum, the erosion and sediment control component of the SWPPP shall include the following:

   a. Background information about the scope of the project, including the location, type and size of project

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b. A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the *construction activity*; existing and final contours ; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater *discharge*(s);

c. A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);

d. A construction phasing plan and sequence of operations describing the intended order of *construction activities*, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance;

e. A description of the minimum erosion and sediment control practices to be installed or implemented for each *construction activity* that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;

f. A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of *final stabilization*;

g. A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;

h. The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;

i. A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection

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schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016;

j. A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a *pollutant* source in the stormwater *discharges*;

k. A description and location of any stormwater *discharges* associated with industrial activity other than construction at the site, including, but not limited to, stormwater *discharges* from asphalt plants and concrete plants located on the *construction site*; and

l. Identification of any elements of the design that are not in conformance with the design criteria in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

2. Post-construction stormwater management practice component – The *owner or operator* of any construction project identified in Table 2 of Appendix B as needing post-construction stormwater management practices shall prepare a SWPPP that includes practices designed in conformance with the applicable *sizing criteria* in Part I.C.2.a., c. or d. of this permit and the *performance criteria* in the technical standard, New York State Stormwater Management Design Manual dated January 2015

   Where post-construction stormwater management practices are not designed in conformance with the *performance criteria* in the technical standard, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

   The post-construction stormwater management practice component of the SWPPP shall include the following:

   a. Identification of all post-construction stormwater management practices to be constructed as part of the project. Include the dimensions, material specifications and installation details for each post-construction stormwater management practice;

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b. A site map/construction drawing(s) showing the specific location and size of each post-construction stormwater management practice;

c. A Stormwater Modeling and Analysis Report that includes:
   (i) Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, and design points;

   (ii) Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;

   (iii) Results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre and post-development runoff rates and volumes for the different storm events;

   (iv) Summary table, with supporting calculations, which demonstrates that each post-construction stormwater management practice has been designed in conformance with the *sizing criteria* included in the Design Manual;

   (v) Identification of any *sizing criteria* that is not required based on the requirements included in Part I.C. of this permit; and

   (vi) Identification of any elements of the design that are not in conformance with the *performance criteria* in the Design Manual. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the Design Manual;

d. Soil testing results and locations (test pits, borings);

e. Infiltration test results, when required; and

f. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long term operation and maintenance of each practice.

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3. Enhanced Phosphorus Removal Standards - All construction projects identified in Table 2 of Appendix B that are located in the watersheds identified in Appendix C shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the applicable *sizing criteria* in Part I.C.2. b., c. or d. of this permit and the *performance criteria,* Enhanced Phosphorus Removal Standards included in the Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items 2.a - 2.f. above.

C. Required SWPPP Components by Project Type

Unless otherwise notified by the Department, *owners or operators* of *construction activities* identified in Table 1 of Appendix B are required to prepare a SWPPP that only includes erosion and sediment control practices designed in conformance with Part III.B.1 of this permit. *Owners or operators* of the *construction activities* identified in Table 2 of Appendix B shall prepare a SWPPP that also includes post-construction stormwater management practices designed in conformance with Part III.B.2 or 3 of this permit.

Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS

A. General Construction Site Inspection and Maintenance Requirements

1. The *owner or operator* must ensure that all erosion and sediment control practices (including pollution prevention measures) and all post-construction stormwater management practices identified in the SWPPP are inspected and maintained in accordance with Part IV.B. and C. of this permit.

2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the ECL, common law or federal law, or prohibit New York State from taking any measures, whether civil or criminal, to prevent violations of the laws of the State of New York or protect the public health and safety and/or the environment.

B. Contractor Maintenance Inspection Requirements

1. The *owner or operator* of each *construction activity* identified in Tables 1 and 2 of Appendix B shall have a *trained contractor* inspect the erosion and sediment control practices and pollution prevention measures being implemented within the active work area daily to ensure that they are being maintained in effective operating condition at all times. If deficiencies are identified, the contractor shall

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begin implementing corrective actions within one business day and shall complete the corrective actions in a reasonable time frame.

2. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *trained contractor* can stop conducting the maintenance inspections. The *trained contractor* shall begin conducting the maintenance inspections in accordance with Part IV.B.1. of this permit as soon as soil disturbance activities resume.

3. For construction sites where soil disturbance activities have been shut down with partial project completion, the *trained contractor* can stop conducting the maintenance inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational.

C. Qualified Inspector Inspection Requirements

The *owner or operator* shall have a *qualified inspector* conduct site inspections in conformance with the following requirements:

[Note: The *trained contractor* identified in Part III.A.6. and IV.B. of this permit **cannot** conduct the *qualified inspector* site inspections unless they meet the *qualified inspector* qualifications included in Appendix A. In order to perform these inspections, the *trained contractor* would have to be a:

- licensed Professional Engineer,
- Certified Professional in Erosion and Sediment Control (CPESC),
- New York State Erosion and Sediment Control Certificate Program holder
- Registered Landscape Architect, or
- someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity].

1. A *qualified inspector* shall conduct site inspections for all *construction activities* identified in Tables 1 and 2 of Appendix B, with the exception of:

   a. the construction of a single family residential subdivision with 25% or less *impervious cover* at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located

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in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;

b. the construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;

c. construction on agricultural property that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres; and

d. *construction activities* located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

2. Unless otherwise notified by the Department, the *qualified inspector* shall conduct site inspections in accordance with the following timetable:

a. For construction sites where soil disturbance activities are on-going, the *qualified inspector* shall conduct a site inspection at least once every seven (7) calendar days.

b. For construction sites where soil disturbance activities are on-going and the *owner or operator* has received authorization in accordance with Part II.D.3 to disturb greater than five (5) acres of soil at any one time, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

c. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *qualified inspector* shall conduct a site inspection at least once every thirty (30) calendar days. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4,* the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to reducing the frequency of inspections.

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d. For construction sites where soil disturbance activities have been shut down with partial project completion, the *qualified inspector* can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4,* the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the *owner or operator* shall have the *qualified inspector* perform a final inspection and certify that all disturbed areas have achieved *final stabilization,* and all temporary, structural erosion and sediment control measures have been removed*;* and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the "*Final Stabilization*" and "Post-Construction Stormwater Management Practice" certification statements on the NOT. The *owner or operator* shall then submit the completed NOT form to the address in Part II.B.1 of this permit.

e. For construction sites that directly *discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

3. At a minimum, the *qualified inspector* shall inspect all erosion and sediment control practices and pollution prevention measures to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved *final stabilization,* all points of *discharge* to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the *construction site*, and all points of *discharge* from the *construction site*.

4. The *qualified inspector* shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:

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(Part IV.C.4.a)

a. Date and time of inspection;

b. Name and title of person(s) performing inspection;

c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;

d. A description of the condition of the runoff at all points of *discharge* from the *construction site*. This shall include identification of any *discharges* of sediment from the *construction site*. Include *discharges* from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;

e. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the *construction site* which receive runoff from disturbed areas. This shall include identification of any *discharges* of sediment to the surface waterbody;

f. Identification of all erosion and sediment control practices and pollution prevention measures that need repair or maintenance;

g. Identification of all erosion and sediment control practices and pollution prevention measures that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;

h. Description and sketch of areas with active soil disturbance activity, areas that have been disturbed but are inactive at the time of the inspection, and areas that have been stabilized (temporary and/or final) since the last inspection;

i. Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;

j. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices and pollution prevention measures; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s);

k. Identification and status of all corrective actions that were required by previous inspection; and

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l. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *qualified inspector* shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.

5. Within one business day of the completion of an inspection, the *qualified inspector* shall notify the *owner or operator* and appropriate contractor or subcontractor identified in Part III.A.6. of this permit of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.

6. All inspection reports shall be signed by the *qualified inspector.* Pursuant to Part II.D.2. of this permit, the inspection reports shall be maintained on site with the SWPPP.

Part V. TERMINATION OF PERMIT COVERAGE

A. Termination of Permit Coverage

1. An *owner or operator* that is eligible to terminate coverage under this permit must submit a completed NOT form to the address in Part II.B.1 of this permit. The NOT form shall be one which is associated with this permit, signed in accordance with Part VII.H of this permit.

2. An *owner or operator* may terminate coverage when one or more the following conditions have been met:

   a. Total project completion - All *construction activity* identified in the SWPPP has been completed; and all areas of disturbance have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices have been constructed in conformance with the SWPPP and are operational;

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b. Planned shutdown with partial project completion - All soil disturbance activities have ceased; and all areas disturbed as of the project shutdown date have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational;

c. A new *owner or operator* has obtained coverage under this permit in accordance with Part II.F. of this permit.

d. The *owner or operator* obtains coverage under an alternative SPDES general permit or an individual SPDES permit.

3. For *construction activities* meeting subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *qualified inspector* perform a final site inspection prior to submitting the NOT. The *qualified inspector* shall, by signing the "*Final Stabilization*" and "Post-Construction Stormwater Management Practice certification statements on the NOT, certify that all the requirements in Part V.A.2.a. or b. of this permit have been achieved.

4. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4* and meet subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *regulated, traditional land use control MS4* sign the "MS4 Acceptance" statement on the NOT in accordance with the requirements in Part VII.H. of this permit. The *regulated, traditional land use control MS4* official, by signing this statement, has determined that it is acceptable for the *owner or operator* to submit the NOT in accordance with the requirements of this Part. The *regulated, traditional land use control MS4* can make this determination by performing a final site inspection themselves or by accepting the *qualified inspector*'s final site inspection certification(s) required in Part V.A.3. of this permit.

5. For *construction activities* that require post-construction stormwater management practices and meet subdivision 2a. of this Part, the *owner or operator* must, prior to submitting the NOT, ensure one of the following:

a. the post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain such practice(s) have been deeded to the municipality in which the practice(s) is located,

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b. an executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s),

c. for post-construction stormwater management practices that are privately owned, the *owner or operator* has a mechanism in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the *owner or operator's* deed of record,

d. for post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university, hospital), government agency or authority, or public utility; the *owner or operator* has policy and procedures in place that ensures operation and maintenance of the practices in accordance with the operation and maintenance plan.

Part VI. REPORTING AND RETENTION RECORDS

A. Record Retention

The *owner or operator* shall retain a copy of the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form and any inspection reports that were prepared in conjunction with this permit for a period of at least five (5) years from the date that the Department receives a complete NOT submitted in accordance with Part V. of this general permit.

B. Addresses

With the exception of the NOI, NOT, and MS4 SWPPP Acceptance form (which must be submitted to the address referenced in Part II.B.1 of this permit), all written correspondence requested by the Department, including individual permit applications, shall be sent to the address of the appropriate DOW Water (SPDES) Program contact at the Regional Office listed in Appendix F.

Part VII. STANDARD PERMIT CONDITIONS

A. Duty to Comply

The *owner or operator* must comply with all conditions of this permit. All contractors and subcontractors associated with the project must comply with the terms of the SWPPP. Any non-compliance with this permit constitutes a violation of the Clean Water

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Act (CWA) and the ECL and is grounds for an enforcement action against the *owner or operator* and/or the contractor/subcontractor; permit revocation, suspension or modification; or denial of a permit renewal application. Upon a finding of significant non-compliance with this permit or the applicable SWPPP, the Department may order an immediate stop to all *construction activity* at the site until the non-compliance is remedied. The stop work order shall be in writing, shall describe the non-compliance in detail, and shall be sent to the *owner or operator*.

If any human remains or archaeological remains are encountered during excavation, the *owner or operator* must immediately cease, or cause to cease, all *construction activity* in the area of the remains and notify the appropriate Regional Water Engineer (RWE). *Construction activity* shall not resume until written permission to do so has been received from the RWE.

B. Continuation of the Expired General Permit

This permit expires five (5) years from the effective date. If a new general permit is not issued prior to the expiration of this general permit, an *owner or operator* with coverage under this permit may continue to operate and *discharge* in accordance with the terms and conditions of this general permit, if it is extended pursuant to the State Administrative Procedure Act and 6 NYCRR Part 621, until a new general permit is issued.

C. Enforcement

Failure of the *owner or operator,* its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the permit requirements contained herein shall constitute a violation of this permit. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines of up to $37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for an *owner or operator* in an enforcement action that it would have been necessary to halt or reduce the *construction activity* in order to maintain compliance with the conditions of this permit.

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E. Duty to Mitigate

The *owner or operator* and its contractors and subcontractors shall take all reasonable steps to *minimize* or prevent any *discharge* in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. Duty to Provide Information

The *owner or operator* shall furnish to the Department, within a reasonable specified time period of a written request, all documentation necessary to demonstrate eligibility and any information to determine compliance with this permit or to determine whether cause exists for modifying or revoking this permit, or suspending or denying coverage under this permit, in accordance with the terms and conditions of this permit. The NOI, SWPPP and inspection reports required by this permit are public documents that the *owner or operator* must make available for review and copying by any person within five (5) business days of the *owner or operator* receiving a written request by any such person to review these documents. Copying of documents will be done at the requester's expense.

G. Other Information

When the *owner or operator* becomes aware that they failed to submit any relevant facts, or submitted incorrect information in the NOI or in any of the documents required by this permit , or have made substantive revisions to the SWPPP (e.g. the scope of the project changes significantly, the type of post-construction stormwater management practice(s) changes, there is a reduction in the sizing of the post-construction stormwater management practice, or there is an increase in the disturbance area or *impervious area*), which were not reflected in the original NOI submitted to the Department, they shall promptly submit such facts or information to the Department using the contact information in Part II.A. of this permit. Failure of the *owner or operator* to correct or supplement any relevant facts within five (5) business days of becoming aware of the deficiency shall constitute a violation of this permit.

H. Signatory Requirements

1. All NOIs and NOTs shall be signed as follows:

    a. For a corporation these forms shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

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(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship these forms shall be signed by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public agency these forms shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(i) the chief executive officer of the agency, or

(ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

2. The SWPPP and other information requested by the Department shall be signed by a person described in Part VII.H.1. of this permit or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part VII.H.1. of this permit;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field,

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superintendent, position of *equivalent* responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position) and,

c. The written authorization shall include the name, title and signature of the authorized representative and be attached to the SWPPP.

3. All inspection reports shall be signed by the *qualified inspector* that performs the inspection.

4. The MS4 SWPPP Acceptance form shall be signed by the principal executive officer or ranking elected official from the *regulated, traditional land use control MS4,* or by a duly authorized representative of that person.

   It shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, SWPPP and/or inspection reports.

I. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. *Owners or operators* must obtain any applicable conveyances, easements, licenses and/or access to real property prior to *commencing construction activity*.

J. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

K. Requirement to Obtain Coverage Under an Alternative Permit

1. The Department may require any owner or operator authorized by this permit to apply for and/or obtain either an individual SPDES permit or another SPDES general permit. When the Department requires any discharger authorized by a general permit to apply for an individual SPDES permit, it shall notify the discharger in writing that a permit application is required. This notice shall

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include a brief statement of the reasons for this decision, an application form, a statement setting a time frame for the owner or operator to file the application for an individual SPDES permit, and a deadline, not sooner than 180 days from owner or operator receipt of the notification letter, whereby the authorization to discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Permit Administrator at the Regional Office. The Department may grant additional time upon demonstration, to the satisfaction of the Department, that additional time to apply for an alternative authorization is necessary or where the Department has not provided a permit determination in accordance with Part 621 of this Title.

2. When an individual SPDES permit is issued to a discharger authorized to *discharge* under a general SPDES permit for the same *discharge*(s), the general permit authorization for outfalls authorized under the individual SPDES permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

L. Proper Operation and Maintenance

The *owner or operator* shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the *owner or operator* to achieve compliance with the conditions of this permit and with the requirements of the SWPPP.

M. Inspection and Entry

The *owner or operator* shall allow an authorized representative of the Department, EPA, applicable county health department, or, in the case of a *construction site* which *discharges* through an *MS4*, an authorized representative of the *MS4* receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the owner’s or operator's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

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3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required by this permit.

4. Sample or monitor at reasonable times, for purposes of assuring permit compliance or as otherwise authorized by the Act or ECL, any substances or parameters at any location.

N. Permit Actions

This permit may, at any time, be modified, suspended, revoked, or renewed by the Department in accordance with 6 NYCRR Part 621. The filing of a request by the *owner or operator* for a permit modification, revocation and reissuance, termination, a notification of planned changes or anticipated noncompliance does not limit, diminish and/or stay compliance with any terms of this permit.

O. Definitions

Definitions of key terms are included in Appendix A of this permit.

P. Re-Opener Clause

1. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with construction activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Part VII.K. of this permit or the permit may be modified to include different limitations and/or requirements.

2. Any Department initiated permit modification, suspension or revocation will be conducted in accordance with 6 NYCRR Part 621, 6 NYCRR 750-1.18, and 6 NYCRR 750-1.20.

Q. Penalties for Falsification of Forms and Reports

In accordance with 6NYCRR Part 750-2.4 and 750-2.5, any person who knowingly makes any false material statement, representation, or certification in any application, record, report or other document filed or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished in accordance with ECL §71-1933 and or Articles 175 and 210 of the New York State Penal Law.

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R. Other Permits

Nothing in this permit relieves the *owner or operator* from a requirement to obtain any other permits required by law.

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APPENDIX A – Acronyms and Definitions

Acronyms

APO – Agency Preservation Officer
BMP – Best Management Practice
CPESC – Certified Professional in Erosion and Sediment Control
Cpv – Channel Protection Volume
CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)
DOW – Division of Water
EAF – Environmental Assessment Form
ECL - Environmental Conservation Law
EPA – U. S. Environmental Protection Agency
HSG – Hydrologic Soil Group
MS4 – Municipal Separate Storm Sewer System
NOI – Notice of Intent
NOT – Notice of Termination
NPDES – National Pollutant Discharge Elimination System
OPRHP – Office of Parks, Recreation and Historic Places
Qf – Extreme Flood
Qp – Overbank Flood
RRv – Runoff Reduction Volume
RWE – Regional Water Engineer
SEQR – State Environmental Quality Review
SEQRA - State Environmental Quality Review Act
SHPA – State Historic Preservation Act
SPDES – State Pollutant Discharge Elimination System
SWPPP – Stormwater Pollution Prevention Plan
TMDL – Total Maximum Daily Load
UPA – Uniform Procedures Act
USDA – United States Department of Agriculture
WQv – Water Quality Volume

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Definitions

All definitions in this section are solely for the purposes of this permit.

Agricultural Building – a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products; excluding any structure designed, constructed or used, in whole or in part, for human habitation, as a place of employment where agricultural products are processed, treated or packaged, or as a place used by the public.

Agricultural Property –means the land for construction of a barn, *agricultural building*, silo, stockyard, pen or other structural practices identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" prepared by the Department in cooperation with agencies of New York Nonpoint Source Coordinating Committee (dated June 2007).

Alter Hydrology from Pre to Post-Development Conditions - means the post-development peak flow rate(s) has increased by more than 5% of the pre-developed condition for the design storm of interest (e.g. 10 yr and 100 yr).

Combined Sewer - means a sewer that is designed to collect and convey both "sewage" and "stormwater".

Commence (Commencement of) Construction Activities - means the initial disturbance of soils associated with clearing, grading or excavation activities; or other construction related activities that disturb or expose soils such as demolition, stockpiling of fill material, and the initial installation of erosion and sediment control practices required in the SWPPP. See definition for "*Construction Activity(ies)*" also.

Construction Activity(ies) - means any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include, but are not limited to, logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

Construction Site – means the land area where *construction activity(ies)* will occur. See definition for "*Commence (Commencement of) Construction Activities"* and "*Larger Common Plan of Development or Sale" also.*

Dewatering – means the act of draining rainwater and/or groundwater from building foundations, vaults or excavations/trenches.

Direct Discharge (to a specific surface waterbody) - means that runoff flows from a *construction site* by overland flow and the first point of discharge is the specific surface waterbody, or runoff flows from a *construction site* to a separate storm sewer system

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and the first point of discharge from the separate storm sewer system is the specific surface waterbody.

Discharge(s) - means any addition of any pollutant to waters of the State through an outlet or *point source*.

Embankment –means an earthen or rock slope that supports a road/highway.

Endangered or Threatened Species – see 6 NYCRR Part 182 of the Department's rules and regulations for definition of terms and requirements.

Environmental Conservation Law (ECL) - means chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law.

Equivalent (Equivalence) – means that the practice or measure meets all the performance, longevity, maintenance, and safety objectives of the technical standard and will provide an equal or greater degree of water quality protection.

Final Stabilization - means that all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of eighty (80) percent over the entire pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied on all disturbed areas that are not covered by permanent structures, concrete or pavement.

General SPDES permit - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 and Section 70-0117 of the ECL authorizing a category of discharges.

Groundwater(s) - means waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

Historic Property – means any building, structure, site, object or district that is listed on the State or National Registers of Historic Places or is determined to be eligible for listing on the State or National Registers of Historic Places.

Impervious Area (Cover) - means all impermeable surfaces that cannot effectively infiltrate rainfall. This includes paved, concrete and gravel surfaces (i.e. parking lots, driveways, roads, runways and sidewalks); building rooftops and miscellaneous impermeable structures such as patios, pools, and sheds.

Infeasible – means not technologically possible, or not economically practicable and achievable in light of best industry practices.

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Larger Common Plan of Development or Sale - means a contiguous area where multiple separate and distinct *construction activities* are occurring, or will occur, under one plan. The term "plan" in "larger common plan of development or sale" is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, marketing plan, advertisement, drawing, permit application, State Environmental Quality Review Act (SEQRA) environmental assessment form or other documents, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that *construction activities* may occur on a specific plot.

For discrete construction projects that are located within a larger common plan of development or sale that are at least 1/4 mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not concurrently being disturbed.

Minimize – means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.

Municipal Separate Storm Sewer (MS4) - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to surface waters of the State*;*
(ii) Designed or used for collecting or conveying stormwater;
(iii) Which is not a *combined sewer*; and
(iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

National Pollutant Discharge Elimination System (NPDES) - means the national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

Natural Buffer –means an undisturbed area with natural cover running along a surface water (e.g. wetland, stream, river, lake, etc.).

New Development – means any land disturbance that does not meet the definition of Redevelopment Activity included in this appendix.

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New York State Erosion and Sediment Control Certificate Program – a certificate program that establishes and maintains a process to identify and recognize individuals who are capable of developing, designing, inspecting and maintaining erosion and sediment control plans on projects that disturb soils in New York State. The certificate program is administered by the New York State Conservation District Employees Association.

NOI Acknowledgment Letter - means the letter that the Department sends to an owner or operator to acknowledge the Department's receipt and acceptance of a complete Notice of Intent. This letter documents the owner's or operator's authorization to discharge in accordance with the general permit for stormwater discharges from *construction activity*.

Nonpoint Source - means any source of water pollution or pollutants which is not a discrete conveyance or *point source* permitted pursuant to Title 7 or 8 of Article 17 of the Environmental Conservation Law (see ECL Section 17-1403).

Overbank –means flow events that exceed the capacity of the stream channel and spill out into the adjacent floodplain.

Owner or Operator - means the person, persons or legal entity which owns or leases the property on which the *construction activity* is occurring; an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications; and/or an entity that has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

Performance Criteria – means the design criteria listed under the "Required Elements" sections in Chapters 5, 6 and 10 of the technical standard, New York State Stormwater Management Design Manual, dated January 2015. It does not include the Sizing Criteria (i.e. WQv, RRv, Cpv, Qp and Qf) in Part I.C.2. of the permit.

Point Source - means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, or landfill leachate collection system from which *pollutants* are or may be discharged.

Pollutant - means dredged spoil, filter backwash, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards or guidance values adopted as provided in 6 NYCRR Parts 700 et seq .

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Qualified Inspector - means a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate Program holder or other Department endorsed individual(s).

It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect shall receive four (4) hours of training every three (3) years.

It can also mean a person that meets the *Qualified Professional* qualifications in addition to the *Qualified Inspector* qualifications.

Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed Professional Engineer.

Qualified Professional - means a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

Redevelopment Activity(ies) – means the disturbance and reconstruction of existing impervious area, including impervious areas that were removed from a project site within five (5) years of preliminary project plan submission to the local government (i.e. site plan, subdivision, etc.).

Regulated, Traditional Land Use Control MS4 - means a city, town or village with land use control authority that is authorized to discharge under New York State DEC's

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SPDES General Permit For Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s) or the City of New York's Individual SPDES Permit for their Municipal Separate Storm Sewer Systems (NY-0287890).

Routine Maintenance Activity - means *construction activity* that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility, including, but not limited to:

- Re-grading of gravel roads or parking lots,
- Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and hydraulic capacity of the ditch,
- Cleaning and shaping of existing roadside ditches that does not maintain the approximate original grade, hydraulic capacity and purpose of the ditch if the changes to the line and grade, hydraulic capacity or purpose of the ditch are installed to improve water quality and quantity controls (e.g. installing grass lined ditch),
- Placement of aggregate shoulder backing that stabilizes the transition between the road shoulder and the ditch or *embankment*,
- Full depth milling and filling of existing asphalt pavements, replacement of concrete pavement slabs, and similar work that does not expose soil or disturb the bottom six (6) inches of subbase material,
- Long-term use of equipment storage areas at or near highway maintenance facilities,
- Removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or *embankment*,
- Existing use of Canal Corp owned upland disposal sites for the canal, and
- Replacement of curbs, gutters, sidewalks and guide rail posts.

Site limitations – means site conditions that prevent the use of an infiltration technique and or infiltration of the total WQv. Typical site limitations include: seasonal high groundwater, shallow depth to bedrock, and soils with an infiltration rate less than 0.5 inches/hour. The existence of site limitations shall be confirmed and documented using actual field testing (i.e. test pits, soil borings, and infiltration test) or using information from the most current United States Department of Agriculture (USDA) Soil Survey for the County where the project is located.

Sizing Criteria – means the criteria included in Part I.C.2 of the permit that are used to size post-construction stormwater management control practices. The criteria include; Water Quality Volume (WQv), Runoff Reduction Volume (RRv), Channel Protection Volume (Cpv), *Overbank* Flood (Qp), and Extreme Flood (Qf).

State Pollutant Discharge Elimination System (SPDES) - means the system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing discharges to the waters of the state.

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Steep Slope – means land area designated on the current United States Department of Agriculture ("USDA") Soil Survey as Soil Slope Phase "D", (provided the map unit name is inclusive of slopes greater than 25%) , or Soil Slope Phase E or F, (regardless of the map unit name), or a combination of the three designations.

Streambank – as used in this permit, means the terrain alongside the bed of a creek or stream. The bank consists of the sides of the channel, between which the flow is confined.

Stormwater Pollution Prevention Plan (SWPPP) – means a project specific report, including construction drawings, that among other things: describes the construction activity(ies), identifies the potential sources of pollution at the *construction site*; describes and shows the stormwater controls that will be used to control the pollutants (i.e. erosion and sediment controls; for many projects, includes post-construction stormwater management controls); and identifies procedures the *owner or operator* will implement to comply with the terms and conditions of the permit. See Part III of the permit for a complete description of the information that must be included in the SWPPP.

Surface Waters of the State - shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941.

Temporarily Ceased – means that an existing disturbed area will not be disturbed again within 14 calendar days of the previous soil disturbance.

Temporary Stabilization - means that exposed soil has been covered with material(s) as set forth in the technical standard, New York Standards and Specifications for Erosion and Sediment Control, to prevent the exposed soil from eroding. The materials can include, but are not limited to, mulch, seed and mulch, and erosion control mats (e.g. jute twisted yarn, excelsior wood fiber mats).

Total Maximum Daily Loads (TMDLs) - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and *nonpoint source*s. It is a calculation of the maximum amount of a pollutant that a waterbody can receive on a daily basis and still meet *water quality standards*, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations (WLAs) for *point source* discharges, load allocations (LAs) for *nonpoint source*s, and a margin of safety (MOS).

Trained Contractor - means an employee from the contracting (construction) company, identified in Part III.A.6., that has received four (4) hours of Department endorsed

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training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the *trained contractor* shall receive four (4) hours of training every three (3) years.

It can also mean an employee from the contracting (construction) company, identified in Part III.A.6., that meets the *qualified inspector* qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate Program holder, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity).

The *trained contractor* is responsible for the day to day implementation of the SWPPP.

Uniform Procedures Act (UPA) Permit - means a permit required under 6 NYCRR Part 621 of the Environmental Conservation Law (ECL), Article 70.

Water Quality Standard - means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.

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APPENDIX B – Required SWPPP Components by Project Type

Table 1
Construction Activities that Require the Preparation of a SWPPP That Only Includes Erosion and Sediment Controls

The following construction activities that involve soil disturbances of one (1) or more acres of land, but less than five (5) acres:

- Single family home not located in one of the watersheds listed in Appendix C or not *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions with 25% or less impervious cover at total site build-out and not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E
- Construction of a barn or other *agricultural building*, silo, stock yard or pen.

The following construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land:

All construction activities located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Installation of underground, linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains
- Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects
- Pond construction
- Linear bike paths running through areas with vegetative cover, including bike paths surfaced with an impervious cover
- Cross-country ski trails and walking/hiking trails
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are not part of residential, commercial or institutional development;
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that include incidental shoulder or curb work along an existing highway to support construction of the sidewalk, bike path or walking path.
- Slope stabilization projects
- Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics

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Table 1 (Continued) CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT ONLY INCLUDES EROSION AND SEDIMENT CONTROLS

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Spoil areas that will be covered with vegetation
- Vegetated open space projects (i.e. recreational parks, lawns, meadows, fields, downhill ski trails) excluding projects that *alter hydrology from pre to post development* conditions,
- Athletic fields (natural grass) that do not include the construction or reconstruction of *impervious area* and do not *alter hydrology from pre to post development* conditions
- Demolition project where vegetation will be established, and no redevelopment is planned
- Overhead electric transmission line project that does not include the construction of permanent access roads or parking areas surfaced with *impervious cover*
- Structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State", excluding projects that involve soil disturbances of greater than five acres and construction activities that include the construction or reconstruction of impervious area
- Temporary access roads, median crossovers, detour roads, lanes, or other temporary impervious areas that will be restored to pre-construction conditions once the construction activity is complete

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Table 2
CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT INCLUDES POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Single family home located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family home that disturbs five (5) or more acres of land
- Single family residential subdivisions located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% impervious cover at total site build-out
- Single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land
- Multi-family residential developments; includes duplexes, townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Airports
- Amusement parks
- Breweries, cideries, and wineries, including establishments constructed on agricultural land
- Campgrounds
- Cemeteries that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Commercial developments
- Churches and other places of worship
- Construction of a barn or other *agricultural building* (e.g. silo) and structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" that include the construction or reconstruction of *impervious area*, excluding projects that involve soil disturbances of less than five acres.
- Golf courses
- Institutional development; includes hospitals, prisons, schools and colleges
- Industrial facilities; includes industrial parks
- Landfills
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTW's, water treatment plants, and water storage tanks
- Office complexes
- Playgrounds that include the construction or reconstruction of impervious area
- Sports complexes
- Racetracks; includes racetracks with earthen (dirt) surface
- Road construction or reconstruction, including roads constructed as part of the construction activities listed in Table 1

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Table 2 (Continued)

CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT INCLUDES POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Parking lot construction or reconstruction, including parking lots constructed as part of the construction activities listed in Table 1
- Athletic fields (natural grass) that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Athletic fields with artificial turf
- Permanent access roads, parking areas, substations, compressor stations and well drilling pads, surfaced with *impervious cover,* and constructed as part of an over-head electric transmission line project, wind-power project, cell tower project, oil or gas well drilling project, sewer or water main project or other linear utility project
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are part of a residential, commercial or institutional development
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are part of a highway construction or reconstruction project
- All other construction activities that include the construction or reconstruction of *impervious area* or *alter the hydrology from pre to post development* conditions, and are not listed in Table 1

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APPENDIX C – Watersheds Requiring Enhanced Phosphorus Removal

Watersheds where *owners or operators* of construction activities identified in Table 2 of Appendix B must prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the Enhanced Phosphorus Removal Standards included in the technical standard, New York State Stormwater Management Design Manual ("Design Manual").

- Entire New York City Watershed located east of the Hudson River **-** Figure 1
- Onondaga Lake Watershed **-** Figure 2
- Greenwood Lake Watershed **-**Figure 3
- Oscawana Lake Watershed – Figure 4
- Kinderhook Lake Watershed – Figure 5

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Figure 1 - New York City Watershed East of the Hudson

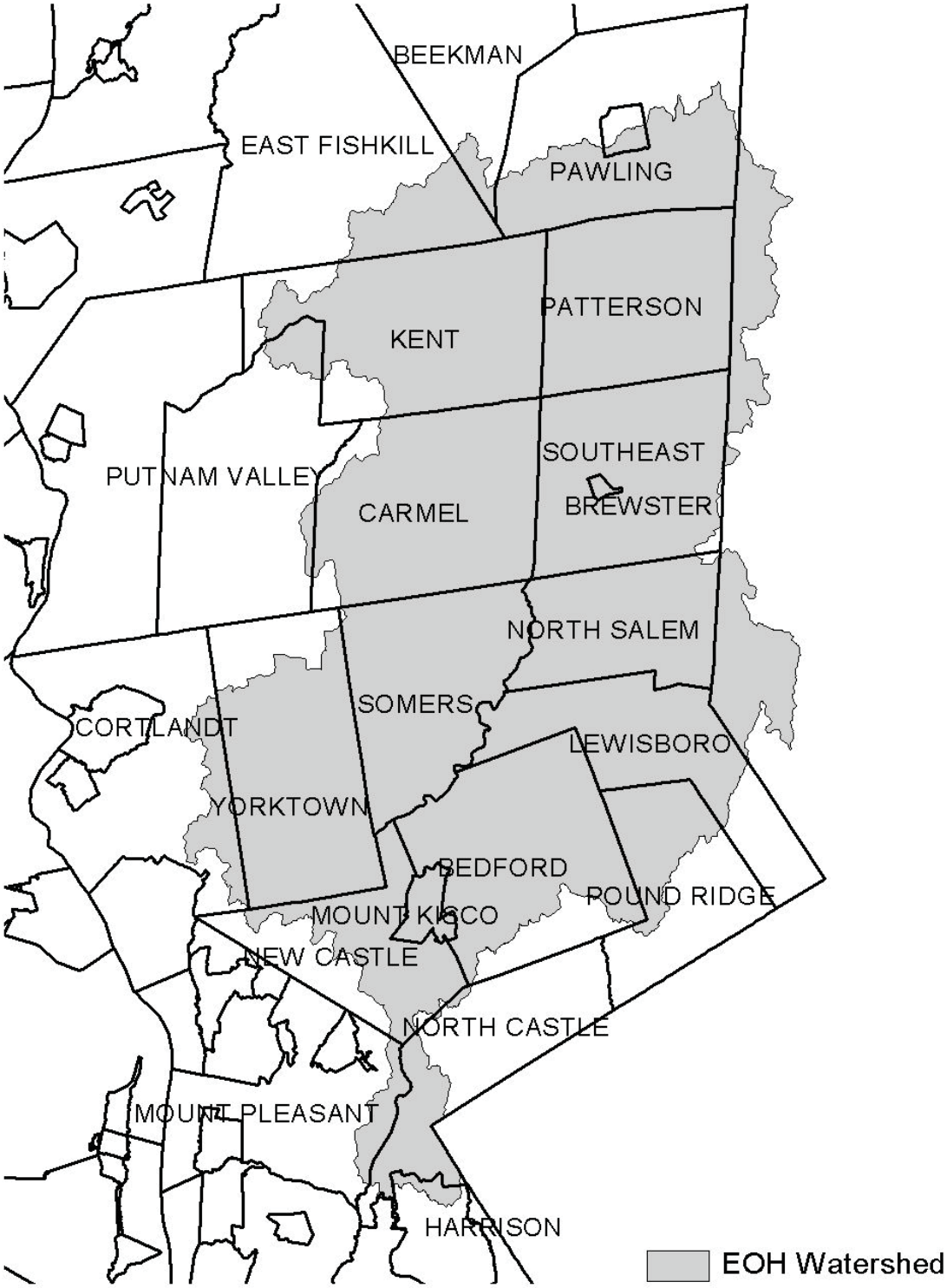

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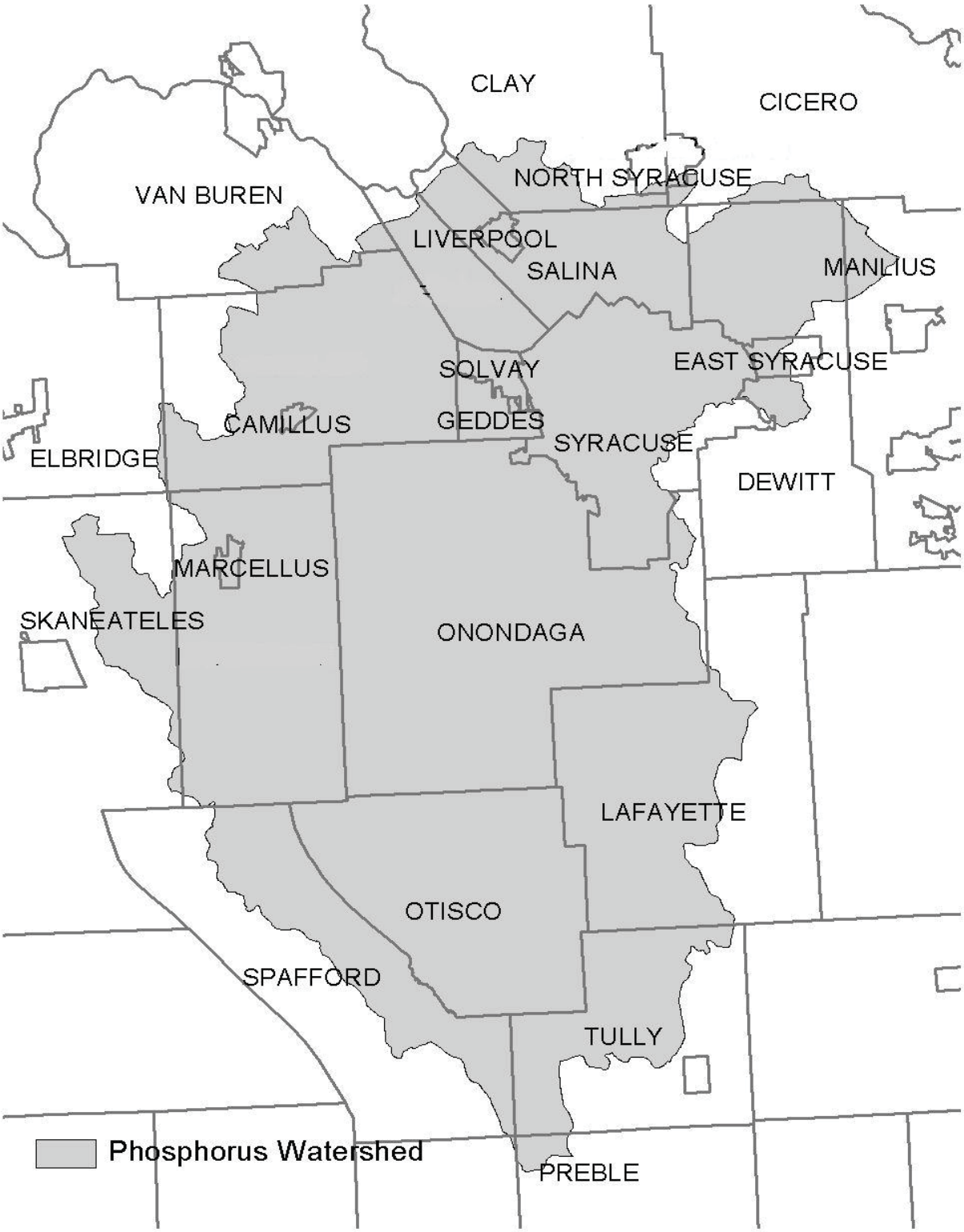
Figure 2 - Onondaga Lake Watershed



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Appendix C

Figure 3 - Greenwood Lake Watershed

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Figure 4 - Oscawana Lake Watershed

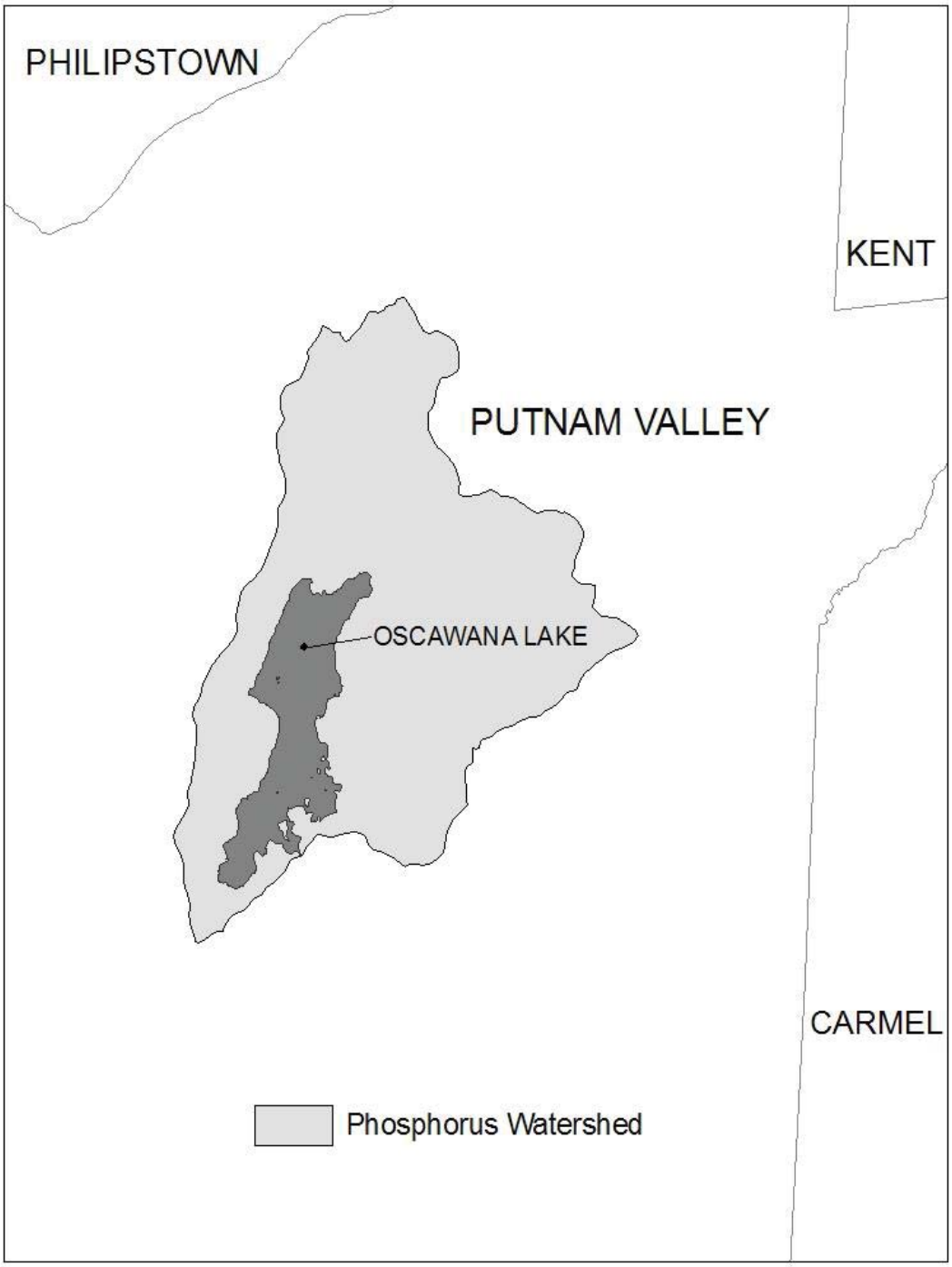

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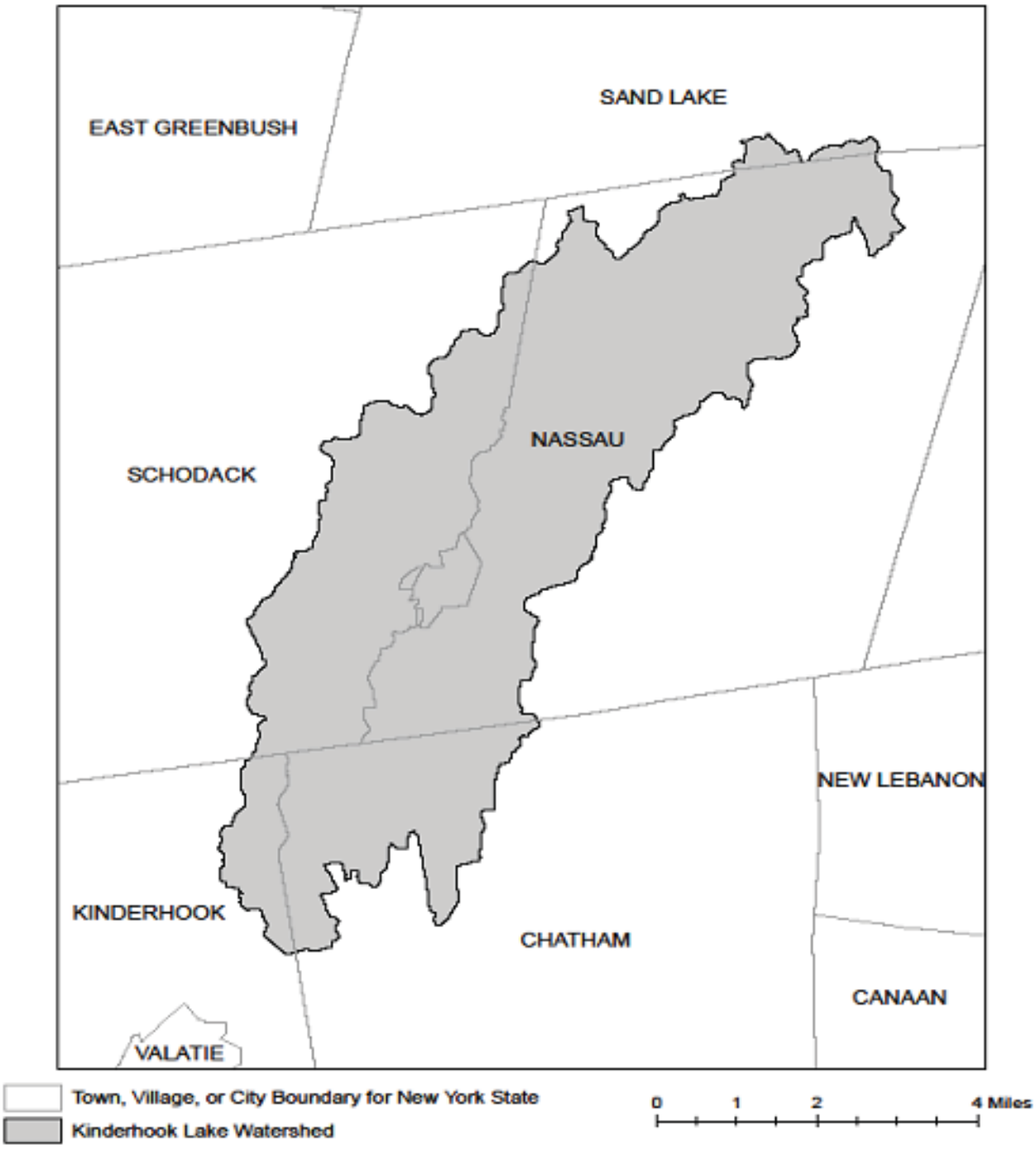
Figure 5 - Kinderhook Lake Watershed



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APPENDIX D – Watersheds with Lower Disturbance Threshold

Watersheds where *owners or operators* of construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land must obtain coverage under this permit.

Entire New York City Watershed that is located east of the Hudson River **-** See Figure 1 in Appendix C

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APPENDIX E – 303(d) Segments Impaired by Construction Related Pollutant(s)

List of 303(d) segments impaired by pollutants related to *construction activity* (e.g. silt, sediment or nutrients). The list was developed using "The Final New York State 2016 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy" dated November 2016. *Owners or operators* of single family home and single family residential subdivisions with 25% or less total impervious cover at total site build-out that involve soil disturbances of one or more acres of land, but less than 5 acres, and *directly discharge* to one of the listed segments below shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015.

COUNTY	WATERBODY	POLLUTANT
Albany	Ann Lee (Shakers) Pond, Stump Pond	Nutrients
Albany	Basic Creek Reservoir	Nutrients
Allegany	Amity Lake, Saunders Pond	Nutrients
Bronx	Long Island Sound, Bronx	Nutrients
Bronx	Van Cortlandt Lake	Nutrients
Broome	Fly Pond, Deer Lake, Sky Lake	Nutrients
Broome	Minor Tribs to Lower Susquehanna (north)	Nutrients
Broome	Whitney Point Lake/Reservoir	Nutrients
Cattaraugus	Allegheny River/Reservoir	Nutrients
Cattaraugus	Beaver (Alma) Lake	Nutrients
Cattaraugus	Case Lake	Nutrients
Cattaraugus	Linlyco/Club Pond	Nutrients
Cayuga	Duck Lake	Nutrients
Cayuga	Little Sodus Bay	Nutrients
Chautauqua	Bear Lake	Nutrients
Chautauqua	Chadakoin River and tribs	Nutrients
Chautauqua	Chautauqua Lake, North	Nutrients
Chautauqua	Chautauqua Lake, South	Nutrients
Chautauqua	Findley Lake	Nutrients
Chautauqua	Hulburt/Clymer Pond	Nutrients
Clinton	Great Chazy River, Lower, Main Stem	Silt/Sediment
Clinton	Lake Champlain, Main Lake, Middle	Nutrients
Clinton	Lake Champlain, Main Lake, North	Nutrients
Columbia	Kinderhook Lake	Nutrients
Columbia	Robinson Pond	Nutrients
Cortland	Dean Pond	Nutrients

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303(d) Segments Impaired by Construction Related Pollutant(s)

Dutchess	Fall Kill and tribs	Nutrients
Dutchess	Hillside Lake	Nutrients
Dutchess	Wappingers Lake	Nutrients
Dutchess	Wappingers Lake	Silt/Sediment
Erie	Beeman Creek and tribs	Nutrients
Erie	Ellicott Creek, Lower, and tribs	Silt/Sediment
Erie	Ellicott Creek, Lower, and tribs	Nutrients
Erie	Green Lake	Nutrients
Erie	Little Sister Creek, Lower, and tribs	Nutrients
Erie	Murder Creek, Lower, and tribs	Nutrients
Erie	Rush Creek and tribs	Nutrients
Erie	Scajaquada Creek, Lower, and tribs	Nutrients
Erie	Scajaquada Creek, Middle, and tribs	Nutrients
Erie	Scajaquada Creek, Upper, and tribs	Nutrients
Erie	South Branch Smoke Cr, Lower, and tribs	Silt/Sediment
Erie	South Branch Smoke Cr, Lower, and tribs	Nutrients
Essex	Lake Champlain, Main Lake, South	Nutrients
Essex	Lake Champlain, South Lake	Nutrients
Essex	Willsboro Bay	Nutrients
Genesee	Bigelow Creek and tribs	Nutrients
Genesee	Black Creek, Middle, and minor tribs	Nutrients
Genesee	Black Creek, Upper, and minor tribs	Nutrients
Genesee	Bowen Brook and tribs	Nutrients
Genesee	LeRoy Reservoir	Nutrients
Genesee	Oak Orchard Cr, Upper, and tribs	Nutrients
Genesee	Tonawanda Creek, Middle, Main Stem	Nutrients
Greene	Schoharie Reservoir	Silt/Sediment
Greene	Sleepy Hollow Lake	Silt/Sediment
Herkimer	Steele Creek tribs	Silt/Sediment
Herkimer	Steele Creek tribs	Nutrients
Jefferson	Moon Lake	Nutrients
Kings	Hendrix Creek	Nutrients
Kings	Prospect Park Lake	Nutrients
Lewis	Mill Creek/South Branch, and tribs	Nutrients
Livingston	Christie Creek and tribs	Nutrients
Livingston	Conesus Lake	Nutrients
Livingston	Mill Creek and minor tribs	Silt/Sediment
Monroe	Black Creek, Lower, and minor tribs	Nutrients
Monroe	Buck Pond	Nutrients
Monroe	Cranberry Pond	Nutrients

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303(d) Segments Impaired by Construction Related Pollutant(s)

Monroe	Lake Ontario Shoreline, Western	Nutrients
Monroe	Long Pond	Nutrients
Monroe	Mill Creek and tribs	Nutrients
Monroe	Mill Creek/Blue Pond Outlet and tribs	Nutrients
Monroe	Minor Tribs to Irondequoit Bay	Nutrients
Monroe	Rochester Embayment - East	Nutrients
Monroe	Rochester Embayment - West	Nutrients
Monroe	Shipbuilders Creek and tribs	Nutrients
Monroe	Thomas Creek/White Brook and tribs	Nutrients
Nassau	Beaver Lake	Nutrients
Nassau	Camaans Pond	Nutrients
Nassau	East Meadow Brook, Upper, and tribs	Silt/Sediment
Nassau	East Rockaway Channel	Nutrients
Nassau	Grant Park Pond	Nutrients
Nassau	Hempstead Bay	Nutrients
Nassau	Hempstead Lake	Nutrients
Nassau	Hewlett Bay	Nutrients
Nassau	Hog Island Channel	Nutrients
Nassau	Long Island Sound, Nassau County Waters	Nutrients
Nassau	Massapequa Creek and tribs	Nutrients
Nassau	Milburn/Parsonage Creeks, Upp, and tribs	Nutrients
Nassau	Reynolds Channel, west	Nutrients
Nassau	Tidal Tribs to Hempstead Bay	Nutrients
Nassau	Tribs (fresh) to East Bay	Nutrients
Nassau	Tribs (fresh) to East Bay	Silt/Sediment
Nassau	Tribs to Smith/Halls Ponds	Nutrients
Nassau	Woodmere Channel	Nutrients
New York	Harlem Meer	Nutrients
New York	The Lake in Central Park	Nutrients
Niagara	Bergholtz Creek and tribs	Nutrients
Niagara	Hyde Park Lake	Nutrients
Niagara	Lake Ontario Shoreline, Western	Nutrients
Niagara	Lake Ontario Shoreline, Western	Nutrients
Oneida	Ballou, Nail Creeks and tribs	Nutrients
Onondaga	Harbor Brook, Lower, and tribs	Nutrients
Onondaga	Ley Creek and tribs	Nutrients
Onondaga	Minor Tribs to Onondaga Lake	Nutrients
Onondaga	Ninemile Creek, Lower, and tribs	Nutrients
Onondaga	Onondaga Creek, Lower, and tribs	Nutrients
Onondaga	Onondaga Creek, Middle, and tribs	Nutrients

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303(d) Segments Impaired by Construction Related Pollutant(s)

Onondaga	Onondaga Lake, northern end	Nutrients
Onondaga	Onondaga Lake, southern end	Nutrients
Ontario	Great Brook and minor tribs	Silt/Sediment
Ontario	Great Brook and minor tribs	Nutrients
Ontario	Hemlock Lake Outlet and minor tribs	Nutrients
Ontario	Honeoye Lake	Nutrients
Orange	Greenwood Lake	Nutrients
Orange	Monhagen Brook and tribs	Nutrients
Orange	Orange Lake	Nutrients
Orleans	Lake Ontario Shoreline, Western	Nutrients
Orleans	Lake Ontario Shoreline, Western	Nutrients
Oswego	Lake Neatahwanta	Nutrients
Oswego	Pleasant Lake	Nutrients
Putnam	Bog Brook Reservoir	Nutrients
Putnam	Boyd Corners Reservoir	Nutrients
Putnam	Croton Falls Reservoir	Nutrients
Putnam	Diverting Reservoir	Nutrients
Putnam	East Branch Reservoir	Nutrients
Putnam	Lake Carmel	Nutrients
Putnam	Middle Branch Reservoir	Nutrients
Putnam	Oscawana Lake	Nutrients
Putnam	Palmer Lake	Nutrients
Putnam	West Branch Reservoir	Nutrients
Queens	Bergen Basin	Nutrients
Queens	Flushing Creek/Bay	Nutrients
Queens	Jamaica Bay, Eastern, and tribs (Queens)	Nutrients
Queens	Kissena Lake	Nutrients
Queens	Meadow Lake	Nutrients
Queens	Willow Lake	Nutrients
Rensselaer	Nassau Lake	Nutrients
Rensselaer	Snyders Lake	Nutrients
Richmond	Grasmere Lake/Bradys Pond	Nutrients
Rockland	Congers Lake, Swartout Lake	Nutrients
Rockland	Rockland Lake	Nutrients
Saratoga	Ballston Lake	Nutrients
Saratoga	Dwaas Kill and tribs	Silt/Sediment
Saratoga	Dwaas Kill and tribs	Nutrients
Saratoga	Lake Lonely	Nutrients
Saratoga	Round Lake	Nutrients
Saratoga	Tribs to Lake Lonely	Nutrients

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303(d) Segments Impaired by Construction Related Pollutant(s)

Schenectady	Collins Lake	Nutrients
Schenectady	Duane Lake	Nutrients
Schenectady	Mariaville Lake	Nutrients
Schoharie	Engleville Pond	Nutrients
Schoharie	Summit Lake	Nutrients
Seneca	Reeder Creek and tribs	Nutrients
St.Lawrence	Black Lake Outlet/Black Lake	Nutrients
St.Lawrence	Fish Creek and minor tribs	Nutrients
Steuben	Smith Pond	Nutrients
Suffolk	Agawam Lake	Nutrients
Suffolk	Big/Little Fresh Ponds	Nutrients
Suffolk	Canaan Lake	Silt/Sediment
Suffolk	Canaan Lake	Nutrients
Suffolk	Flanders Bay, West/Lower Sawmill Creek	Nutrients
Suffolk	Fresh Pond	Nutrients
Suffolk	Great South Bay, East	Nutrients
Suffolk	Great South Bay, Middle	Nutrients
Suffolk	Great South Bay, West	Nutrients
Suffolk	Lake Ronkonkoma	Nutrients
Suffolk	Long Island Sound, Suffolk County, West	Nutrients
Suffolk	Mattituck (Marratooka) Pond	Nutrients
Suffolk	Meetinghouse/Terrys Creeks and tribs	Nutrients
Suffolk	Mill and Seven Ponds	Nutrients
Suffolk	Millers Pond	Nutrients
Suffolk	Moriches Bay, East	Nutrients
Suffolk	Moriches Bay, West	Nutrients
Suffolk	Peconic River, Lower, and tidal tribs	Nutrients
Suffolk	Quantuck Bay	Nutrients
Suffolk	Shinnecock Bay and Inlet	Nutrients
Suffolk	Tidal tribs to West Moriches Bay	Nutrients
Sullivan	Bodine, Montgomery Lakes	Nutrients
Sullivan	Davies Lake	Nutrients
Sullivan	Evens Lake	Nutrients
Sullivan	Pleasure Lake	Nutrients
Tompkins	Cayuga Lake, Southern End	Nutrients
Tompkins	Cayuga Lake, Southern End	Silt/Sediment
Tompkins	Owasco Inlet, Upper, and tribs	Nutrients
Ulster	Ashokan Reservoir	Silt/Sediment
Ulster	Esopus Creek, Upper, and minor tribs	Silt/Sediment
Warren	Hague Brook and tribs	Silt/Sediment

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303(d) Segments Impaired by Construction Related Pollutant(s)

Warren	Huddle/Finkle Brooks and tribs	Silt/Sediment
Warren	Indian Brook and tribs	Silt/Sediment
Warren	Lake George	Silt/Sediment
Warren	Tribs to L.George, Village of L George	Silt/Sediment
Washington	Cossayuna Lake	Nutrients
Washington	Lake Champlain, South Bay	Nutrients
Washington	Tribs to L.George, East Shore	Silt/Sediment
Washington	Wood Cr/Champlain Canal and minor tribs	Nutrients
Wayne	Port Bay	Nutrients
Westchester	Amawalk Reservoir	Nutrients
Westchester	Blind Brook, Upper, and tribs	Silt/Sediment
Westchester	Cross River Reservoir	Nutrients
Westchester	Lake Katonah	Nutrients
Westchester	Lake Lincolndale	Nutrients
Westchester	Lake Meahagh	Nutrients
Westchester	Lake Mohegan	Nutrients
Westchester	Lake Shenorock	Nutrients
Westchester	Long Island Sound, Westchester (East)	Nutrients
Westchester	Mamaroneck River, Lower	Silt/Sediment
Westchester	Mamaroneck River, Upper, and minor tribs	Silt/Sediment
Westchester	Muscoot/Upper New Croton Reservoir	Nutrients
Westchester	New Croton Reservoir	Nutrients
Westchester	Peach Lake	Nutrients
Westchester	Reservoir No.1 (Lake Isle)	Nutrients
Westchester	Saw Mill River, Lower, and tribs	Nutrients
Westchester	Saw Mill River, Middle, and tribs	Nutrients
Westchester	Sheldrake River and tribs	Silt/Sediment
Westchester	Sheldrake River and tribs	Nutrients
Westchester	Silver Lake	Nutrients
Westchester	Teatown Lake	Nutrients
Westchester	Titicus Reservoir	Nutrients
Westchester	Truesdale Lake	Nutrients
Westchester	Wallace Pond	Nutrients
Wyoming	Java Lake	Nutrients
Wyoming	Silver Lake	Nutrients

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

APPENDIX F – List of NYS DEC Regional Offices

Region	Covering the following counties:	DIVISION OF ENVIRONMENTAL PERMITS (DEP) Permit Administrators	DIVISION OF WATER (DOW) Water (SPDES) Program
1	Nassau and Suffolk	50 Circle Road Stony Brook, NY 11790 Tel. (631) 444-0365	50 Circle Road Stony Brook, NY 11790-3409 Tel. (631) 444-0405
2	Bronx, Kings, New York, Queens and Richmond	1 Hunters Point Plaza, 47-40 21st St. Long Island City, NY 11101-5407 Tel. (718) 482-4997	1 Hunters Point Plaza, 47-40 21st St. Long Island City, NY 11101-5407 Tel. (718) 482-4933
3	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester	21 South Putt Corners Road New Paltz, NY 12561-1696 Tel. (845) 256-3059	100 Hillside Avenue, Suite 1w White Plains, NY 10603 Tel. (914) 428 - 2505
4	Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie	1150 North Westcott Road Schenectady, NY 12306-2014 Tel. (518) 357-2069	1130 North Westcott Road Schenectady, NY 12306-2014 Tel. (518) 357-2045
5	Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren and Washington	1115 State Route 86, Po Box 296 Ray Brook, NY 12977-0296 Tel. (518) 897-1234	232 Golf Course Road Warrensburg, NY 12885-1172 Tel. (518) 623-1200
6	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13601-3787 TEL. (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 793-2554
7	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7438	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROADAVON, NY 14414-9519 TEL. (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL. (585) 226-2466
9	ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, NIAGARA AND WYOMING	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7165	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7070

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Appendix F

Forms

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

Owner/Operator Certification Form

SPDES General Permit For Stormwater Discharges From Construction Activity (GP-0-20-001)

Project/Site Name: Mixed Use Building

eNOI Submission Number: _____

eNOI Submitted by: ☐ **Owner/Operator** ☑ **SWPPP Preparer** ☐ **Other**

Certification Statement - Owner/Operator

I have read or been advised of the permit conditions and believe that I understand them. I also understand that, under the terms of the permit, there may be reporting requirements. I hereby certify that this document and the corresponding documents were prepared under my direction or supervision. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further understand that coverage under the general permit will be identified in the acknowledgment that I will receive as a result of submitting this NOI and can be as long as sixty (60) business days as provided for in the general permit. I also understand that, by submitting this NOI, I am acknowledging that the SWPPP has been developed and will be implemented as the first element of construction, and agreeing to comply with all the terms and conditions of the general permit for which this NOI is being submitted.

Owner/Operator First Name M.I. Last Name

_____

Signature

_____

Date

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

STORM WATER POLLUTION PREVENTION PLAN
CONTRACTOR'S CERTIFICATION STATEMENT

Mixed Use Project

CONTRACTOR'S CERTIFICATION:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP for the construction site identified in such SWPPP as a condition of authorization to discharge storm water. I also understand that the operator must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (SPDES) general permit for storm water discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards."

Note: The contractor shall have at least one NYSDEC trained individual onsite at all times when earthwork and other SWPPP associated work is being performed from each contractor(s) and subcontractor(s). Each contractor(s) and subcontractor(s) shall provide copies of these individuals' certifications to the Town of Amherst.

Name: _____
(Print)

Signature: _____

Title: _____

Company Name: _____

Address: _____

Telephone Number: _____

Date: _____

Scope of Services: _____

Trained Individual(s) Responsible for Implementation: _____

This form must be signed by a responsible corporate officer or other party meeting the "Signatory Requirements" of the NYSDEC SPDES General Permit

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

SWPPP Preparer Certification Form

SPDES General Permit for Stormwater Discharges From Construction Activity (GP-0-20-001)

Project Site Information

Project/Site Name

Mixed Use Building

Owner/Operator Information

Owner/Operator (Company Name/Private Owner/Municipality Name)

Ellicott Development

Certification Statement – SWPPP Preparer

I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the GP-0-20-001. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

First name	MI	Last Name
Christopher		Wood

Signature

11/20/23
Date

Revised: January 2020

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Appendix G

NYSDEC Notice of Termination (NOT)

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505
(NOTE: Submit completed form to address above)

NOTICE OF TERMINATION for Storm Water Discharges Authorized under the SPDES General Permit for Construction Activity

Please indicate your permit identification number: NYR ___ ___ ___ ___ ___ ___

I. Owner or Operator Information

1. Owner/Operator Name:

2. Street Address:

3. City/State/Zip:

4. Contact Person: | 4a.Telephone:

4b. Contact Person E-Mail:

II. Project Site Information

5. Project/Site Name:

6. Street Address:

7. City/Zip:

8. County:

III. Reason for Termination

9a. □ All disturbed areas have achieved final stabilization in accordance with the general permit and SWPPP. ***Date final stabilization completed** (month/year): _____

9b. □ Permit coverage has been transferred to new owner/operator. Indicate new owner/operator's permit identification number: NYR ___ ___ ___ ___ ___ ___
(Note: Permit coverage can not be terminated by owner identified in I.1. above until new owner/operator obtains coverage under the general permit)

9c. □ Other (Explain on Page 2)

IV. Final Site Information:

10a. Did this construction activity require the development of a SWPPP that includes post-construction stormwater management practices? □ yes □ no (If no, go to question 10f.)

10b. Have all post-construction stormwater management practices included in the final SWPPP been constructed? □ yes □ no (If no, explain on Page 2)

10c. Identify the entity responsible for long-term operation and maintenance of practice(s)?

_____

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

NOTICE OF TERMINATION for Storm Water Discharges Authorized under the SPDES General Permit for Construction Activity - continued

10d. Has the entity responsible for long-term operation and maintenance been given a copy of the operation and maintenance plan required by the general permit? □ yes □ no

10e. Indicate the method used to ensure long-term operation and maintenance of the post-construction stormwater management practice(s):

□ Post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain practice(s) have been deeded to the municipality.

□ Executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s).

□ For post-construction stormwater management practices that are privately owned, a mechanism is in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the owner or operator's deed of record.

□ For post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university or hospital), government agency or authority, or public utility; policy and procedures are in place that ensures operation and maintenance of the practice(s) in accordance with the operation and maintenance plan.

10f. Provide the total area of impervious surface (i.e. roof, pavement, concrete, gravel, etc.) constructed within the disturbance area? _____ (acres)

11. Is this project subject to the requirements of a regulated, traditional land use control MS4? □ yes □ no

(If Yes, complete section VI - "MS4 Acceptance" statement

V. Additional Information/Explanation:

(Use this section to answer questions 9c. and 10b., if applicable)

VI. MS4 Acceptance - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative (Note: Not required when 9b. is checked -transfer of coverage)

I have determined that it is acceptable for the owner or operator of the construction project identified in question 5 to submit the Notice of Termination at this time.

Printed Name:	
Title/Position:	
Signature:	Date:

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

NOTICE OF TERMINATION for Storm Water Discharges Authorized under the SPDES General Permit for Construction Activity - continued

VII. Qualified Inspector Certification - Final Stabilization:

I hereby certify that all disturbed areas have achieved final stabilization as defined in the current version of the general permit, and that all temporary, structural erosion and sediment control measures have been removed. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:	
Title/Position:	
Signature:	Date:

VIII. Qualified Inspector Certification - Post-construction Stormwater Management Practice(s):

I hereby certify that all post-construction stormwater management practices have been constructed in conformance with the SWPPP. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:	
Title/Position:	
Signature:	Date:

IX. Owner or Operator Certification

I hereby certify that this document was prepared by me or under my direction or supervision. My determination, based upon my inquiry of the person(s) who managed the construction activity, or those persons directly responsible for gathering the information, is that the information provided in this document is true, accurate and complete. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:	
Title/Position:	
Signature:	Date:

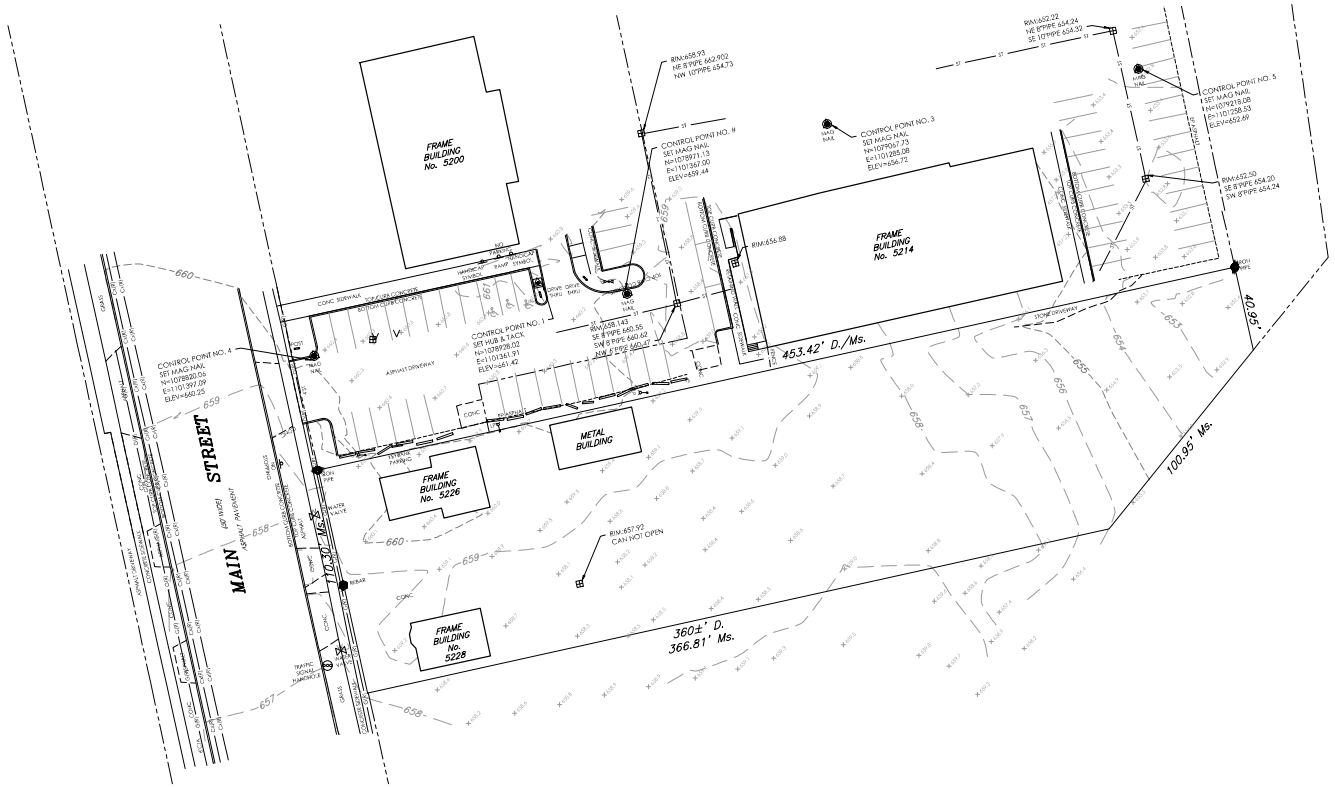
(NYS DEC Notice of Termination - January 2015)

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Appendix H

Construction Documents

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



LEGEND:

- CATCH BASIN (SQUARE)
- CONTROL POINT
- GROUND SHOT TOP
- HANDICAP SYMBOL
- HUB & TACK
- INVERT
- IRON PIPE
- LIGHT POLE 2 LIGHTS
- MAG NAIL
- REBAR
- SIGN 1 POST
- TRAFFIC SIGNAL HAND HOLE
- UTILITY POLE WITH LIGHT
- WATER VALVE

SURVEY LINE TYPES:

- CONTOUR (MAJOR)
- CONTOUR (MINOR)
- FENCE
- PROPERTY LOT LINE (APPROX)
- ROW (APPROX)
- SLOPE - TOP/BOTTOM (TOP/BOTTOM OF SLOPE)

UTILITY LINE TYPES:

- COMMUNICATION LINE (RECORD) (CATV)
- GAS LINE (RECORD) (GAS)
- STORM SEWER LINE (ST)

DIG SAFE UTILITY:

TYPE	COMPANY	RESPONSE	AFFECTED
COMMUNICATION	TIME WARNER/CHARTER	YES OR NO	YES
	VERIZON	YES	NO
	AT&T	YES	NO
	FIRSTLIGHT TOWER	YES	NO INFO
	MCI	NO	NO INFO
	TOWN OF AMHERST	NO	NO
	ENBRIDGE	YES	NO
	LIGHTOWER FIBER TECHNOLOGIES	YES	NO
ELECTRIC	NATIONAL GRID	YES	YES
GAS	NATIONAL FUEL	YES	YES OR NO
STORM SEWER	ERIE COUNTY	YES	NO INFO
	TOWN OF AMHERST	NO	NO INFO
SANITARY	ERIE COUNTY	YES	NO INFO
	TOWN OF AMHERST	NO	YES
WATER	ERIE COUNTY WATER	YES	

NOTE:

UTILITY INFORMATION WAS PROVIDED FROM FIELD SURVEY AND DIG SAFE. DIG SAFE DESIGN TICKET ID: #062924919-278 (6/29/2022). UTILITY COMPANIES WERE CONTACTED VIA PHONE AND EMAIL. IF NO RESPONSE FROM UTILITY COMPANY BEFORE PROJECT GOES TO CLIENT, KHEOPS WILL FORWARD ON TO THE CLIENT ANY LATE UTILITY INFO/EMAILS RECEIVED.

THE UTILITY INFORMATION SHOWN ON THE SURVEY DRAWING ARE FROM A DIG SAFE DESIGN TICKET AND SHOULD NOT REPLACE AN ACTUAL DIG LOCATION TICKET.

GENERAL NOTES:

THIS MAP IS BASED ON A FIELD SURVEY COMPLETED ON DATED 7/15/2022.

FOR BOUNDARY INFORMATION SEE DRAWING CREATED BY KHEOPS DRAWING NAME 5226 MAIN-63392 DATED 5-25-17

GRAPHIC SCALE

30 0 30 60 120

(IN FEET)
1 inch = 30 ft.

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THESE PLANS ARE NOT SUITABLE FOR CONSTRUCTION, USE OR PURPOSES

NO	DESCRIPTION	DATE	BY

Designed by: GSM
Drawn by: DMJ
Checked by: GSM
Day Scale: Horiz: 1"=30' Vert:
Field Date: 7/15/22
Office Date: 7/20/2022
Job No. 22NY107
Book: Page: Map: 63392
File Name: 22NY107Boundary Survey.dwg

KHEOPS Architecture, Engineering & Survey, DPC
209 Pearl Street, Suite 500
Buffalo, New York 14202
P. 716.845.8739
F. 716.845.8740
www.kheops.com

NEW YORK
LOCATION
TOPOGRAPHIC SURVEY

MAP NUMBER:
63392
Sheet 1 of 1

Elliott 5226-5228 Main St Amherst 63392\4 - Technical Data\CADD Drawings\Autocad\22NY107 Elliott 5226-5228 Main St Amherst 63392.dwg, Last saved: 7/20/2022, Plot Date: 7/20/2022, By: DMJ

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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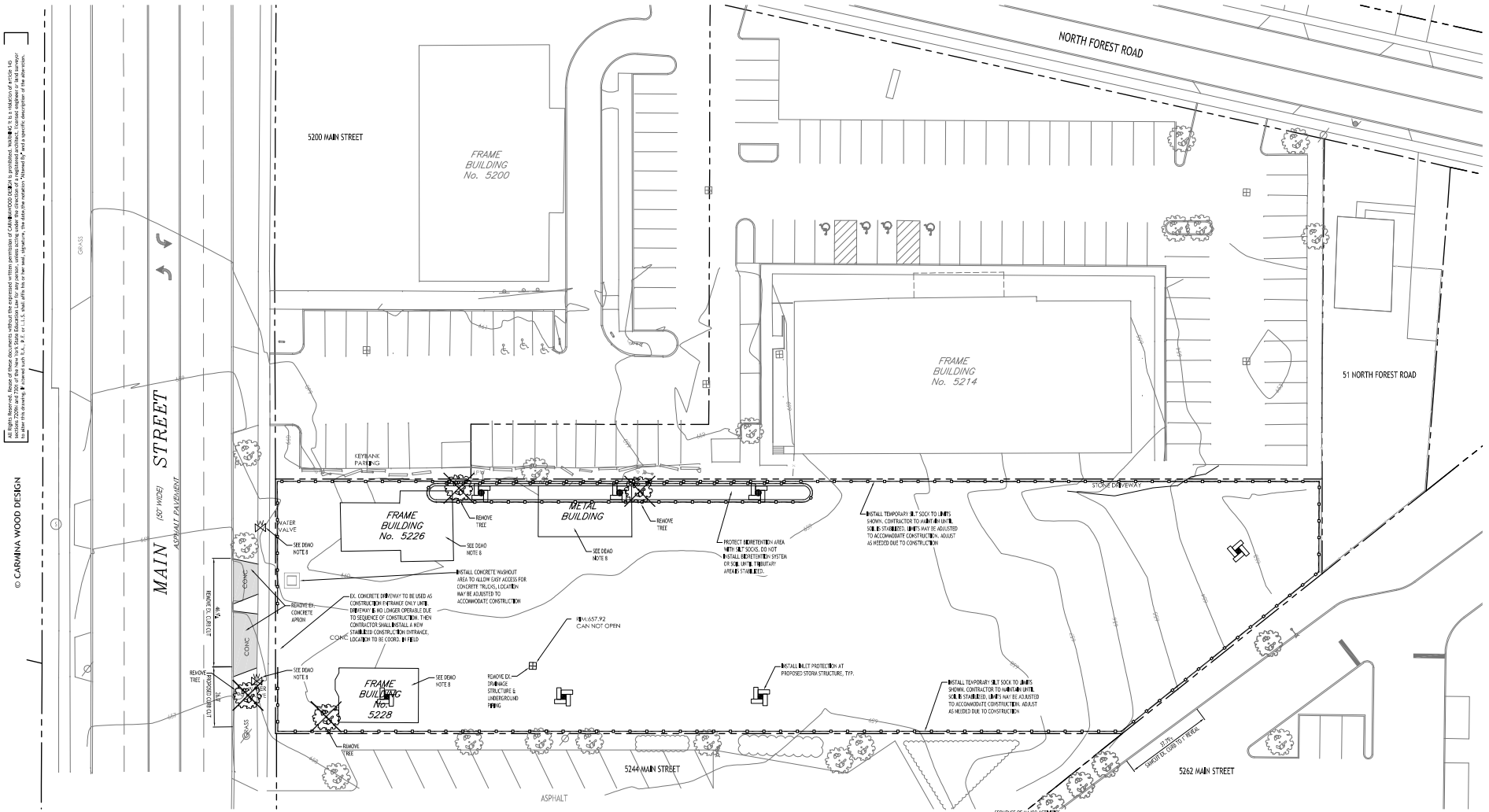

Demolition & Erosion Control Plan

SCALE: 1"=20'

EROSION CONTROL NOTES

THE FOLLOWING EROSION CONTROL PROCEDURES SHALL BE ADHERED TO BY THE CONTRACTOR:

1. INSTALL TEMPORARY SILT SOCK BARRIERS AS DIRECTED BY THE OWNER AND AT ALL EXISTING STORMWATER CATCH BASINS WITHIN THE WORK AREA TO PREVENT SEDIMENT MIGRATION. ALL SILT SOCK BARRIERS SHALL BE INSTALLED IN ACCORDANCE WITH THE DETAILS SHOWN ON THE PLANS.
2. TOPSOIL SHALL BE STRIPPED AND STOCKPILED ON SITE FOR RE-USE AS DIRECTED BY THE OWNER. ALL LOCAL ORDINANCES REGARDING THE SALE OF TOPSOIL MUST BE FOLLOWED. TOPSOIL MAY NOT BE REMOVED WITHOUT A PERMIT.
3. ALL SILT SOCK BARRIERS SHALL BE REPLACED WHENEVER THEY BECOME CLOGGED OR INOPERABLE.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE AND REMOVAL OF TEMPORARY SEDIMENTATION CONTROLS.
5. THE CONTRACTOR MUST CONTROL DUST DURING CONSTRUCTION. DURING EARTHWORK OPERATIONS, WATER-SPREADING EQUIPMENT SHALL BE PROVIDED BY THE CONTRACTOR, AND SPREAD WATER AS NECESSARY AND AS DIRECTED BY THE OWNER IN ORDER TO CONTROL DUST.
6. DIRT OR DEBRIS LEFT ON LOCAL PUBLIC ROADS AS A RESULT OF THIS CONSTRUCTION PROJECT SHALL BE REMOVED AND ROAD SURFACES CLEANED BY THE CONTRACTOR ON A DAILY BASIS.
7. ALL DISTURBED AREAS (EXCEPT AREAS TO BE PAVED OR BUILT UPON) SHALL BE TOPSOILED TO A MINIMUM 4" DEPTH AND SEEDED IMMEDIATELY AFTER FINE GRADING TAKES PLACE AND AS SOON AS PHYSICALLY POSSIBLE.
8. [illegible] BE RESPONSIBLE FOR THE MAINTENANCE OF DOWNSTREAM STORM SEWERS, DITCHES, AND CULVERTS. SILT BUILDUP FOUND TO BE A SITE CONSTRUCTION WORK SHALL BE REMOVED FROM DOWNSTREAM CULVERTS BY THE CONTRACTOR AT NO ADDITIONAL EXPENSE TO THE TOWN OF Y.
9. [illegible] AND SEDIMENT CONTROL DEVICES AND MATERIALS SHALL BE IN PLACE PRIOR TO BEGINNING EARTHWORK OPERATIONS AND SHALL BE [illegible]. THE NEW SLOPES ARE STABILIZED WITH SEEDING AND/OR SLOPE PROTECTION, AS DIRECTED BY THE ENGINEER.
10. [illegible]ARY SILT SOCK AROUND THE BASE OF STOCKPILES. STOCKPILES NOT BEING ACTIVELY USED FOR MORE THAN SEVEN (7) DAYS SHALL BE
11. [illegible]F RECORD FOR THE PROJECT CERTIFIES THAT THESE DESIGN PLANS MEET THE REQUIREMENTS AND ARE IN COMPLIANCE WITH THE [illegible]WATER MANAGEMENT DESIGN MANUAL, AND NYSDEC PHASE II STORMWATER REGULATION REQUIREMENTS.

DEMOLITION NOTES:

1. ALL PERIMETER SILT SOCK TO BE INSTALLED PRIOR TO CONSTRUCTION ACTIVITY BEGINNING.
2. CONTRACTOR SHALL TAKE PRECAUTIONS TO PROTECT THOSE ITEMS TO REMAIN, SUCH AS TREES, PROPERTY CORNER PINS, UTILITY POLES, VALVES, HYDRANTS, CURBS, MANHOLES AND CATCH BASINS.
3. TEMPORARY SILT SOCK TO BE INSTALLED AS DIRECTED BY THE OWNERS FIELD REPRESENTATIVE. MAINTAIN UNTIL VEGETATION IS ESTABLISHED AND PAVEMENT IS INSTALLED.
4. AS NECESSARY, COVERED DUMPSTERS SHALL BE PROVIDED ONSITE AS REQUIRED FOR CONSTRUCTION WASTE.
5. REMOVE ALL TREES AND STUMPS AS SHOWN AND DISPOSE OF OFF SITE. CONTRACTOR TO PROTECT ALL TREES/BRUSH NOT DISTURBED BY CONSTRUCTION ACTIVITY. LOCATIONS OF TREES SHOWN ON PLAN ARE APPROXIMATE, CONTRACTOR TO CONFIRM LOCATION PRIOR TO CONSTRUCTION.
6. CONTRACTOR TO COORDINATE WITH TOWN LANDSCAPE ARCHITECT WHICH TREES SHALL BE REMOVED AND WHICH SHALL REMAIN AND BE PROTECTED DURING CONSTRUCTION.
7. EXISTING CURB AND REMOVAL OF EXISTING ENTRANCE SHALL BE SAW CUT FULL-DEPTH AND NEATLY REMOVED FROM THE BACKSIDE. EXISTING PAVEMENT SHALL NOT BE DISTURBED AND THE PAVEMENT EDGE SHALL BE USED AS FORM FOR PLACING NEW CURB.
8. REMOVE EXISTING BUILDING TO INCLUDE ALL FOUNDATIONS, SIDEWALKS & PATIOS, STEPS, LANDSCAPING, ETC. ALL UTILITY CONNECTIONS TO BE ABANDONED AND/OR REMOVED PER COUNTY, TOWN, AND UTILITY COMPANY REQUIREMENTS. BACKFILL ANY FOUNDATIONS REMOVED AS NEEDED.

SEQUENCE OF MAJOR ACTIVITIES

THE CONTRACTOR WILL BE RESPONSIBLE FOR IMPLEMENTING THE FOLLOWING EROSION CONTROL AND STORM WATER MANAGEMENT CONTROL MEASURES. THE CONTRACTOR MAY DESIGNATE THESE TASKS TO CERTAIN SUBCONTRACTORS AS HE SEES FIT, BUT THE ULTIMATE RESPONSIBILITY FOR IMPLEMENTING THESE CONTROLS AND ENSURING THEIR PROPER FUNCTIONING REMAINS WITH THE CONTRACTOR. THE ORDER OF ACTIVITIES WILL BE AS FOLLOWS:

A. INSTALL STABILIZED CONSTRUCTION ENTRANCE
B. INSTALL PERIMETER SILT FENCES/SILT SOCK IN THE LOCATIONS SHOWN ON THE DEMOLITION AND EROSION CONTROL PLAN SHEET.
C. CLEAR & GRUB SITE.
D. INSTALLATION OF UNDERGROUND DETENTION BASIN.
E. COMMENCE SITE GRADING.
F. DISTURBED AREAS OF THE SITE WHERE CONSTRUCTION ACTIVITY HAS CEASED FOR MORE THAN 14 DAYS SHALL BE TEMPORARILY SEEDED AND WATERED.
G. CONSTRUCTION OF BUILDING.
H. INSTALLATION OF PROPOSED UTILITIES.
I. FINALIZE PAVEMENT SUBGRADE PREPARATION.
J. CONSTRUCT ALL CURB, DRAINAGE INLETS, STORM SEWER PIPES AND STORM SEWER MANHOLES, AS SHOWN ON PLANS. INSTALL TEMPORARY INLET PROTECTION AT THE LOCATION OF ALL INLETS.
K. DUST CONTROL.
L. REMOVE INLET PROTECTION AROUND INLETS AND MANHOLES NO MORE THAN 48 HOURS PRIOR TO PLACING STABILIZED BASE COURSE.
M. INSTALL BASE MATERIAL AS REQUIRED FOR PAVEMENT.
N. CARRY OUT FINAL GRADING AND SEEDING AND PLANTINGS.
O. CLEAN STORM SYSTEM FOLLOWING CONSTRUCTION, CLEAN UNDERGROUND DETENTION BASIN AS PER MANUFACTURER RECOMMENDATIONS.
P. REMOVE SILT FENCES/SILT SOCK ONLY AFTER ALL PAVINGS COMPLETE AND EXPOSED SURFACES ARE STABILIZED.
Q. REMOVE TEMPORARY CONSTRUCTION EXITS ONLY PRIOR TO PAVEMENT CONSTRUCTION IN THESE AREAS.

DEMOLITION & EROSION CONTROL LEGEND

- EXISTING PAVEMENT TO BE SAWCUT & REMOVED
- PROPOSED SILT SOCK
- EXISTING TREE TO BE REMOVED
- PROPOSED STORM INLET PROTECTION

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

20 0 20 40Ft.

CARMINAWOOD DESIGN
111 Main Street, Suite 332
Geneseo, New York 14454
Phone: (336) 937-6909

487 Main Street, Suite 500
Buffalo, New York 14203
Phone: (716) 842-1165

Mixed Use Building

5226 & 5228 Main Street
Amherst, NY

REVISIONS:
No. Description Date

DRAWING NAME:
Demolition & Erosion Control Plan

Date: 11/20/23
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
C-001

Project No:

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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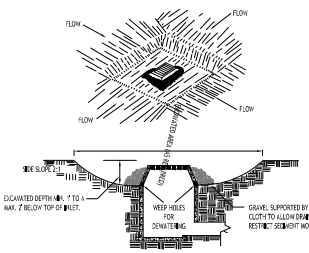


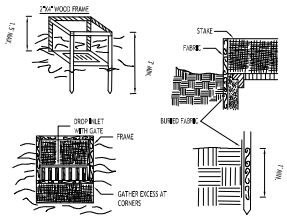
CONSTRUCTION SPECIFICATIONS

1. CLEAR THE AREA OF ALL DEBRIS THAT WILL HINDER EXCAVATION.
2. GRADE APPROACH TO THE INLET UNIFORMLY AROUND THE BASIN.
3. WEEP HOLES SHALL BE PROTECTED BY GRAVEL.
4. UPON STABILIZATION OF CONTRIBUTING DRAINAGE AREA, SEAL WEEP HOLES, FILL BASIN WITH STABLE SOIL TO FINAL GRADE, COMPACT IT PROPERLY AND STABILIZE WITH PERMANENT SEEDING.

MAXIMUM DRAINAGE AREA 1 ACRE

INLET PROTECTION DETAIL 1

NOT TO SCALE



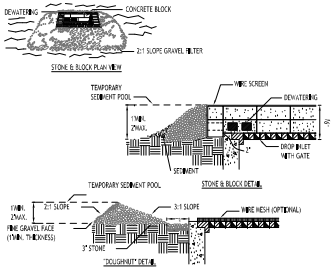
CONSTRUCTION SPECIFICATIONS

1. FILTER FABRIC SHALL HAVE AN EOS OF 40-85. BURLAP MAY BE USED FOR SHORT TERM APPLICATIONS.
2. CUT FABRIC FROM A CONTINUOUS ROLL TO ELIMINATE JOINTS. IF JOINTS ARE NEEDED THEY WILL BE OVERLAPPED TO THE NEXT STAKE.
3. STAKE MATERIALS WILL BE STANDARD 2" x 4" WOOD OR EQUIVALENT. METAL WITH A MINIMUM LENGTH OF 3 FEET.
4. SPACE STAKES EVENLY AROUND INLET 3 FEET APART AND DRIVE A MINIMUM 16 INCHES DEEP. SPANS GREATER THAN 3 FEET MAY BE BRIDGED WITH THE USE OF WIRE MESH BEHIND THE FILTER FABRIC FOR SUPPORT.
5. FABRIC SHALL BE EMBEDDED 1 FOOT MINIMUM BELOW GROUND AND BACKFILLED. IT SHALL BE SECURELY FASTENED TO THE STAKES AND FRAME.
6. A 2" x 4" WOOD FRAME SHALL BE COMPLETED AROUND THE CREST OF THE FABRIC FOR OVER FLOW STABILITY.

MAXIMUM DRAINAGE AREA 1 ACRE

INLET PROTECTION DETAIL 2

NOT TO SCALE



CONSTRUCTION SPECIFICATIONS

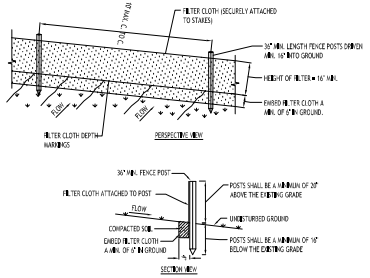
1. LAY ONE BLOCK ON EACH SIDE OF THE STRUCTURE ON ITS SIDE FOR DEWATERING. FOUNDATION SHALL BE 2 INCHES MINIMUM BELOW REST OF INLET AND BLOCKS SHALL BE PLACED AGAINST INLET FOR SUPPORT.
2. HARDWARE CLOTH OR 1/2" WIRE MESH SHALL BE PLACED OVER BLOCK OPENINGS TO SUPPORT STONE.
3. USE CLEAN STONE OR GRAVEL 1/2-3/4 INCH IN DIAMETER PLACED 2 INCHES BELOW TOP OF THE BLOCK ON A 2:1 SLOPE OR FLATTER.
4. FOR STONE STRUCTURES ONLY, A 1 FOOT THICK LAYER OF THE FILTER STONE WILL BE PLACED AGAINST THE 3 INCH STONE AS SHOWN ON THE DRAWINGS.

MAXIMUM DRAINAGE AREA 1 ACRE

INLET PROTECTION DETAIL 3

NOT TO SCALE

NOTE: INSTALL ONE OF THE INLET PROTECTION OPTIONS SHOWN PRIOR TO CONSTRUCTION

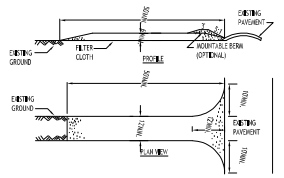


CONSTRUCTION SPECIFICATIONS

1. WOVEN FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
2. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVER-LAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
3. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

SILT FENCE DETAIL

NOT TO SCALE

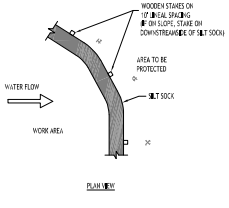


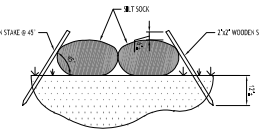
CONSTRUCTION SPECIFICATIONS

1. STONE SIZE - USE 2" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
2. LENGTH - NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
3. THICKNESS - NOT LESS THAN SIX (6) INCHES.
4. WIDTH - TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. TWENTY-FOUR (24) FOOT IF SINGLE ENTRANCE TO SITE.
5. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHT-OF-WAY MUST BE REMOVED IMMEDIATELY.
8. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

STABILIZED CONSTRUCTION ENTRANCE DETAIL

NOT TO SCALE





NOTES:

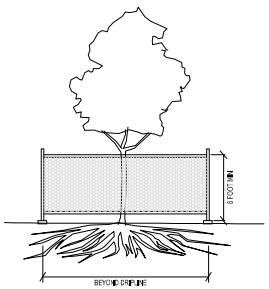
CONTRACTOR SHALL INSPECT AND MAINTAIN SILT SOCK AS NEEDED DURING THE DURATION OF CONSTRUCTION PROJECT.

CONTRACTOR SHALL REMOVE SEDIMENT COLLECTED AT THE BASE OF THE SILT SOCK WHEN IT HAS REACHED 1/2 OF THE EXPOSED HEIGHT OF THE SILT SOCK. ALTERNATIVELY, RATHER THAN CREATE A SOIL DISTURBING ACTIVITY, THE ENGINEER MAY CALL FOR ADDITIONAL SILT SOCK TO BE ADDED AT AREAS OF HIGH SEDIMENTATION, PLACED IMMEDIATELY ON TOP OF THE EXISTING SEDIMENT LADEN SILT SOCK.

SILT SOCK SHALL BE OVERLAPPED 12" AT JOINTS AND STAKED ON EACH SIDE OF THE SOCK AT A 45° ANGLE

SILT SOCK DETAIL

NOT TO SCALE



EXISTING TREE PROTECTION FENCE

MATERIALS

MATERIALS FOR TEMPORARY PLASTIC BARRIER FENCES SHALL MEET THE FOLLOWING REQUIREMENTS:

- FENCE: HIGH-DENSITY POLYETHYLENE MESH, ULTRAVIOLET-STABILIZED MIN. 2 YEARS; MINIMUM HEIGHT 4.0 FEET, COLOR: HIGH-VISIBILITY ORANGE OR GREEN. WHEN USED TO PROTECT TREES OR OTHER VEGETATION, COLOR SHALL BE HIGH-VISIBILITY ORANGE.
- POSTS: STEEL METAL OR WOOD POSTS, MINIMUM LENGTH 6.0 FEET.
- TIES: STEEL WIRE, #14 GAUGE OR #10 GA CABLE TIES.
- WARNING SIGNS: SHEET METAL, PLASTIC OR OTHER RIGID, WATERPROOF MATERIAL, 1.5 FEET BY 2.0 FEET WITH 4 INCH BLACK LETTERS ON A WHITE BACKGROUND. TEXT SHALL BE: "PROTECTED SITE - KEEP OUT" UNLESS OTHERWISE SPECIFIED.

DETAILS

FENCES SHALL BE ERECTED PRIOR TO ANY CONSTRUCTION EQUIPMENT ONTO ANY AREA DESIGNATED FOR PROTECTION.

THE LINE OF FENCES SHALL BE STAKED OR MARKED OUT ON THE GROUND BY THE CONTRACTOR AND APPROVED BY THE ENGINEER/OWNER BEFORE ANY FENCES INSTALLED. WHERE USED FOR PROTECTION OF INDIVIDUAL TREES, FENCE SHALL BE PLACED AT THE DRIPLINE (OUTSIDE OF CANOPY). IF NOT POSSIBLE, PLACEMENT SHALL BE AS CLOSE TO THE DRIPLINE AS POSSIBLE AND IN NO CASE LESS THAN 5.0 FEET AWAY FROM THE TREE TRUNK.

ON APPROVAL OF THE STAKEOUT, POSTS SHALL BE SECURELY DRIVEN ON 6.0 FOOT-MAXIMUM CENTERS, NORMAL TO THE GROUND, TO A DEPTH 1/3 OF THE TOTAL POST LENGTH. PLASTIC BARRIER FENCE SHALL BE PLACED ALONG THE SIDE OF ALL POSTS. ENDS OF FENCING SEGMENTS SHALL OVERLAP A DISTANCE OF AT LEAST ONE HALF THE FENCE HEIGHT.

FENCING SHALL BE SECURED TO POSTS WITH WIRE OR CABLE TIES AT TOP, MIDDLE AND BOTTOM OF POST. FASTENER SHALL BE TIGHT ENOUGH TO PREVENT THE FENCING FROM SLIPPING DOWN. OVERLAPS SHALL ALSO BE SECURELY FASTENED.

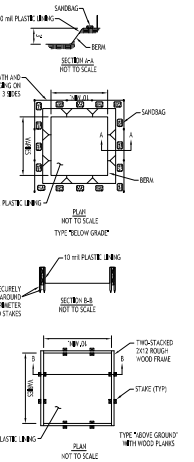
BARRIER FENCE WHICH IS NOT ORANGE IN COLOR SHALL BE FLAGGED AT 6.0 FOOT INTERVALS WITH RED OR ORANGE FLORESCENT TAPE. WARNING SIGNS SHALL BE MOUNTED ON THE FENCE AT NO MORE THAN 100 FOOT INTERVALS.

MAINTENANCE SHALL COMMENCE IMMEDIATELY AFTER ERECTION OF THE FENCE AND CONTINUE UNTIL ONE WEEK PRIOR TO ACCEPTANCE OF THE CONTRACT, AND SHALL CONSIST OF: REPLACING DAMAGED POST(S) AND FENCING; RE-FASTENING AND TIGHTENING FENCING; AND RESTORING FENCE TO ITS INTENDED HEIGHT.

FENCING USED FOR TREE OR OTHER VEGETATION PROTECTION SHALL NOT BE TEMPORARILY REMOVED TO ALLOW EQUIPMENT ACCESS OVER A PROTECTED AREA, EXCEPT AS REQUIRED FOR ITEMS OF WORK SPECIFICALLY SHOWN ON THE PLANS AND APPROVED BY THE ENGINEER IN WRITING.

TREE PROTECTION DETAIL

NOT TO SCALE



NOTES

1. ACTUAL LAYOUT TO BE DETERMINED IN THE FIELD.
2. A CONCRETE WASHOUT SIGN SHALL BE INSTALLED WITHIN 30' OF THE TEMPORARY CONCRETE WASHOUT FACILITY.
3. MATERIALS USED TO CONSTRUCT TEMPORARY CONCRETE WASHOUT FACILITIES SHALL BE REMOVED FROM THE SITE OF THE WORK AND DISPOSED OF OR RECYCLED.
4. HOLES, DEPRESSIONS OR OTHER GROUND DISTURBANCE CAUSED BY THE REMOVAL OF THE TEMPORARY CONCRETE WASHOUT FACILITIES SHALL BE BACKFILLED, REPAIRED, AND STABILIZED TO PREVENT EROSION.

CONCRETE WASHOUT DETAIL

NOT TO SCALE

CARMINAWOOD DESIGN
111 Main Street, Suite 332
Honeoye Falls, NY 14472-0746
Phone: (336) 937-6909

427 Main Street, Suite 300
Rochester, NY 14604
Phone: (716) 842-1165

Mixed Use Building

5226 & 5228 Main Street
Amherst, NY

REVISIONS:

No.	Description	Date

DRAWING NAME:

Demolition & Erosion Control Details

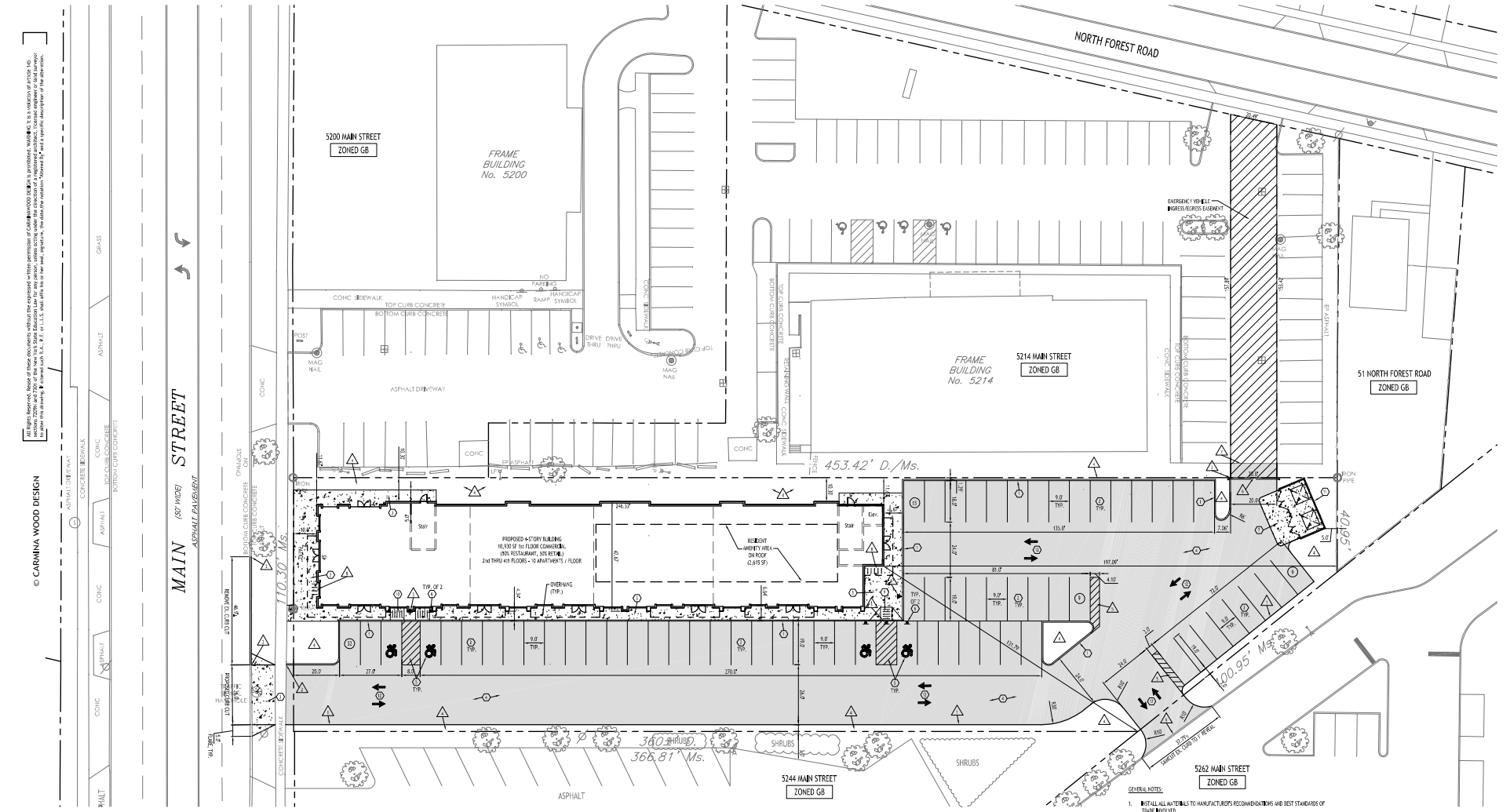
Date: 11/20/23
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.

C-003

Project No:

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



Site Plan
SCALE: 1"=20'

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Site Data

SITE AREA = 1.1 AC ±
ZONED: REZONE TO T - 4 (GENERAL FRONTAGE)
USE: PROPOSED 4-STORY MIXED USE BUILDING - 10,930 SF COMMERCIAL + 30 APTS

	REQUIRED	PROVIDED
SETBACKS - BUILDING		
FRONT	10' MIN./30' MAX.	10.0' MIN.
SIDE	0' MIN.	10.30' MIN.
REAR	0' MIN.	131.79' MIN.
SETBACKS - PARKING		
FRONT (PRIMARY STREET)	20' MIN.	20 FT.
SIDE	0' MIN.	1.29 FT MIN.
REAR	0' MIN.	3.0 FT MIN.
TOTAL VEHICLE SPACES	66	66
	19	19
	1	1
GREENSPACE:	5% (1,393 SF)	3% (710 SF) *
GHT	4 stories / 45'	4 stories / 54'*
SPACE	10% (0.06 AC)	10% (0.06 AC)
E (3%)	82.72'	45' (40.8%) *

ED

PARKING CALCULATIONS (per Section 54-A-1-4)

RETAIL SALES: (5,465 GSF)
REQ'D: 2.5 per 1,000 sf
REQ'D = (5,465sf / 1,000) x 2.5 = 14 SPACES REQ'D

RESTAURANT: (5,465 GSF)
REQ'D: 4.0 per 1,000 sf
REQ'D = (5,465 / 1,000) x 4.0 = 22 SPACES REQ'D

APARTMENTS:
REQ'D: 1 space per 1 or 2-bdrm unit = 1 x 30 units
REQ'D = 30 SPACES REQ'D

TOTAL PARKING SPACES REQUIRED = 66 SPACES

BICYCLE CALCULATION (per Section 54-A-1-4)

RESIDENTIAL:
REQ'D: 0.5 per UNIT (20 max.)
REQ'D = 0.5 x 30 = 15 REQ'D.

COMMERCIAL:
REQ'D: 1 space per 3,000 sf
REQ'D = 10,930 sf / 3,000 = 4 SPACES REQ'D

TOTAL BICYCLE SPACES REQUIRED = 19 SPACES

ELECTRIC VEHICLE CALCULATION (per Section 54-A-1-2)

10 OF TOTAL PARKING = 66 x 0.01 = 1 SPACES REQ'D.

DETAIL LEGEND (ALL DETAILS ON SHEET)

1. TYPE 'A' CONCRETE CURB
2. 90° PARKING STALL
3. CONCRETE SIDEWALK, 4" THICK UNLESS OTHERWISE NOTED
4. STANDARD DUTY ASPHALT
5. HANDICAP PAVEMENT MARKINGS
6. HANDICAPPED PARKING SIGN
7. EXTERIOR CONCRETE SLAB ON GRADE
8. LIGHT POLE FOUNDATION
9. SIDEWALK CURB RAMP
10. HANDICAP PAVEMENT RAMP
11. DUMPSTER ENCLOSURE
12. PAINTED TRAFFIC ARROWS

NOTE LEGEND

A. EDGE OF PAVEMENT
B. RUNOUT CURB TO 0" ON MATCH EXISTING CURB
C. INSTALL TWO PARKING SIGNS, M.U.T.C.D. SIGN NO. R7-8 C
D. LANDSCAPED AREA - SEE LANDSCAPE PLAN. IF NO PLANTINGS, INSTALL TOPSOIL & SEED
E. 4" WIDE WHITE PAINT STRIPE @ 45° @ 2.0' O.C., INSTALL AREA AS SHOWN
F. MATCH EX. PAVEMENT, SAWCUT AS REQ'D TO ACHIEVE SQUARE EDGE TO MATCH
G. EMERGENCY GATE WITH KNOX BOX, DETAILED BY OTHERS
H. DECORATIVE BOLLARDS, DETAILED BY OTHERS
I. ELECTRIC VEHICLE CHARGING STATION

SITE NOTES:

1. ALL RADII SHALL BE 3'-0" UNLESS OTHERWISE NOTED.
2. ALL DISTURBED AREAS: SHALL HAVE 4" MIN. OF TOPSOIL AND SEED.
3. ALL DIMENSIONS FROM PROPERTY LINES SHALL BE MEASURED PERPENDICULAR TO THE PROPERTY LINE.
4. CENTER ENTRANCE SIDEWALKS ON DOOR OPENINGS.
5. BUILDING DIMENSIONS ARE APPROXIMATE, REFER TO ARCHITECTURAL DRAWINGS FOR LAYOUT DIMENSIONS.
6. ALL HANDICAP RAMPS (NOT WITHIN THE NYSDOT R.O.W.) AND/OR SIDEWALKS FLUSH TO PAVEMENT SHALL HAVE ADA COMPLIANT TACTILE WARNING STRIPS WHERE ENTERING PARKING AREAS/DRIVEWAYS. SIDEWALKS FLUSH TO PAVEMENT WITHIN THE NYSDOT R.O.W. SHALL ADHERE TO THE NOTES AND DESIGN REGULATIONS AS STATED ON NYSDOT STANDARD SHEET 608-01.
7. EXISTING TREE LOCATIONS ARE APPROXIMATE, CONTRACTOR TO LOCATE LOCATIONS PRIOR TO CONSTRUCTION AND COORDINATE WITH TOWN LANDSCAPE ARCHITECT WHICH TREES SHALL BE REMOVED AND WHICH SHALL REMAIN AND BE PROTECTED DURING CONSTRUCTION.

GENERAL NOTES:

1. INSTALL ALL MATERIALS TO MANUFACTURER'S RECOMMENDATIONS AND BEST STANDARDS OF TRADE INVOLVED.
2. SUBSTITUTIONS SHALL BE MADE ONLY WITH OWNER'S APPROVAL AND BE OF EQUIVALENT QUALITY TO WHAT IS SPECIFIED.
3. WORK SHALL BE COMPLETED IN STRICT ACCORDANCE WITH ALL LOCAL CODES AND OSHA SAFETY RULES AND REGULATIONS.
4. VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AT THE SITE. NOTIFY OWNER & ENGINEER OF DISCREPANCIES IN CONDITIONS SHOWN ON DRAWINGS PRIOR TO PROCEEDING WITH THE WORK.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ANY EXISTING STRUCTURES TO REMAIN AND ANY FINISH MATERIAL INSTALLED WHILE WORKING ON OTHER COMPONENTS.
6. CONTRACTOR SHALL KEEP JOB FREE OF DEBRIS AND MAKE FINAL CLEANUP TO SATISFACTION OF OWNER.
7. CONTRACTOR SHALL ASCERTAIN THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION SO THAT THE WORK WILL NOT DISTURB EXISTING LINES AND/OR INSTALLATIONS. COORDINATE ALL WORK WITH THE APPLICABLE UTILITY COMPANIES.
8. ALL OTHER PERMITS REQUIRED BY STATE OF NEW YORK, COUNTY OF ERIE, AND TOWN OF AMHERST ARE THE RESPONSIBILITY OF THE CONTRACTOR/DEVELOPER/OWNER.
9. EXISTING CURB AND REMOVAL OF EXISTING ENTRANCE SHALL BE SAW CUT FULL-DEPTH AND NEATLY REMOVED FROM THE BACKSIDE. ADJOINING PAVEMENT SHALL NOT BE DISTURBED AND THE PAVEMENT EDGE SHALL BE USED AS FORM FOR PLACING NEW CURB.
10. SANITARY SEWER EASEMENTS SHOWN ARE APPROXIMATE BASED ON RECORD PLANS PROVIDED BY TOWN OF AMHERST ENGINEERING DEPARTMENT. SURVEYOR TO VERIFY LOCATION PRIOR TO CONSTRUCTION.
11. REFER TO NYSDOT STANDARD SHEET 608-03 FOR DRIVEWAY ENTRANCE AND LAYOUT INFORMATION ALONG MAIN STREET.
12. ALL DISTURBED AREAS WITHIN NYSDOT R.O.W. TO BE RESTORED USING ITEM 610.1402 TOPSOIL - ROADSIDE AND ITEM 610.1602 TURF ESTABLISHMENT - LAWNS AND COMPLY WITH NYSDOT STANDARDS AND SPECIFICATIONS SECTION 713 - LANDSCAPE DEVELOPMENT MATERIALS.

SITE LEGEND

- PROPERTY LINE
- PROPOSED CURB
- PROPOSED SIDEWALK / CONCRETE PAD
- NUMBER OF PARKING SPACES
- PROPOSED SIGN
- PROPOSED STANDARD DUTY ASPHALT PAVEMENT
- PROPOSED LIGHT POLE

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

20 0 20 40Ft.

CARMINAWOOD DESIGN
511 Main Street, Suite 332
Buffalo, New York 14203
Phone: (716) 837-0909

487 Main Street, Suite 300
Buffalo, New York 14203
Phone: (716) 842-1165

Mixed Use Building
5226 & 5228 Main Street
Amherst, NY

REVISIONS:
No. Description Date

DRAWING NAME:
Site Plan

Date: 11/20/23
Drawn By: P. Sheedy
Scale: As Noted

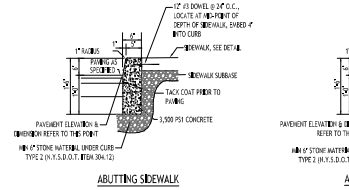
DRAWING NO.
C-100

Project No:

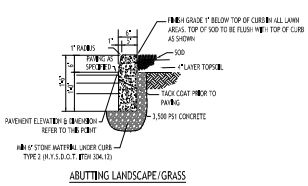
Packet Pg. 334

2.a

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



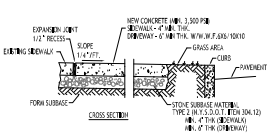
ABUTTING SIDEWALK



ABUTTING LANDSCAPE/GRASS

NOTES:
1. CONTROL JOINTS TO BE 2" DEEP AT 15'-0" O.C. - SEE SPECIFICATIONS FOR FURTHER JOINT REQUIREMENTS NYSDOT 703-0700.
2. WHERE THE CURB DROPS (& FLUSH WITH ASPHALT) THE DEPTH OF CURB BELOW GRADE SHALL BE INCREASED TO 1'-6" AND OTHER DIMENSIONS ADJUSTED ACCORDINGLY.

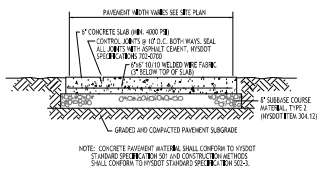
TYPE "A" CONCRETE CURB - 1
HOT TO SCALE



CROSS SECTION

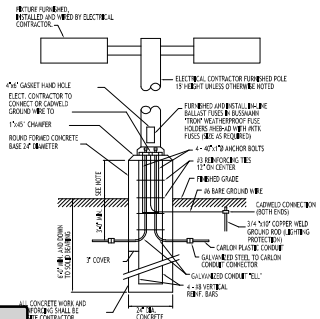
NOTES:
1. CONTROL JOINTS TO BE AT 5'-0" O.C., BOTH WAYS WHERE APPLICABLE. SEE SPECIFICATIONS FOR FURTHER JOINT REQUIREMENTS NYSDOT 702-0700.
2. CONCRETE SIDEWALK AND DRIVEWAY MATERIAL SHALL CONFORM TO NYSDOT STANDARD SPECIFICATION 501 AND CONSTRUCTION METHODS SHALL CONFORM TO NYSDOT STANDARD SPECIFICATION 608-3.
3. SUBBASE GRADE SHALL FOLLOW THE PROPOSED GRADE OF THE SIDEWALK AND SLOPE AWAY FROM BUILDING WHERE APPLICABLE, PROVIDE CONTINUOUS STONE PATH TO CURB UNDERDRAIN WHERE PROVIDED.
4. FULL DEPTH EXPANSION JOINTS SHALL BE INSTALLED EVERY 20' O.C., BOTHWAYS WHERE APPLICABLE. SEE SPECIFICATIONS FOR FURTHER JOINT REQUIREMENTS NYSDOT 702-0700.
5. SEE CURB DETAIL FOR DOWELING REQUIREMENTS WHERE ABUTTING CURB.
6. INSTALL 6" LONG #3 DOWELS @ 12" O.C. WHERE SIDEWALK ABUTS A BUILDING WALL AT AN ENTRANCE, THICKEN SIDEWALK TO 8" AT BUILDING WALL AND INSTALL DOWEL CENTERED IN THE 4" DEPTH. DOWELS AND THICKENING OF SIDEWALK SHALL EXTEND 10' EITHER SIDE OF ENTRANCE.
7. INSTALL 1/2" PREMOLDED EXPANSION JOINT WITH BACKER ROD & SEALANT WHERE SIDEWALK ABUTS BUILDING OR OTHER STRUCTURE.

CONCRETE SIDEWALK - 3
HOT TO SCALE



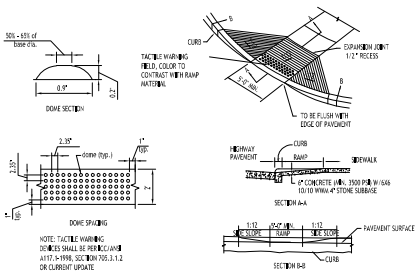
NOTE: CONCRETE PAVEMENT MATERIAL SHALL CONFORM TO NYSDOT STANDARD SPECIFICATION 501 AND CONSTRUCTION METHODS SHALL CONFORM TO NYSDOT STANDARD SPECIFICATION 501-3.

EXTERIOR CONCRETE SLAB-ON-GRADE SECTION - 7
NOT TO SCALE



NOTES:
1. FOR LOCATIONS OF FOUNDATIONS SEE SITE PLAN
2. FOR LIGHT FIXTURE ORIENTATION INFORMATION SEE SITE LIGHTING PLAN
3. LIGHT POLE BASE EXPOSURE ABOVE GRADE SHALL BE:
   - IN CURBED ISLANDS: 9" ABOVE TOP OF CURB ELEVATION
   - IN PAVEMENT: 3" ABOVE GRADE
   - IN NON-CURBED GRASS AREAS: 6" ABOVE GRADE

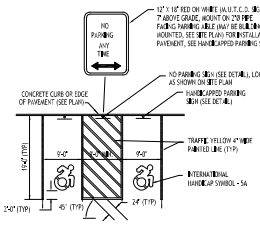
LIGHT POLE FOUNDATION - 9
NOT TO SCALE



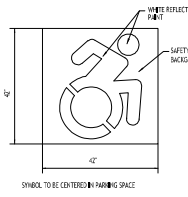
NOTE: TACTILE WARNING DEVICES SHALL BE PERPENDICULAR TO CURB RAMP

SIDEWALK CURB RAMP - 9
NOT TO SCALE

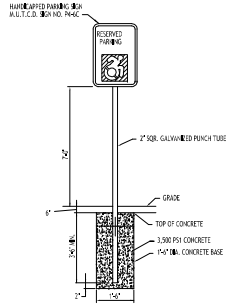
90° PARKING STALL LAYOUT - 2
NOT TO SCALE



HANDICAPPED PAVEMENT MARKINGS & SIGNAGE - 5
NOT TO SCALE



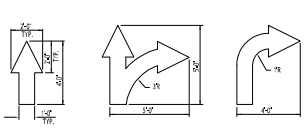
INTERNATIONAL HANDICAP SYMBOL - 5A
NOT TO SCALE



NOTES:
1. HANDICAPPED PARKING SIGN SHALL CONFORM WITH CURRENT STATE AND LOCAL CODES AND REGULATIONS.

GRASS/LAWN AREA

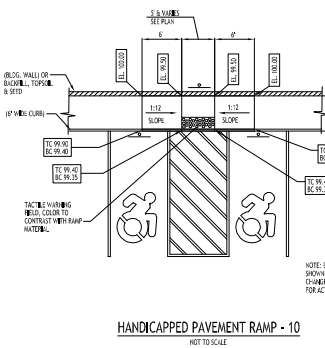
HANDICAPPED PARKING SIGN - 6
NOT TO SCALE



NOTE: CONSTRUCTION METHODS FOR ASPHALT PAVEMENT SHALL CONFORM TO NYSDOT STANDARD SPECIFICATION 401-3, WITH SUBBASE CONSTRUCTION METHODS CONFORMING TO NYSDOT STANDARD SPECIFICATION 304-3.

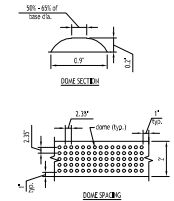
STANDARD DUTY ASPHALT SECTION - 4
NOT TO SCALE

PAINTED TRAFFIC ARROWS - 12
NOT TO SCALE

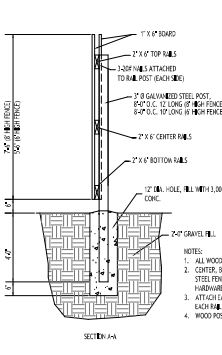


NOTE: ELEVATIONS & DIMENSIONS SHOWN ARE TO ILLUSTRATE GRADE CHANGE ONLY. SEE SITE & GRADING PLAN FOR ACTUAL DATUM & DIMENSIONS

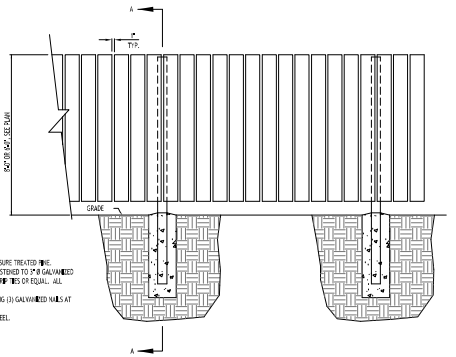
HANDICAPPED PAVEMENT RAMP - 10
NOT TO SCALE



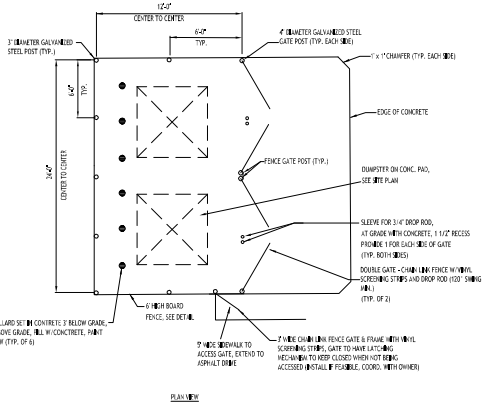
NOTE: TACTILE WARNING DEVICES SHALL BE PERPENDICULAR TO CURRENT UPDATE



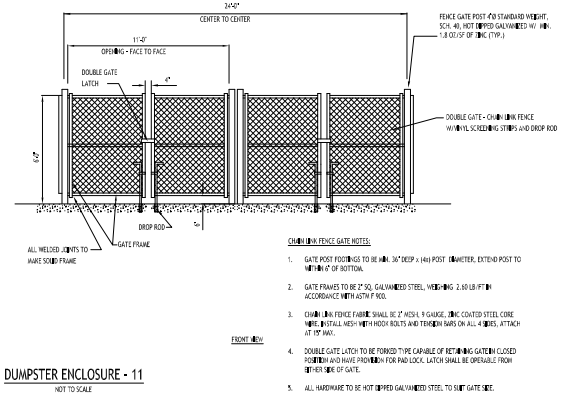
NOTES:
1. ALL WOODEN FENCE MATERIAL TO BE PRESSURE TREATED PINE.
2. CENTER, BOTTOM AND TOP RAILS TO BE FASTENED TO 3" Ø GALVANIZED STEEL FENCE POSTS USING SIMPSON PIPE GRIP TIES OR EQUAL. ALL HARDWARE TO BE GALVANIZED.
3. ATTACH EACH 1" X 6" BOARD TO RAILS USING (3) GALVANIZED NAILS AT EACH RAIL LOCATION.
4. WOOD POSTS CAN BE SUBSTITUTED FOR STEEL.



6' BOARD ON BOARD FENCE FOR DUMPSTER ENCLOSURE
NOT TO SCALE



PLAN VIEW



FRONT VIEW

CHAIN LINK FENCE GATE NOTES:
1. GATE POST FOOTINGS TO BE MIN. 36" DEEP x (4x) POST DIAMETER, EXTEND POST TO WITHIN 6" OF BOTTOM.
2. GATE FRAMES TO BE 2" SQ. GALVANIZED STEEL, WEIGHING 2.60 LB/FT IN ACCORDANCE WITH ASTM F 900.
3. CHAIN LINK FENCE FABRIC SHALL BE 2" MESH, 9 GAUGE, ZINC COATED STEEL CORE WIRE. INSTALL MESH WITH HOOK BOLTS AND TENSION BARS ON ALL 4 SIDES, ATTACH AT 15" MAX.
4. DOUBLE GATE LATCH TO BE FORGED TYPE CAPABLE OF RETAINING GATE IN CLOSED POSITION AND HAVE PROVISION FOR PAD LOCK. LATCH SHALL BE OPERABLE FROM EITHER SIDE OF GATE.
5. ALL HARDWARE TO BE HOT DIPPED GALVANIZED STEEL TO SUIT GATE SIZE.

DUMPSTER ENCLOSURE - 11
NOT TO SCALE

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Phone: (716) 842-1165

Mixed Use Building
5226 & 5228 Main Street
Amherst, NY

REVISIONS:
No. Description Date

DRAWING NAME:
Site Details

Date: 11/20/23
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
C-101

Project No:

Packet Pg. 335

2.a

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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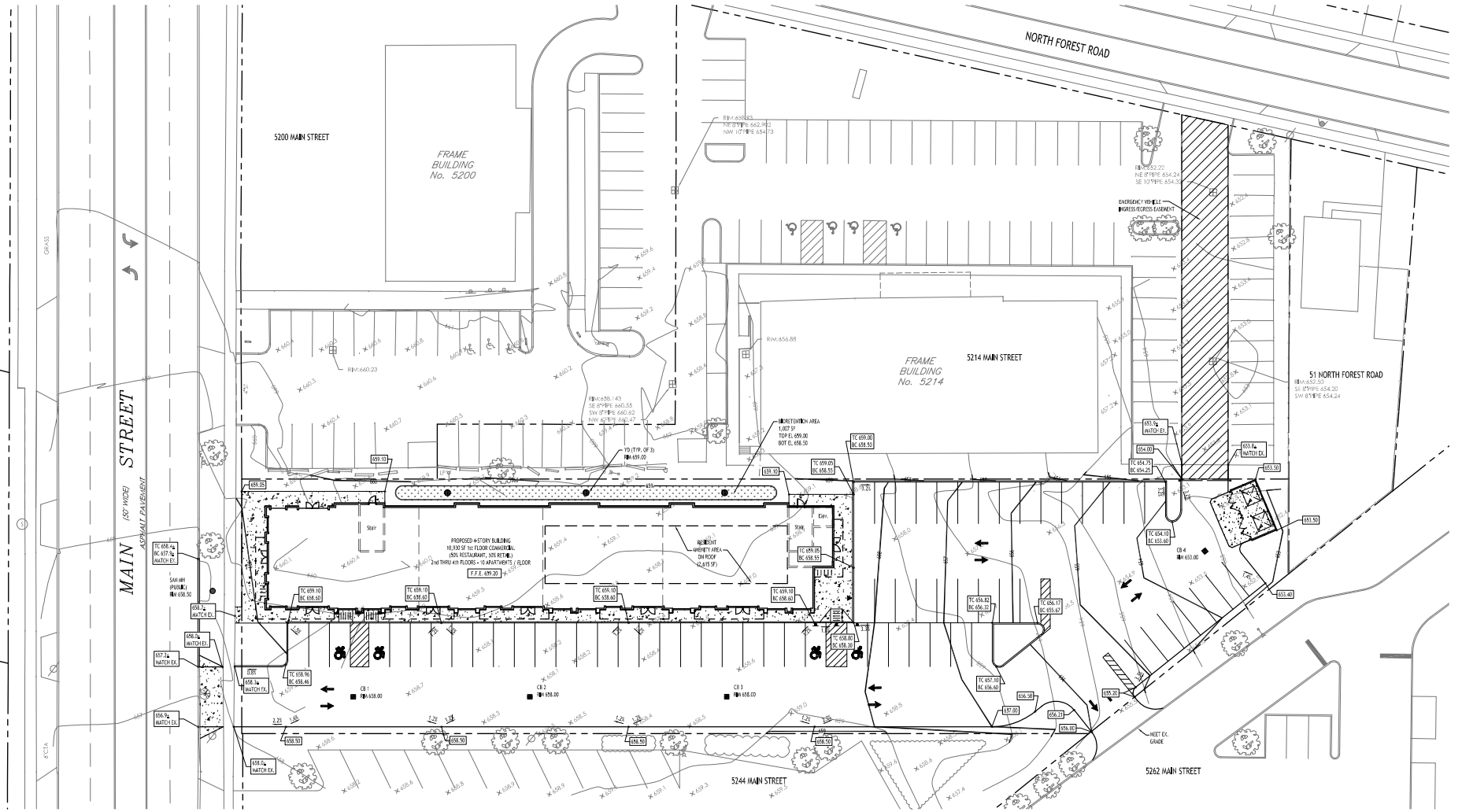

N

Grading Plan

SCALE: 1"=20'

PROPOSED GRADING LEGEND

PROPOSED CONTOUR	101
PROPOSED SPOT ELEVATION	100.00
PROPOSED TOP/BOTTOM OF CURB	TC 100.50 BC 100.00
PROPOSED CATCH BASIN	CB
PAVEMENT/GROUND SLOPE	
PROPOSED MANHOLE	MH
PROPOSED SWALE	

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

20 0 20 40Ft.

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Mixed Use Building

5226 & 5228 Main Street
Amherst, NY

REVISIONS:

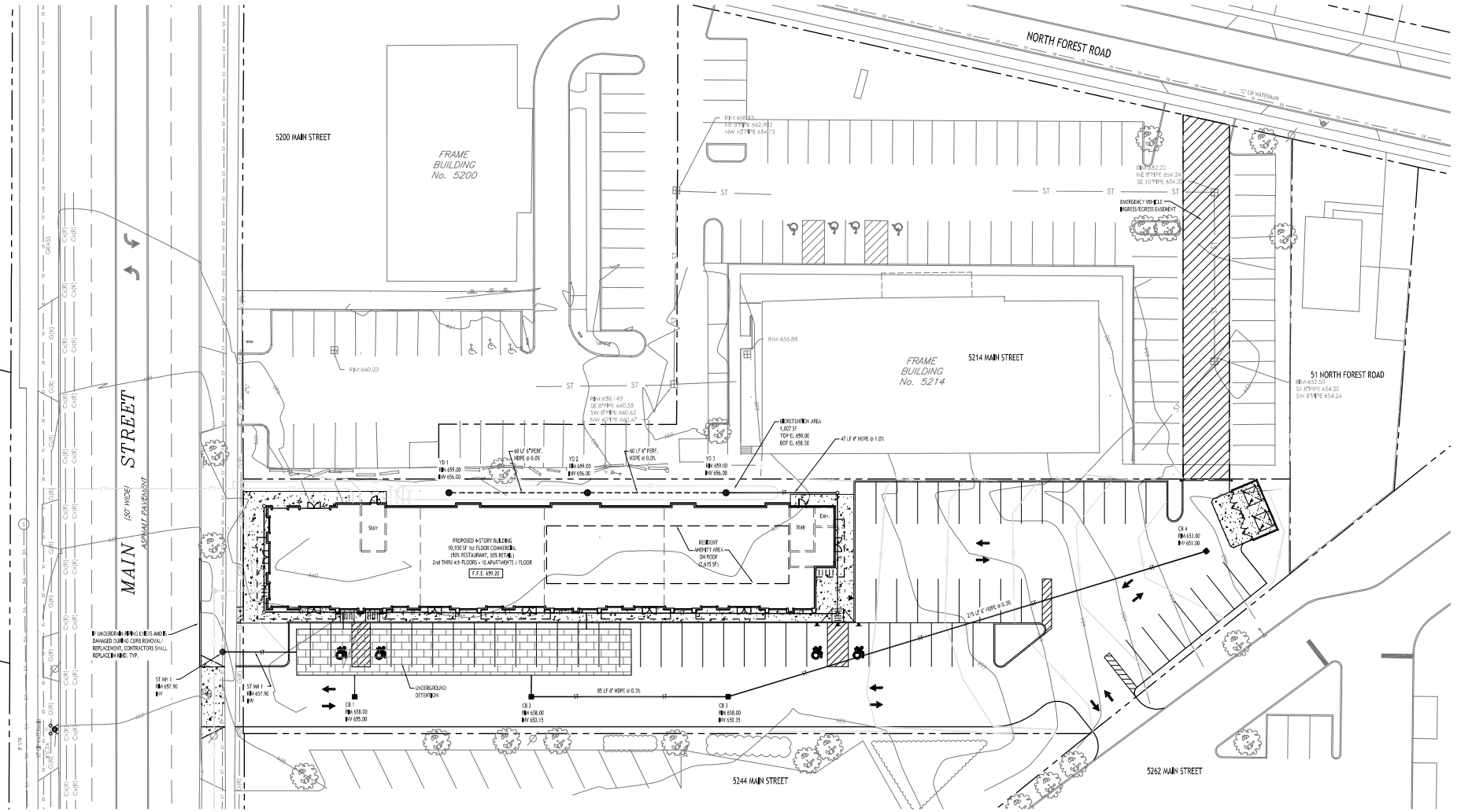
No.	Description	Date

DRAWING NAME:
Grading Plan

Date: 11/20/23
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
C-200

Project No:



Storm Drainage Plan

SCALE: 1"=20'

PROPOSED STORM DRAINAGE LEGEND

- PROPOSED STORM PIPE — ST —
- PROPOSED PERFORATED STORM PIPE
- PROPOSED CATCH BASIN
- PROPOSED MANHOLE
- PROPOSED CLEANOUT

CB: CATCH BASIN
MH: MANHOLE
OS: OUTLET STRUCTURE

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Mixed Use Building

5226 & 5228 Main Street
Amherst, NY

REVISIONS:

No.	Description	Date

DRAWING NAME:
Storm Drainage Plan

Date: 11/20/23
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
C-300

Project No:

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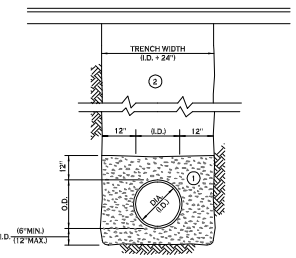


NOTES:

A. PIPE INSTALLATION SHALL BE IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS.

B. TRENCHING OPERATIONS SHALL INCLUDE ALL NECESSARY DEWATERING.

C. TRENCH DETAILS ARE ONLY SHOWN FOR PURPOSES OF MATERIAL PLACEMENT AND MAXIMUM PAY LIMITS.

D. AN OSHA APPROVED MOVABLE PROTECTIVE TRENCH SHIELD SHALL BE USED IN ALL UNSHEETED TRENCH AREAS.

MATERIALS

PIPE BEDDING MATERIAL (NYSDOT 1985 EDITION)

(1) NO. 1 CRUSHED STONE OR CRUSHED GRAVEL WITH A GRADATION CONFORMING WITH NYSDOT SECTION 703-02. THE MATERIAL SHALL BE WELL GRADED WITH NO PARTICLES LARGER THAN ONE INCH AND HAVING A MAXIMUM GRADATION MEETING THE LIMITS DESCRIBED IN THE SPECIFICATIONS. THE BEDDING SHALL BE COMPACTED IN 6" LIFTS WITH EQUIPMENT ACCEPTABLE TO THE PIPE MANUFACTURER.

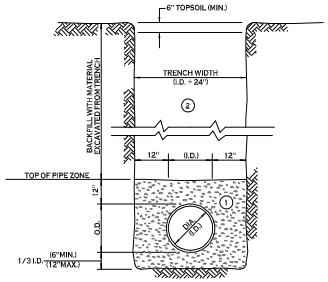
NO SLAG SHALL BE ALLOWED FOR MATERIAL (1)

(2) TYPE 2 CRUSHED STONE OR CRUSHED GRAVEL WITH A GRADATION CONFORMING WITH NYSDOT SECTION 304-2.02 TYPE 2. THE MATERIAL SHALL BE WELL GRADED WITH NO PARTICLES LARGER THAN TWO INCHES AND HAVING A MAXIMUM GRADATION MEETING THE LIMITS DESCRIBED IN THE SPECIFICATIONS. THE BEDDING SHALL BE COMPACTED IN 6" LIFTS WITH EQUIPMENT ACCEPTABLE TO THE PIPE MANUFACTURER.

NO SLAG SHALL BE ALLOWED FOR MATERIAL (2)

STORM SEWER TRENCH SECTION IN PAVED AREAS

NOT TO SCALE



NOTES:

A. PIPE INSTALLATION SHALL BE IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS.

B. TRENCHING OPERATIONS SHALL INCLUDE ALL NECESSARY DEWATERING.

C. TRENCH DETAILS ARE ONLY SHOWN FOR PURPOSES OF MATERIAL PLACEMENT AND MAXIMUM PAY LIMITS.

D. AN OSHA APPROVED MOVABLE PROTECTIVE TRENCH SHIELD SHALL BE USED IN ALL UNSHEETED TRENCH AREAS.

MATERIALS

PIPE BEDDING MATERIAL (NYSDOT 1985 EDITION)

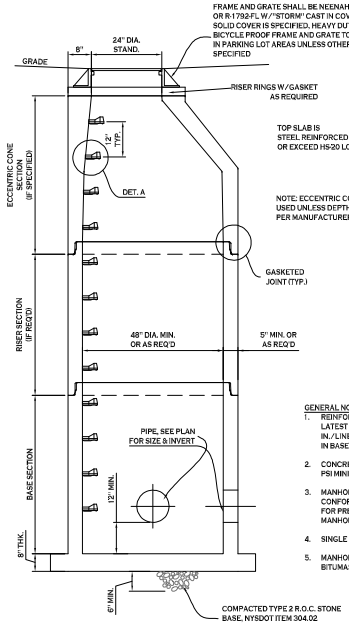
(1) NO. 1 CRUSHED STONE OR CRUSHED GRAVEL WITH A GRADATION CONFORMING WITH NYSDOT SECTION 703-02. THE MATERIAL SHALL BE WELL GRADED WITH NO PARTICLES LARGER THAN ONE INCH AND HAVING A MAXIMUM GRADATION MEETING THE LIMITS DESCRIBED IN THE SPECIFICATIONS. THE BEDDING SHALL BE COMPACTED IN 6" LIFTS WITH EQUIPMENT ACCEPTABLE TO THE PIPE MANUFACTURER.

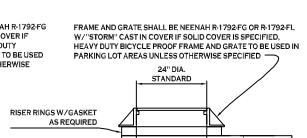
NO SLAG SHALL BE ALLOWED FOR MATERIAL (1)

(2) BACKFILL MATERIAL SHALL BE NATIVE SOIL CONTAINING NO UNSUITABLE MATERIAL COMPACTED IN 6" LIFTS.

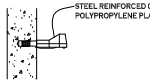
STORM SEWER TRENCH SECTION IN UNPAVED AREAS

NOT TO SCALE





ALTERNATE TOP SLAB



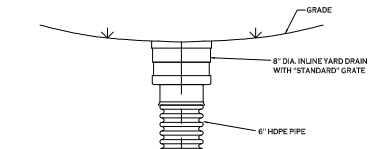
DETAIL A

GENERAL NOTES:

1. REINFORCED STEEL TO CONFORM TO LATEST A.S.T.M. A 185 SPEC. 0.12 SQ. IN./LINEAL FT. AND 0.12 SQ. IN. (BOTH WAYS) IN BASE SLAB.
2. CONCRETE COMPRESSIVE STRENGTH - 4000 PSI MINIMUM.
3. MANHOLE DESIGN SPECIFICATIONS TO CONFORM TO LATEST A.S.T.M. C478 SPEC. FOR PRE-CAST REINFORCED CON-CRETE MANHOLE SECTIONS.
4. SINGLE POUR MONOLITHIC BASE SECTION.
5. MANHOLE TO BE COATED ON OUTSIDE WITH BITUMASTIC SEALER.

TYPICAL STORM MANHOLE DETAIL

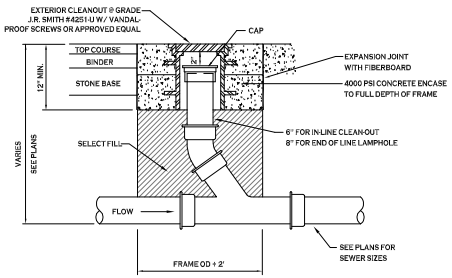
NOT TO SCALE



NOTE:
SEE TYPICAL TRENCH SECTION FOR BEDDING REQUIREMENTS

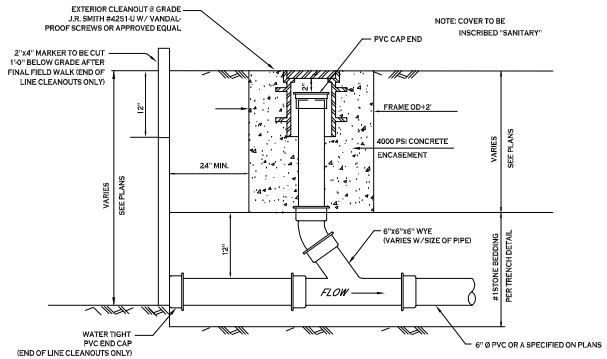
TYPICAL YARD DRAIN DETAIL

NOT TO SCALE



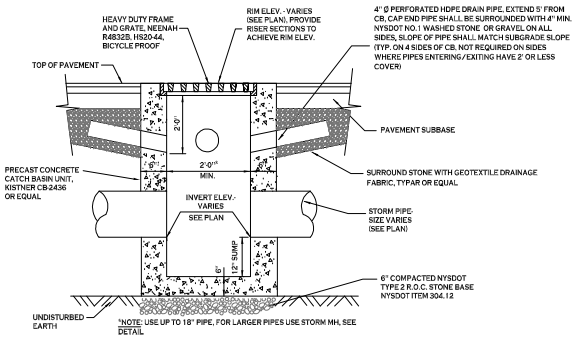
LAMPHOLE/CLEANOUT IN PAVEMENT/SIDEWALK

NOT TO SCALE



LAMPHOLE/CLEANOUT IN LAWN/FIELD AREAS

NOT TO SCALE



TYPICAL PRECAST CATCH BASIN

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Mixed Use Building

5226 & 5228 Main Street
Amherst, NY

REVISIONS:

No.	Description	Date

DRAWING NAME:
Storm Drainage Details

Date: 11/20/23
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
C-301

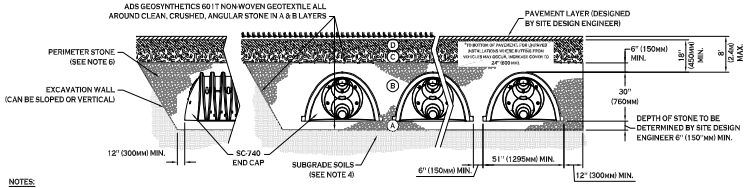
Project No:

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

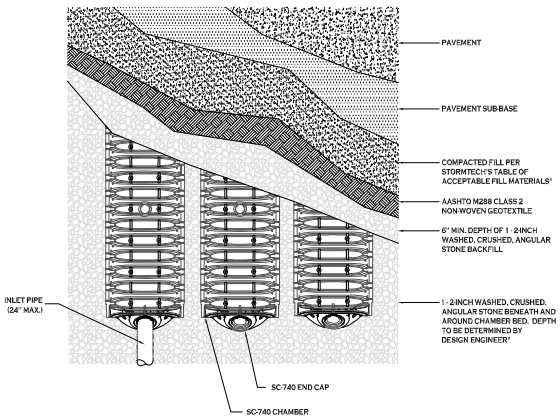
ACCEPTABLE FILL MATERIALS: STORMTECH SC-740 CHAMBER SYSTEMS

	MATERIAL LOCATION	DESCRIPTION	AASHTO MATERIAL CLASSIFICATIONS	COMPACTION/DENSITY REQUIREMENT
D	**FINAL FILL:** FILL MATERIAL FOR LAYER 'D' STARTS FROM THE TOP OF THE 'C' LAYER TO THE BOTTOM OF FLEXIBLE PAVEMENT OR UNPAVED FINISHED GRADE ABOVE. NOTE THAT PAVEMENT SUBBASE MAY BE PART OF THE 'D' LAYER	ANY SOIL/ROCK MATERIALS, NATIVE SOILS, OR PER ENGINEER'S PLANS. CHECK PLANS FOR PAVEMENT SUBGRADE REQUIREMENTS.	N/A	PREPARE PER SITE DESIGN ENGINEER'S PLANS. PAVED INSTALLATIONS MAY HAVE STRINGENT MATERIAL AND PREPARATION REQUIREMENTS.
C	**BEDDING FILL:** FILL MATERIAL FOR LAYER 'C' STARTS FROM THE TOP OF THE EMBEDMENT STONE ('B' LAYER) TO 18" (450 MM) ABOVE THE TOP OF THE CHAMBER. NOTE THAT PAVEMENT SUBBASE MAY BE A PART OF THE 'C' LAYER.	GRANULAR WELL-GRADED SOIL/AGGREGATE MIXTURES, <35% FINES OR PROCESSED AGGREGATE. MOST PAVEMENT SUBBASE MATERIALS CAN BE USED IN LIEU OF THIS LAYER.	AASHTO M145[1] A-1, A-2-4, A-3 OR AASHTO M43[1] 3, 357, 4, 467, 5, 56, 57, 6, 67, 68, 7, 78, 8, 89, 9, 10	BEGIN COMPACTIONS AFTER 12" (300 MM) OF MATERIAL OVER THE CHAMBERS IS REACHED. COMPACT ADDITIONAL LAYERS IN 6" (150 MM) MAX LIFTS TO A MIN. 95% PROCTOR DENSITY FOR WELL GRADED MATERIAL AND 95% RELATIVE DENSITY FOR PROCESSED AGGREGATE MATERIALS. ROLLER GROSS VEHICLE WEIGHT NOT TO EXCEED 12,000 LBS (53 KN). DYNAMIC FORCE NOT TO EXCEED 20,000 LBS (89 KN).
B	EMBEDMENT STONE: FILL SURROUNDING THE CHAMBERS FROM THE FOUNDATION STONE ('A' LAYER) TO THE 'C' LAYER ABOVE.	CLEAN, CRUSHED, ANGULAR STONE	AASHTO M43[1] 3, 357, 4, 467, 5, 56, 57	NO COMPACTION REQUIRED.
A	FOUNDATION STONE: FILL BELOW CHAMBERS FROM THE SUBGRADE UP TO THE FOOT (BOTTOM) OF THE CHAMBER.	CLEAN, CRUSHED, ANGULAR STONE	AASHTO M43[1] 3, 357, 4, 467, 5, 56, 57	PLATE COMPACT OR ROLL TO ACHIEVE A FLAT SURFACE.[2,3]

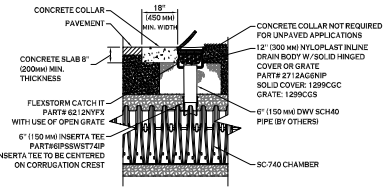
PLEASE NOTE:
1. THE LISTED AASHTO DESIGNATIONS ARE FOR GRADATIONS ONLY. THE STONE MUST ALSO BE CLEAN, CRUSHED, ANGULAR. FOR EXAMPLE, A SPECIFICATION FOR #4 STONE WOULD STATE "CLEAN, CRUSHED, ANGULAR NO. 4 (AASHTO M43) STONE".
2. STORMTECH COMPACTION REQUIREMENTS ARE MET FOR 'A' LOCATION MATERIALS WHEN PLACED AND COMPACTED IN 6" (150 mm) (MAX) LIFTS USING TWO FULL COVERAGES WITH A VIBRATORY COMPACTOR.
3. WHERE INFILTRATION SURFACES MAY BE COMPROMISED BY COMPACTION, FOR STANDARD DESIGN LOAD CONDITIONS, A FLAT SURFACE MAY BE ACHIEVED BY RAKING OR DRAGGING WITHOUT COMPACTION EQUIPMENT. FOR SPECIAL LOAD DESIGNS, CONTACT STORMTECH FOR COMPACTION REQUIREMENTS.



NOTES:
1. SC-740 CHAMBERS SHALL CONFORM TO THE REQUIREMENTS OF ASTM F2418 "STANDARD SPECIFICATION FOR POLYPROPYLENE (PP) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS", OR ASTM F2922 "STANDARD SPECIFICATION FOR POLYETHYLENE (PE) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
2. SC-740 CHAMBERS SHALL BE DESIGNED IN ACCORDANCE WITH ASTM F2787 "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THERMOPLASTIC CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
3. "ACCEPTABLE FILL MATERIALS" TABLE ABOVE PROVIDES MATERIAL LOCATIONS, DESCRIPTIONS, GRADATIONS, AND COMPACTION REQUIREMENTS FOR FOUNDATION, EMBEDMENT, AND FILL MATERIALS.
4. THE SITE DESIGN ENGINEER IS RESPONSIBLE FOR ASSESSING THE BEARING RESISTANCE (ALLOWABLE BEARING CAPACITY) OF THE SUBGRADE SOILS AND THE DEPTH OF FOUNDATION STONE WITH CONSIDERATION FOR THE RANGE OF EXPECTED SOIL MOISTURE CONDITIONS.
5. PERIMETER STONE MUST BE EXTENDED HORIZONTALLY TO THE EXCAVATION WALL FOR BOTH VERTICAL AND SLOPED EXCAVATION WALLS.
6. ONCE LAYER 'C' IS PLACED, ANY SOIL/MATERIAL CAN BE PLACED IN LAYER 'D' UP TO THE FINISHED GRADE. MOST PAVEMENT SUBBASE SOILS CAN BE USED TO REPLACE THE MATERIAL REQUIREMENTS OF LAYER 'C' OR 'D' AT THE SITE DESIGN ENGINEER'S DISCRETION.



STORMTECH SC-740 CHAMBER SYSTEM PLAN VIEW DETAIL
NOT TO SCALE



SC-740 6" INSPECTION PORT DETAIL
NOT TO SCALE

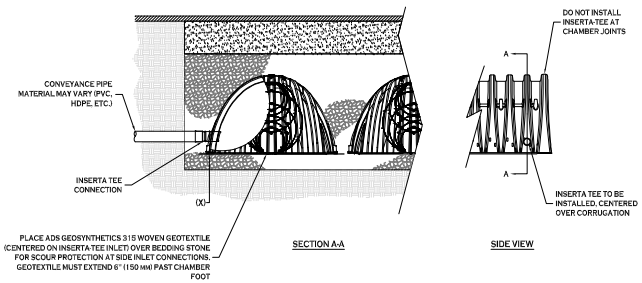
INSPECTION AND MAINTENANCE
STEP 1) INSPECT ISOLATOR ROW FOR SEDIMENT
A. INSPECTION PORTS (IF PRESENT)
A.1. REMOVE/OPEN LID ON NYLOPLAST INLINE DRAIN
A.2. REMOVE AND CLEAN FLEXSTORM FILTER IF INSTALLED
A.3. USING A FLASHLIGHT AND STADIA ROD, MEASURE DEPTH OF SEDIMENT AND RECORD ON MAINTENANCE LOG
A.4. LOWER A CAMERA INTO ISOLATOR ROW FOR VISUAL INSPECTION OF SEDIMENT LEVELS (OPTIONAL)
A.5. IF SEDIMENT IS AT, OR ABOVE, 3" (80 mm) PROCEED TO STEP 2. IF NOT, PROCEED TO STEP 3.
B. ALL ISOLATOR ROWS
B.1. REMOVE COVER FROM STRUCTURE AT UPSTREAM END OF ISOLATOR ROW
B.2. USING A FLASHLIGHT, INSPECT DOWN THE ISOLATOR ROW THROUGH OUTLET PIPE
i) MIRRORS ON POLES OR CAMERAS MAY BE USED TO AVOID A CONFINED SPACE ENTRY
ii) FOLLOW OSHA REGULATIONS FOR CONFINED SPACE ENTRY IF ENTERING MANHOLE
B.3. IF SEDIMENT IS AT, OR ABOVE, 3" (80 mm) PROCEED TO STEP 2. IF NOT, PROCEED TO STEP 3.

STEP 2) CLEAN OUT ISOLATOR ROW USING THE JETVAC PROCESS
A. A FIXED CULVERT CLEANING NOZZLE WITH REAR FACING SPREAD OF 45° (1.1 M) OR MORE IS PREFERRED
B. APPLY MULTIPLE PASSES OF JETVAC UNTIL BACKFLUSH WATER IS CLEAN
C. VACUUM STRUCTURE SUMP AS REQUIRED

STEP 3) REPLACE ALL COVERS, GRATES, FILTERS, AND LIDS; RECORD OBSERVATIONS AND ACTIONS.

STEP 4) INSPECT AND CLEAN BASINS AND MANHOLES UPSTREAM OF THE STORMTECH SYSTEM.

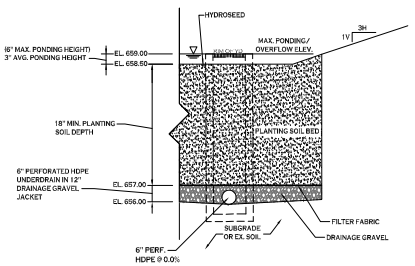
NOTES:
1. INSPECT EVERY 6 MONTHS DURING THE FIRST YEAR OF OPERATION. ADJUST THE INSPECTION INTERVAL BASED ON PREVIOUS OBSERVATIONS OF SEDIMENT ACCUMULATION AND HIGH WATER ELEVATIONS.
2. CONDUCT JETTING AND VACTORING ANNUALLY OR WHEN INSPECTION SHOWS THAT MAINTENANCE IS NECESSARY.



INSERTA TEE DETAIL
NOT TO SCALE

CHAMBER	MAX DIAMETER OF INSERTA TEE	HEIGHT FROM BASE OF CHAMBER (X)
SC-310	6" (150 mm)	4" (100 mm)
SC-740	10" (250 mm)	4" (100 mm)
DC-780	10" (250 mm)	4" (100 mm)
MC-3500	12" (300 mm)	6" (150 mm)
MC-4500	12" (300 mm)	8" (200 mm)
INSERTA TEE FITTINGS AVAILABLE FOR SDR 26, SDR 35, SCH 40 IPS GASKETED & SOLVENT WELD, N-12, HP STORM, C-900 OR DUCTILE IRON		

NOTE:
PART NUMBERS WILL VARY BASED ON INLET PIPE MATERIALS. CONTACT STORMTECH FOR MORE INFORMATION.



BIORETENTION AREA - TYPICAL SECTION
NOT TO SCALE

NOTES:
1. FILTER FABRIC TO BE NON-WOVEN CLASS 'C', MIRAFI 140N OR APPROVED EQUIVALENT
2. DRAINAGE GRAVEL TO MEET AASHTO M-43, NO.67, SIZE 0.25" TO 0.75"
3. CONTRACTOR TO PROVIDE PLANTING SOIL SUBMITTAL SPECIFICATION FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.

NOTE: PLANTING SOIL SHALL BE LOAM/SAND MIX CONTAINING A MINIMUM OF 35 TO 60% SAND BY VOLUME AND LESS THAN 25% CLAY. SOIL SHOULD FALL WITHIN USCS TYPES SM OR ML WITH PERMEABILITY OF AT LEAST 0.5 FEET PER DAY. SOIL SHOULD BE FREE FROM STONES, STUMPS, ROOTS OR OTHER WOODY MATERIAL OVER 1" IN DIAMETER. PLACEMENT OF THE PLANTING SOIL SHOULD BE IN LIFTS OF 12" TO 18", LOOSELY COMPACTED.

CHARACTERISTICS SHALL BE:
PH RANGE: 5.2 - 7.00
ORGANIC MATTER: 1.5 - 4.0%
MAGNESIUM: 35 LBS PER ACRE MIN.
PHOSPHORUS: 75 LBS PER ACRE MIN.
POTASSIUM: 85 LBS PER ACRE MIN.
SOLUBLE SALTS: 500 PPM
CLAY: 10 TO 25%
SILT: 30 TO 55%
SAND: 35 TO 60%

BIO-RETENTION AREA SEEDING SPEC (NORTHEAST WETLAND GRASS SEED MIX):

SEED MIXTURE	VARIETY	PERCENT BY NO. OF SEEDS
CREEPING BENTGRASS	AGROSTIS STOLONIFERA	63.0
ROUGH BLUEGRASS	POA TRIVIALIS	17.0
MEADOW FOXTAIL	ALOPECURUS ARUNDINACEUS	11.0
ANNUAL RYEGRASS	LOLIUM MULTIFLORUM	4.5
DEERTONGUE	PANICUM CLANDESTINUM	4.5

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Mixed Use Building
5226 & 5228 Main Street
Amherst, NY

REVISIONS:
No. Description Date

DRAWING NAME:
Storm Drainage Details

Date: 11/20/23
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
C-302

Project No:

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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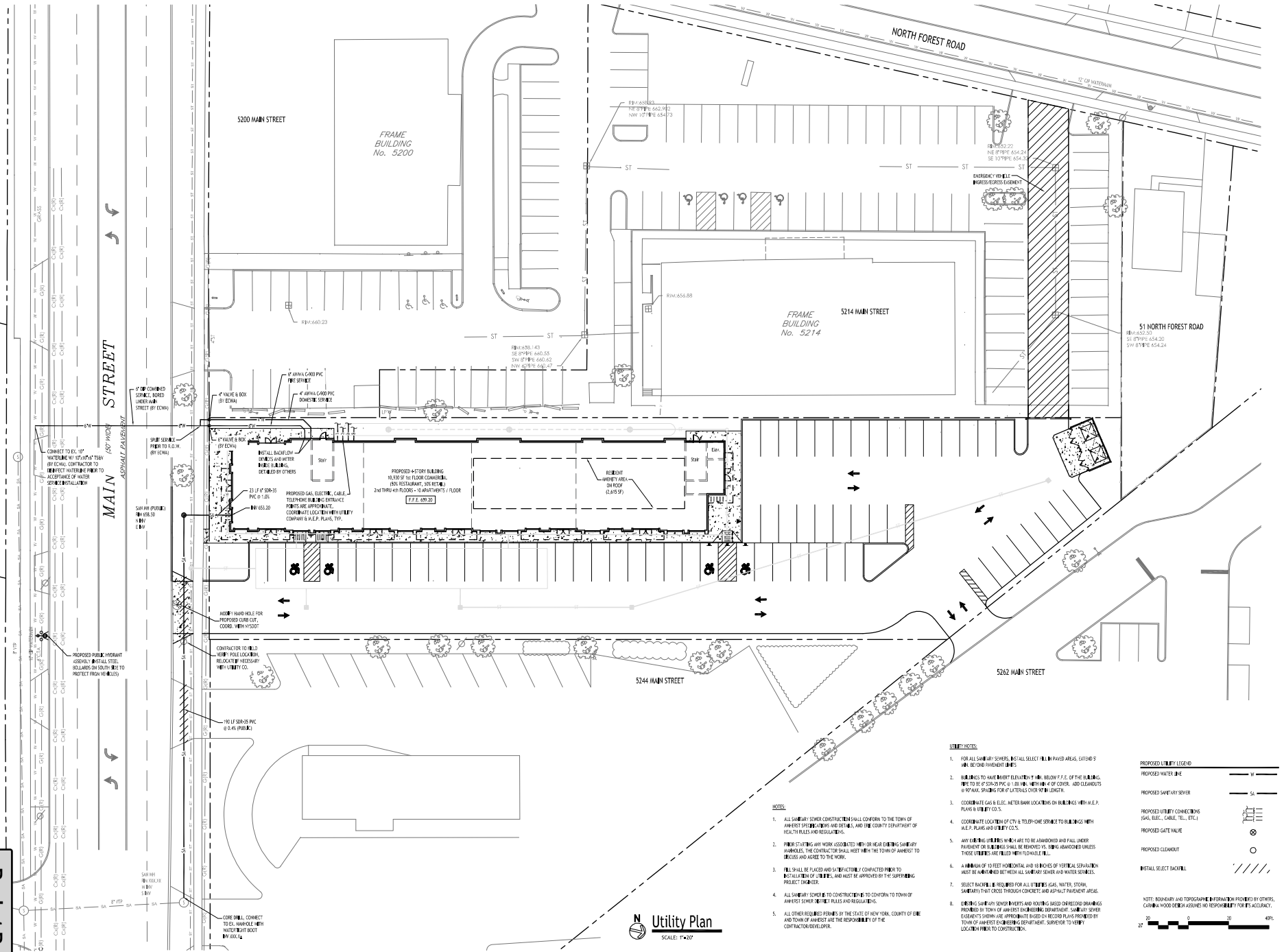

Utility Plan
SCALE: 1"=20'

NOTES:
1. ALL SANITARY SEWER CONSTRUCTION SHALL CONFORM TO THE TOWN OF AMHERST SPECIFICATIONS AND DETAILS, AND ERIE COUNTY DEPARTMENT OF HEALTH RULES AND REGULATIONS.
2. PRIOR STARTING ANY WORK ASSOCIATED WITH OR NEAR EXISTING SANITARY MANHOLES, THE CONTRACTOR SHALL MEET WITH THE TOWN OF AMHERST TO DISCUSS AND AGREE TO THE WORK.
3. FILL SHALL BE PLACED AND SATISFACTORILY COMPACTED PRIOR TO INSTALLATION OF UTILITIES, AND MUST BE APPROVED BY THE SUPERVISING PROJECT ENGINEER.
4. ALL SANITARY SEWER IS TO CONSTRUCTION IS TO CONFORM TO TOWN OF AMHERST SEWER DISTRICT RULES AND REGULATIONS.
5. ALL OTHER REQUIRED PERMITS BY THE STATE OF NEW YORK, COUNTY OF ERIE AND TOWN OF AMHERST ARE THE RESPONSIBILITY OF THE CONTRACTOR/DEVELOPER.

UTILITY NOTES:
1. FOR ALL SANITARY SEWERS, INSTALL SELECT FILL IN PAVED AREAS, EXTEND 5' MIN. BEYOND PAVEMENT LIMITS
2. BUILDINGS TO HAVE INVERT ELEVATION 9' MIN. BELOW F.F.E. OF THE BUILDING. TYP. TIE TO 8" SDR-35 PVC @ 1.0% MIN. WITH MIN. 4' OF COVER. ADD CLEANOUTS @ 90' MAX. SPACING FOR 6" LATERALS OVER 90' IN LENGTH.
3. COORDINATE GAS & ELEC. METER BANK LOCATIONS ON BUILDINGS WITH M.E.P. PLANS & UTILITY CO.'S.
4. COORDINATE LOCATION OF CTV & TELEPHONE SERVICE TO BUILDINGS WITH M.E.P. PLANS AND UTILITY CO.'S.
5. ANY EXISTING UTILITIES WHICH ARE TO BE ABANDONED AND FALL UNDER PAVEMENT OR BUILDINGS SHALL BE REMOVED VS. BEING ABANDONED UNLESS THOSE UTILITIES ARE FILLED WITH FLOWABLE FILL.
6. A MINIMUM OF 10 FEET HORIZONTAL AND 18 INCHES OF VERTICAL SEPARATION MUST BE MAINTAINED BETWEEN ALL SANITARY SEWER AND WATER SERVICES.
7. SELECT BACKFILL IS REQUIRED FOR ALL UTILITIES (GAS, WATER, STORM, SANITARY) THAT CROSS THROUGH CONCRETE AND ASPHALT PAVEMENT AREAS.
8. EXISTING SANITARY SEWER INVERTS AND ROUTING BASED ON RECORD DRAWINGS PROVIDED BY TOWN OF AMHERST ENGINEERING DEPARTMENT. SANITARY SEWER EASEMENTS SHOWN ARE APPROXIMATE BASED ON RECORD PLANS PROVIDED BY TOWN OF AMHERST ENGINEERING DEPARTMENT. SURVEYOR TO VERIFY LOCATION PRIOR TO CONSTRUCTION.

PROPOSED UTILITY LEGEND
- PROPOSED WATER LINE — W
- PROPOSED SANITARY SEWER — SA
- PROPOSED UTILITY CONNECTIONS (GAS, ELEC., CABLE, TEL., ETC.)
- PROPOSED GATE VALVE
- PROPOSED CLEANOUT
- INSTALL SELECT BACKFILL

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Mixed Use Building
5226 & 5228 Main Street
Amherst, NY

REVISIONS:
No. Description Date

DRAWING NAME:
Utility Plan

Date: 11/20/23
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
C-400

Project No:

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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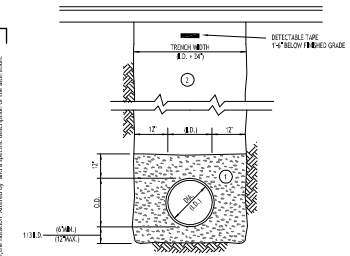


NOTES:

A. PIPE INSTALLATION SHALL BE IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS.

B. TRENCHING OPERATIONS SHALL INCLUDE ALL NECESSARY DEWATERING.

C. TRENCH DETAILS ARE ONLY SHOWN FOR PURPOSES OF MATERIAL PLACEMENT AND MAXIMUM PAY LIMITS.

D. AN OSHA APPROVED MOVABLE PROTECTIVE TRENCH SHIELD SHALL BE USED IN ALL UNSHEETED TRENCH AREAS.

MATERIALS

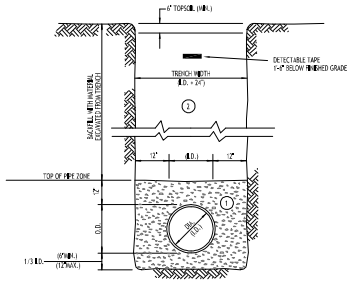
PIPE BEDDING MATERIAL (NYSDOT 1985 EDITION)

1. NO. 1 CRUSHED STONE OR CRUSHED GRAVEL WITH A GRADATION CONFORMING WITH NYSDOT SECTION 703-02. THE MATERIAL SHALL BE WELL GRADED WITH NO PARTICLES LARGER THAN ONE INCH AND HAVING A MAXIMUM GRADATION MEETING THE LIMITS DESCRIBED IN THE SPECIFICATIONS. THE BEDDING SHALL BE COMPACTED IN 6" LIFTS WITH EQUIPMENT ACCEPTABLE TO THE PIPE MANUFACTURER.

NO SLAG SHALL BE ALLOWED FOR MATERIAL (1)

2. TYPE 2 CRUSHED STONE OR CRUSHED GRAVEL WITH A GRADATION CONFORMING WITH NYSDOT SECTION 304-2.02 TYPE 2. THE MATERIAL SHALL BE WELL GRADED WITH NO PARTICLES LARGER THAN TWO INCHES AND HAVING A MAXIMUM GRADATION MEETING THE LIMITS DESCRIBED IN THE SPECIFICATIONS. THE BEDDING SHALL BE COMPACTED IN 6" LIFTS WITH EQUIPMENT ACCEPTABLE TO THE PIPE MANUFACTURER.

NO SLAG SHALL BE ALLOWED FOR MATERIAL (2)



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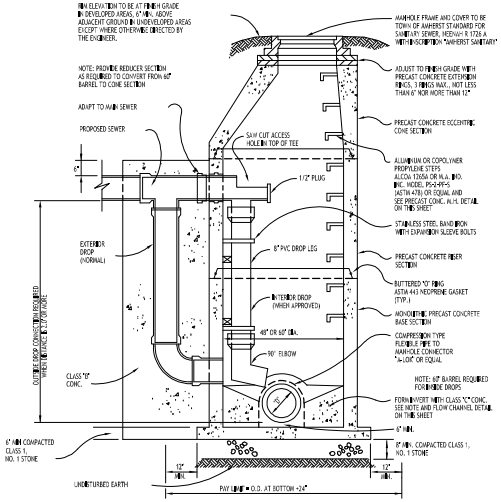
NO SLAG SHALL BE ALLOWED FOR MATERIAL (1)

2. BACKFILL MATERIAL SHALL BE NATIVE SOIL CONTAINING NO UNSUITABLE MATERIAL COMPACTED IN 6" LIFTS.

SEWER/WATERLINE TRENCH SECTION IN PAVED AREAS

NOT TO SCALE

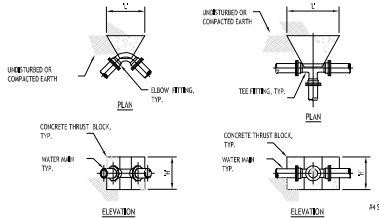


PRECAST CONCRETE DROP CONNECTION

NOT TO SCALE

SEWER/WATERLINE TRENCH SECTION IN UNPAVED AREAS

NOT TO SCALE



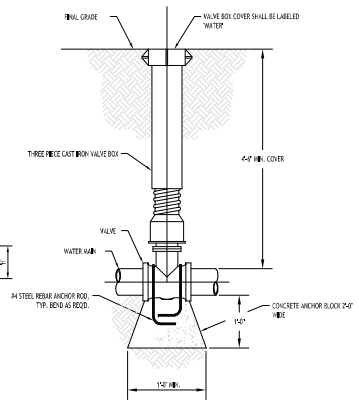
DIMENSION SCHEDULE

PIPE SIZE	90° ELBOW		45° ELBOW		22.5° ELBOW		11.25° ELBOW	
	'A'	'L'	'A'	'L'	'A'	'L'	'A'	'L'
4"	1.5'	2.0'	1.0'	2.0'	1.0'	1.0'	1.0'	1.0'
6"	2.0'	2.5'	1.5'	2.0'	1.0'	1.5'	1.0'	1.5'
8"	2.5'	3.5'	2.0'	2.5'	1.5'	1.5'	1.0'	2.0'
10"	3.0'	4.5'	2.5'	3.0'	1.5'	3.0'	1.0'	2.5'
12"	3.5'	5.0'	3.0'	3.5'	2.5'	2.5'	1.5'	2.5'

DIMENSION SCHEDULE

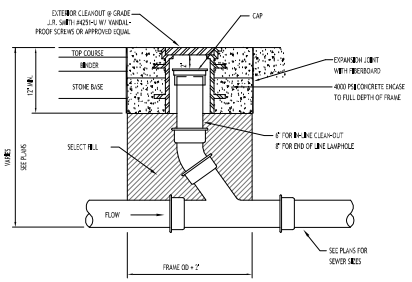
PIPE SIZE	TEE OR TAP SLEEVE	
—	'A'	'L'
4"	1.5'	1.0'
6"	1.5'	2.5'
8"	1.5'	3.5'
10"	2.5'	3.5'
12"	3.5'	3.5'

THRUST BLOCK SCHEDULE



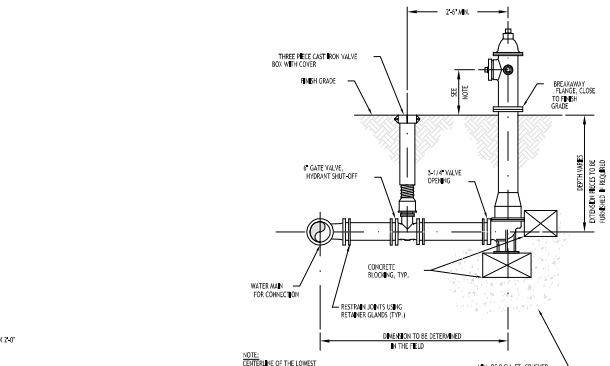
TYPICAL GATE VALVE DETAIL

NOT TO SCALE



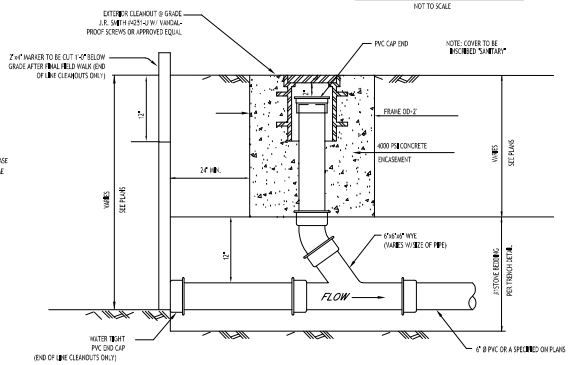
LAMPHOLE/CLEANOUT IN PAVEMENT/SIDEWALK

NOT TO SCALE



TYPICAL FIRE HYDRANT ASSEMBLY DETAIL

NOT TO SCALE



LAMPHOLE/CLEANOUT IN LAWN/FIELD AREAS

NOT TO SCALE

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Mixed Use Building

5226 & 5228 Main Street
Amherst, NY

REVISIONS:

No.	Description	Date

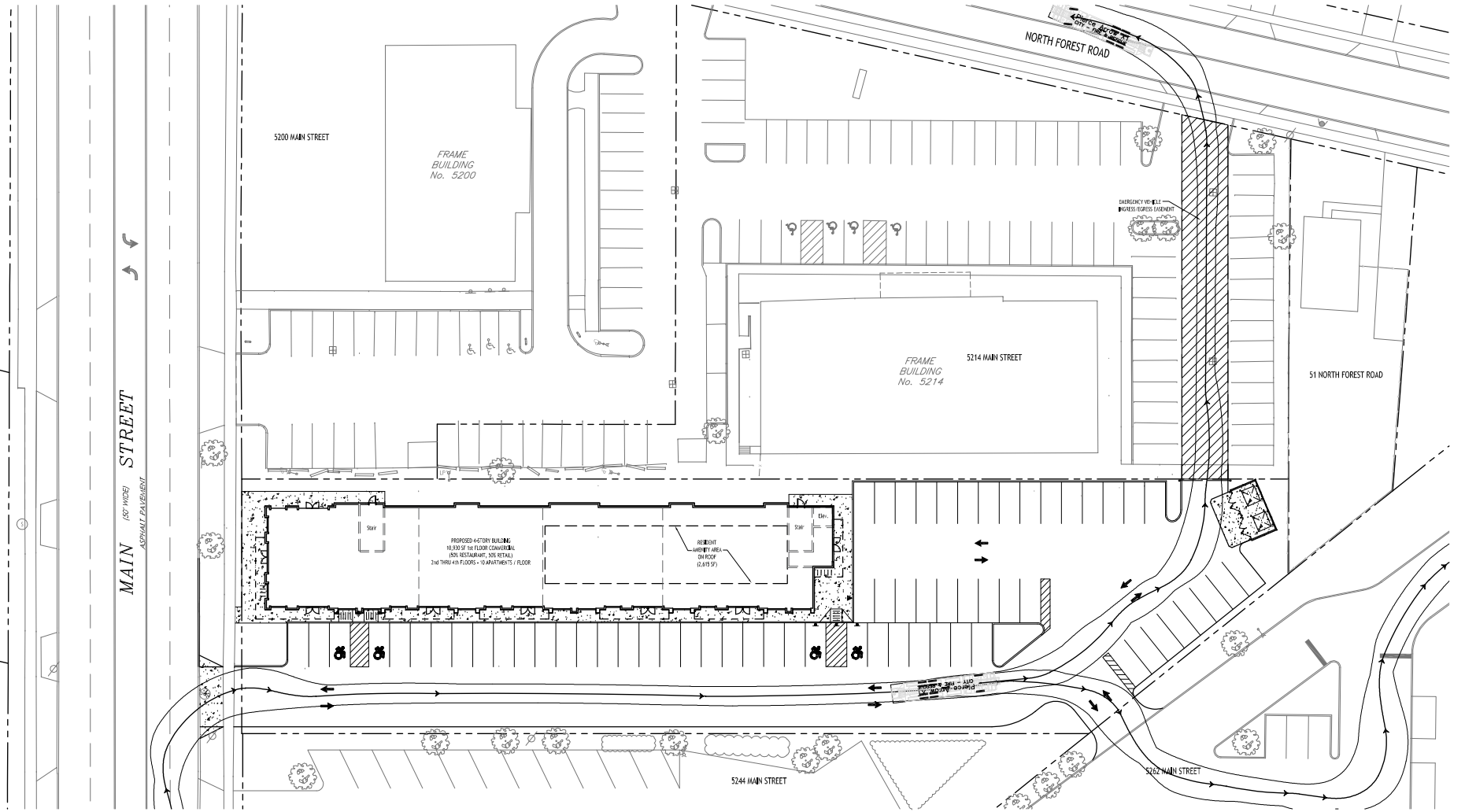
DRAWING NAME:
Utility Details

Date: 11/20/23
Drawn By: P. Sheedy
Scale: As Noted

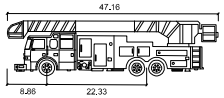
DRAWING NO.
C-401

Project No:

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



N Site Plan
SCALE: 1"=20'



Pierce Arrow XT

	feet
Width	: 8.01
Track	: 8.01
Lock to Lock Time	: 6.0
Steering Angle	: 45.5

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Mixed Use Building
5226 & 5228 Main Street
Amherst, NY

REVISIONS:
No. Description Date

DRAWING NAME:
Fire Truck Plan

Date: 11/20/23
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
CT-100

Project No:

Packet Pg. 342

2.a

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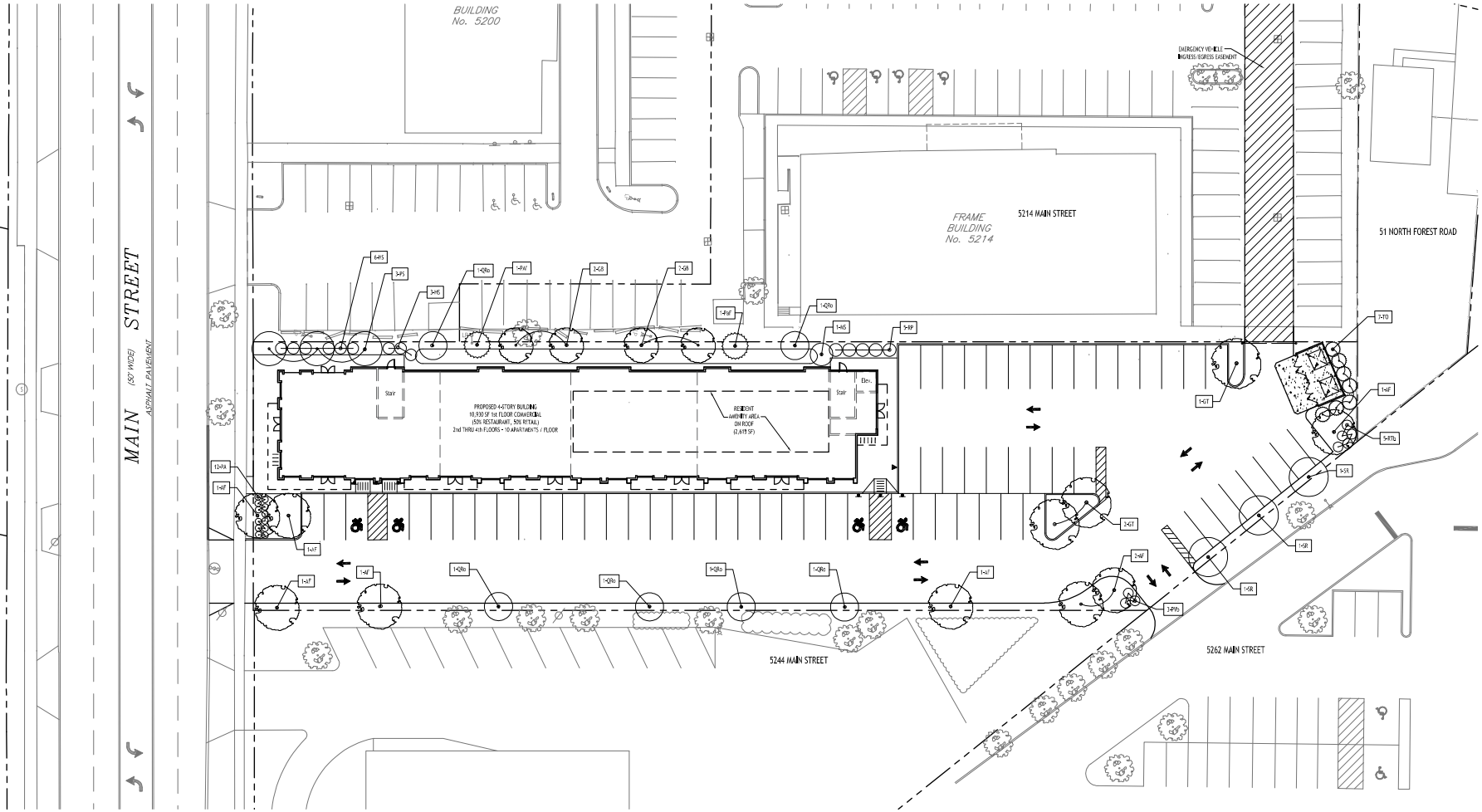

Landscape Plan

SCALE: 1"=20'

NOTES:
1. EVERGREEN TREE HEIGHT SHALL BE MEASURED FROM THE BOTTOM OF LEADER.
2. ORNAMENTAL GRASSES SHOULD BE PRUNED BACK IN LATE FALL, OR EARLY SPRING, TO ALLOW FOR NEW FOLIAGE TO GROW IN SPRING.
3. ALL PLANTING BEDS & TREE PITS SHALL RECEIVE A MIN. 3" DEPTH OF DARK SHREDDED HARDWOOD BARK MULCH, UNLESS OTHERWISE CALLED OUT ON PLANS.

PLANTING SCHEDULE - 5226 & 5228 MAINSTREET - AMHERST - NEW YORK

KEY	QTY.	BOTANICAL NAME	COMMON NAME	MIN. SIZE	REMARKS
		DECIDUOUS TREES			
AF	8	ACER FREEMANII "JEFFERSRED"	AUTUMN BLAZE MAPLE	2 1/2" - 3" CAL.	B&B
QRO	6	QUERCUS ROBUR "FASTIGIATA"	COLUMNAR OAK	2 1/2" - 3" CAL.	B&B
GT	3	GLEDITSIA TRIACANTHOS INERMIS "SKYCOLE"	SKYLINE THORNLESS HONEYLOCUST	2 1/2" - 3" CAL.	B&B, HT. OF 40' & 45' WIDE
GB	4	GINKO BILOBA 'AUTUMN GOLD'	AUTUMN GOLD GINKO	1 3/4" - 2" CAL.	B&B, 15' WIDE
		SMALL/ORNAMENTAL TREES			
SR	3	SYRINGA RETICULATA	JAPANESE TREE LILAC	7' - 8' HT.	B&B
PS	3	PRUNUS SERGENTII "COLUMNARIS"	PINK FLAIR SARGENT CHERRY	7' - 8' HT.	B&B
MS	1	MAGNOLIA STELLATA "ROYAL STAR"	ROYAL STAR MAGNOLIA	7' - 8' HT.	B&B
		SHRUBS			
HS	6	HYDRANGEA SERRATA "SMNHSDO"	TUFF STUFF AH-HA - HYDRANGEA	32" HIGH MIN.	NO. 3 CONT.
RP	5	RHODODENDRON x "PJM"	P.J.M. RHODODENDRON	24" HIGH MIN.	NO. 3 CONT.
RTB	5	RHUS TYPHINA "BALTIGER"	TIGER EYES SUMAC	24" HIGH MIN.	NO. 3 CONT.
		EVERGREEN TREES			
PM	2	PICEA ABIES "Cupressina"	COLUMNAR NORWAY SPRUCE	5' - 6' MIN. HT.	B&B, FULL TO GROUND
TO	7	THUJA OCCIDENTALIS	EMERALD GREEN ARBORVITAE	5' - 6' MIN. HT.	B&B, FULL TO GROUND
		ORNAMENTAL GRASS			
PA	12	PENNISETUM ALOPECUROIDES 'HAMELN'	DWARF FOUNTAIN GRASS	NO. 3 CONT.	SEE NOTE 2
PVB	3	PANICUM VIRGATUM "BLOODDOOD"	NORTHWIND SWITCHGRASS	NO. 5 CONT.	SEE NOTE 2

LEGEND

DECIDUOUS TREE

SMALL TREE

EVERGREEN TREE

BUSH/ORNAMENTAL GRASS

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

20' 10 0 10 40'FT.

CARMINAWOOD DESIGN
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487 Main Street, Suite 500
Buffalo, New York 14203
Phone: (716) 842-1165

Mixed Use Building

5226 & 5228 Main Street
Amherst, NY

REVISIONS:
No. Description Date

Robert C. Walter, RLA
Registered Landscape Architect
American Society of Landscape Architects
3765 Dodge Road, East Amherst, NY 14051-2113
Phone: 716-634-9574
RCW.Landscapearchitect@gmail.com

DRAWING NAME:
Landscape Plan

Date: 11/20/23
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
L-100

Project No:

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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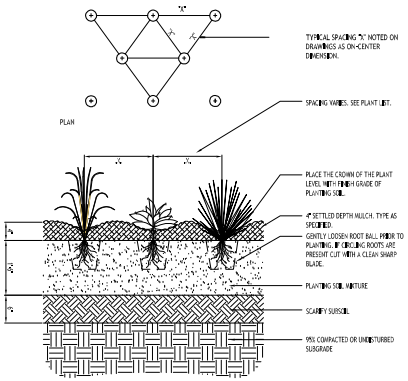
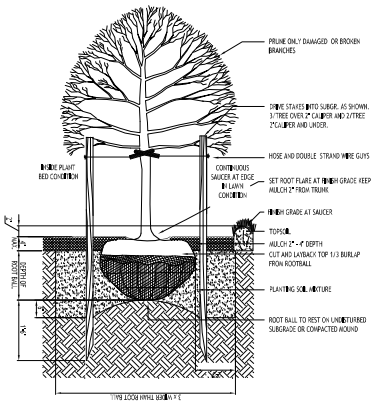


GROUND COVER PLANT SPACING

NO TO SCALE



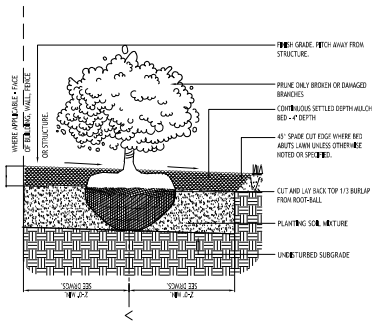
STD. DECIDUOUS TREET PLANTING

PLANTING NOTES:

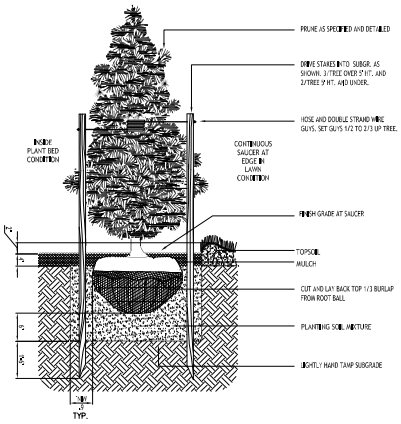
1. ALL INTERIOR LANDSCAPED AREAS SHALL HAVE A MINIMUM PLANTING SOIL DEPTH OF THREE (3) FEET AND BE FREE FROM ALL FORMS OF CONSTRUCTION DEBRIS AND FOREIGN MATERIAL.
2. ALL TREE PIT SAUCERS, SHRUB BEDS, ORNAMENTAL GRASS BEDS, AND PERENNIAL FLOWER BEDS SHALL RECEIVE THREE (3) INCHES DEPTH OF DARK SHREDDED HARDWOOD BARK MULCH.
3. ALL SEASONAL FLOWER BEDS SHALL BE A MINIMUM OF TWELVE (12) INCHES DEEP WITH A WELL-BLENDED MIXTURE OF 50% PEAT MOSS & 50% SCREENED TOPSOIL. SEASONAL FLOWER BEDS SHALL RECEIVE "PREEN" HERBICIDE. NO MULCH SHALL BE INSTALLED IN THE SEASONAL FLOWER BEDS.
4. ALL DECIDUOUS AND EVERGREEN TREES SHALL BE STAKED WITH THREE (3) TREE STAKES AS PER TREE PLANTING DETAIL.
5. ALL SHRUBS SHALL BE INSTALLED AT A MINIMUM HEIGHT OF TWENTY-FOUR (24) INCHES AS PER TOWN OF AMHERST CODE REQUIREMENTS.

LANDSCAPE NOTES:

1. ALL PLANTS INSTALLED SHALL MEET OR EXCEED THE MINIMUM REQUIREMENTS AS NOTED ON THE PLANS AND IN THE LATEST EDITION ON THE AMERICAN STANDARD FOR NURSERY STOCK, BY THE AMERICAN ASSOCIATION OF NURSERYMEN, ANSI Z60.1
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS OWN QUANTITY TAKEOFF. THE QUANTITIES SHOWN ARE A MINIMUM AND ARE FOR REFERENCE ONLY.
3. THE CONTRACTOR SHALL PERFORM A ROUGH FIELD STAKEOUT OF ALL PLANTING MATERIAL LOCATIONS AND CONTACT THE OWNERS FIELD REPRESENTATIVE PRIOR TO ACTUAL INSTALLING. THE PLANTING MATERIAL LOCATIONS SHOWN ON THE PLANS ARE TO CONVEY THE DESIGN INTENT ONLY. ACTUAL LOCATIONS MUST BE FINALIZED BY THE OWNERS FIELD REPRESENTATIVE AT THE TIME OF INSTALLATION.
4. THE CONTRACTOR IS HEREBY NOTIFIED THAT IF UNDERGROUND UTILITIES EXIST IN THE VICINITY OF THE PLANTINGS, ALL PROPOSED PLANTINGS SHALL BE INSTALLED A MINIMUM OF 5' FROM ANY UNDERGROUND UTILITY. CONTACT THE OWNERS FIELD REPRESENTATIVE IF PLANTINGS SHOWN ON THE PLANS VIOLATE THIS SITUATION.
5. ALL TREES SHALL BE INSTALLED A MINIMUM OF 10' FROM ANY OVERHEAD ELECTRIC LINES.
6. PLANTING BACKFILL MIXTURE SHALL CONSIST OF 3 PARTS TOPSOIL, 1 PART PEAT MOSS, ¼ PART AGRIGANITE.
7. STAKE TREES IMMEDIATELY FOLLOWING INSTALLATION.
8. ALL PLANTED AREAS SHALL RECEIVE A 3" LAYER OF SHREDDED HARDWOOD BARK MULCH WITH "PREEN".
9. ALL DISTURBED AREAS NOT RECEIVING PLANTINGS (INCLUDING RIGHT-OF-WAYS) SHALL BE SEEDED.
10. THE AREAS ON THE PLAN TO BE SEEDED SHALL HAVE 4" MINIMUM OF TOPSOIL, DISK PLOWED, LEVELED AND HAND RAKED SMOOTH. SURFACE SHALL BE ROLLED TO REMOVE LUMPS.
11. ALL SEEDED AREAS SHALL BE HYDROSEEDED IN ACCORDANCE WITH THE SPECIFICATION INDICATED. WHERE REQUIRED BY CLIMATIC CONDITIONS, SLOPE OR SEASON OF PLANTING, SOD MAY BE SUBSTITUTED FOR SEEDING IN ORDER TO ACHIEVE THE REQUIRED COVERAGE.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING, MOWING AND OTHER MAINTENANCE TO SEEDED AREAS UNTIL THE PROJECT IS ACCEPTED BY THE OWNER. THIS SHALL INCLUDE WATERING ONLY FOR 15 DAYS OR AS REQUIRED BY WEATHER CONDITIONS AND RE-SEEDING OF THIN SPOTS FOLLOWING THE GERMINATION OF THE SEEDS.



STD. SHRUB PLANTING



STD. EVERGREEN PLANTING

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Mixed Use Building

5226 & 5228 Main Street
Amherst, NY

REVISIONS:

No.	Description	Date

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DRAWING NAME:
Landscape Details

Date: 11/20/23
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
L-101

Project No:

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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Mixed Use Building
5226 & 5228 Main Street
Amherst, NY

No.	Description	Date
REVISIONS:		

DRAWING NAME: Lighting Plan

Date: 11/20/23
Drawn By: P. Shoedy
Scale: As Noted

DRAWING NO. LP-100

Project No:

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Appendix I

Geotechnical Report by: Barron & Associates

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

BARRON & ASSOCIATES, P.C.
Geotechnical Consulting and Special Inspections
10440 Main Street (716) 759-7821
Clarence, NY 14031 www.barronandassociatespc.com

January 6, 2022 Job No: 21-626

Ellicott Development
295 Main Street, Suite 210
Buffalo, New York 14203

ATTN: Mr. Jeremy P. Wassel

RE: Geotechnical Engineering Report
Proposed Five-Story, Mixed-Use Building
5226 & 5228 Main Street (NYS Route 5)
Town of Amherst, Erie Co., New York 14221

Mr. Wassel:

This report presents the findings of the subsurface investigation program and geotechnical engineering recommendations for the above referenced project. The geographic orientation of the project site is illustrated on the U.S. Geologic Survey (USGS) site location map in Figure No. 1. The project site is illustrated in Figure No. 2, entitled "Test Boring Location Plan", which includes: the approximate location of three test borings that were drilled by Buffalo Drilling Company, Inc. (BDC); relative ground surface elevations; and additional site details.

EXPLORATION METHODS

Sampling Method: A track-mounted Diedrich D-50 rotary drill rig was used to drill three borings each to shallow auger refusal below ground surface by using 4-1/4 inch inside diameter (ID), continuous flight hollow stem augers. Samples were recovered by driving a standard split-spoon sampler (2-foot long by 1-3/8 inch inside diameter) 24 inches with a 140-pound hammer falling 30 inches per blow per the American Society of Testing and Materials (ASTM) Standard D1586. The number of blows from six to 18 inches of penetration is defined as the Standard Penetration Test (SPT) N-value. Auger refusal, which may infer the top of bedrock, was encountered at each boring location approximately one and one half feet deep. At boring B-1, bedrock was confirmed by coring to a depth of five feet below auger refusal. Bedrock coring efforts were done with an Nx-sized (2-1/8 ± inch I.D.) core barrel and impregnated diamond bit in accordance with ASTM Method D2113.

Any encountered groundwater conditions are documented in the field on the driller's logs for each test boring. If indicators of groundwater are observed on the sampling equipment, the depth to groundwater is also checked and measured through the hollow stem augers at the completion of the sampling efforts.

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Classification: The retrieved soil and fill samples were initially logged in the field by the driller, and a portion of each sample was placed and sealed in a glass jar. The boring logs, which are included in Appendix A, were based upon the field logs and a second visual classification of recovered samples in the laboratory by a geologist. Classification/identification of samples, as noted on the boring logs, is based on the Unified Soil Classification System (USCS) in ASTM D2487/D2488. Refer to Appendix B entitled, "Geotechnical Reference Standards", for an explanation of the terminology that is used for soil and rock descriptions.

Each rock core was examined on a run-by-run basis to determine the percentage of core recovery and Rock Quality Designation (RQD). Core recovery percentage is the ratio of the sample length recovered divided by the length of the core run times 100 percent. RQD is defined as the total length of all pieces of core that are greater than four inches divided by the length of the core run times 100 percent. Core recovery and RQD percentages are noted on the boring logs.

Laboratory Testing: Laboratory soil testing was undertaken on several retrieved split spoon samples. The overall laboratory testing program consisted of the following test methods:

- Unconfined Compressive Strength of Intact Rock Core Specimens ASTM D2938

Table No. 1 presents the tabulated results of bedrock physical property data.

SITE AND SUBSURFACE CONDITIONS

General: The proposed site for development consists of two parcels addressed as 5226 and 5228 Main Street (NYS Route 5), in the Town of Amherst, Erie County, New York. The project will include the construction of a five-story, mixed-use building with associated asphalt parking field at the rear. The site topography slopes to the north across the boring locations with ground surface elevations varying by approximately three feet.

Subsurface Soil Conditions: In general, subsurface conditions, underlying thin topsoil veneer, consist of naturally deposited sand and silt loam that extends to auger refusal. The unit is slightly less than two feet thick and is primarily fine to course-grained sand and silt with trace quantities of gravel, clay, organic matter, and roots. Relative density of this soil is primarily very dense with moisture contents of retrieved samples noted to be moist.

Bedrock: Auger refusal, which is generally inferred to be the top of the apparent bedrock surface, was encountered at each boring approximately one and one half feet below ground surface, ranging in relative elevation from 100.00 to 97.30 +/- feet. The assumed footing bearing grade for the building, relative elevation 97.50 +/- feet, will be within the bedrock which will make it necessary to remove almost two feet of bedrock.

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Rock coring efforts were undertaken at borings B-1 to depths of five feet, below auger refusal. Based upon the regional geology and recovered core samples, the bedrock type is the Onondaga Limestone and is described as a hard and slightly weathered, medium dark gray, thinly bedded, finely crystalline limestone that is porous and calcareous. The percent recovery for the core ranged is 63 percent with an RQD value of 18 percent (very poor quality).

Table No. 1 provides the laboratory uniaxial compressive strength and density data for the intact limestone specimen near the bottom part of the B-1 cored interval C-1. The density data is characteristic of a limestone rock. The uniaxial compressive strength was 18,991 pounds per square inch (psi); which is on the middle to upper portion of the range for limestone. The intact bedrock uniaxial compressive strength and other rock properties (e.g., RQD) can be used in the estimation of the strength properties for the bedrock mass.

Groundwater: Groundwater was not encountered during subsurface exploration. Note that the groundwater readings were taken at the completion of drilling efforts and, therefore, an adequate amount of time for the groundwater level to recharge to static conditions was probably not allowed. Fluctuations in the groundwater level may occur due to other factors than those present during field operations.

EARTHQUAKE/SEISMIC CONSIDERATIONS

Site Class Definition: For the given site conditions, the most applicable site definition is Site Class B, in accordance with Section 1613.2.2 of Building Code of New York State © 2020 and listed in Table 20.3-1 of Chapter 20 of American Society of Civil Engineers (ASCE) Standard 7-16.

Liquefaction Potential: For the Site Class B, the design spectral response acceleration parameters S_{DS}, at 0.2 seconds, and S_{D1}, at one second, are 0.102g and 0.024g (g = 32.2 feet/sec^2), respectively, for this part of Erie County, New York (see Appendix D). These values have a two percent probability of being exceeded in 50 years. Based upon the above conditions and an approximate magnitude 6.0 earthquake on the Richter Scale, the potential for liquefaction or settlement of Site Class B rock is considered not existent.

FOUNDATION DESIGN AND CONSTRUCTION RECOMMENDATIONS

General: This section will present and discuss recommendations on foundation design and construction and placement of controlled fills, and subgrade and base layer requirements for concrete floor slabs, paved parking and roadway areas.

As shown in Figure No. 2, the proposed development will include a five-story, mixed-use building with asphalt parking field to the rear. The existing ground surface slopes to the north across the proposed development areas with ground surface elevations varying by approximately three feet. Final grading is

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not known at the time of this report, thus, finish first floor elevation of the building is assumed at relative elevation 101.50 ± feet and steps up to 685.00 ± feet. Final exterior grades are assumed close to relative elevation 101.00 ± feet. The maximum design exterior bearing wall loads are not expected to exceed 40 kips per lineal foot, and exterior and interior column loads not expected to exceed 400 kips.

Site Preparation and Earthwork: General site preparation will include the demolition and complete removal of any encountered foundations and floor slabs, and removing all unsuitable surficial material (i.e., asphalt pavement, concrete, brick, expansive slag, organic or topsoil layer, and construction and demolition-like fill) to a depth where firm, granular or cohesive fills or naturally occurring soils are encountered. It is recommended, particularly in the location of the proposed structure, that any slag and/or cinder/ash containing material, if encountered, should be tested to determine the expansion and corrosion characteristics (where applicable for direct or potential contact with foundation elements and buried utilities) of these materials prior to their use on-site. Any rubble-like and brick fill, boulders, or wood fill in particular, if encountered, will require undercutting. The proposed building and any paved areas are to be proof rolled with a fully loaded ten-wheel dump truck. All encountered soft and disturbed zones should be undercut and stabilized with granular fill that is placed in compacted lifts prior to placement of additional fill materials above. Refer to Appendix D entitled "General Earthwork Specification" for definition of the fill types and gradations, recommended minimum compaction requirements for various site developments, and placement and compaction methods. The NYS Department of Transportation (NYSDOT) specification numbers for typical aggregate subbase/base course components that are included in the select granular fill category as are as follows: Item No. 304.12 (Metric) Subbase Course, Type 2 (< 2-inch maximum size), which is preferred; or Item No. 304.14 (Metric) Subbase Course, Type 4 (< 2-inch maximum size).

Other than the two residential type structures along Main Street and the two barn-style buildings to the rear of each parcel, all planned for demolition, it is unknown if any former residential/commercial structures, existed at the project site and if any former footings and foundation walls may be buried within the building footprint. Septic tank and system locations and the abandonment conditions or practices are normally unknown. If encountered during site development, it is recommended that any tanks and systems should be properly removed/treated/remediated relative to the proposed development and under the applicable local and state regulations. The remaining cavities, from the aforementioned items, should be backfilled with select/approved granular fill that is placed in thin lifts and compacted to the minimum recommendation, as presented in this report, for the proposed development at that cavity location. This is specifically important along the west and east foundation trenches of the proposed building, as they will intersect the former foundations of three existing structures.

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Shallow Foundation: The recommended foundation type is shallow footings. Continuous strip and spread exterior footings and interior spread footings would bear at an elevation of 42 inches or lower below final grade, at relative elevation 97.50 ± feet. The bearing elevation is also approximated based upon the assumed finish floor elevation of 101.50 ± feet. A 42-inch minimum footing depth (as required by local code) is needed to provide adequate protection from frost for exterior footings.

The majority of the foundation excavation will require the removal of about two feet of limestone bedrock. If the approved bedrock depth is less than 42 inches below final exterior grade, hooked rebar dowels are recommended to be placed in grout filled holes at approximately a four-foot spacing and extending to a minimum total depth of four feet into approved bedrock. This precaution is needed to confirm adequate bedrock quality and to incorporate the rock mass into the perimeter footing system.

The exterior and interior footings are recommended to bear at the same relative elevation on stable, natural, approved limestone bedrock or on thin layers of thoroughly compacted (minimum of 95 percent of the maximum dry density by ASTM D 1557) select/approved granular fill that is placed on an approved subgrade. If needed, a geotextile strength and filter fabric (such as, Mirafi 600X) may be used to line the excavation bottom for the purpose of stabilizing the excavation and placement of the select/approved granular fill.

Undercut areas beneath proposed foundations must extend laterally beyond each vertically projected edge of the foundation by a minimum distance equal to one-half the total depth of the undercut or equating to a slope of two vertical to one horizontal from the bottom foundation corner. The undercuts and placement of compacted select/approved granular fill are required to ensure a suitable and more uniform bearing media for the footings, and to prevent unacceptable differential settlements.

Wall footings should have a minimum two-foot width and column footings should have a minimum three-foot width. Based on the above described conditions, the recommended maximum net allowable foundation bearing pressure is 5,000 pounds per square foot (psf) of bearing area. All footings for the proposed building are recommended to be designed near the same contact pressure. The recommended maximum net allowable foundation bearing pressure is based on generally accepted design methods for rock conditions. Based on the provisions of the above recommendations and estimated design requirements and utilization of proper construction procedures and experienced field supervision and testing personnel, total and differential settlements are estimated to be less than one inch and 3/4's inch, respectively. Refer to Appendix C for additional foundation design and construction details.

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Additional Foundation Considerations: In addition to the above, the following recommendations will provide additional assurances with regard to proper foundation construction.

a) All fill placed beneath, adjacent, or above foundations must comply with the "General Earthwork Specification", included as Appendix D.

b) Backfill of foundations with approved select granular fill must be completed prior to placement of substantial superstructure loads, except for basement walls or substructure areas that may additionally require superstructure loads and possibly internal bracing.

c) The upper silty materials may rut and “pump” if exposed to excessive surface water and repeated construction traffic. Proper site management and fill placement operations are needed to minimize costly undercuts and subgrade repairs prior to placement of concrete slabs and asphalt pavement. It is noted that construction during wet/rainy and/or Fall and Spring conditions may require added precautions and possibly a thicker base layer to maintain a stable subgrade condition.

d) Step footings, if utilized, should have a rise to run ratio of 1:2, with a two-foot maximum rise and a four-foot minimum run between steps or as recommended by the design structural engineer.

e) The recommended at rest (rigid wall), active, and passive static earth pressure coefficients for unsaturated, select granular sandy gravel fill against an earth retaining structure/wall are 0.76, 0.24, and 2.8 (with an ultimate value of 4.2), respectively. The respective equivalent static lateral fluid pressures are recommended to be 90, 30 and 330 (with an ultimate value of 500) pounds per square foot (psf) per foot depth which are based upon a moist, compacted unit backfill weight of 120 pounds per cubic foot (pcf). The at rest value would account for the average expected compaction induced stresses and/or the potential influences of hydrostatic pressure. The static lateral fluid pressures can be directly proportioned for other unit weights.

Stabilization of Excavations/Underground Structures: The trench/excavation sidewall stability concerns can be addressed with the Occupational Safety and Health Act (OSHA) requirements as set forth in Subpart P of 29 CFR Part 1926, Sections 1926.650 to 1926.652. In lieu of a properly designed shoring system, side slopes of the trench excavation should be one on one (vertical to horizontal distance) or flatter in cohesive soils or one on one and one-half or flatter in the granular materials, as required by OSHA.

In areas where sloped excavations are impractical, a land cofferdam (e.g., sheet piling or soldier piles with lagging and walers-struts/tiebacks, as needed) must be installed to effectuate the installation of the proposed underground parking structure. The aforementioned system(s) must be designed by a licensed New York State professional engineer with proven experience. These types of designs are outside the scope of this report.

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Water must not be allowed to accumulate or pond on exposed foundation bearing grades. Surface water and groundwater from within the excavation must be either pumped, diverted or channelized by gravity flow to effectuate the construction of the proposed foundation. Pockets of localized perched groundwater may seasonally be expected to be encountered at footing and/or footing undercut bearing grades. At these locations, dewatering with surface sumps may be required to maintain stable side slopes and excavation bottom.

Concrete Interior Floor Slab(s)/Pad: For the most part and based on test results for similar soils, fine-grained/cohesive, silty natural soils may be somewhat difficult to compact in a controlled manner considering the varying soil plasticity and natural moisture contents that are estimated to be at to wet of optimum, at the time of this investigation. Excavated and approvable fine-grained/cohesive soil types are not expected to be available in any reasonable quantities. These soils may be expected to be suitable for re-use as general fill with the implementation of uniformly applied soil conditioning (i.e., drying and blending) and compaction methods, if additional volume of soil for backfill is needed.

Dissimilar excavated materials should not be commingled prior to their use elsewhere on-site, unless designated for a green/vegetation area. General fill material is also recommended to be placed on prepared and approved subgrade and in accordance with previous recommendations.

A geotextile fabric (such as, Mirafi 600X or equal) that separates the subgrade and the approved/select granular base layer may be needed and is particularly recommended for sensitive cohesive/fine-grained/silty clay subgrade soil/fills. This approach will stabilize and provide a workable building pad condition with minimal required repairs.

The approved subgrades will consist of very dense or better/thoroughly compacted (i.e., minimum 92 percent of the maximum dry density by ASTM D 1557) cohesive/fine-grained sand and silt, or thoroughly compacted imported select/approved granular fill. Above the approved subgrades, a minimum 12-inch thick select granular fill (i.e., number two crusher run stone or equal) layer is recommended as the base course for the basement/parking garage concrete floor slab. The NYSDOT specification numbers for typical aggregate subbase/base course components are Item No. 304.12 (Metric) Subbase Course, Type 2 (< 2-inch maximum), which is preferred, or Item No. 304.14 (Metric) Subbase Course, Type 4 (< 2-inch maximum). This select granular base layer would be compacted to a minimum 95 percent of the maximum dry density by ASTM D 1557. The grade level parking slab is recommended to be a six-inch minimum thickness or is as determined by the design structural engineer. The floor slab reinforcement should be provided through placement of wire mesh or plastic fibers and is also as determined by the design structural engineer.

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At the discretion of the design architect, a vapor barrier may be considered for use in the proposed structure. The use of a thin gravel cushion, as a capillary break, or a thin sand cushion over a vapor barrier that is placed beneath the concrete slab(s) are at the discretion of the design architect/engineer or as required by local code. Gradations of gravels that are satisfactory capillary breaks include 1 ¼-inch or ¾-inch crushed stone or aggregate per the ASTM D2321 Types IA, IB and II with less than 5 % fines. A number two crusher run stone may also be applicable, but the gradation and material property specifications must qualify.

Exterior Concrete Slabs-On-Grade/Pad/Parking and Roadway Facilities: The characteristics of the natural soils and the known frost penetration in Western New York require that specific attention is provided to the design and construction of paved roadway and parking areas. For new pavement sections, isolated pockets of surficial silty/cohesive/fine-grained soil/fill may be encountered and may be too soft and wet in the proposed parking and roadway areas. These types of soil/fill may be adequately conditioned (i.e., dried and blended) and compacted (i.e., minimum 90 percent compaction) to support necessary construction equipment and normal pavement section. Otherwise, the removal/undercutting of the silty/cohesive/fine-grained soil/fill to a firm, approved subgrade and subsequent placement and compaction of select or approved granular fill will be required in order to accommodate the recommended pavement sections.

For new pavement sections, it is recommended that the subgrade surface is adequately graded and/or underdrains are installed to prevent water accumulation. Above the approved subgrade surface (i.e., minimum 90 percent compaction), a minimum eight-inch thick select granular layer is recommended as the base course for lightly traveled roadway and parking areas (standard duty section). A geotextile filter and strength fabric (such as, Mirafi 600X or equal) and minimum 12-inch thick base course are recommended for all truck routes and heavily traveled roadways (heavy duty section). If “pumping” of the silty/cohesive/fine-grained soil subgrade occurs or is difficult to stabilize during construction, an increase in the base thickness to that of the heavy-duty section and/or a geotextile filter and strength fabric is recommended to be placed on the prepared and approved subgrade for the standard duty section. The NYS Department of Transportation (NYSDOT) specification numbers for typical aggregate subbase/base course components are Item No. 304.12 (Metric) Subbase Course, Type 2 (< 2-inch maximum size), which is preferred, or Item No. 304.14 (Metric) Subbase Course, Type 4 (< 2-inch maximum size). The granular aggregate base layer is recommended to be compacted to at least 95 percent of maximum dry density by ASTM D1557.

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The thickness of top and binder course layers should be determined in accordance with AASHTO methods. In summary, the minimum recommended asphalt thicknesses for the heavy-duty section and standard duty section are three and one-half inches and three inches, respectively. The top and binder course layers are recommended to be designed and constructed in accordance with New York State Department of Transportation Standard Specification.

Limitations, Field Inspections and Monitoring: This report is based on the preliminary information that is provided by project representatives and the subsurface conditions that were encountered at the test boring locations. Due to the nature of the investigation method, test pit excavation will provide a greater level of delineation of the subsurface soil/fill/rock conditions than can be defined by the test boring data alone. As detailed in Appendix E "Limitations", modification regarding proposed building/structure locations and other site developments can result in changes to provided recommendations. It is recommended that the geotechnical engineer be provided the opportunity to generally review the final detailed design and contract specifications. Required earthwork and foundation construction should be done under the supervision of experienced construction personnel and in a manner consistent with proven methods. All site work should be carefully monitored and tested by experienced geotechnical personnel to assure compliance with earthwork and foundation construction specifications.

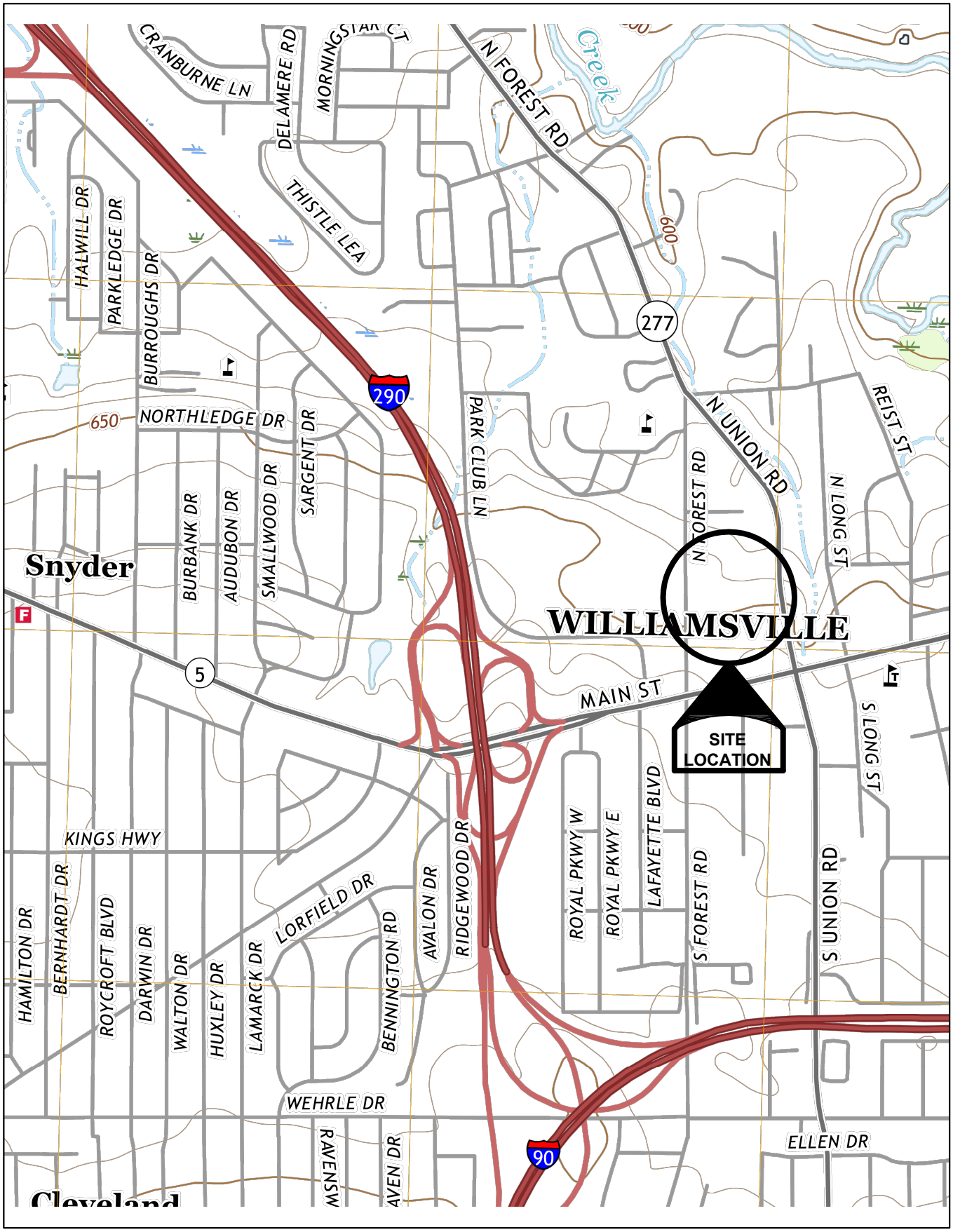
Thank you for the opportunity to assist on this project. If questions should arise, please call the undersigned at your earliest convenience.

Very truly yours,
BARRON & ASSOCIATES, INC.
and
BUFFALO DRILLING COMPANY, INC.

Andrew J. Camping, PG
Senior Geologist

James S. Barron, PE
President/Geotechnical Engineer

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



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DRAWN: DAN KASPROWICZ

CLIENT: ELLICOTT DEVELOPMENT
295 MAIN STREET, SUITE 210
BUFFALO, NEW YORK 14203

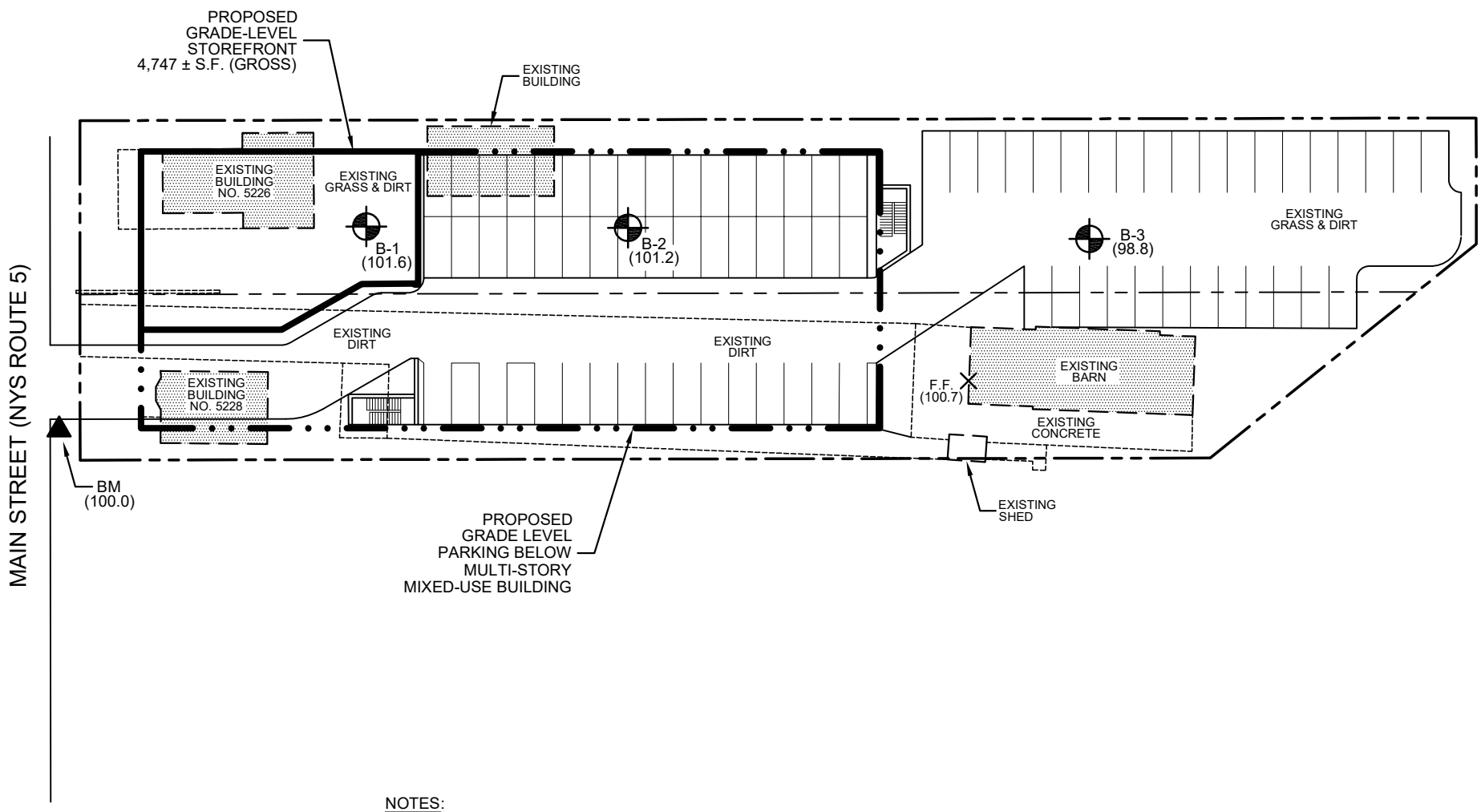
PROJECT: PROPOSED FIVE-STORY MIXED USE BUILDING
5226 & 5228 MAIN STREET (NYS ROUTE 5)
TOWN OF AMHERST, ERIE CO., NEW YORK 14221

NEW YORK STATE
SITE LOCATION

USGS SITE LOCATION PLAN
BUFFALO NE
2019

JOB NO.: 21-626 | SCALE: N.T.S.
DATE: 11/8/2021 | FIGURE NO. 1

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



LEGEND

B-2	= TEST BORING & NO.
(101.2)	= RELATIVE GROUND SURFACE ELEVATION (FT.)
×	= SPOT ELEVATION
▲ BM	= BENCH MARK (NORTH RIM OF MAN HOLE - TRAFFIC SIGNAL)

NOTES:

1. BORINGS, BUILDINGS, SITE FEATURES, PROPERTY LINE LOCATIONS, AND SCALE OF DRAWING ARE APPROXIMATE.
2. BASE MAP REFERENCE PROVIDED BY ELLICOTT DEVELOPMENT, TITLED "PROPOSED SITE PLAN - 5 STORY MIXED-USE BUILDING", DWG. NO. SP-1, PROJECT NO. 2018-020, DATED 4/25/2018.
3. EXISTING FEATURES AND BORING LOCATIONS, PROVIDED BY KHEOPS ARCHITECTURE, ENGINEERING & SURVEY, DPC, TITLED "5226 MAIN-63392", JOB NO. 17NY040.04, SBL NO. 80.08-7-9&10, UNABLE TO READ DATE.

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DRAWN: DAN KASPROWICZ

CLIENT: ELLICOTT DEVELOPMENT
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BUFFALO, NEW YORK 14203

PROJECT: PROPOSED FIVE-STORY MIXED USE BUILDING
5226 & 5228 MAIN STREET (NYS ROUTE 5)
TOWN OF AMHERST, ERIE CO., NEW YORK 14221

TEST BORING LOCATION PLAN

0 25 50 100

JOB NO.: 21-626	SCALE: 1" = 50' ±
DATE: 11/8/2021	FIGURE NO. 2

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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B&A JOB NO: 21-626
CLIENT: Ellicott Development
PROJECT: Proposed Five-Story Mixed-Use Building
5226 & 5228 Main St. (NYS Rte. 5)
Town of Amherst, Erie Co., New York 14221

TABLE NO. 1

SUMMARY TABLE OF BEDROCK UNIAXIAL COMPRESSIVE STRENGTH TESTS

Test Boring No.	Core Run No.	Sample Location		Moisture Content ASTM D2216	Uncapped Length / Diameter ASTM D2938	Failure Type	Maximum Compressive ASTM D2938			Rock Identification ASTM C294
		Depth Interval	Elevation Interval				Load	Strength		
		(ft.)	(ft.)	(%)	(in. / in.)	(-)	(lbs.)	(tsf)	(psi)	
B-1	C-1	5.5 - 5.9	96.1 - 95.7	0.2	4.30 / 2.05	COLUMNAR	62,860	1,367	18,991	ONONDAGA LIMESTONE [1., 2.]

1. Ends of sample capped prior to testing.
2. Sample appeared absent of limiting structures (fracture planes, vugs, etc.).

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APPENDIX A

TEST BORING LOGS

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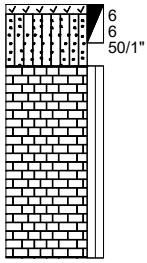
TEST BORING LOG

2.a

JOB No.: 21-626 **BORING No.:** B-1

PROJECT: Proposed Five-Story Mixed-Use Building
5226 & 5228 Main Steet (NYS Route 5), Town of Amherst, Erie Co., New York 14221

DRILLER:	J. Gardner	**TYPE OF DRILL RIG:**	Diedrich D-50 (Track)
SAMPLING METHODS:	ASTM D1586 & D2113	**SIZE AND TYPE OF BIT:**	4 1/4" HSA & Nx Core
DATE STARTED:	11/24/21	**SURFACE ELEVATION (ft.):**	101.6
DATE COMPLETED:	11/24/21	**GROUNDWATER DEPTH (ft.):** (measured at completion unless indicated below)	None

Elevation/ Depth (feet)	Soil Symbols Sampler Symbols Field Test Data	Sample No. : Range	N-Value	% REC (RQD)	Soil and Rock Description / Remarks
100 / 0		S-1 : 0.0'- 1.0'	50+	90	Topsoil(3") Dk. brown, v. dense f/c SAND and SILT, tr. Gravel, tr. Organic matter, Roots, tr. Clay, non-plastic, moist (SM/ML)
95 / 5		C-1 : 1.6'- 6.6'	-	63 (18)	ONONDAGA LIMESTONE: med. dark gray, finely crystalline, thin bedded, LIMESTONE, porous, calcareous, sl. weathered, hard (ONONDAGA LIMESTONE) # pieces > 1": 7 # pieces > 4": 2 longest piece: 6"
90 / 10					Depth to Bottom of Hole: 6.6 feet
85 / 15					
80 / 20					
75 / 25					
70 / 30					
35					

Logged by: E. Zinni

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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TEST BORING LOG

2.a

JOB No.: 21-626 **BORING No.:** B-2

PROJECT: Proposed Five-Story Mixed-Use Building
5226 & 5228 Main Steet (NYS Route 5), Town of Amherst, Erie Co., New York 14221

DRILLER:	J. Gardner	**TYPE OF DRILL RIG:**	Diedrich D-50 (Track)
SAMPLING METHODS:	ASTM D1586	**SIZE AND TYPE OF BIT:**	4 1/4" I.D. H.S.A.
DATE STARTED:	11/24/21	**SURFACE ELEVATION (ft.):**	101.2
DATE COMPLETED:	11/24/21	**GROUNDWATER DEPTH (ft.):** (measured at completion unless indicated below)	None

Elevation/ Depth (feet)	Soil Symbols Sampler Symbols Field Test Data	Sample No. : Range	N-Value	% REC (RQD)	Soil and Rock Description / Remarks
100 (0)	4 6 50/5" REFUSAL	S-1 : 0.0'- 1.4'	56+	90	Topsoil (5") Dk. brown, v. dense f/c SAND and SILT, tr. Gravel, tr. Organic matter, Roots, tr. Clay, non-plastic, moist (SM/ML)
					Depth to Bottom of Hole: 1.5 feet

95 (5) 90 (10) 85 (15) 80 (20) 75 (25) 70 (30) 65 (35)

Logged by: E. Zinni

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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TEST BORING LOG

2.a

JOB No.: 21-626 **BORING No.:** B-3

PROJECT: Proposed Five-Story Mixed-Use Building
5226 & 5228 Main Steet (NYS Route 5), Town of Amherst, Erie Co., New York 14221

DRILLER:	J. Gardner	**TYPE OF DRILL RIG:**	Diedrich D-50 (Track)
SAMPLING METHODS:	ASTM D1586	**SIZE AND TYPE OF BIT:**	4 1/4" I.D. H.S.A.
DATE STARTED:	11/24/21	**SURFACE ELEVATION (ft.):**	98.8
DATE COMPLETED:	11/24/21	**GROUNDWATER DEPTH (ft.):** (measured at completion unless indicated below)	None

Elevation/ Depth (feet)	Soil Symbols Sampler Symbols Field Test Data	Sample No. : Range	N-Value	% REC (RQD)	Soil and Rock Description / Remarks
0 / 98	7 / 50/5" / REFUSAL	S-1 : 0.0'- 0.9'	50+	90	Topsoil(3")
					Dk. brown, v. dense f/c SAND and SILT, tr. Gravel, tr. Organic matter, Roots, tr. Clay, non-plastic, moist (SM/ML)
					Depth to Bottom of Hole: 1.5 feet

95 – 5
90 – 10
85 – 15
80 – 20
75 – 25
70 – 30
65 – 35

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Logged by: E. Zinni

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APPENDIX B

GEOTECHNICAL REFERENCE STANDARDS

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Column Header Descriptions

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TEST BORING LOG

JOB No.: BORING No.:

PROJECT:

EXAMPLE

DRILLER:
SAMPLING METHODS:
DATE STARTED:
DATE COMPLETED:

TYPE OF DRILL RIG:
SIZE AND TYPE OF BIT:
SURFACE ELEVATION (ft.):
GROUNDWATER DEPTH (ft.):
(measured at completion unless indicated below)

Elevation/ Depth (feet)	Soil Symbols Sampler Symbols Field Test Data	Sample No. : Range	N-Value	% REC (RQD)	Soil and Rock Description / Remarks
100 — 0	1 1 1 2 / 6 8 11 14	S-1 : 0.0'- 2.0'	2	50	Dk. brown, soft, CLAY, some Silt, little f. Sand, tr. Gravel, tr. Roots, tr. Organic matter, mod. plastic, wet (CL)
		S-2 : 2.0'- 4.0'	19	50	Brown, m. dense f. SAND, some Silt, tr. Gravel, tr. Clay, tr. Roots, non-plastic, moist (SM)

Elevation/Depth: The depth column provides the vertical scale of the boring log in feet below ground surface.

Sample No. : Range: Disturbed samples are identified with “S” preceding the sample number. Undisturbed (Shelby-tube) samples are identified with “U” preceding the sample number. Rock core samples identified with “C” preceding the core run. The range of elevation/depth where the sample was taken is identified in one-tenth foot increments.

N-value: The Standard Penetration Test N-value, as specified by ASTM D1586, is defined as the number of blows required by a 140-pound hammer falling 30 inches, each blow, to drive a 2-in outside diameter split-spoon sampler 12 inches.

% REC (RQD): “Percent Recovery” is the length of samples recovered divided by the total length sampled. The result is numerically expressed as a percent. The Rock Quality Designation (RQD) is the total length of places >4 inches divided by the total length of core run.

Soil and Rock Description / Remarks: This column denotes the exact depth of recovery and general documentation of drilling efforts. Description and classification are based on visual inspection of samples and boring operations. The stratum lines shown on the boring logs are based upon interpretation and may not represent precise subsurface conditions. Water-level readings have been made in the drill holes at time under conditions stated on the boring logs. Fluctuations in the water level may occur due to other factors than those present the time measurement was taken. See attached sheet.

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Soil and Rock Description / Remarks: Terminology Used for Soil Description

Density Description of Granular Soil

Number of Blows per ft., N	*Relative Density*
0 - 4	Very Loose
4 - 10	Loose
10 - 30	Medium
30 - 50	Dense
Over 50	Very Dense

Abbreviations Used in Soil Sample Classification

f - fine	v - very
m - medium	gr - gray
c - coarse	bn - brown
f/m - fine to medium	yel - yellow
f/c - fine to coarse	sl - slight
tr - trace	dk - dark

Consistency Description of Cohesive Soil

Number of Blows per ft., N	*Consistency*
Below 2	Very Soft
2 - 4	Soft
4 - 8	Medium
8 - 15	Stiff
15 - 30	Very Stiff
Over 30	Hard

Bedding

Parting	Less than 0.02 ft.
Band	0.02 - 0.2 ft.
Thin bed	0.2 - 0.5 ft.
Medium bed	0.5 - 1.0 ft.
Thick bed	1.0 - 2.0 ft.
Massive	Over 2.0 ft.

Grain Size

	Passing / Retained on
Boulder	LARGE / 12-in sieve
Cobble	12-in / 3-in sieve
Gravel	3-in sieve / No. 4 sieve
	No. 4 sieve / No. 10 sieve
Sand	No. 10 sieve / No. 40 sieve
	No. 40 sieve / No. 200 sieve
Silt	No. 200 sieve / 0.005 mm sieve
Clay	Smaller than 0.005 mm

Hardness

Very Soft or Plastic	Can be indented with thumb
Soft	Can be scratched with fingernail
Moderately Hard	Can be scratched with knife
Hard	Difficulty to scratch with knife
Very hard	Cannot be scratched with knife

Percentage Terminology Used in Soil Classification

Trace	0 - 10 %	Some	20 - 35 %
Little	10 - 20 %	And	35 - 50 %

Moisture

Dry	Absence of moisture, dusty, dry to the touch.
Moisture	Small quantity of moisture. Soil usually above groundwater level.
Wet	Moisture noticeable to the touch. Soil may be below groundwater level.
Saturated	Visible free water, usually soil is below groundwater level.

Plasticity

Non-plastic	An 1/8-in thread cannot be rolled at any water content.
Slight plasticity	Thread can be barley rolled.
Moderate plasticity	Thread is easy to roll and little time is required to reach the plastic limit (PL).
Plasticity	Considerable time is required to reach PL. Thread can be re-rolled several times after reaching the PL.

Crystallinity or Texture

Dense	Crystals are to small they cannot be distinguished with the naked eye.
Very Fine Crystalline	Crystals barely discernable with the naked eye.
Crystalline	Crystals are medium size, up to 1/8-in diameter.
Very Coarsely Crystalline	Crystals larger than 1/8-in diameter.

Voids

Porous	Smaller than pinhead. Their presence is indicated by the degree of absorbency.
Pitted	Pinhead size to 1/4 in. If thin walls separate the individuals pits, the core may be described as honeycomb.
Vug	1/4 inch to the diameter of the core. The upper limit will vary with core size.
Cavity	Larger than the diameter of the core.

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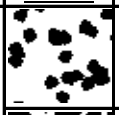
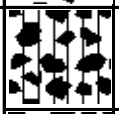
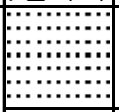
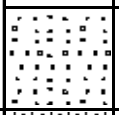
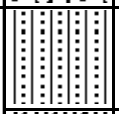
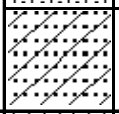
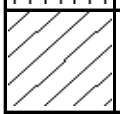
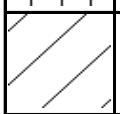
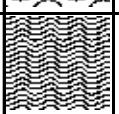
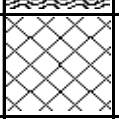
Soil Classification Chart: Unified Soil Classification System (USCS)

Major Divisions			Pattern	USCS ID	Typical Descriptions
Coarse-Grained Soils: More than 50% of material larger than No. 200 sieve	**Gravels**: More than 50% of coarse fraction larger than No. 4 sieve	Clean Gravels (little or no fines)		GW	Well-graded gravels, gravel-sand mixtures, little or no fines
				GP	Poorly-graded gravels, gravel-sand mixtures, little or no fines
		Gravels with appreciable amounts of fines		GM	Silty gravels, gravel-sand-silt mixtures
				GC	Clayey gravels, gravel-sand-silt mixtures
	Sands: Less than 50% of coarse fraction larger than No. 4 sieve	Clean sands (little or no fines)		SW	Well-graded sands, gravelly sands, little or no fines
				SP	Poorly-graded sands, gravelly sands, little or no fines
		Sand with appreciable amount of fines		SM	Silty sands, silt-sand mixtures
				SC	Clayey sands, sand-clay mixtures
Fine-Grained Soils: Less than 50% of material larger than No. 200 sieve	**Silts and Clays, Low plasticity**: Liquid Limit < 50%			ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity
				CL	Inorganic clays of low to medium plasticity, gravely clays, sandy clays, silty clays, lean clays
				OL	Organic silts and organic silty clays of low plasticity
	Silts and Clays, High plasticity: Liquid Limit > 50%			MH	Inorganic silts, micaceous or diatomaceous fine sand or silty soils
				CH	Inorganic clays of high plasticity, fat clays
				OH	Organic clays of medium to high plasticity, organic silts
Highly Organic Soils				Pt	Peat, humus, swamp soils with organic contents
Miscellaneous Fill				FILL	Miscellaneous fill may belong in any division but is identified as FILL

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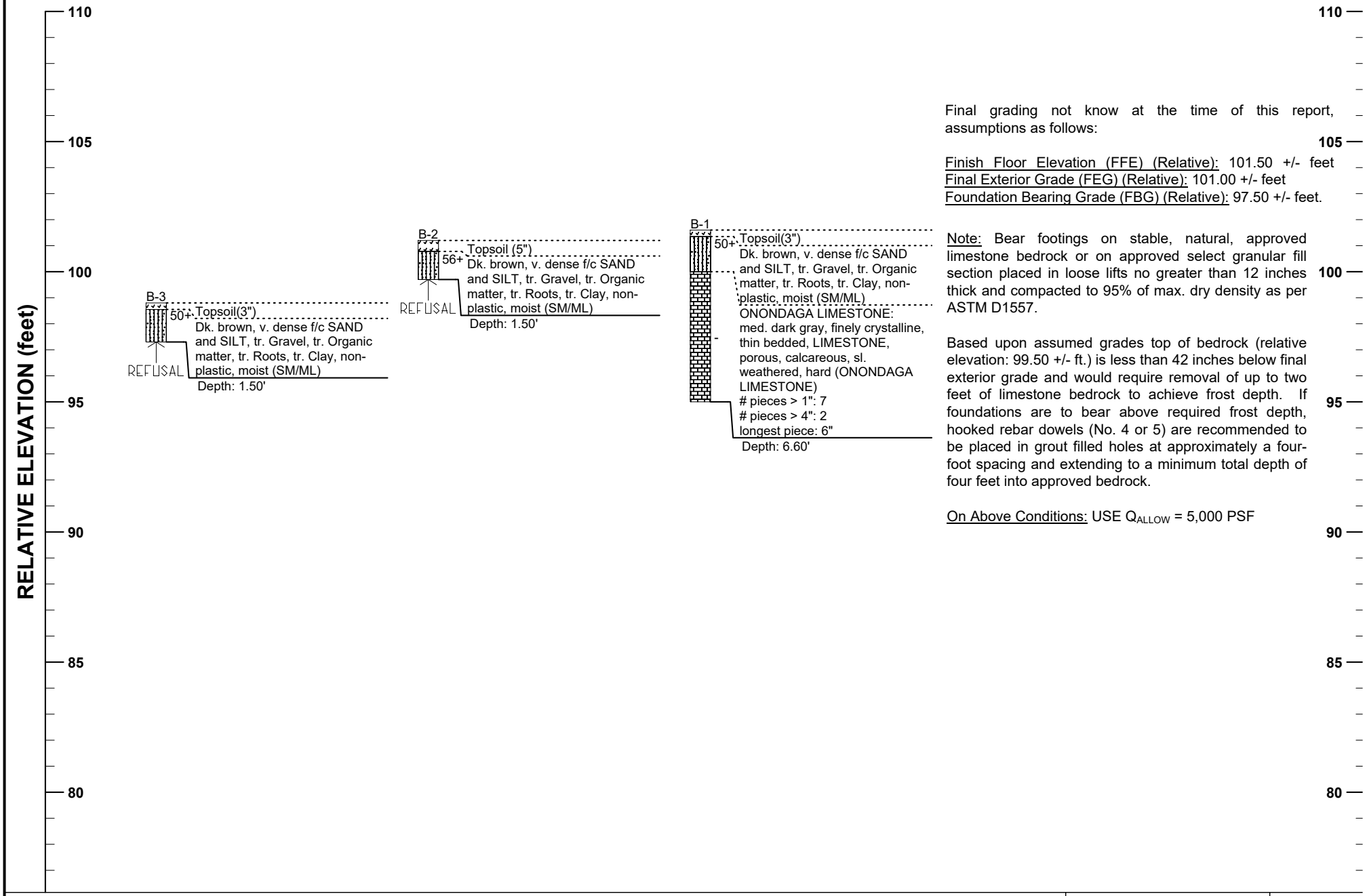
APPENDIX C

ENGINEERING COMPUTATIONS AND SCHEMATICS

"PROFILE OF BORINGS"



Final grading not know at the time of this report, assumptions as follows:

Finish Floor Elevation (FFE) (Relative): 101.50 +/- feet
Final Exterior Grade (FEG) (Relative): 101.00 +/- feet
Foundation Bearing Grade (FBG) (Relative): 97.50 +/- feet.

Note: Bear footings on stable, natural, approved limestone bedrock or on approved select granular fill section placed in loose lifts no greater than 12 inches thick and compacted to 95% of max. dry density as per ASTM D1557.

Based upon assumed grades top of bedrock (relative elevation: 99.50 +/- ft.) is less than 42 inches below final exterior grade and would require removal of up to two feet of limestone bedrock to achieve frost depth. If foundations are to bear above required frost depth, hooked rebar dowels (No. 4 or 5) are recommended to be placed in grout filled holes at approximately a four-foot spacing and extending to a minimum total depth of four feet into approved bedrock.

On Above Conditions: USE Q_{ALLOW} = 5,000 PSF

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

BARRON & ASSOCIATES, P.C. & BUFFALO DRILLING COMPANY, INC. 10440 MAIN STREET, CLARENCE, NEW YORK 14031	PLOTTED: 1/6/2022 BY: A. Camping	JOB NO.: 21-626
PROJECT: Proposed Five-Story Mixed-Use Building 5226 & 5228 Main Steet (NYS Route 5), Town of Amherst, Erie Co., New York 14221	PAGE NO.: 1 of 3	FIGURE NO.:

Five-Story Mixed-Use Building, 5226 & 5228 Main St., Amherst, NY

Latitude, Longitude: 42.9608, -78.7574

Date	1/6/2022, 3:13:53 PM
Design Code Reference Document	ASCE7-16
Risk Category	II
Site Class	B - Rock

Type	Value	Description
S_S	0.17	MCE_R ground motion. (for 0.2 second period)
S_1	0.045	MCE_R ground motion. (for 1.0s period)
S_{MS}	0.153	Site-modified spectral acceleration value
S_{M1}	0.036	Site-modified spectral acceleration value
S_{DS}	0.102	Numeric seismic design value at 0.2 second SA
S_{D1}	0.024	Numeric seismic design value at 1.0 second SA

Type	Value	Description
SDC	A	Seismic design category
F_a	0.9	Site amplification factor at 0.2 second
F_v	0.8	Site amplification factor at 1.0 second
PGA	0.095	MCE_G peak ground acceleration
F_{PGA}	0.9	Site amplification factor at PGA
PGA_M	0.085	Site modified peak ground acceleration
T_L	6	Long-period transition period in seconds
SsRT	0.17	Probabilistic risk-targeted ground motion. (0.2 second)
SsUH	0.177	Factored uniform-hazard (2% probability of exceedance in 50 years) spectral acceleration
SsD	1.5	Factored deterministic acceleration value. (0.2 second)
S1RT	0.045	Probabilistic risk-targeted ground motion. (1.0 second)
S1UH	0.048	Factored uniform-hazard (2% probability of exceedance in 50 years) spectral acceleration.
S1D	0.6	Factored deterministic acceleration value. (1.0 second)
PGAd	0.5	Factored deterministic acceleration value. (Peak Ground Acceleration)
C_{RS}	0.958	Mapped value of the risk coefficient at short periods
C_{R1}	0.934	Mapped value of the risk coefficient at a period of 1 s

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B&A JOB NO.: 21-626

DATE: 01/05/22

LATERAL EARTH PRESSURE ON GENERIC BLOCK FOUNDATIONS FOR SIGNS, FREE-STANDING RETAINING WALLS, OR BELOW GRADE/BASEMENT/TANK/POOL RETAINING WALLS (Less Than 20 Feet High)

a) Porous filter media, in contact with the basement/below grade foundation wall or retaining walls, protects and is in contact with a minimum 4 inch diameter perforated drainage pipes at the footing/base of the foundation/structural wall (exterior backfill side and interior basement side) and/or weep pipes through the wall, as needed and as applicable.

b) Where recommended, a geotextile filter fabric will protect the gravel filter media from the earth backfill. Overlap unsewn seams as per the manufacturer's recommendations.

c) Waterproof earth side of wall, as is customarily provided in practice.

d) Drainage pipes are connected to an appropriately designed collector pipe, conveyance, and/or sump pump system as is applicable for the intended purpose of the wall and as customarily provided/installed in practice.

e) For potential groundwater table conditions above the top of the basement slab-on-grade condition, install continuous waterstops (with no joints in stop) at wall and floor construction joints, as is customarily provided in practice. Interior intermediate drainage pipes beneath the slab, that are spaced on-center and in both directions, do appear to be needed.

f) Assume a uniformly graded, clean coarse sand or sandy gravel backfills:

* equivalent N-value in a dense state: $(N_1)_{60}$ = 40 blows/foot
* friction angle: ϕ' = 38 degrees {Teng, pg. 12}
* average in-place densities: moist - γ_m = 120 pcf
  saturated - γ_{sat} = 132 pcf submerged - $\gamma' = (\gamma_{sat} - \gamma_w)$ = 70 pcf

g) Assume at base of wall/footing, coefficient of friction against sliding (f_s) at base of wall (Refer to Teng, pg. 320-1):

$f_s = \tan(0.58 \times \phi') = 0.40$ (AREA silty soil to silty coarse-grained soil)

h) Use equivalent fluid pressure design approach {Hough, pg. 249 and NAVFAC pg. 7-10-9}:

* at rest pressure coefficient - $K_0 = 1 - \sin(\phi') = 0.38$
* effective lateral pressure of soil - $\gamma'_l = K_o \times \gamma' = 26.6$ pcf
* hydrostatic pressure - γ_w = 62.4 pcf
* equivalent fluid pressure with water level at the top of the grade at the wall - $\gamma_{eo} = \gamma'_l + \gamma_w$ = 89 pcf (say 90 pcf)
* equivalent fluid pressure with compaction induced lateral stress increase (W&F, pg 409) - $\gamma_{eo} = 2 \times K_o \times \gamma_m$ = 91 pcf (say 90 pcf)
* active pressure case - $K_a = [1 - \sin(\phi')] / [1 + \sin(\phi')] = 0.24$
  $\gamma_{ea} = K_a \times \gamma_m$ = 29 pcf (say 30 pcf)
* passive pressure case - $K_p = [1 + \sin(\phi')] / [1 - \sin(\phi')] = 4.2$
  $\gamma_{ep} = K_p \times \gamma_m$ = 504 pcf (say 330 pcf with a F.S. = 1.5)

		Thoroughly Compacted ⇒⇒		Uniformly Graded & Clean Coarse Sand or Sandy Gravel Fill	Non-Plastic Silty Sand or Sandy Silt Fill	
USE:	Earth Pressure Coefficient	Static Active	=	0.24	0.33	
		Static At-Rest	=	0.76	1.00	
		Static Passive	=	2.80	2.00	(with F.S. = 1.5)
		Static Passive	=	4.20	3.00	(with F.S. = 1.0)
USE:	Equivalent Fluid Pressure	Static Active	=	30 pcf		
		Static At-Rest	=	90 pcf (for rigid walls)		
		Static Passive	=	330 pcf (with F.S. = 1.5)	[500 pcf with (with F.S. = 1.0)]	

[For earthquakes, structural engineer may elect to use the above Static Passive case instead of the below Earthquake Lateral Load for Non-Yielding Wall movement into the soil backfill.]

USE: Simplified Model for Earthquake Lateral Load/Ft. Wall Length @ 0.6 H_{bw} above base. Loads for Non-Yielding Wall. H_{bw} = Earth Height Behind Wall (feet)

Reduce load by 33% for Yielding Wall (active case) = (6.8 psf / foot) x H_{bw}^2 (NYS, S_{ds} = 0.25 g)
(γ_m = 120 pcf for S_{ds} value. Add to Static At Rest/ Active Pressure/Load for unsaturated backfill case) = (13.5 psf / foot) x H_{bw}^2 (NYS, S_{ds} = 0.50 g)
= (17.5 psf / foot) x H_{bw}^2 (NEern NYS, $S_{ds} \le 0.65$ g)

[Above for Site Class C to E soils. Interpolate for other S_{ds} values.
Use 1.75 x values for walls on Class B/A rock or on rigid foundation base. (FEMA NEHRP Guidelines)]

Saturated/Liquified Soil During Earthquake = 132 pcf
(Equivalent Fluid Pressure. Add to inertial hydrodynamic pressure, not presented here.)

{For looser/denser backfills, adjust above pressures by the ratio = new density / 120 pcf or / 132 pcf (for saturated case)}

USE:	Coefficient of Friction Against Sliding (f_s)	=	0.45	(on compacted NYSDOT Item #304.12 or #304.14 gravels)
	(use lowest f_s with no underlying weaker layers)	=	0.35	(on compacted granular soil & non-plastic silt)
		=	0.20	(slab-on-grade on polyethylene on granular fill)
	[with a F.S. = 1.0]	=	0.60/0.50	(on clean, rough, & sound bedrock/smooth bedrock)
	Min. Factor of Safety Against Sliding	=	1.5	*[Rev.9-30-09]*

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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APPENDIX D

GENERAL EARTHWORK SPECIFICATION

BARRON & ASSOCIATES, P.C.
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GENERAL EARTHWORK SPECIFICATIONS

1. GENERAL

1.1. SITE AND SUBSURFACE CONDITIONS

1.1.1. Overview

This specification is included as a courtesy to the clients of *Barron & Associates, PC* and addresses earthwork site preparation. Additions and modifications are necessary to create a job-specific specification. This specification may serve as a basis for the development for a technical specification under Division 31 (Earthwork) and Division 32 (Exterior Improvements).

1.1.2. Site Conditions

The site-specific conditions are described under separate cover or may be available from the OWNER.

1.1.3. Subsurface Conditions

The site-specific subsurface conditions are described under separate cover or may be available from the OWNER.

1.2. REFERENCES

1.2.1. American Standard for Testing and Measurement (ASTM)

- ASTM C136 Standard Test Method for Sieve Analysis of Fine and Coarse Aggregates
- ASTM D6938 Standard Test Methods for In-Place Density and Water Content of Soil and Soil-Aggregate by Nuclear Methods (Shallow Depth)
- ASTM D7928 Standard Test Method for Particle-Size Distribution (Gradation) of Fine-Grained Soils Using the Sedimentation (Hydrometer) Analysis
- ASTM D1140 Standard Test Methods for Determining the Amount of Material Finer than 75-µm (No. 200) Sieve in Soils by Washing
- ASTM D1557 Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lbf/ft^3 (2,700 kN-m/m^3))
- ASTM D2216 Standard Test Methods for Laboratory Determination of Water (Moisture) Content of Soil and Rock by Mass
- ASTM D2487 Standard Practice for Classification of Soils for Engineering Purposes (Unified Soil Classification System)

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- ASTM D4318 Standard Test Methods for Liquid Limit, Plastic Limit, and Plasticity Index of Soils
- ASTM D1883 Standard Test Method for California Bearing Ratio (CBR) of Laboratory-Compacted Soils

1.2.2. Other

- 2018 International Building Code (IBC)
- 2020 Building Code of New York State
- 2020 Residential Code of New York State
- 2021 MasterSpec

1.3. DEFINITIONS

1.3.1. Unacceptable Material

Soil material containing debris, wood, scrap material, vegetation, refuse, soft unsound particles, and other organic, frozen, deleterious, or objectionable materials. Contaminated soils shall be properly documented and removed or remediated on site. If necessary, remediation procedure will be defined by the OWNER.

1.3.2. Unsuitable Material

Brown, organic topsoil and underlying soft pockets of organic silt or wet, reworked silty clay.

1.3.3. Ordinary Fill

Friable soil containing no stone greater than two-thirds loose lift thickness and no unacceptable or unsuitable materials. In general, existing random fill is expected to be acceptable for reuse as ordinary fill given proper sorting, blending, drying, and controlled placement methods.

1.3.4. Granular Fill

Ordinary fill meeting the designation of ASTM D2487 classification of GW with a maximum of 10 percent by weight passing ASTM D1140, No. 200 sieve.

1.3.5. Select Granular Fill

Clean, uncoated soil which contains no unacceptable materials and conforms to the gradation requirements defined in Table A: Select Granular Fill.

Table A: Select Granular Fill

Sieve Size	Percent Finer by Weight
⅔ of the loose lift thickness	100
No. 10	30 - 95
No. 40	10 - 70
No. 200	0 - 15

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1.3.6. Sand and Gravel

Clean, hard, durable, uncoated particle of sand and gravel, free from lumps of clay, containing no unacceptable matter, and conforming to gradation requirements of Table B: Sand and Gravel.

Table B: Sand and Gravel	
Sieve Size	Percent Finer by Weight
*	100
No. 4	50 - 85
No. 10	
No. 40	10 - 35
No. 100	
No. 200	0 - 8

* Job-Specific. To be determined by the ENGINEER

1.3.7. Crushed Stone

Clean, durable, sharp-angled fragments of rock or crushed gravel stone of uniform quality, containing no unacceptable matter, free from coatings, and conforming to gradation requirements of Table C: Crushed Stone.

Table C: Crushed Stone		
Sieve Size	Percent Finer by Weight	
	¾-inch Stone	1 ¼-inch Stone
1 ½-inch		100
1 ¼-inch		85 - 100
1-inch	100	
¾-inch	90 - 100	10 - 40
⅝-inch		
½-inch	10 - 50	0 - 8
⅜-inch	0 - 20	
No. 4	0 - 5	

1.3.8. Flowable Fill

Also known as Controlled Low Strength Material – Controlled Density Fill (CLSM-CDF), this material is available under a variety of producer names (e.g., K-Krete©, M-Crete, Flash Fill©, Flowable Mortar, Unshrinkable Fill, etc.). This non-settling backfill mixture is most commonly used for its flowable characteristics, its support strength under traffic loads, and its removability at a later date. The material may be produced on-site or off-site. In either case, the producer

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of such materials and the product must meet certain certification criteria. Such information is beyond the scope of this specification and will be considered on a site-specific basis.

Flowable fill may be acceptable for use as a backfill for utility trenches of other low-lying areas which require a compacted granular fill. Its use and warranty of performance is left to the CONTRACTOR in such applications.

The use of flowable fill under load-bearing structural components in place of properly placed and compacted granular fill is NOT common and is questionable. The localized use of such material may have profound effects on the performance of a foundation system. Site-specific conditions and the extent of anticipated use of flowable fill must be examined by geotechnical engineer. Cost of such consultation shall be borne by the CONTRACTOR unless specifically directed by the OWNER to seek such consultation. Without such consultation, warranty of performance for such use is left to the CONTRACTOR.

1.4. SUBMITTALS

The following submittals shall be provided in accordance with approved submittals procedures.

(1) Fill Source: Provide name and source locations of fill material.

(2) Field Test Reports: Field tests will be performed by OWNER's Representative as needed. CONTRACTOR may be required to perform such tests on proposed off-site fill materials.

(a) Fill material grain size analyses per ASTM C136, D7928, D1140, D2487

(b) Moisture/Density test results per ASTM D2216

(c) Liquid limit, plastic limit, and plasticity index per ASTM D4318

(d) Compaction/Density test results per ASTM D6938 and D1557

(3) Sample: Geotextile fabric

2. PRODUCTS

Geotextile Fabric: Mirafi 600X or equal. (Also referred to as synthetic fabric).

3. EXECUTION

3.1. PROTECTION

3.1.1. General

Manner of excavation shall minimize disturbance of underlying natural ground. If deemed necessary by the Engineer, alter construction procedures to reduce subgrade disturbance.

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Excavate areas which have been excessively disturbed to firm ground and backfill with properly compacted granular fill.

3.1.2. Roads and Walks

Keep roads and walks free of dirt and debris at all times.

3.1.3. Trees, Shrubs, and Existing Facilities

Protect from any damage all vegetation and facilities identified to remain.

3.1.4. Utility Lines

Locate all utilities within the area of disturbance prior to the start of work. Show locations on initial plans. Protect utility lines from damage. Notify the ENGINEER immediately of damage to or an encounter with an unknown utility. Damage to utility lines are to be repaired by the CONTRACTOR at no additional cost. The CONTRACTOR shall have underground utility owners stake out utility locations prior to the start of clearing and excavation operations.

3.2. VERIFICATION OF CONDITIONS / PROOF-ROLLING

Prior to placement of the initial layer of fill over the natural ground, proof-roll the exposed natural ground above the groundwater table elevation by making two passes with a fully-loaded ten-wheel truck. Excavate unstable areas detected by this process and replace with compacted granular fill.

3.3. PREPARATION

3.3.1. Surface Preparation

Within the site limits indicated on the drawings, excavate all unsuitable material to firm natural ground in the manner specified herein. Follow a construction procedure which permits visual identification of firm natural ground. In the even that groundwater is encountered, the ENGINEER may require that the size of the open excavation be limited to that which can be handled by open pumping to allow visual inspection of the excavation bottom and the performance of backfill operations to be conducted in a dry state.

Excavation of unsuitable material shall be limited to the greater of the following:

- A distance of 5 feet beyond building lines or
- The area defined by a one-horizontal to one-vertical line sloping down from the outside bottom edge of exterior footings to firm natural ground.

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3.4. PLACEMENT AND COMPACTION

3.4.1. General

Place fill in accordance with Table D: Compaction Alternatives. These alternatives are provided as minimum compaction standards only and in no way relieve the CONTRACTOR of his obligation to achieve any specified degree of compaction by whatever means may be necessary.

Grade to provide positive drainage and a smooth surface which will readily shed water. To the extent practicable, compact each layer to the specified density on the same day placed. Place fill in horizontal layers. Where horizontal layers meet a natural slope, key layer into slope by cutting a bench.

Fill that is too wet for proper compaction: Disc, harrow, or otherwise dry to proper moisture content for compaction to the required density.

Fill that is too dry for proper compaction: Uniformly apply water over the surface of the loose layer in sufficient quantity to allow compaction to the required density.

Table D: Compaction Alternatives

Compaction Method	Maximum Stone Size	Maximum Loose Lift Thickness (inches)		Maximum Number of Passes	
		Below Structure and Pavements	Less-Critical Areas	Below Structure and Pavements	Less-Critical Areas
Hand operated vibratory plate of light roller in confined areas.	3	4	4	4	4
Hand operated vibratory drum rollers weighing at least 1,000 pounds in confined areas.	4	6	8	4	4
Loaded 10-wheel truck or D-8 crawler.	6	10	12	4	2
Light vibratory drum roller; Min. weight at drum 8,000lbs; Min. dynamic force 10,000lbs.	8	12	12	6	2
Minimum vibratory drum; Min. weight at drum 10,000lbs; Min. dynamic force 20,000lbs.	8	18	18	6	4

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3.4.2. Dewatering

Provide adequate pumping and drainage facilities to keep excavated areas sufficiently dry of groundwater and surface run-off. Dewatering shall avoid adversely affection construction procedures or causing excessive disturbance of underlying natural ground. Drain all pumped water in such a manner as to avoid damage to adjacent property.

If requested by the ENGINEER, place a 6-inch to 12-inch layer of sand and gravel or crushed stone over the natural underlying soil to stabilize area which have been disturbed due to groundwater seepage pressures and to expedite dewatering operations. Particular attention shall be given areas under proposed foundations.

3.5. FIELD QUALITY CONTROL

3.5.1. Compaction Requirements

Allow the ENGINEER sufficient time to make necessary observations and tests. Base the degree of compaction on maximum dry density as determined by ASTM D1557. The minimum degree of compaction for placed fill shall be as indicated in Table E: Compaction Requirements.

Table E: Compaction Requirements

Area	Minimum Degree of Compaction (%)
Below foundation.	95
Pavement and building subbase and base courses.	95
Below building slab base course and above bottom of foundation.	92
Below pavement subbase and base courses.	90
Trench backfill outside of building.	90
Trench backfill inside of building.	Refer to one of the above- listed categories
Ordinary fill within 5 feet of grade.	90
Vegetated areas below 5 feet of grade.	85

3.5.2. Testing

Site work should be monitored and tested by geotechnical ENGINEER or his representative and in accordance with requirements of the design team to assure compliance with earthwork and foundation construction specifications.

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The owner will retain a geotechnical ENGINEER or his representative to perform on-site observations and testing during this phase of construction operations. The geotechnical ENGINEER or his representative will:

- Observe excavation and dewatering of building and controlled fill areas;
- Observe backfill and compaction within building and controlled fill areas;
- Laboratory test and analyze fill material; and
- Observe construction – and performing water content, gradation, and compaction tests.

On a timely basis, the CONTRACTOR will receive copies of test results submitted to the OWNER. In addition, during construction the geotechnical ENGINEER will advise the OWNER and CONTRACTOR in writing of conditions which fail to conform to the Contract Documents. The CONTRACTOR shall take immediate action to remedy indicated deficiencies.

The geotechnical ENGINEER or his representative will not supervise or direct the actual work of the CONTRACTOR or employees and representatives of the CONTRACTOR. The presence of, observations by, and testing performed by the geotechnical ENGINEER or his representatives shall not excuse the CONTRACTOR from defects discovered in the work.

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APPENDIX E

LIMITATIONS

LIMITATIONS

1. This report is based on the data that was obtained from the subsurface explorations and on the design of the proposed mixed-use building as submitted to the geotechnical engineer. A geotechnical engineer, who is experienced in foundation construction and earthwork, should be engaged to review the final design and specifications in order to determine whether any change in concept may have any effect on the validity of the conclusions presented herein, and whether these conclusions have, in fact, been implemented in the design and specifications.

2. The subsurface conditions, including thickness, between the exploration locations are approximate and simplified representations of the strata and transitions. There is the possibility that variations in soil and rock conditions and boundaries will be encountered during construction. In order to permit correlation between the exploratory soil data and the actual soil conditions encountered during construction and so as to assess conformance with the plans and specifications as originally contemplated, it is recommended that a geotechnical engineer, who is experienced in foundation construction and earthwork monitoring, should be retained to perform continuous construction review during the site preparation and foundation construction operations.

3. The subsurface exploration logs and subsurface conditions may aid in estimating material quality and quantities, such as topsoil/organic matter, fills, natural soils, and rock, but are not to be relied upon as the exclusive means for bid preparation purposes. It is the responsibility of the contractor to perform any additional site examinations and explorations and to prepare an accurate bid.

4. Disclaimers:

   a. In the event that any changes in the nature, design or location of the structure are planned, the conclusions that are contained in this report shall not be considered valid unless the changes are reviewed and the conclusions of this report are modified or verified in writing.

   b. The geotechnical engineering report has been prepared for this project by Barron & Associates, P.C. This report is for assistance in design only and is not a sufficient basis on which to prepare an accurate bid.

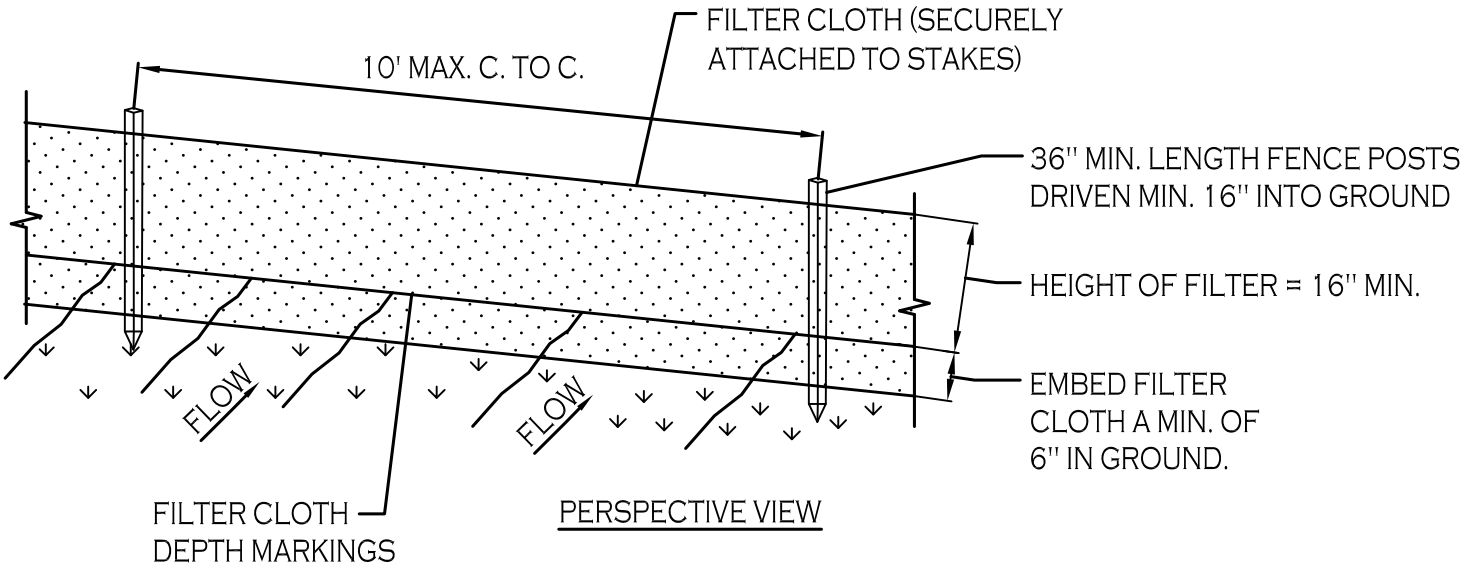
   c. This report has been prepared for the exclusive use of Ellicott Development of Buffalo, New York, their client(s), and their designated design representatives, for specific application to the construction of a five-story, mixed-use building at 5226 & 5228 Main Street (NYS Route 5), in the Town of Amherst, Erie County, New York and in accordance with generally accepted geotechnical engineering practice. No other warranty, expressed or implied, is made.

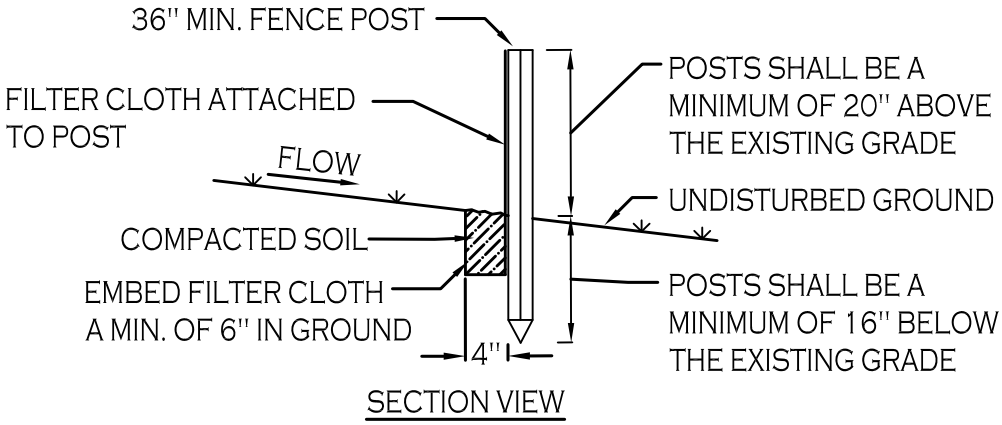
Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Appendix J

Standard Erosion Control Details

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)





CONSTRUCTION SPECIFICATIONS

1. WOVEN FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.

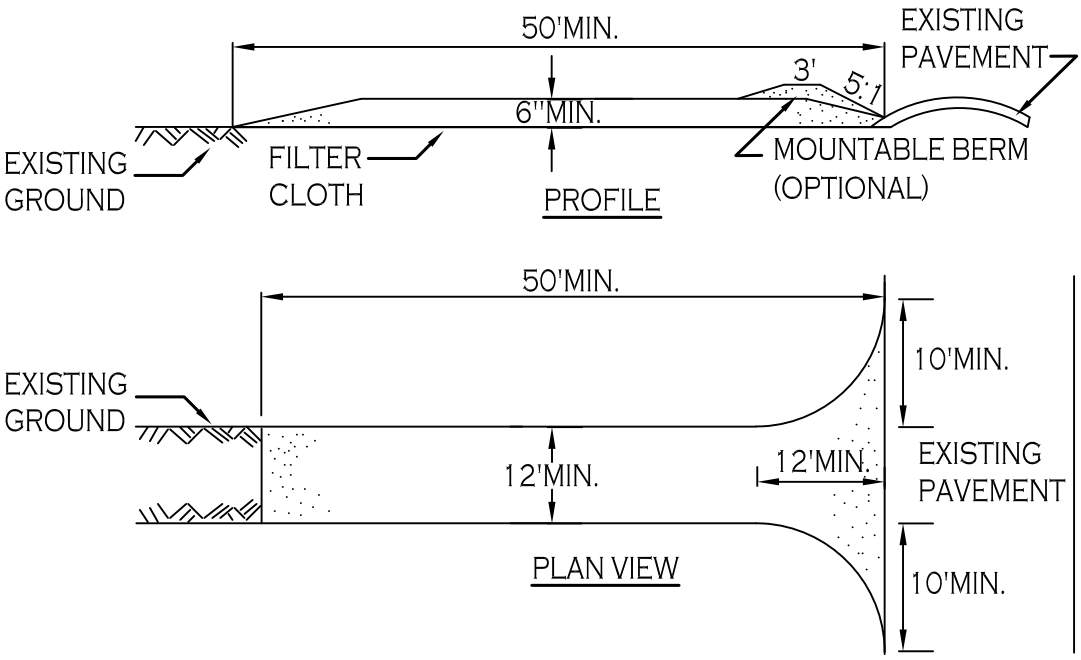
2. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVER-LAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.

3. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

SILT FENCE DETAIL

NOT TO SCALE

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



CONSTRUCTION SPECIFICATIONS

1. STONE SIZE - USE 2" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.

2. LENGTH - NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).

3. THICKNESS - NOT LESS THAN SIX (6) INCHES.

4. WIDTH - TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. TWENTY-FOUR (24) FOOT IF SINGLE ENTRANCE TO SITE.

5. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.

6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.

7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY, ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACTED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.

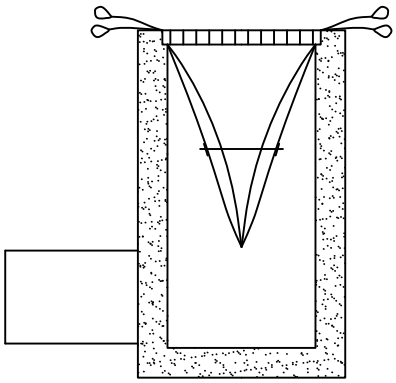
8. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON A AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.

9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

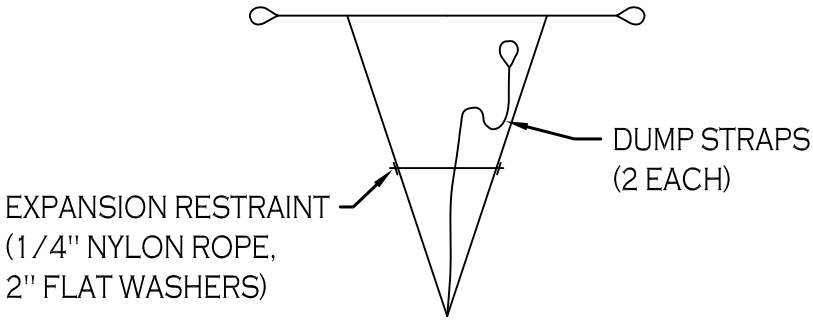
STABILIZED CONSTRUCTION ENTRANCE DETAIL

NOT TO SCALE

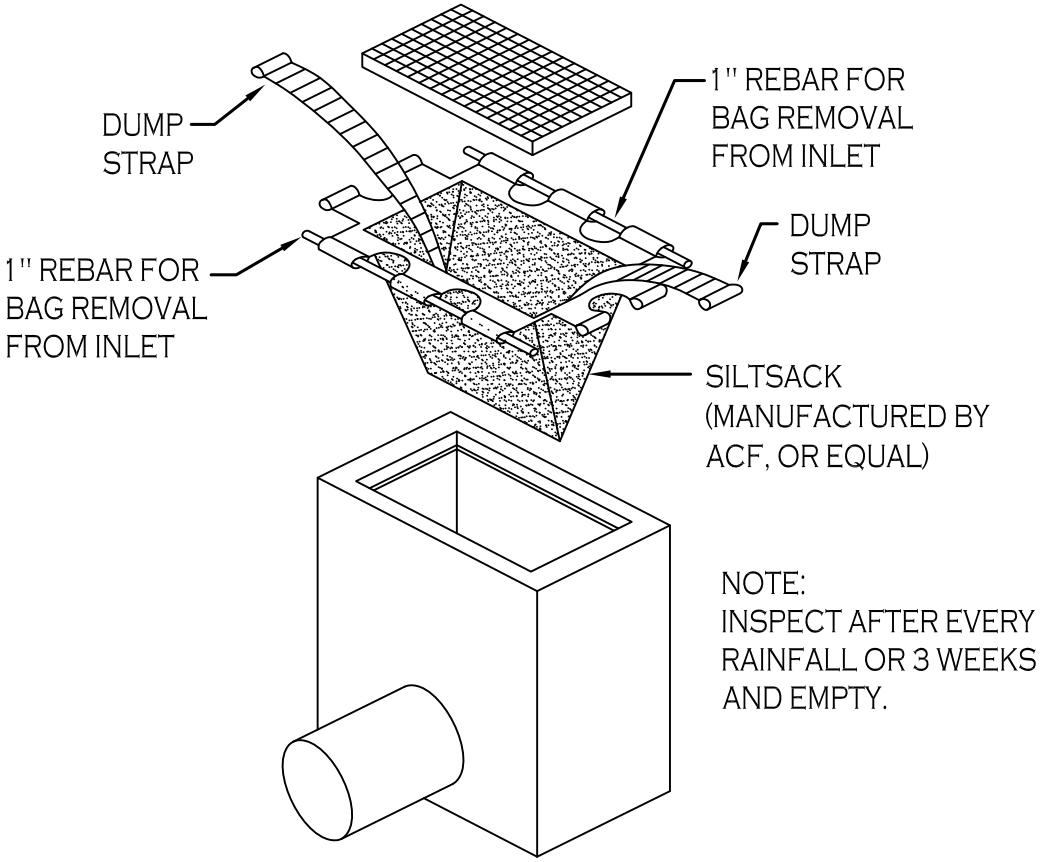
Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



INSTALLATION DETAIL



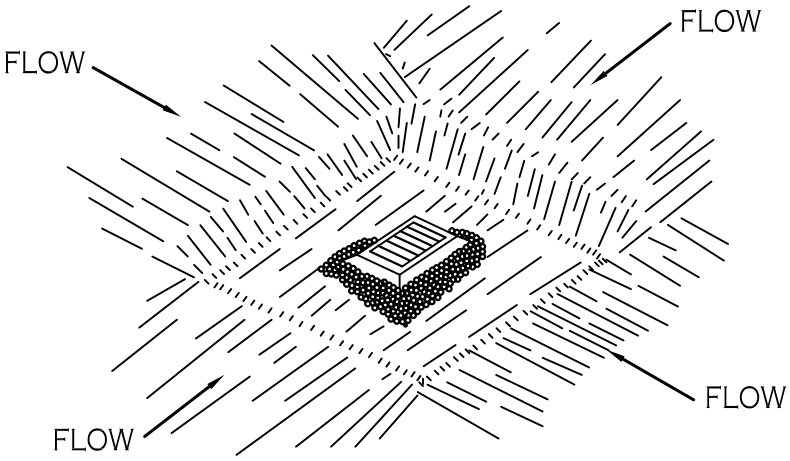
BAG DETAIL

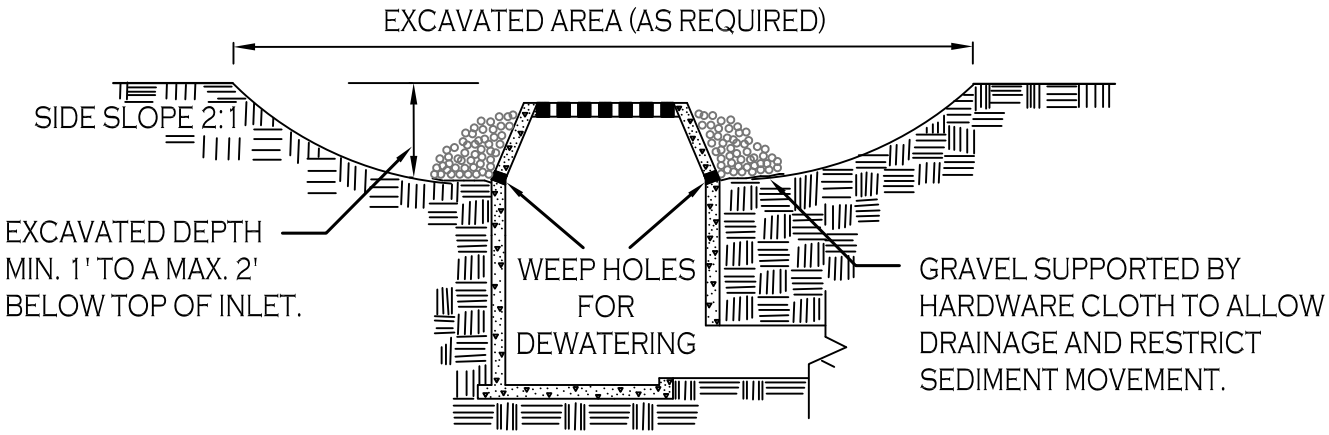


SILT SACK DETAIL

NOT TO SCALE

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)





CONSTRUCTION SPECIFICATIONS

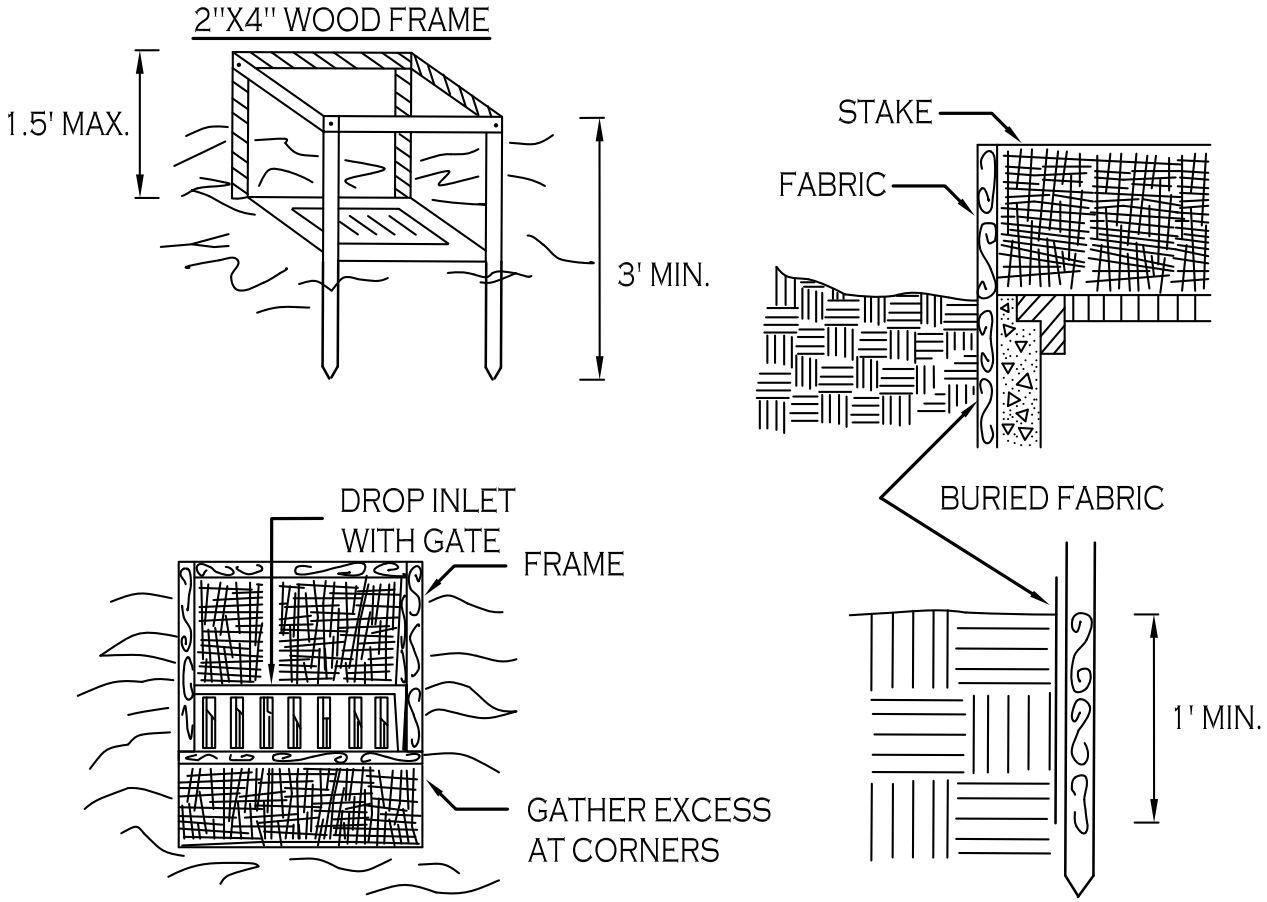
1. CLEAR THE AREA OF ALL DEBRIS THAT WILL HINDER EXCAVATION.
2. GRADE APPROACH TO THE INLET UNIFORMLY AROUND THE BASIN.
3. WEEP HOLES SHALL BE PROTECTED BY GRAVEL.
4. UPON STABILIZATION OF CONTRIBUTING DRAINAGE AREA, SEAL WEEP HOLES, FILL BASIN WITH STABLE SOIL TO FINAL GRADE, COMPACT IT PROPERLY AND STABILIZE WITH PERMANENT SEEDING.

MAXIMUM DRAINAGE AREA 1 ACRE

INLET PROTECTION DETAIL 1

NOT TO SCALE

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



CONSTRUCTION SPECIFICATIONS

1. FILTER FABRIC SHALL HAVE AN EOS OF 40-85. BURLAP MAY BE USED FOR SHORT TERM APPLICATIONS.

2. CUT FABRIC FROM A CONTINUOUS ROLL TO ELIMINATE JOINTS. IF JOINTS ARE NEEDED THEY WILL BE OVERLAPPED TO THE NEXT STAKE.

3. STAKE MATERIALS WILL BE STANDARD 2" x 4" WOOD OR EQUIVALENT. METAL WITH A MINIMUM LENGTH OF 3 FEET.

4. SPACE STAKES EVENLY AROUND INLET 3 FEET APART AND DRIVE A MINIMUM 18 INCHES DEEP. SPANS GREATER THAN 3 FEET MAY BE BRIDGED WITH THE USE OF WIRE MESH BEHIND THE FILTER FABRIC FOR SUPPORT.

5. FABRIC SHALL BE EMBEDDED 1 FOOT MINIMUM BELOW GROUND AND BACKFILLED. IT SHALL BE SECURELY FASTENED TO THE STAKES AND FRAME.

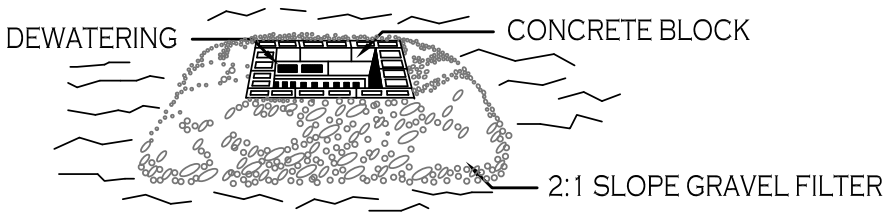
6. A 2" x 4" WOOD FRAME SHALL BE COMPLETED AROUND THE CREST OF THE FABRIC FOR OVER FLOW STABILITY.

MAXIMUN DRAINAGE AREA 1 ACRE

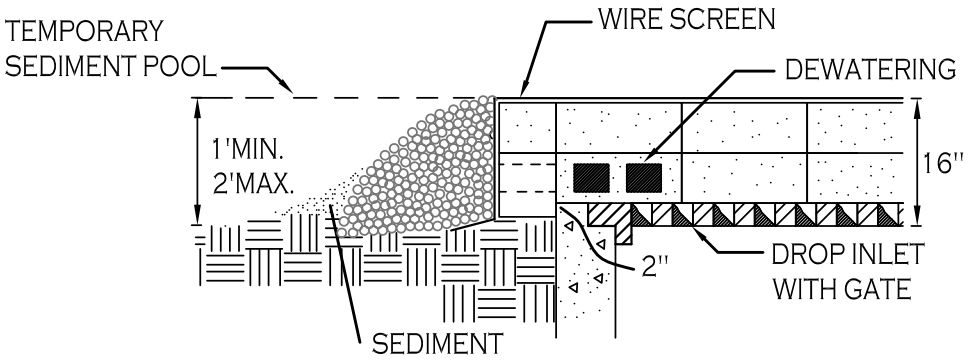
INLET PROTECTION DETAIL 2

NOT TO SCALE

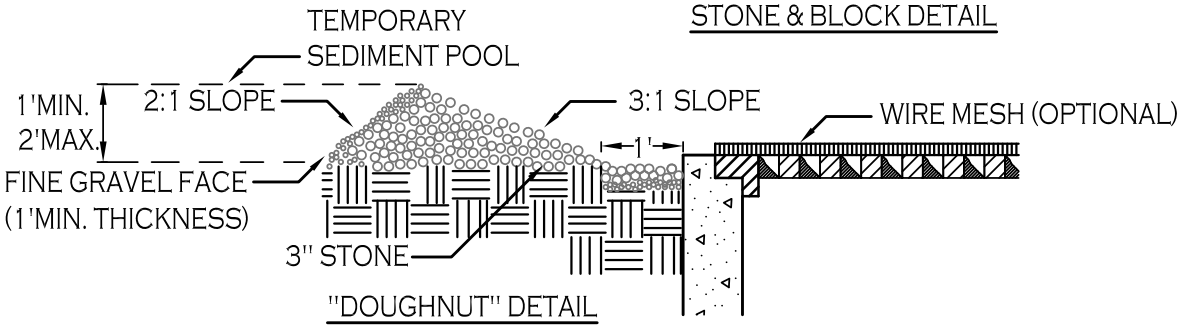
Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



STONE & BLOCK PLAN VIEW



STONE & BLOCK DETAIL



"DOUGHNUT" DETAIL

CONSTRUCTION SPECIFICATIONS

1. LAY ONE BLOCK ON EACH SIDE OF THE STRUCTURE ON ITS SIDE FOR DEWATERING. FOUNDATION SHALL BE 2 INCHES MINIMUM BELOW REST OF INLET AND BLOCKS SHALL BE PLACED AGAINST INLET FOR SUPPORT.

2. HARDWARE CLOTH OR 1/2" WIRE MESH SHALL BE PLACED OVER BLOCK OPENINGS TO SUPPORT STONE.

3. USE CLEAN STONE OR GRAVEL 1/2-3/4 INCH IN DIAMETER PLACED 2 INCHES BELOW TOP OF THE BLOCK ON A 2:1 SLOPE OR FLATTER.

4. FOR STONE STRUCTURES ONLY, A 1 FOOT THICK LAYER OF THE FILTER STONE WILL BE PLACED AGAINST THE 3 INCH STONE AS SHOWN ON THE DRAWINGS.

MAXIMUM DRAINAGE AREA 1 ACRE

INLET PROTECTION DETAIL 3

NOT TO SCALE

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

EXISTING TREE PROTECTION FENCE

MATERIALS

MATERIALS FOR TEMPORARY PLASTIC BARRIER FENCES SHALL MEET THE FOLLOWING REQUIREMENTS:

- FENCE: HIGH-DENSITY POLYETHYLENE MESH, ULTRAVIOLET-STABILIZED MIN. 2 YEARS; MINIMUM HEIGHT 4.0 FEET. COLOR: HIGH-VISIBILITY ORANGE OR GREEN. WHEN USED TO PROTECT TREES OR OTHER VEGETATION, COLOR SHALL BE HIGH-VISIBILITY ORANGE.
- POSTS: RIGID METAL OR WOOD POSTS, MINIMUM LENGTH 6.0 FEET.
- TIES: STEEL WIRE, #14 GAUGE OR NYLON CABLE TIES.
- WARNING SIGNS: SHEET METAL, PLASTIC OR OTHER RIGID, WATERPROOF MATERIAL, 1.5 FEET BY 2.0 FEET WITH 4 INCH BLACK LETTERS ON A WHITE BACKGROUND. TEXT SHALL BE: "PROTECTED SITE - KEEP OUT" UNLESS OTHERWISE SPECIFIED.

DETAILS

FENCES SHALL BE ERECTED PRIOR TO MOVING CONSTRUCTION EQUIPMENT ONTO ANY AREA DESIGNATED FOR PROTECTION.

THE LINE OF FENCES SHALL BE STAKED OR MARKED OUT ON THE GROUND BY THE CONTRACTOR AND APPROVED BY THE ENGINEER/OWNER BEFORE ANY FENCE IS INSTALLED. WHERE USED FOR PROTECTION OF INDIVIDUAL TREES, FENCE SHALL BE PLACED AT THE DRIP LINE (EXTENT OF CANOPY). IF NOT POSSIBLE, PLACEMENT SHALL BE AS CLOSE TO THE DRIP LINE AS POSSIBLE AND IN NO CASE LESS THAN 5.0 FEET AWAY FROM THE TREE TRUNK.

ON APPROVAL OF THE STAKEOUT, POSTS SHALL BE SECURELY DRIVEN ON 6.0 FOOT-MAXIMUM CENTERS, NORMAL TO THE GROUND, TO A DEPTH 1/3 OF THE TOTAL POST LENGTH. PLASTIC BARRIER FENCE SHALL BE PLACED ALONG THE SIDE OF ALL POSTS. ENDS OF FENCING SEGMENTS SHALL OVERLAP A DISTANCE OF AT LEAST ONE HALF THE FENCE HEIGHT.

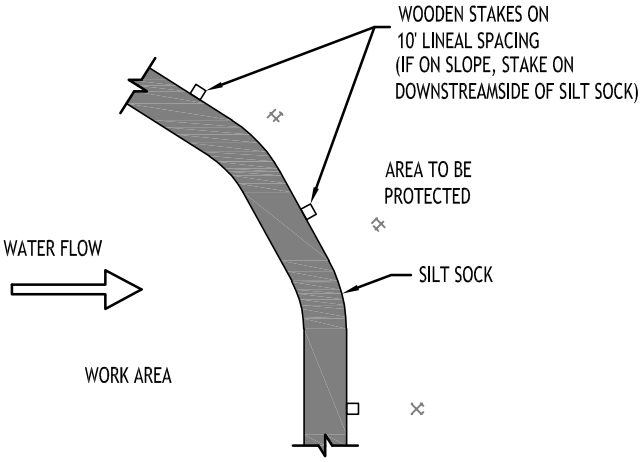
FENCING SHALL BE SECURED TO POSTS WITH WIRE OR CABLE TIES AT TOP, MIDDLE AND BOTTOM OF POST. FASTENER SHALL BE TIGHT ENOUGH TO PREVENT THE FENCING FROM SLIPPING DOWN. OVERLAPS SHALL ALSO BE SECURELY FASTENED.

BARRIER FENCE WHICH IS NOT ORANGE IN COLOR SHALL BE FLAGGED AT 6.0 FOOT INTERVALS WITH RED OR ORANGE FLORESCENT TAPE. WARNING SIGNS SHALL BE MOUNTED ON THE FENCE AT NO MORE THAN 100 FOOT INTERVALS.

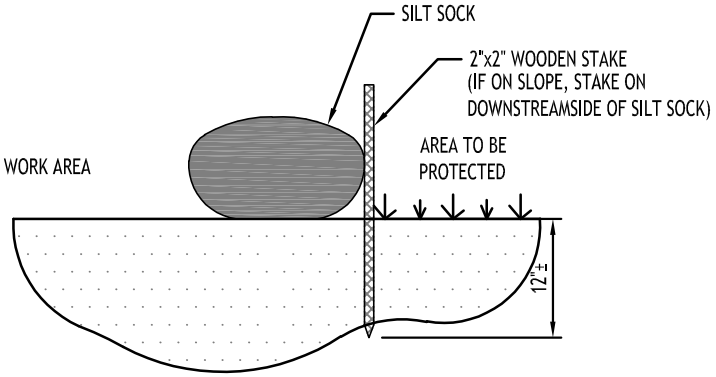
MAINTENANCE SHALL COMMENCE IMMEDIATELY AFTER ERECTION OF THE FENCE AND CONTINUE UNTIL ONE WEEK PRIOR TO ACCEPTANCE OF THE CONTRACT, AND SHALL CONSIST OF: REPLACING DAMAGED POST(S) AND FENCING; RE-FASTENING AND TIGHTENING FENCING; AND RESTORING FENCE TO ITS INTENDED HEIGHT.

FENCING USED FOR TREE OR OTHER VEGETATION PROTECTION SHALL NOT BE TEMPORARILY REMOVED TO ALLOW EQUIPMENT ACCESS OVER A PROTECTED AREA, EXCEPT AS REQUIRED FOR ITEMS OF WORK SPECIFICALLY SHOWN ON THE PLANS AND APPROVED BY THE ENGINEER IN WRITING.

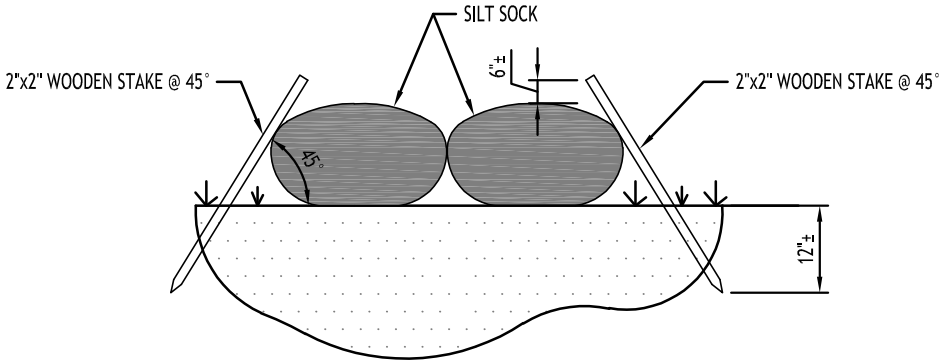
Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



PLAN VIEW



SECTION VIEW



SECTION VIEW @ JOINT OVERLAP

NOTES:

CONTRACTOR SHALL INSPECT AND MAINTAIN SILT SOCK AS NEEDED DURING THE DURATION OF CONSTRUCTION PROJECT.

CONTRACTOR SHALL REMOVE SEDIMENT COLLECTED AT THE BASE OF THE SILT SOCK WHEN IT HAS REACHED $\frac{1}{2}$ OF THE EXPOSED HEIGHT OF THE SILT SOCK. ALTERNATIVELY, RATHER THAN CREATE A SOIL DISTURBING ACTIVITY, THE ENGINEER MAY CALL FOR ADDITIONAL SILT SOCK TO BE ADDED AT AREAS OF HIGH SEDIMENTATION, PLACED IMMEDIATELY ON TOP OF THE EXISTING SEDIMENT LADEN SILT SOCK.

SILT SOCK SHALL BE OVERLAPPED 12" AT JOINTS AND STAKED ON EACH SIDE OF THE SOCK AT A 45° ANGLE

SILT SOCK DETAIL

NOT TO SCALE

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Appendix K

NYSDEC Stormwater Management Inspection Lists

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Bioretetion Areas (F-5)

Description: Shallow stormwater basin or landscaped area which utilizes engineered soils and vegetation to capture and treat runoff. The practice is often located in parking lot islands, and can also be used to treat residential areas.

KEY CONSIDERATIONS

CONVEYANCE

- Provide overflow for the 10-year storm to the conveyance system.
- Conveyance to the system is typically overland flow delivered to the surface of the system, typically through curb cuts or over a concrete lip.

PRETREATMENT

- Pretreatment consists of a grass channel or grass filter strip, a gravel diaphragm, and a mulch layer, sized based on the methodologies described in Section 6.4.2.

TREATMENT

- Treatment area should have a four foot deep planting soil bed, a surface mulch layer, and a 6" ponding layer.
- Size the treatment area using equations provided in Chapter 6.

LANDSCAPING

- Detailed landscaping plan required.

MAINTENANCE

- Inspect and repair/replace treatment area components
- Stone drop (at least 6") provided at the inlet
- Remulch annually

STORMWATER MANAGEMENT SUITABILITY

- [X] Water Quality
- [ ] Channel Protection
- [ ] Overbank Flood Protection
- [ ] Extreme Flood Protection

Accepts Hotspot Runoff: *Yes*
(requires impermeable liner)

IMPLEMENTATION CONSIDERATIONS

- [M] Capital Cost
- [M] Maintenance Burden

Residential
Subdivision Use: *Yes*

High Density/Ultra-Urban: *Yes*

Drainage Area: *5 acres max.*

Soils: *Planting soils must meet specified criteria; No restrictions on surrounding soils*

Other Considerations:

- *Use of native plants is recommended*

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

	Key: L=Low **M**=Medium **H**=High **POLLUTANT REMOVAL** **G** Phosphorus **G** Nitrogen **G** Metals - Cadmium, Copper, Lead, and Zinc removal **F** Pathogens – Coliform, Streptococci, E.Coli removal **Key**: **G**=Good **F**=Fair **P**=Poor

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Bioretention Construction Inspection Checklist

Project:
Location:
Site Status:

Date:

Time:

Inspector:

CONSTRUCTION SEQUENCE	SATISFACTORY/ UNSATISFACTORY	COMMENTS
1. Pre-Construction		
Pre-construction meeting		
Runoff diverted		
Facility area cleared		
If designed as exfilter, soil testing for permeability		
Facility location staked out		
2. Excavation		
Size and location		
Lateral slopes completely level		
If designed as exfilter, ensure that excavation does not compact susoils.		
Longitudinal slopes within design range		

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

CONSTRUCTION SEQUENCE	SATISFACTORY / UNSATISFACTORY	COMMENTS
3. Structural Components		
Stone diaphragm installed correctly		
Outlets installed correctly		
Underdrain		
Pretreatment devices installed		
Soil bed composition and texture		
4. Vegetation		
Complies with planting specs		
Topsoil adequate in composition and placement		
Adequate erosion control measures in place		
5. Final Inspection		
Dimensions		
Proper stone diaphragm		
Proper outlet		
Soil/ filter bed permeability testing		
Effective stand of vegetation and stabilization		
Construction generated sediments removed		
Contributing watershed stabilized before flow is diverted to the practice		

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Comments:

Actions to be Taken:

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Bioretention Operation, Maintenance and Management Inspection Checklist

Project:
Location:
Site Status:

Date:

Time:

Inspector:

MAINTENANCE ITEM	SATISFACTORY / UNSATISFACTORY	COMMENTS
1. Debris Cleanout (Monthly)		
Bioretention and contributing areas clean of debris		
No dumping of yard wastes into practice		
Litter (branches, etc.) have been removed		
2. Vegetation (Monthly)		
Plant height not less than design water depth		
Fertilized per specifications		
Plant composition according to approved plans		
No placement of inappropriate plants		
Grass height not greater than 6 inches		
No evidence of erosion		
3. Check Dams/Energy Dissipaters/Sumps (Annual, After Major Storms)		
No evidence of sediment buildup		

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

MAINTENANCE ITEM	SATISFACTORY / UNSATISFACTORY	COMMENTS
Sumps should not be more than 50% full of sediment		
No evidence of erosion at downstream toe of drop structure		
4. Dewatering (Monthly)		
Dewaters between storms		
No evidence of standing water		
5. Sediment Deposition (Annual)		
Swale clean of sediments		
Sediments should not be > 20% of swale design depth		
6. Outlet/Overflow Spillway (Annual, After Major Storms)		
Good condition, no need for repair		
No evidence of erosion		
No evidence of any blockages		
7. Integrity of Filter Bed (Annual)		
Filter bed has not been blocked or filled inappropriately		

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Comments:

Actions to be Taken:

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

BARRON & ASSOCIATES, P.C.
Geotechnical Consulting and Special Inspections
10440 Main Street (716) 759-7821
Clarence, NY 14031 www.barronandassociatespc.com

January 6, 2022 Job No: 21-626

Ellicott Development
295 Main Street, Suite 210
Buffalo, New York 14203

ATTN: Mr. Jeremy P. Wassel

RE: Geotechnical Engineering Report
Proposed Five-Story, Mixed-Use Building
5226 & 5228 Main Street (NYS Route 5)
Town of Amherst, Erie Co., New York 14221

Mr. Wassel:

This report presents the findings of the subsurface investigation program and geotechnical engineering recommendations for the above referenced project. The geographic orientation of the project site is illustrated on the U.S. Geologic Survey (USGS) site location map in Figure No. 1. The project site is illustrated in Figure No. 2, entitled "Test Boring Location Plan", which includes: the approximate location of three test borings that were drilled by Buffalo Drilling Company, Inc. (BDC); relative ground surface elevations; and additional site details.

EXPLORATION METHODS

Sampling Method: A track-mounted Diedrich D-50 rotary drill rig was used to drill three borings each to shallow auger refusal below ground surface by using 4-1/4 inch inside diameter (ID), continuous flight hollow stem augers. Samples were recovered by driving a standard split-spoon sampler (2-foot long by 1-3/8 inch inside diameter) 24 inches with a 140-pound hammer falling 30 inches per blow per the American Society of Testing and Materials (ASTM) Standard D1586. The number of blows from six to 18 inches of penetration is defined as the Standard Penetration Test (SPT) N-value. Auger refusal, which may infer the top of bedrock, was encountered at each boring location approximately one and one half feet deep. At boring B-1, bedrock was confirmed by coring to a depth of five feet below auger refusal. Bedrock coring efforts were done with an Nx-sized (2-1/8 ± inch I.D.) core barrel and impregnated diamond bit in accordance with ASTM Method D2113.

Any encountered groundwater conditions are documented in the field on the driller's logs for each test boring. If indicators of groundwater are observed on the sampling equipment, the depth to groundwater is also checked and measured through the hollow stem augers at the completion of the sampling efforts.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Classification: The retrieved soil and fill samples were initially logged in the field by the driller, and a portion of each sample was placed and sealed in a glass jar. The boring logs, which are included in Appendix A, were based upon the field logs and a second visual classification of recovered samples in the laboratory by a geologist. Classification/identification of samples, as noted on the boring logs, is based on the Unified Soil Classification System (USCS) in ASTM D2487/D2488. Refer to Appendix B entitled, "Geotechnical Reference Standards", for an explanation of the terminology that is used for soil and rock descriptions.

Each rock core was examined on a run-by-run basis to determine the percentage of core recovery and Rock Quality Designation (RQD). Core recovery percentage is the ratio of the sample length recovered divided by the length of the core run times 100 percent. RQD is defined as the total length of all pieces of core that are greater than four inches divided by the length of the core run times 100 percent. Core recovery and RQD percentages are noted on the boring logs.

Laboratory Testing: Laboratory soil testing was undertaken on several retrieved split spoon samples. The overall laboratory testing program consisted of the following test methods:

- Unconfined Compressive Strength of Intact Rock Core Specimens ASTM D2938

Table No. 1 presents the tabulated results of bedrock physical property data.

SITE AND SUBSURFACE CONDITIONS

General: The proposed site for development consists of two parcels addressed as 5226 and 5228 Main Street (NYS Route 5), in the Town of Amherst, Erie County, New York. The project will include the construction of a five-story, mixed-use building with associated asphalt parking field at the rear. The site topography slopes to the north across the boring locations with ground surface elevations varying by approximately three feet.

Subsurface Soil Conditions: In general, subsurface conditions, underlying thin topsoil veneer, consist of naturally deposited sand and silt loam that extends to auger refusal. The unit is slightly less than two feet thick and is primarily fine to course-grained sand and silt with trace quantities of gravel, clay, organic matter, and roots. Relative density of this soil is primarily very dense with moisture contents of retrieved samples noted to be moist.

Bedrock: Auger refusal, which is generally inferred to be the top of the apparent bedrock surface, was encountered at each boring approximately one and one half feet below ground surface, ranging in relative elevation from 100.00 to 97.30 +/- feet. The assumed footing bearing grade for the building, relative elevation 97.50 +/- feet, will be within the bedrock which will make it necessary to remove almost two feet of bedrock.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Rock coring efforts were undertaken at borings B-1 to depths of five feet, below auger refusal. Based upon the regional geology and recovered core samples, the bedrock type is the Onondaga Limestone and is described as a hard and slightly weathered, medium dark gray, thinly bedded, finely crystalline limestone that is porous and calcareous. The percent recovery for the core ranged is 63 percent with an RQD value of 18 percent (very poor quality).

Table No. 1 provides the laboratory uniaxial compressive strength and density data for the intact limestone specimen near the bottom part of the B-1 cored interval C-1. The density data is characteristic of a limestone rock. The uniaxial compressive strength was 18,991 pounds per square inch (psi); which is on the middle to upper portion of the range for limestone. The intact bedrock uniaxial compressive strength and other rock properties (e.g., RQD) can be used in the estimation of the strength properties for the bedrock mass.

Groundwater: Groundwater was not encountered during subsurface exploration. Note that the groundwater readings were taken at the completion of drilling efforts and, therefore, an adequate amount of time for the groundwater level to recharge to static conditions was probably not allowed. Fluctuations in the groundwater level may occur due to other factors than those present during field operations.

EARTHQUAKE/SEISMIC CONSIDERATIONS

Site Class Definition: For the given site conditions, the most applicable site definition is Site Class B, in accordance with Section 1613.2.2 of Building Code of New York State © 2020 and listed in Table 20.3-1 of Chapter 20 of American Society of Civil Engineers (ASCE) Standard 7-16.

Liquefaction Potential: For the Site Class B, the design spectral response acceleration parameters S_{DS}, at 0.2 seconds, and S_{D1}, at one second, are 0.102g and 0.024g (g = 32.2 feet/sec^2), respectively, for this part of Erie County, New York (see Appendix D). These values have a two percent probability of being exceeded in 50 years. Based upon the above conditions and an approximate magnitude 6.0 earthquake on the Richter Scale, the potential for liquefaction or settlement of Site Class B rock is considered not existent.

FOUNDATION DESIGN AND CONSTRUCTION RECOMMENDATIONS

General: This section will present and discuss recommendations on foundation design and construction and placement of controlled fills, and subgrade and base layer requirements for concrete floor slabs, paved parking and roadway areas.

As shown in Figure No. 2, the proposed development will include a five-story, mixed-use building with asphalt parking field to the rear. The existing ground surface slopes to the north across the proposed development areas with ground surface elevations varying by approximately three feet. Final grading is

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

not known at the time of this report, thus, finish first floor elevation of the building is assumed at relative elevation 101.50 ± feet and steps up to 685.00 ± feet. Final exterior grades are assumed close to relative elevation 101.00 ± feet. The maximum design exterior bearing wall loads are not expected to exceed 40 kips per lineal foot, and exterior and interior column loads not expected to exceed 400 kips.

Site Preparation and Earthwork: General site preparation will include the demolition and complete removal of any encountered foundations and floor slabs, and removing all unsuitable surficial material (i.e., asphalt pavement, concrete, brick, expansive slag, organic or topsoil layer, and construction and demolition-like fill) to a depth where firm, granular or cohesive fills or naturally occurring soils are encountered. It is recommended, particularly in the location of the proposed structure, that any slag and/or cinder/ash containing material, if encountered, should be tested to determine the expansion and corrosion characteristics (where applicable for direct or potential contact with foundation elements and buried utilities) of these materials prior to their use on-site. Any rubble-like and brick fill, boulders, or wood fill in particular, if encountered, will require undercutting. The proposed building and any paved areas are to be proof rolled with a fully loaded ten-wheel dump truck. All encountered soft and disturbed zones should be undercut and stabilized with granular fill that is placed in compacted lifts prior to placement of additional fill materials above. Refer to Appendix D entitled "General Earthwork Specification" for definition of the fill types and gradations, recommended minimum compaction requirements for various site developments, and placement and compaction methods. The NYS Department of Transportation (NYSDOT) specification numbers for typical aggregate subbase/base course components that are included in the select granular fill category as are as follows: Item No. 304.12 (Metric) Subbase Course, Type 2 (< 2-inch maximum size), which is preferred; or Item No. 304.14 (Metric) Subbase Course, Type 4 (< 2-inch maximum size).

Other than the two residential type structures along Main Street and the two barn-style buildings to the rear of each parcel, all planned for demolition, it is unknown if any former residential/commercial structures, existed at the project site and if any former footings and foundation walls may be buried within the building footprint. Septic tank and system locations and the abandonment conditions or practices are normally unknown. If encountered during site development, it is recommended that any tanks and systems should be properly removed/treated/remediated relative to the proposed development and under the applicable local and state regulations. The remaining cavities, from the aforementioned items, should be backfilled with select/approved granular fill that is placed in thin lifts and compacted to the minimum recommendation, as presented in this report, for the proposed development at that cavity location. This is specifically important along the west and east foundation trenches of the proposed building, as they will intersect the former foundations of three existing structures.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Shallow Foundation: The recommended foundation type is shallow footings. Continuous strip and spread exterior footings and interior spread footings would bear at an elevation of 42 inches or lower below final grade, at relative elevation 97.50 ± feet. The bearing elevation is also approximated based upon the assumed finish floor elevation of 101.50 ± feet. A 42-inch minimum footing depth (as required by local code) is needed to provide adequate protection from frost for exterior footings.

The majority of the foundation excavation will require the removal of about two feet of limestone bedrock. If the approved bedrock depth is less than 42 inches below final exterior grade, hooked rebar dowels are recommended to be placed in grout filled holes at approximately a four-foot spacing and extending to a minimum total depth of four feet into approved bedrock. This precaution is needed to confirm adequate bedrock quality and to incorporate the rock mass into the perimeter footing system.

The exterior and interior footings are recommended to bear at the same relative elevation on stable, natural, approved limestone bedrock or on thin layers of thoroughly compacted (minimum of 95 percent of the maximum dry density by ASTM D 1557) select/approved granular fill that is placed on an approved subgrade. If needed, a geotextile strength and filter fabric (such as, Mirafi 600X) may be used to line the excavation bottom for the purpose of stabilizing the excavation and placement of the select/approved granular fill.

Undercut areas beneath proposed foundations must extend laterally beyond each vertically projected edge of the foundation by a minimum distance equal to one-half the total depth of the undercut or equating to a slope of two vertical to one horizontal from the bottom foundation corner. The undercuts and placement of compacted select/approved granular fill are required to ensure a suitable and more uniform bearing media for the footings, and to prevent unacceptable differential settlements.

Wall footings should have a minimum two-foot width and column footings should have a minimum three-foot width. Based on the above described conditions, the recommended maximum net allowable foundation bearing pressure is 5,000 pounds per square foot (psf) of bearing area. All footings for the proposed building are recommended to be designed near the same contact pressure. The recommended maximum net allowable foundation bearing pressure is based on generally accepted design methods for rock conditions. Based on the provisions of the above recommendations and estimated design requirements and utilization of proper construction procedures and experienced field supervision and testing personnel, total and differential settlements are estimated to be less than one inch and 3/4's inch, respectively. Refer to Appendix C for additional foundation design and construction details.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Additional Foundation Considerations: In addition to the above, the following recommendations will provide additional assurances with regard to proper foundation construction.

a) All fill placed beneath, adjacent, or above foundations must comply with the "General Earthwork Specification", included as Appendix D.

b) Backfill of foundations with approved select granular fill must be completed prior to placement of substantial superstructure loads, except for basement walls or substructure areas that may additionally require superstructure loads and possibly internal bracing.

c) The upper silty materials may rut and “pump” if exposed to excessive surface water and repeated construction traffic. Proper site management and fill placement operations are needed to minimize costly undercuts and subgrade repairs prior to placement of concrete slabs and asphalt pavement. It is noted that construction during wet/rainy and/or Fall and Spring conditions may require added precautions and possibly a thicker base layer to maintain a stable subgrade condition.

d) Step footings, if utilized, should have a rise to run ratio of 1:2, with a two-foot maximum rise and a four-foot minimum run between steps or as recommended by the design structural engineer.

e) The recommended at rest (rigid wall), active, and passive static earth pressure coefficients for unsaturated, select granular sandy gravel fill against an earth retaining structure/wall are 0.76, 0.24, and 2.8 (with an ultimate value of 4.2), respectively. The respective equivalent static lateral fluid pressures are recommended to be 90, 30 and 330 (with an ultimate value of 500) pounds per square foot (psf) per foot depth which are based upon a moist, compacted unit backfill weight of 120 pounds per cubic foot (pcf). The at rest value would account for the average expected compaction induced stresses and/or the potential influences of hydrostatic pressure. The static lateral fluid pressures can be directly proportioned for other unit weights.

Stabilization of Excavations/Underground Structures: The trench/excavation sidewall stability concerns can be addressed with the Occupational Safety and Health Act (OSHA) requirements as set forth in Subpart P of 29 CFR Part 1926, Sections 1926.650 to 1926.652. In lieu of a properly designed shoring system, side slopes of the trench excavation should be one on one (vertical to horizontal distance) or flatter in cohesive soils or one on one and one-half or flatter in the granular materials, as required by OSHA.

In areas where sloped excavations are impractical, a land cofferdam (e.g., sheet piling or soldier piles with lagging and walers-struts/tiebacks, as needed) must be installed to effectuate the installation of the proposed underground parking structure. The aforementioned system(s) must be designed by a licensed New York State professional engineer with proven experience. These types of designs are outside the scope of this report.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Water must not be allowed to accumulate or pond on exposed foundation bearing grades. Surface water and groundwater from within the excavation must be either pumped, diverted or channelized by gravity flow to effectuate the construction of the proposed foundation. Pockets of localized perched groundwater may seasonally be expected to be encountered at footing and/or footing undercut bearing grades. At these locations, dewatering with surface sumps may be required to maintain stable side slopes and excavation bottom.

Concrete Interior Floor Slab(s)/Pad: For the most part and based on test results for similar soils, fine-grained/cohesive, silty natural soils may be somewhat difficult to compact in a controlled manner considering the varying soil plasticity and natural moisture contents that are estimated to be at to wet of optimum, at the time of this investigation. Excavated and approvable fine-grained/cohesive soil types are not expected to be available in any reasonable quantities. These soils may be expected to be suitable for re-use as general fill with the implementation of uniformly applied soil conditioning (i.e., drying and blending) and compaction methods, if additional volume of soil for backfill is needed.

Dissimilar excavated materials should not be commingled prior to their use elsewhere on-site, unless designated for a green/vegetation area. General fill material is also recommended to be placed on prepared and approved subgrade and in accordance with previous recommendations.

A geotextile fabric (such as, Mirafi 600X or equal) that separates the subgrade and the approved/select granular base layer may be needed and is particularly recommended for sensitive cohesive/fine-grained/silty clay subgrade soil/fills. This approach will stabilize and provide a workable building pad condition with minimal required repairs.

The approved subgrades will consist of very dense or better/thoroughly compacted (i.e., minimum 92 percent of the maximum dry density by ASTM D 1557) cohesive/fine-grained sand and silt, or thoroughly compacted imported select/approved granular fill. Above the approved subgrades, a minimum 12-inch thick select granular fill (i.e., number two crusher run stone or equal) layer is recommended as the base course for the basement/parking garage concrete floor slab. The NYSDOT specification numbers for typical aggregate subbase/base course components are Item No. 304.12 (Metric) Subbase Course, Type 2 (< 2-inch maximum), which is preferred, or Item No. 304.14 (Metric) Subbase Course, Type 4 (< 2-inch maximum). This select granular base layer would be compacted to a minimum 95 percent of the maximum dry density by ASTM D 1557. The grade level parking slab is recommended to be a six-inch minimum thickness or is as determined by the design structural engineer. The floor slab reinforcement should be provided through placement of wire mesh or plastic fibers and is also as determined by the design structural engineer.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

At the discretion of the design architect, a vapor barrier may be considered for use in the proposed structure. The use of a thin gravel cushion, as a capillary break, or a thin sand cushion over a vapor barrier that is placed beneath the concrete slab(s) are at the discretion of the design architect/engineer or as required by local code. Gradations of gravels that are satisfactory capillary breaks include 1 ¼-inch or ¾-inch crushed stone or aggregate per the ASTM D2321 Types IA, IB and II with less than 5 % fines. A number two crusher run stone may also be applicable, but the gradation and material property specifications must qualify.

Exterior Concrete Slabs-On-Grade/Pad/Parking and Roadway Facilities: The characteristics of the natural soils and the known frost penetration in Western New York require that specific attention is provided to the design and construction of paved roadway and parking areas. For new pavement sections, isolated pockets of surficial silty/cohesive/fine-grained soil/fill may be encountered and may be too soft and wet in the proposed parking and roadway areas. These types of soil/fill may be adequately conditioned (i.e., dried and blended) and compacted (i.e., minimum 90 percent compaction) to support necessary construction equipment and normal pavement section. Otherwise, the removal/undercutting of the silty/cohesive/fine-grained soil/fill to a firm, approved subgrade and subsequent placement and compaction of select or approved granular fill will be required in order to accommodate the recommended pavement sections.

For new pavement sections, it is recommended that the subgrade surface is adequately graded and/or underdrains are installed to prevent water accumulation. Above the approved subgrade surface (i.e., minimum 90 percent compaction), a minimum eight-inch thick select granular layer is recommended as the base course for lightly traveled roadway and parking areas (standard duty section). A geotextile filter and strength fabric (such as, Mirafi 600X or equal) and minimum 12-inch thick base course are recommended for all truck routes and heavily traveled roadways (heavy duty section). If “pumping” of the silty/cohesive/fine-grained soil subgrade occurs or is difficult to stabilize during construction, an increase in the base thickness to that of the heavy-duty section and/or a geotextile filter and strength fabric is recommended to be placed on the prepared and approved subgrade for the standard duty section. The NYS Department of Transportation (NYSDOT) specification numbers for typical aggregate subbase/base course components are Item No. 304.12 (Metric) Subbase Course, Type 2 (< 2-inch maximum size), which is preferred, or Item No. 304.14 (Metric) Subbase Course, Type 4 (< 2-inch maximum size). The granular aggregate base layer is recommended to be compacted to at least 95 percent of maximum dry density by ASTM D1557.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

The thickness of top and binder course layers should be determined in accordance with AASHTO methods. In summary, the minimum recommended asphalt thicknesses for the heavy-duty section and standard duty section are three and one-half inches and three inches, respectively. The top and binder course layers are recommended to be designed and constructed in accordance with New York State Department of Transportation Standard Specification.

Limitations, Field Inspections and Monitoring: This report is based on the preliminary information that is provided by project representatives and the subsurface conditions that were encountered at the test boring locations. Due to the nature of the investigation method, test pit excavation will provide a greater level of delineation of the subsurface soil/fill/rock conditions than can be defined by the test boring data alone. As detailed in Appendix E "Limitations", modification regarding proposed building/structure locations and other site developments can result in changes to provided recommendations. It is recommended that the geotechnical engineer be provided the opportunity to generally review the final detailed design and contract specifications. Required earthwork and foundation construction should be done under the supervision of experienced construction personnel and in a manner consistent with proven methods. All site work should be carefully monitored and tested by experienced geotechnical personnel to assure compliance with earthwork and foundation construction specifications.

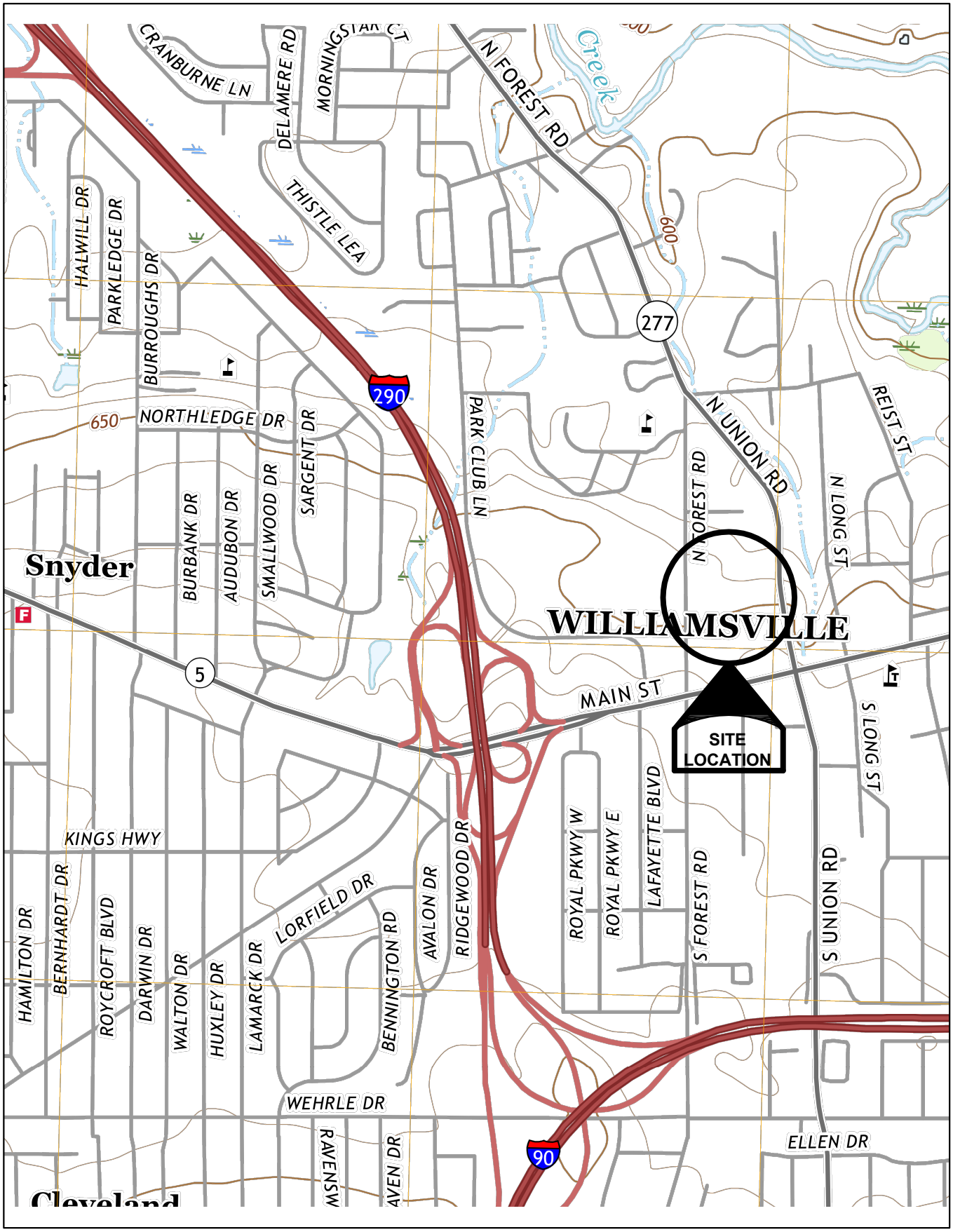
Thank you for the opportunity to assist on this project. If questions should arise, please call the undersigned at your earliest convenience.

Very truly yours,
BARRON & ASSOCIATES, INC.
and
BUFFALO DRILLING COMPANY, INC.

Andrew J. Camping, PG
Senior Geologist

James S. Barron, PE
President/Geotechnical Engineer

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



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DRAWN: DAN KASPROWICZ

CLIENT: ELLICOTT DEVELOPMENT
295 MAIN STREET, SUITE 210
BUFFALO, NEW YORK 14203

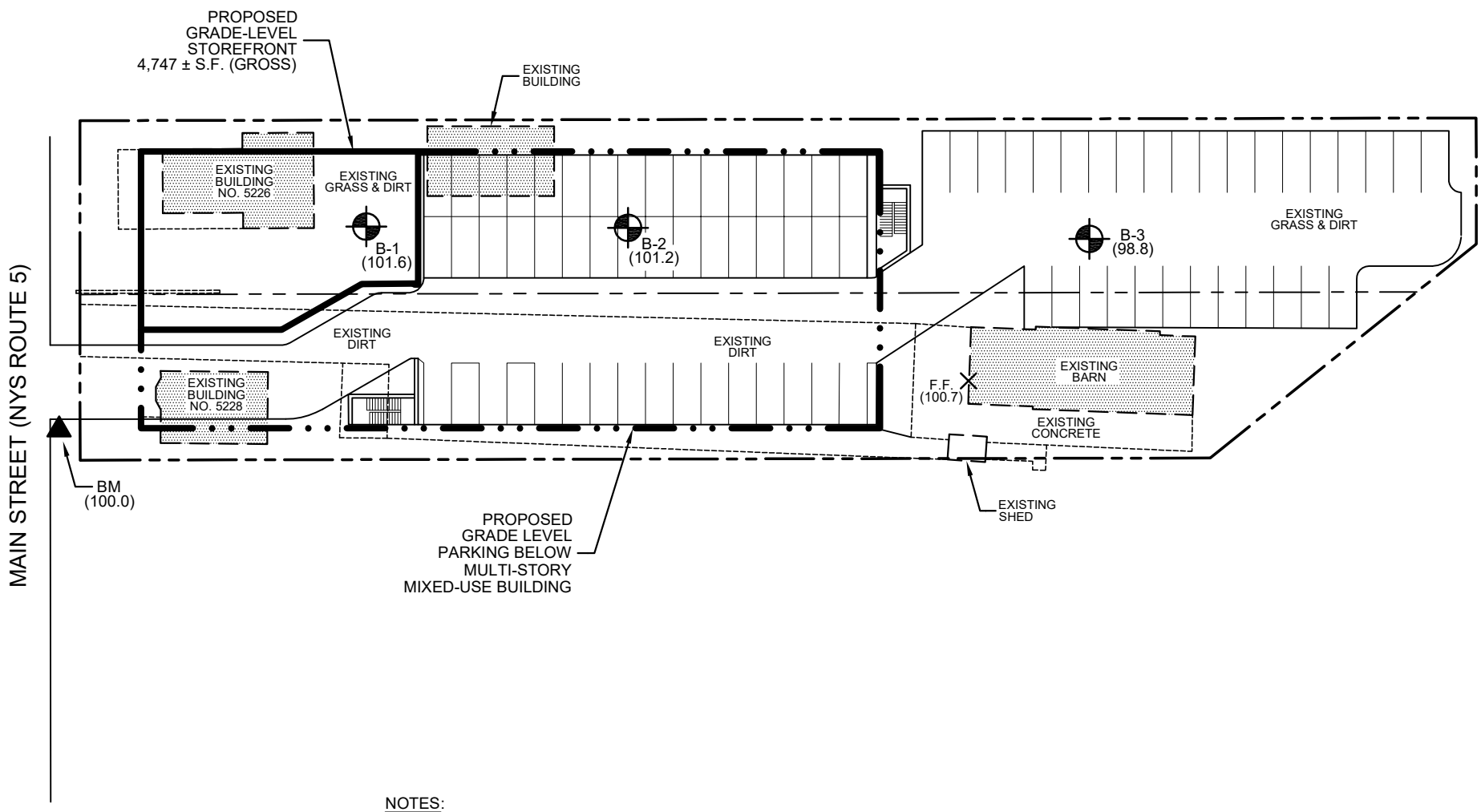
PROJECT: PROPOSED FIVE-STORY MIXED USE BUILDING
5226 & 5228 MAIN STREET (NYS ROUTE 5)
TOWN OF AMHERST, ERIE CO., NEW YORK 14221

NEW YORK STATE
SITE LOCATION

USGS SITE LOCATION PLAN
BUFFALO NE
2019

JOB NO.: 21-626 | SCALE: N.T.S.
DATE: 11/8/2021 | FIGURE NO. 1

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



LEGEND

B-2	= TEST BORING & NO.
(101.2)	= RELATIVE GROUND SURFACE ELEVATION (FT.)
×	= SPOT ELEVATION
▲ BM	= BENCH MARK (NORTH RIM OF MAN HOLE - TRAFFIC SIGNAL)

NOTES:

1. BORINGS, BUILDINGS, SITE FEATURES, PROPERTY LINE LOCATIONS, AND SCALE OF DRAWING ARE APPROXIMATE.
2. BASE MAP REFERENCE PROVIDED BY ELLICOTT DEVELOPMENT, TITLED "PROPOSED SITE PLAN - 5 STORY MIXED-USE BUILDING", DWG. NO. SP-1, PROJECT NO. 2018-020, DATED 4/25/2018.
3. EXISTING FEATURES AND BORING LOCATIONS, PROVIDED BY KHEOPS ARCHITECTURE, ENGINEERING & SURVEY, DPC, TITLED "5226 MAIN-63392", JOB NO. 17NY040.04, SBL NO. 80.08-7-9&10, UNABLE TO READ DATE.

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PROJECT: PROPOSED FIVE-STORY MIXED USE BUILDING
5226 & 5228 MAIN STREET (NYS ROUTE 5)
TOWN OF AMHERST, ERIE CO., NEW YORK 14221

TEST BORING LOCATION PLAN

0 25 50 100

JOB NO.: 21-626	SCALE: 1" = 50' ±
DATE: 11/8/2021	FIGURE NO. 2

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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B&A JOB NO: 21-626
CLIENT: Ellicott Development
PROJECT: Proposed Five-Story Mixed-Use Building
5226 & 5228 Main St. (NYS Rte. 5)
Town of Amherst, Erie Co., New York 14221

TABLE NO. 1

SUMMARY TABLE OF BEDROCK UNIAXIAL COMPRESSIVE STRENGTH TESTS

Test Boring No.	Core Run No.	Sample Location		Moisture Content ASTM D2216	Uncapped Length / Diameter ASTM D2938	Failure Type	Maximum Compressive ASTM D2938			Rock Identification ASTM C294
		Depth Interval	Elevation Interval				Load	Strength		
		(ft.)	(ft.)	(%)	(in. / in.)	(-)	(lbs.)	(tsf)	(psi)	
B-1	C-1	5.5 - 5.9	96.1 - 95.7	0.2	4.30 / 2.05	COLUMNAR	62,860	1,367	18,991	ONONDAGA LIMESTONE [1., 2.]

1. Ends of sample capped prior to testing.
2. Sample appeared absent of limiting structures (fracture planes, vugs, etc.).

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

APPENDIX A

TEST BORING LOGS

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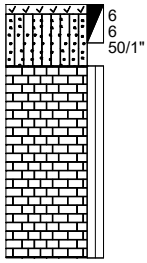
TEST BORING LOG

2.a

JOB No.: 21-626 **BORING No.:** B-1

PROJECT: Proposed Five-Story Mixed-Use Building
5226 & 5228 Main Steet (NYS Route 5), Town of Amherst, Erie Co., New York 14221

DRILLER:	J. Gardner	**TYPE OF DRILL RIG:**	Diedrich D-50 (Track)
SAMPLING METHODS:	ASTM D1586 & D2113	**SIZE AND TYPE OF BIT:**	4 1/4" HSA & Nx Core
DATE STARTED:	11/24/21	**SURFACE ELEVATION (ft.):**	101.6
DATE COMPLETED:	11/24/21	**GROUNDWATER DEPTH (ft.):** (measured at completion unless indicated below)	None

Elevation/ Depth (feet)	Soil Symbols Sampler Symbols Field Test Data	Sample No. : Range	N-Value	% REC (RQD)	Soil and Rock Description / Remarks
100 / 0		S-1 : 0.0'- 1.0'	50+	90	Topsoil(3") Dk. brown, v. dense f/c SAND and SILT, tr. Gravel, tr. Organic matter, Roots, tr. Clay, non-plastic, moist (SM/ML)
95 / 5		C-1 : 1.6'- 6.6'	-	63 (18)	ONONDAGA LIMESTONE: med. dark gray, finely crystalline, thin bedded, LIMESTONE, porous, calcareous, sl. weathered, hard (ONONDAGA LIMESTONE) # pieces > 1": 7 # pieces > 4": 2 longest piece: 6"
90 / 10					Depth to Bottom of Hole: 6.6 feet
85 / 15					
80 / 20					
75 / 25					
70 / 30					
35					

Logged by: E. Zinni

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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TEST BORING LOG

2.a

JOB No.: 21-626 **BORING No.:** B-2

PROJECT: Proposed Five-Story Mixed-Use Building
5226 & 5228 Main Steet (NYS Route 5), Town of Amherst, Erie Co., New York 14221

DRILLER:	J. Gardner	**TYPE OF DRILL RIG:**	Diedrich D-50 (Track)
SAMPLING METHODS:	ASTM D1586	**SIZE AND TYPE OF BIT:**	4 1/4" I.D. H.S.A.
DATE STARTED:	11/24/21	**SURFACE ELEVATION (ft.):**	101.2
DATE COMPLETED:	11/24/21	**GROUNDWATER DEPTH (ft.):** (measured at completion unless indicated below)	None

Elevation/ Depth (feet)	Soil Symbols Sampler Symbols Field Test Data	Sample No. : Range	N-Value	% REC (RQD)	Soil and Rock Description / Remarks
100 / 0	4 6 50/5" REFUSAL	S-1 : 0.0'- 1.4'	56+	90	Topsoil (5") Dk. brown, v. dense f/c SAND and SILT, tr. Gravel, tr. Organic matter, Roots, tr. Clay, non-plastic, moist (SM/ML)
95 / 5					Depth to Bottom of Hole: 1.5 feet
90 / 10					
85 / 15					
80 / 20					
75 / 25					
70 / 30					
65 / 35					

Logged by: E. Zinni

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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TEST BORING LOG

2.a

JOB No.: 21-626 **BORING No.:** B-3

PROJECT: Proposed Five-Story Mixed-Use Building
5226 & 5228 Main Steet (NYS Route 5), Town of Amherst, Erie Co., New York 14221

DRILLER:	J. Gardner	**TYPE OF DRILL RIG:**	Diedrich D-50 (Track)
SAMPLING METHODS:	ASTM D1586	**SIZE AND TYPE OF BIT:**	4 1/4" I.D. H.S.A.
DATE STARTED:	11/24/21	**SURFACE ELEVATION (ft.):**	98.8
DATE COMPLETED:	11/24/21	**GROUNDWATER DEPTH (ft.):** (measured at completion unless indicated below)	None

Elevation/ Depth (feet)	Soil Symbols Sampler Symbols Field Test Data	Sample No. : Range	N-Value	% REC (RQD)	Soil and Rock Description / Remarks
0 / 98	7 50/5" REFUSAL	S-1 : 0.0'- 0.9'	50+	90	Topsoil(3")
					Dk. brown, v. dense f/c SAND and SILT, tr. Gravel, tr. Organic matter, Roots, tr. Clay, non-plastic, moist (SM/ML)
					Depth to Bottom of Hole: 1.5 feet

95 5 | 90 10 | 85 15 | 80 20 | 75 25 | 70 30 | 65 35

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Logged by: E. Zinni

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Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

APPENDIX B

GEOTECHNICAL REFERENCE STANDARDS

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Column Header Descriptions

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TEST BORING LOG

JOB No.: BORING No.:

PROJECT:

EXAMPLE

DRILLER:
SAMPLING METHODS:
DATE STARTED:
DATE COMPLETED:

TYPE OF DRILL RIG:
SIZE AND TYPE OF BIT:
SURFACE ELEVATION (ft.):
GROUNDWATER DEPTH (ft.):
(measured at completion unless indicated below)

Elevation/ Depth (feet)	Soil Symbols Sampler Symbols Field Test Data	Sample No. : Range	N-Value	% REC (RQD)	Soil and Rock Description / Remarks
100 — 0	1 1 1 2 / 6 8 11 14	S-1 : 0.0'- 2.0'	2	50	Dk. brown, soft, CLAY, some Silt, little f. Sand, tr. Gravel, tr. Roots, tr. Organic matter, mod. plastic, wet (CL)
		S-2 : 2.0'- 4.0'	19	50	Brown, m. dense f. SAND, some Silt, tr. Gravel, tr. Clay, tr. Roots, non-plastic, moist (SM)

Elevation/Depth: The depth column provides the vertical scale of the boring log in feet below ground surface.

Sample No. : Range: Disturbed samples are identified with “S” preceding the sample number. Undisturbed (Shelby-tube) samples are identified with “U” preceding the sample number. Rock core samples identified with “C” preceding the core run. The range of elevation/depth where the sample was taken is identified in one-tenth foot increments.

N-value: The Standard Penetration Test N-value, as specified by ASTM D1586, is defined as the number of blows required by a 140-pound hammer falling 30 inches, each blow, to drive a 2-in outside diameter split-spoon sampler 12 inches.

% REC (RQD): “Percent Recovery” is the length of samples recovered divided by the total length sampled. The result is numerically expressed as a percent. The Rock Quality Designation (RQD) is the total length of places >4 inches divided by the total length of core run.

Soil and Rock Description / Remarks: This column denotes the exact depth of recovery and general documentation of drilling efforts. Description and classification are based on visual inspection of samples and boring operations. The stratum lines shown on the boring logs are based upon interpretation and may not represent precise subsurface conditions. Water-level readings have been made in the drill holes at time under conditions stated on the boring logs. Fluctuations in the water level may occur due to other factors than those present the time measurement was taken. See attached sheet.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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Soil and Rock Description / Remarks: Terminology Used for Soil Description

Density Description of Granular Soil

Number of Blows per ft., N	*Relative Density*
0 - 4	Very Loose
4 - 10	Loose
10 - 30	Medium
30 - 50	Dense
Over 50	Very Dense

Abbreviations Used in Soil Sample Classification

f - fine	v - very
m - medium	gr - gray
c - coarse	bn - brown
f/m - fine to medium	yel - yellow
f/c - fine to coarse	sl - slight
tr - trace	dk - dark

Consistency Description of Cohesive Soil

Number of Blows per ft., N	*Consistency*
Below 2	Very Soft
2 - 4	Soft
4 - 8	Medium
8 - 15	Stiff
15 - 30	Very Stiff
Over 30	Hard

Bedding

Parting	Less than 0.02 ft.
Band	0.02 - 0.2 ft.
Thin bed	0.2 - 0.5 ft.
Medium bed	0.5 - 1.0 ft.
Thick bed	1.0 - 2.0 ft.
Massive	Over 2.0 ft.

Grain Size

	Passing / Retained on
Boulder	LARGE / 12-in sieve
Cobble	12-in / 3-in sieve
Gravel	3-in sieve / No. 4 sieve
	No. 4 sieve / No. 10 sieve
Sand	No. 10 sieve / No. 40 sieve
	No. 40 sieve / No. 200 sieve
Silt	No. 200 sieve / 0.005 mm sieve
Clay	Smaller than 0.005 mm

Hardness

Very Soft or Plastic	Can be indented with thumb
Soft	Can be scratched with fingernail
Moderately Hard	Can be scratched with knife
Hard	Difficulty to scratch with knife
Very hard	Cannot be scratched with knife

Percentage Terminology Used in Soil Classification

Trace	0 - 10 %	Some	20 - 35 %
Little	10 - 20 %	And	35 - 50 %

Moisture

Dry	Absence of moisture, dusty, dry to the touch.
Moisture	Small quantity of moisture. Soil usually above groundwater level.
Wet	Moisture noticeable to the touch. Soil may be below groundwater level.
Saturated	Visible free water, usually soil is below groundwater level.

Plasticity

Non-plastic	An 1/8-in thread cannot be rolled at any water content.
Slight plasticity	Thread can be barley rolled.
Moderate plasticity	Thread is easy to roll and little time is required to reach the plastic limit (PL).
Plasticity	Considerable time is required to reach PL. Thread can be re-rolled several times after reaching the PL.

Crystallinity or Texture

Dense	Crystals are to small they cannot be distinguished with the naked eye.
Very Fine Crystalline	Crystals barely discernable with the naked eye.
Crystalline	Crystals are medium size, up to 1/8-in diameter.
Very Coarsely Crystalline	Crystals larger than 1/8-in diameter.

Voids

Porous	Smaller than pinhead. Their presence is indicated by the degree of absorbency.
Pitted	Pinhead size to 1/4 in. If thin walls separate the individuals pits, the core may be described as honeycomb.
Vug	1/4 inch to the diameter of the core. The upper limit will vary with core size.
Cavity	Larger than the diameter of the core.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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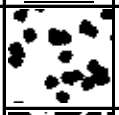
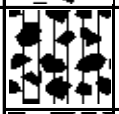
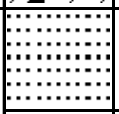
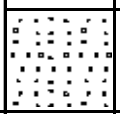
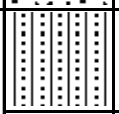
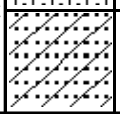
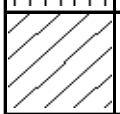
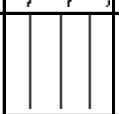
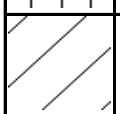
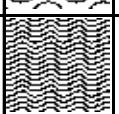
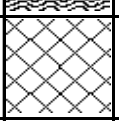
Soil Classification Chart: Unified Soil Classification System (USCS)

Major Divisions			Pattern	USCS ID	Typical Descriptions
Coarse-Grained Soils: More than 50% of material larger than No. 200 sieve	**Gravels**: More than 50% of coarse fraction larger than No. 4 sieve	Clean Gravels (little or no fines)		GW	Well-graded gravels, gravel-sand mixtures, little or no fines
				GP	Poorly-graded gravels, gravel-sand mixtures, little or no fines
		Gravels with appreciable amounts of fines		GM	Silty gravels, gravel-sand-silt mixtures
				GC	Clayey gravels, gravel-sand-silt mixtures
	Sands: Less than 50% of coarse fraction larger than No. 4 sieve	Clean sands (little or no fines)		SW	Well-graded sands, gravelly sands, little or no fines
				SP	Poorly-graded sands, gravelly sands, little or no fines
		Sand with appreciable amount of fines		SM	Silty sands, silt-sand mixtures
				SC	Clayey sands, sand-clay mixtures
Fine-Grained Soils: Less than 50% of material larger than No. 200 sieve	**Silts and Clays, Low plasticity**: Liquid Limit < 50%			ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity
				CL	Inorganic clays of low to medium plasticity, gravely clays, sandy clays, silty clays, lean clays
				OL	Organic silts and organic silty clays of low plasticity
	Silts and Clays, High plasticity: Liquid Limit > 50%			MH	Inorganic silts, micaceous or diatomaceous fine sand or silty soils
				CH	Inorganic clays of high plasticity, fat clays
				OH	Organic clays of medium to high plasticity, organic silts
Highly Organic Soils				Pt	Peat, humus, swamp soils with organic contents
Miscellaneous Fill				FILL	Miscellaneous fill may belong in any division but is identified as FILL

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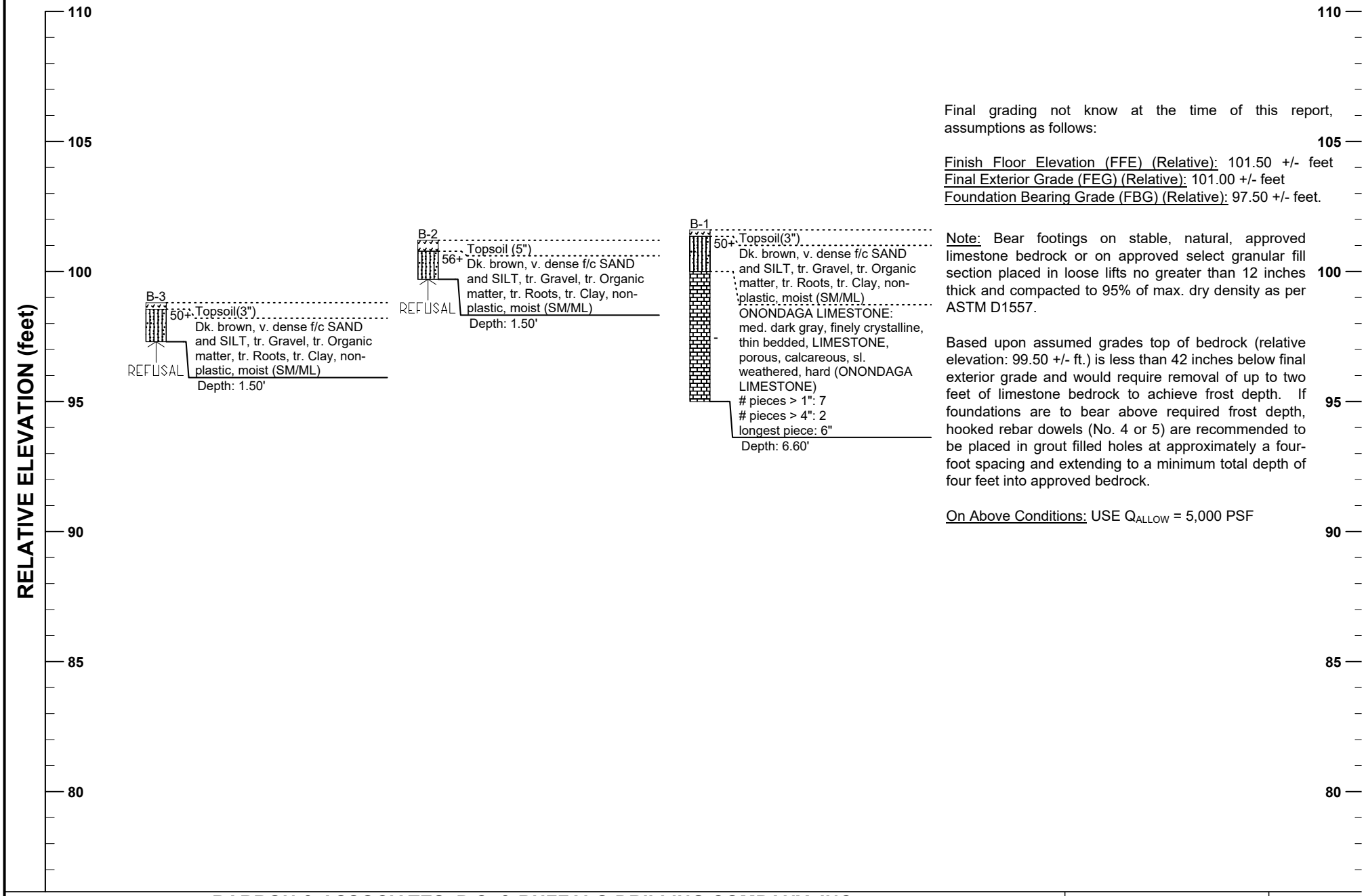
APPENDIX C

ENGINEERING COMPUTATIONS AND SCHEMATICS

"PROFILE OF BORINGS"



Final grading not know at the time of this report, assumptions as follows:

Finish Floor Elevation (FFE) (Relative): 101.50 +/- feet
Final Exterior Grade (FEG) (Relative): 101.00 +/- feet
Foundation Bearing Grade (FBG) (Relative): 97.50 +/- feet.

Note: Bear footings on stable, natural, approved limestone bedrock or on approved select granular fill section placed in loose lifts no greater than 12 inches thick and compacted to 95% of max. dry density as per ASTM D1557.

Based upon assumed grades top of bedrock (relative elevation: 99.50 +/- ft.) is less than 42 inches below final exterior grade and would require removal of up to two feet of limestone bedrock to achieve frost depth. If foundations are to bear above required frost depth, hooked rebar dowels (No. 4 or 5) are recommended to be placed in grout filled holes at approximately a four-foot spacing and extending to a minimum total depth of four feet into approved bedrock.

On Above Conditions: USE Q_{ALLOW} = 5,000 PSF

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BARRON & ASSOCIATES, P.C. & BUFFALO DRILLING COMPANY, INC. 10440 MAIN STREET, CLARENCE, NEW YORK 14031	PLOTTED: 1/6/2022 BY: A. Camping	JOB NO.: 21-626
PROJECT: Proposed Five-Story Mixed-Use Building 5226 & 5228 Main Steet (NYS Route 5), Town of Amherst, Erie Co., New York 14221	PAGE NO.: 1 of 3	FIGURE NO.:

Five-Story Mixed-Use Building, 5226 & 5228 Main St., Amherst, NY

Latitude, Longitude: 42.9608, -78.7574

Date	1/6/2022, 3:13:53 PM
Design Code Reference Document	ASCE7-16
Risk Category	II
Site Class	B - Rock

Type	Value	Description
S_S	0.17	MCE_R ground motion. (for 0.2 second period)
S_1	0.045	MCE_R ground motion. (for 1.0s period)
S_{MS}	0.153	Site-modified spectral acceleration value
S_{M1}	0.036	Site-modified spectral acceleration value
S_{DS}	0.102	Numeric seismic design value at 0.2 second SA
S_{D1}	0.024	Numeric seismic design value at 1.0 second SA

Type	Value	Description
SDC	A	Seismic design category
F_a	0.9	Site amplification factor at 0.2 second
F_v	0.8	Site amplification factor at 1.0 second
PGA	0.095	MCE_G peak ground acceleration
F_{PGA}	0.9	Site amplification factor at PGA
PGA_M	0.085	Site modified peak ground acceleration
T_L	6	Long-period transition period in seconds
SsRT	0.17	Probabilistic risk-targeted ground motion. (0.2 second)
SsUH	0.177	Factored uniform-hazard (2% probability of exceedance in 50 years) spectral acceleration
SsD	1.5	Factored deterministic acceleration value. (0.2 second)
S1RT	0.045	Probabilistic risk-targeted ground motion. (1.0 second)
S1UH	0.048	Factored uniform-hazard (2% probability of exceedance in 50 years) spectral acceleration.
S1D	0.6	Factored deterministic acceleration value. (1.0 second)
PGAd	0.5	Factored deterministic acceleration value. (Peak Ground Acceleration)
C_{RS}	0.958	Mapped value of the risk coefficient at short periods
C_{R1}	0.934	Mapped value of the risk coefficient at a period of 1 s

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B&A JOB NO.: 21-626

DATE: 01/05/22

LATERAL EARTH PRESSURE ON GENERIC BLOCK FOUNDATIONS FOR SIGNS, FREE-STANDING RETAINING WALLS, OR BELOW GRADE/BASEMENT/TANK/POOL RETAINING WALLS (Less Than 20 Feet High)

a) Porous filter media, in contact with the basement/below grade foundation wall or retaining walls, protects and is in contact with a minimum 4 inch diameter perforated drainage pipes at the footing/base of the foundation/structural wall (exterior backfill side and interior basement side) and/or weep pipes through the wall, as needed and as applicable.

b) Where recommended, a geotextile filter fabric will protect the gravel filter media from the earth backfill. Overlap unsewn seams as per the manufacturer's recommendations.

c) Waterproof earth side of wall, as is customarily provided in practice.

d) Drainage pipes are connected to an appropriately designed collector pipe, conveyance, and/or sump pump system as is applicable for the intended purpose of the wall and as customarily provided/installed in practice.

e) For potential groundwater table conditions above the top of the basement slab-on-grade condition, install continuous waterstops (with no joints in stop) at wall and floor construction joints, as is customarily provided in practice. Interior intermediate drainage pipes beneath the slab, that are spaced on-center and in both directions, do appear to be needed.

f) Assume a uniformly graded, clean coarse sand or sandy gravel backfills:

* equivalent N-value in a dense state: $(N_1)_{60}$ = 40 blows/foot
* friction angle: ϕ' = 38 degrees {Teng, pg. 12}
* average in-place densities: moist - γ_m = 120 pcf
  saturated - γ_{sat} = 132 pcf submerged - $\gamma' = (\gamma_{sat} - \gamma_w)$ = 70 pcf

g) Assume at base of wall/footing, coefficient of friction against sliding (f_s) at base of wall (Refer to Teng, pg. 320-1):

f_s = tan (0.58 x ϕ') = 0.40 (AREA silty soil to silty coarse-grained soil)

h) Use equivalent fluid pressure design approach {Hough, pg. 249 and NAVFAC pg. 7-10-9}:

* at rest pressure coefficient - K_0 = 1 - sin (ϕ') = 0.38
* effective lateral pressure of soil - γ'_l = K_o x γ' = 26.6 pcf
* hydrostatic pressure - γ_w = 62.4 pcf
* equivalent fluid pressure with water level at the top of the grade at the wall - γ_{eo} = $\gamma'_l + \gamma_w$ = 89 pcf (say 90 pcf)
* equivalent fluid pressure with compaction induced lateral stress increase (W&F, pg 409) γ_{eo} = 2 x K_o x γ_m = 91 pcf (say 90 pcf)
* active pressure case - K_a = [1 - sin (ϕ')] / [1 + sin (ϕ')] = 0.24
  γ_{ea} = K_a x γ_m = 29 pcf (say 30 pcf)
* passive pressure case - K_p = [1 + sin (ϕ')] / [1 - sin (ϕ')] = 4.2
  γ_{ep} = K_p x γ_m = 504 pcf (say 330 pcf with a F.S. = 1.5)

		Thoroughly Compacted ⇒⇒		Uniformly Graded & Clean Coarse Sand or Sandy Gravel Fill	Non-Plastic Silty Sand or Sandy Silt Fill	
USE:	Earth Pressure Coefficient	Static Active	=	0.24	0.33	
		Static At-Rest	=	0.76	1.00	
		Static Passive	=	2.80	2.00	(with F.S. = 1.5)
		Static Passive	=	4.20	3.00	(with F.S. = 1.0)
USE:	Equivalent Fluid Pressure	Static Active	=	30 pcf		
		Static At-Rest	=	90 pcf (for rigid walls)		
		Static Passive	=	330 pcf (with F.S. = 1.5)	[500 pcf with (with F.S. = 1.0)]	

[For earthquakes, structural engineer may elect to use the above Static Passive case instead of the below Earthquake Lateral Load for Non-Yielding Wall movement into the soil backfill.]

USE: Simplified Model for Earthquake Lateral Load/Ft. Wall Length @ 0.6 H_{bw} above base. Loads for Non-Yielding Wall. H_{bw} = Earth Height Behind Wall (feet)

Reduce load by 33% for Yielding Wall (active case) = (6.8 psf / foot) x H_{bw}^2 (NYS, S_{ds} = 0.25 g)
(γ_m = 120 pcf for S_{ds} value. Add to Static At Rest/ Active Pressure/Load for unsaturated backfill case) = (13.5 psf / foot) x H_{bw}^2 (NYS, S_{ds} = 0.50 g)
= (17.5 psf / foot) x H_{bw}^2 (NEern NYS, $S_{ds} \leq 0.65$ g)

[Above for Site Class C to E soils. Interpolate for other S_{ds} values.
Use 1.75 x values for walls on Class B/A rock or on rigid foundation base. (FEMA NEHRP Guidelines)]

Saturated/Liquified Soil During Earthquake = 132 pcf
(Equivalent Fluid Pressure. Add to inertial hydrodynamic pressure, not presented here.)

{For looser/denser backfills, adjust above pressures by the ratio = new density / 120 pcf or / 132 pcf (for saturated case)}

USE:	Coefficient of Friction Against Sliding (f_s)	=	0.45	(on compacted NYSDOT Item #304.12 or #304.14 gravels)
	(use lowest f_s with no underlying weaker layers)	=	0.35	(on compacted granular soil & non-plastic silt)
		=	0.20	(slab-on-grade on polyethylene on granular fill)
	[with a F.S. = 1.0]	=	0.60/0.50	(on clean, rough, & sound bedrock/smooth bedrock)
	Min. Factor of Safety Against Sliding	=	1.5	*[Rev.9-30-09]*

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APPENDIX D

GENERAL EARTHWORK SPECIFICATION

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GENERAL EARTHWORK SPECIFICATIONS

1. GENERAL

1.1. SITE AND SUBSURFACE CONDITIONS

1.1.1. Overview

This specification is included as a courtesy to the clients of *Barron & Associates, PC* and addresses earthwork site preparation. Additions and modifications are necessary to create a job-specific specification. This specification may serve as a basis for the development for a technical specification under Division 31 (Earthwork) and Division 32 (Exterior Improvements).

1.1.2. Site Conditions

The site-specific conditions are described under separate cover or may be available from the OWNER.

1.1.3. Subsurface Conditions

The site-specific subsurface conditions are described under separate cover or may be available from the OWNER.

1.2. REFERENCES

1.2.1. American Standard for Testing and Measurement (ASTM)

- ASTM C136 Standard Test Method for Sieve Analysis of Fine and Coarse Aggregates
- ASTM D6938 Standard Test Methods for In-Place Density and Water Content of Soil and Soil-Aggregate by Nuclear Methods (Shallow Depth)
- ASTM D7928 Standard Test Method for Particle-Size Distribution (Gradation) of Fine-Grained Soils Using the Sedimentation (Hydrometer) Analysis
- ASTM D1140 Standard Test Methods for Determining the Amount of Material Finer than 75-µm (No. 200) Sieve in Soils by Washing
- ASTM D1557 Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lbf/ft^3 (2,700 kN-m/m^3))
- ASTM D2216 Standard Test Methods for Laboratory Determination of Water (Moisture) Content of Soil and Rock by Mass
- ASTM D2487 Standard Practice for Classification of Soils for Engineering Purposes (Unified Soil Classification System)

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- ASTM D4318 Standard Test Methods for Liquid Limit, Plastic Limit, and Plasticity Index of Soils
- ASTM D1883 Standard Test Method for California Bearing Ratio (CBR) of Laboratory-Compacted Soils

1.2.2. Other

- 2018 International Building Code (IBC)
- 2020 Building Code of New York State
- 2020 Residential Code of New York State
- 2021 MasterSpec

1.3. DEFINITIONS

1.3.1. Unacceptable Material

Soil material containing debris, wood, scrap material, vegetation, refuse, soft unsound particles, and other organic, frozen, deleterious, or objectionable materials. Contaminated soils shall be properly documented and removed or remediated on site. If necessary, remediation procedure will be defined by the OWNER.

1.3.2. Unsuitable Material

Brown, organic topsoil and underlying soft pockets of organic silt or wet, reworked silty clay.

1.3.3. Ordinary Fill

Friable soil containing no stone greater than two-thirds loose lift thickness and no unacceptable or unsuitable materials. In general, existing random fill is expected to be acceptable for reuse as ordinary fill given proper sorting, blending, drying, and controlled placement methods.

1.3.4. Granular Fill

Ordinary fill meeting the designation of ASTM D2487 classification of GW with a maximum of 10 percent by weight passing ASTM D1140, No. 200 sieve.

1.3.5. Select Granular Fill

Clean, uncoated soil which contains no unacceptable materials and conforms to the gradation requirements defined in Table A: Select Granular Fill.

Table A: Select Granular Fill

Sieve Size	Percent Finer by Weight
⅔ of the loose lift thickness	100
No. 10	30 - 95
No. 40	10 - 70
No. 200	0 - 15

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1.3.6. Sand and Gravel

Clean, hard, durable, uncoated particle of sand and gravel, free from lumps of clay, containing no unacceptable matter, and conforming to gradation requirements of Table B: Sand and Gravel.

Table B: Sand and Gravel	
Sieve Size	Percent Finer by Weight
*	100
No. 4	50 - 85
No. 10	
No. 40	10 - 35
No. 100	
No. 200	0 - 8

* Job-Specific. To be determined by the ENGINEER

1.3.7. Crushed Stone

Clean, durable, sharp-angled fragments of rock or crushed gravel stone of uniform quality, containing no unacceptable matter, free from coatings, and conforming to gradation requirements of Table C: Crushed Stone.

Table C: Crushed Stone		
Sieve Size	Percent Finer by Weight	
	¾-inch Stone	1 ¼-inch Stone
1 ½-inch		100
1 ¼-inch		85 - 100
1-inch	100	
¾-inch	90 - 100	10 - 40
⅝-inch		
½-inch	10 - 50	0 - 8
⅜-inch	0 - 20	
No. 4	0 - 5	

1.3.8. Flowable Fill

Also known as Controlled Low Strength Material – Controlled Density Fill (CLSM-CDF), this material is available under a variety of producer names (e.g., K-Krete©, M-Crete, Flash Fill©, Flowable Mortar, Unshrinkable Fill, etc.). This non-settling backfill mixture is most commonly used for its flowable characteristics, its support strength under traffic loads, and its removability at a later date. The material may be produced on-site or off-site. In either case, the producer

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of such materials and the product must meet certain certification criteria. Such information is beyond the scope of this specification and will be considered on a site-specific basis.

Flowable fill may be acceptable for use as a backfill for utility trenches of other low-lying areas which require a compacted granular fill. Its use and warranty of performance is left to the CONTRACTOR in such applications.

The use of flowable fill under load-bearing structural components in place of properly placed and compacted granular fill is NOT common and is questionable. The localized use of such material may have profound effects on the performance of a foundation system. Site-specific conditions and the extent of anticipated use of flowable fill must be examined by geotechnical engineer. Cost of such consultation shall be borne by the CONTRACTOR unless specifically directed by the OWNER to seek such consultation. Without such consultation, warranty of performance for such use is left to the CONTRACTOR.

1.4. SUBMITTALS

The following submittals shall be provided in accordance with approved submittals procedures.

(1) Fill Source: Provide name and source locations of fill material.

(2) Field Test Reports: Field tests will be performed by OWNER's Representative as needed. CONTRACTOR may be required to perform such tests on proposed off-site fill materials.

(a) Fill material grain size analyses per ASTM C136, D7928, D1140, D2487

(b) Moisture/Density test results per ASTM D2216

(c) Liquid limit, plastic limit, and plasticity index per ASTM D4318

(d) Compaction/Density test results per ASTM D6938 and D1557

(3) Sample: Geotextile fabric

2. PRODUCTS

Geotextile Fabric: Mirafi 600X or equal. (Also referred to as synthetic fabric).

3. EXECUTION

3.1. PROTECTION

3.1.1. General

Manner of excavation shall minimize disturbance of underlying natural ground. If deemed necessary by the Engineer, alter construction procedures to reduce subgrade disturbance.

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Excavate areas which have been excessively disturbed to firm ground and backfill with properly compacted granular fill.

3.1.2. Roads and Walks

Keep roads and walks free of dirt and debris at all times.

3.1.3. Trees, Shrubs, and Existing Facilities

Protect from any damage all vegetation and facilities identified to remain.

3.1.4. Utility Lines

Locate all utilities within the area of disturbance prior to the start of work. Show locations on initial plans. Protect utility lines from damage. Notify the ENGINEER immediately of damage to or an encounter with an unknown utility. Damage to utility lines are to be repaired by the CONTRACTOR at no additional cost. The CONTRACTOR shall have underground utility owners stake out utility locations prior to the start of clearing and excavation operations.

3.2. VERIFICATION OF CONDITIONS / PROOF-ROLLING

Prior to placement of the initial layer of fill over the natural ground, proof-roll the exposed natural ground above the groundwater table elevation by making two passes with a fully-loaded ten-wheel truck. Excavate unstable areas detected by this process and replace with compacted granular fill.

3.3. PREPARATION

3.3.1. Surface Preparation

Within the site limits indicated on the drawings, excavate all unsuitable material to firm natural ground in the manner specified herein. Follow a construction procedure which permits visual identification of firm natural ground. In the even that groundwater is encountered, the ENGINEER may require that the size of the open excavation be limited to that which can be handled by open pumping to allow visual inspection of the excavation bottom and the performance of backfill operations to be conducted in a dry state.

Excavation of unsuitable material shall be limited to the greater of the following:

- A distance of 5 feet beyond building lines or
- The area defined by a one-horizontal to one-vertical line sloping down from the outside bottom edge of exterior footings to firm natural ground.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

3.4. PLACEMENT AND COMPACTION

3.4.1. General

Place fill in accordance with Table D: Compaction Alternatives. These alternatives are provided as minimum compaction standards only and in no way relieve the CONTRACTOR of his obligation to achieve any specified degree of compaction by whatever means may be necessary.

Grade to provide positive drainage and a smooth surface which will readily shed water. To the extent practicable, compact each layer to the specified density on the same day placed. Place fill in horizontal layers. Where horizontal layers meet a natural slope, key layer into slope by cutting a bench.

Fill that is too wet for proper compaction: Disc, harrow, or otherwise dry to proper moisture content for compaction to the required density.

Fill that is too dry for proper compaction: Uniformly apply water over the surface of the loose layer in sufficient quantity to allow compaction to the required density.

Table D: Compaction Alternatives

Compaction Method	Maximum Stone Size	Maximum Loose Lift Thickness (inches)		Maximum Number of Passes	
		Below Structure and Pavements	Less-Critical Areas	Below Structure and Pavements	Less-Critical Areas
Hand operated vibratory plate of light roller in confined areas.	3	4	4	4	4
Hand operated vibratory drum rollers weighing at least 1,000 pounds in confined areas.	4	6	8	4	4
Loaded 10-wheel truck or D-8 crawler.	6	10	12	4	2
Light vibratory drum roller; Min. weight at drum 8,000lbs; Min. dynamic force 10,000lbs.	8	12	12	6	2
Minimum vibratory drum; Min. weight at drum 10,000lbs; Min. dynamic force 20,000lbs.	8	18	18	6	4

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

3.4.2. Dewatering

Provide adequate pumping and drainage facilities to keep excavated areas sufficiently dry of groundwater and surface run-off. Dewatering shall avoid adversely affection construction procedures or causing excessive disturbance of underlying natural ground. Drain all pumped water in such a manner as to avoid damage to adjacent property.

If requested by the ENGINEER, place a 6-inch to 12-inch layer of sand and gravel or crushed stone over the natural underlying soil to stabilize area which have been disturbed due to groundwater seepage pressures and to expedite dewatering operations. Particular attention shall be given areas under proposed foundations.

3.5. FIELD QUALITY CONTROL

3.5.1. Compaction Requirements

Allow the ENGINEER sufficient time to make necessary observations and tests. Base the degree of compaction on maximum dry density as determined by ASTM D1557. The minimum degree of compaction for placed fill shall be as indicated in Table E: Compaction Requirements.

Table E: Compaction Requirements

Area	Minimum Degree of Compaction (%)
Below foundation.	95
Pavement and building subbase and base courses.	95
Below building slab base course and above bottom of foundation.	92
Below pavement subbase and base courses.	90
Trench backfill outside of building.	90
Trench backfill inside of building.	Refer to one of the above- listed categories
Ordinary fill within 5 feet of grade.	90
Vegetated areas below 5 feet of grade.	85

3.5.2. Testing

Site work should be monitored and tested by geotechnical ENGINEER or his representative and in accordance with requirements of the design team to assure compliance with earthwork and foundation construction specifications.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

The owner will retain a geotechnical ENGINEER or his representative to perform on-site observations and testing during this phase of construction operations. The geotechnical ENGINEER or his representative will:

- Observe excavation and dewatering of building and controlled fill areas;
- Observe backfill and compaction within building and controlled fill areas;
- Laboratory test and analyze fill material; and
- Observe construction – and performing water content, gradation, and compaction tests.

On a timely basis, the CONTRACTOR will receive copies of test results submitted to the OWNER. In addition, during construction the geotechnical ENGINEER will advise the OWNER and CONTRACTOR in writing of conditions which fail to conform to the Contract Documents. The CONTRACTOR shall take immediate action to remedy indicated deficiencies.

The geotechnical ENGINEER or his representative will not supervise or direct the actual work of the CONTRACTOR or employees and representatives of the CONTRACTOR. The presence of, observations by, and testing performed by the geotechnical ENGINEER or his representatives shall not excuse the CONTRACTOR from defects discovered in the work.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

BARRON & ASSOCIATES, P.C.
Geotechnical Consulting and Special Inspections
10440 Main Street
Clarence, NY 14031
(716) 759-7821
www.barronandassociatespc.com

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

APPENDIX E

LIMITATIONS

LIMITATIONS

1. This report is based on the data that was obtained from the subsurface explorations and on the design of the proposed mixed-use building as submitted to the geotechnical engineer. A geotechnical engineer, who is experienced in foundation construction and earthwork, should be engaged to review the final design and specifications in order to determine whether any change in concept may have any effect on the validity of the conclusions presented herein, and whether these conclusions have, in fact, been implemented in the design and specifications.

2. The subsurface conditions, including thickness, between the exploration locations are approximate and simplified representations of the strata and transitions. There is the possibility that variations in soil and rock conditions and boundaries will be encountered during construction. In order to permit correlation between the exploratory soil data and the actual soil conditions encountered during construction and so as to assess conformance with the plans and specifications as originally contemplated, it is recommended that a geotechnical engineer, who is experienced in foundation construction and earthwork monitoring, should be retained to perform continuous construction review during the site preparation and foundation construction operations.

3. The subsurface exploration logs and subsurface conditions may aid in estimating material quality and quantities, such as topsoil/organic matter, fills, natural soils, and rock, but are not to be relied upon as the exclusive means for bid preparation purposes. It is the responsibility of the contractor to perform any additional site examinations and explorations and to prepare an accurate bid.

4. Disclaimers:

   a. In the event that any changes in the nature, design or location of the structure are planned, the conclusions that are contained in this report shall not be considered valid unless the changes are reviewed and the conclusions of this report are modified or verified in writing.

   b. The geotechnical engineering report has been prepared for this project by Barron & Associates, P.C. This report is for assistance in design only and is not a sufficient basis on which to prepare an accurate bid.

   c. This report has been prepared for the exclusive use of Ellicott Development of Buffalo, New York, their client(s), and their designated design representatives, for specific application to the construction of a five-story, mixed-use building at 5226 & 5228 Main Street (NYS Route 5), in the Town of Amherst, Erie County, New York and in accordance with generally accepted geotechnical engineering practice. No other warranty, expressed or implied, is made.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

CARMINAWOOD
DESIGN

ENGINEER'S REPORT

for

Proposed Retail w/ Drive Thru

5105 & 5117 Sheridan Drive
Town of Amherst, Erie County, New York

Prepared for

Iskalo Development Corp.

5166 Main Street, Suite 100
Williamsville, NY 14221

Prepared by

Carmina Wood Design

487 Main Street, Suite 500
Buffalo, NY 14203

Telephone: (716) 842-3165
Fax: (716) 842-0263

November 2023

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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Section 2 - Water Service
Section 3 - Sanitary Sewer Service
Section 4 - Storm Sewer Service

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Appendix B Storm Sewer System Drainage Calculations

- Existing Runoff
- Proposed Runoff

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Section 1 - Location & Description

This project is a redevelopment of a 1.38 acre site located on Sheridan Drive in the Town of Amherst. Construction will consist of a 2,400 sf retail building with drive-thru to include associated utility, lighting and landscaping improvements. Currently the site is developed consisting of an abandoned building to be demolished and a separate fast-food restaurant with drive-thru to remain. The proposed site development area to be disturbed for this project is approximately 0.9 acres when construction is completed.

Section 2 - Water Service

Water service for the proposed building will be tapped off the existing 16" ECWA water main on the south side of Sheridan Drive. The service will be a 2" type 'k' copper water service, then transition to a 2" polyethylene domestic service past the curb stop and box at the right-of-way. This service will continue into an internal mechanical room where the 2" domestic service will have a meter and RPZ, to be specified by others. Proper heat and lighting will be provided to the enclosure, drainage due to testing or failure of the RPZ will be to the outside grade. The owner will be responsible for keeping the drainage ports clear of snow and debris. Water inside the building will be used for typical domestic uses.

The proposed building is not to be sprinklered, existing public hydrants along Sheridan Drive and Mill Street will ensure fire hose coverage not exceeding 400'.

Domestic Summary:	
Peak Operating Demand:	3.78 gpm
Water Main:	16" on Sheridan Drive
Static Pressure:	82 psi (per ECWA)
Friction Loss:	0.0 psi
Loss through meter/RPZ:	13.9 psi
Elevation Loss:	0.0 psi
Pressure after RPZ:	68.1 psi

Repairs to all devices will be made during off hours, dual backflow preventers are not required. The site is not located in a 100-year flood plain. Disinfection of the water service following installation will be continuous feed, according to AWWA C-651, latest revision.

Section 3 - Sanitary Sewer Service

The proposed building will have a 6" SDR-35 PVC sanitary lateral at 1.0% minimum slope. There is a separate grease line lateral exiting the building that passes through a grease trap before connecting to the sanitary sewer lateral. Each of these laterals will connect on-site and ultimately connect to the existing public sanitary sewer along the east side of Mill Street as a single lateral.

Design Parameters

Fast Food Restaurant:	25 gal/day/seat x 35 seats = 875 gpd	
Drive-thru Window:	500 gal/day/wind. x 1 wind. = <u>500 gpd</u>	
Total:		1,375 gpd

1,375 gpd * 4.40 = 6,050 gpd *use peaking factor of 4.40 (refer to Appendix A for calculation)

The hydraulic loading rate is per "Design Standards for Intermediate Sized Wastewater Treatment Systems" 2014, NYSDEC.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Section 4 - Storm Sewer Service

The existing west portion of the site currently sheet drains north to existing storm drainage inlets that connect to the NYSDOT storm sewer along Sheridan Drive. The existing remaining eastern portion of the site currently sheet drains towards centralized drainage inlets which are also routed to the NYSDOT storm sewer along Sheridan Drive but connect upstream at a separate discharge point.

Stormwater runoff collected onsite as a result of the proposed redevelopment will be routed through the existing and proposed storm sewer system consisting of a series of catch basins and smooth interior HDPE pipe. The western portion of the site will be routed through underground detention pipes which are designed to temporarily store and discharge runoff at a controlled rate. Discharge from the storage pipes will flow through the proposed outlet control device and pipe that ultimately connects to the NYSDOT storm system at the intersection of Sheridan Drive and Mill Street. The eastern portion of the site sheet drains to the existing centralized drainage inlets which ultimately connect to the NYSDOT storm sewer system along the south side of Sheridan Drive east of the proposed curb cut.

Town of Amherst Requirement:
The Town of Amherst requires that the 25-year proposed storm event be attenuated with detention and that the outlet flowrate be restricted to the 10-year existing storm event. Given both portions of the site ultimately outlet to the existing storm sewer system along Sheridan Drive, runoff flowrates were analyzed for the total site area.

Detention: Comparison of the existing 10-year vs. the proposed 25-year runoff

Runoff Summary:

Event	Ex. Runoff (cfs)*	Pro. Runoff (cfs)*	Result (cfs)
10-year	8.34	6.44	-1.90
25-year	10.35	7.94	-2.41

* Runoff flowrate is the summation of the runoff flowrate from multiple subcatchments shown Appendix B of this report.

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Appendix A

Sanitary Sewer and Water Demand Calculations

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

CARMINA WOOD DESIGN
487 MAIN STREET, SUITE 500
BUFFALO, NEW YORK, 14203
(716) 842-3165
FAX (716) 842-0263

Project No.: 23-4037 Date: 11/20/2023
Project Name: Proposed Retail w/ Drive Thru
Project Address: 5105 & 5117 Sheridan Drive Amherst, NY
Subject: Sanitary Sewer & Water Demand Calcs
Sheet: 1 of 2

Sanitary Sewage Demand Calculations:

500	gal/d/win.	x	1	win.	=	500 gpd	*use 500 gallons per drive-thru window per day
25	gal/d/seat	x	35	seat	=	875 gpd	*use 25 gallons per seat per day (fast food)

Total Site Sanitary Demand: = 1,375 gpd

Find Peak Sanitary Demand:

Peaking Factor based on Population:

Total demand: 1,375 gpd / 100 gpcd = 14 per capita

Population (P) = 14 people

Peaking Factor : (18 +/P) / (4 + /P) where P is in thousands

Peaking Factor = 4.40

Peak Sanitary Demand = 1,375 x 4.40 = 6,050 gpd
= 0.006 MGD
= 0.009 cfs

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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487 MAIN STREET, SUITE 500
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Subject: Sanitary Sewer & Water Demand Calcs
Sheet: 2 of 2

Water Demand Calculations (domestic):

Proposed Retail

1,375 gpd x 1.1 = 1,513 gpd *use 110% of sewage demand

*use 1.8 peaking factor and assume a 12 hour day

1,513 gpm x 1day/12hr x 1hr/60min = 2.10 gpm

2.10 gpm x 1.8 = 3.78 gpm Q_{peak}

Headlosses:

Q_{peak} = 3.78 gpm
Pipe = 2 inch Polyethylene C = 140
Length = 75 LF (approx. distance from tap to RPZ in hot box)

$$H_L = \frac{10.44\ L\ Q^{1.85}}{C^{1.85}\ D^{4.866}} = \frac{10.44(75)(3.78)^{1.85}}{(140)^{1.85}\ (2)^{4.866}} = 0.03 \text{ ft} = 0.01 \text{ psi}$$

Δ elev = 2 ft = 0.87 psi
Loss through meter = 1 psi
Loss through RPZ = 12 psi
Total Losses = 13.9 psi
Static Pressure = 82 psi (per ECWA)
Residual Pressure Following RPZ = 82 - 13.9 = 68.1 psi (available after rpz & meter)

Water Demand Calculations (fire):

Proposed Mixed Use

Q = 1,000 gpd

Headlosses:

Q_{peak} = 1000 gpm
Pipe = 6 inch Ductile Iron C = 140
Length = 150 LF (approx. distance from tap to RPDA in hot box)

$$H_L = \frac{10.44\ L\ Q^{1.85}}{C^{1.85}\ D^{4.866}} = \frac{10.44(90)(1000)^{1.85}}{(140)^{1.85}\ (6)^{4.866}} = 9.73 \text{ ft} = 4.21 \text{ psi}$$

Δ elev = 0 ft = 0.00 psi
Loss Through RPZ = 12.0 psi
Total Losses = 16.2 psi
Static Pressure = 82.0 psi (per ECWA)
Residual Pressure after RPDA = 82 - 16.2 = 65.8 psi

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

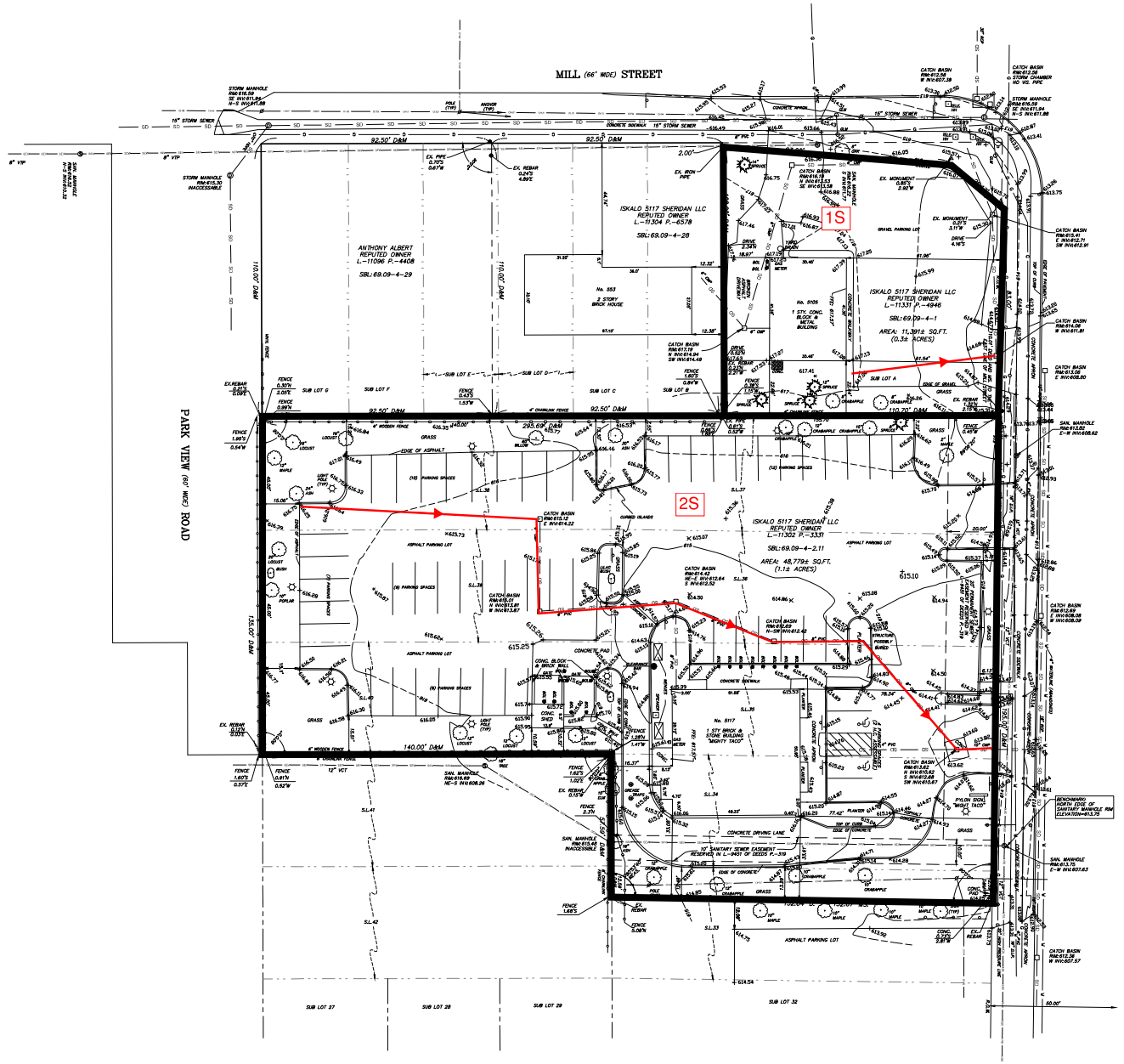
Appendix B

Storm Sewer System Drainage Calculations

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Existing Runoff

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

● SET OR EX. 5/8" REBAR

▲ SET OR EX.CONCRETE MONUMENT

TOPOGRAPHIC SURVEY OF
PART OF LOT 5, TOWNSHIP 12, RANGE 7
BUFFALO CREEK RESERVATION
TOWN OF AMHERST, ERIE COUNTY, NEW YORK

GPI ENGINEERING, LANDSCAPE ARCHITECTURE & SURVEYING, LLP
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
4820 GENESEE STREET, SUITE 101
BUFFALO, NEW YORK 14225
(716) 633-4844 FAX 633-4940

Job No. 2016609-2023 Date: FEBRUARY 17, 2023
Scale: 1" = 20' TAX No. 69.0

REVISION/TYPE

ATE HOUSE No. 553

Events for Subcatchment 1S: West

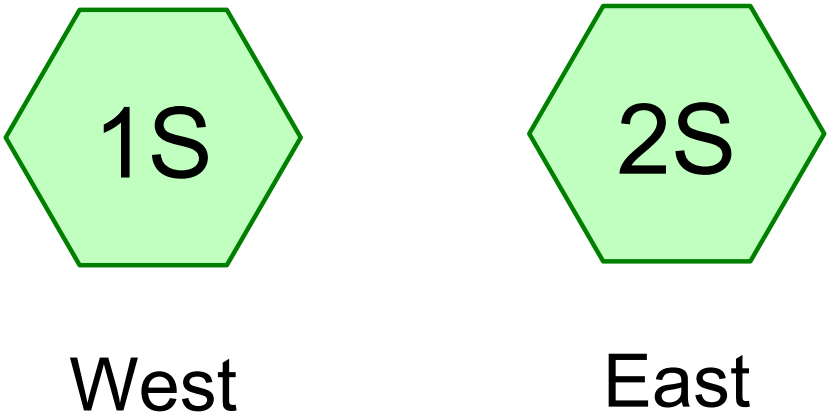
Event	Rainfall (inches)	Runoff (cfs)	Volume (cubic-feet)	Depth (inches)
1-Year	1.87	0.66	1,157	1.28
2-Year	2.20	0.80	1,438	1.58
5-Year	2.69	1.02	1,862	2.05
10-Year	3.14	1.22	2,256	2.49
25-Year	3.84	1.52	2,875	3.17
50-Year	4.48	1.80	3,445	3.80
100-Year	**5.23**	**2.12**	**4,116**	**4.54**

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Events for Subcatchment 2S: East

Event	Rainfall (inches)	Runoff (cfs)	Volume (cubic-feet)	Depth (inches)
1-Year	1.87	2.79	5,231	1.28
2-Year	2.20	3.42	6,499	1.58
5-Year	2.69	4.35	8,414	2.05
10-Year	3.14	5.20	10,196	2.49
25-Year	3.84	6.51	12,994	3.17
50-Year	4.48	7.70	15,570	3.80
100-Year	**5.23**	**9.09**	**18,602**	**4.54**

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Subcat Reach Pond Link

Routing Diagram for 23-4037 existing
Prepared by Carmina Wood Morris, PC, Printed 11/17/2023
HydroCAD® 10.20-2g s/n 05019 © 2022 HydroCAD Software Solutions LLC

Rainfall Events Listing (selected events)

Event#	Event Name	Storm Type	Curve	Mode	Duration (hours)	B/B	Depth (inches)	AMC
1	10-Year	Type II 24-hr		Default	24.00	1	3.14	2
2	25-Year	Type II 24-hr		Default	24.00	1	3.84	2

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Area Listing (all nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
12,197	80	>75% Grass cover, Good, HSG D (1S, 2S)
43,560	98	Paved parking, HSG D (1S, 2S)
4,356	98	Roofs, HSG D (1S, 2S)
60,113	**94**	**TOTAL AREA**

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Soil Listing (all nodes)

Area (sq-ft)	Soil Group	Subcatchment Numbers
0	HSG A	
0	HSG B	
0	HSG C	
60,113	HSG D	1S, 2S
0	Other	
60,113		**TOTAL AREA**

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Ground Covers (all nodes)

HSG-A (sq-ft)	HSG-B (sq-ft)	HSG-C (sq-ft)	HSG-D (sq-ft)	Other (sq-ft)	Total (sq-ft)	Ground Cover	Su Nu
0	0	0	12,197	0	12,197	>75% Grass cover, Good	
0	0	0	43,560	0	43,560	Paved parking	
0	0	0	4,356	0	4,356	Roofs	
0	**0**	**0**	**60,113**	**0**	**60,113**	**TOTAL AREA**	

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Pipe Listing (all nodes)

Line#	Node Number	In-Invert (feet)	Out-Invert (feet)	Length (feet)	Slope (ft/ft)	n	Width (inches)	Diam/Height (inches)	Inside-Fill (inches)
1	2S	0.00	0.00	225.0	0.0140	0.010	0.0	6.0	0.0

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Time span=0.00-60.00 hrs, dt=0.01 hrs, 6001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: West Runoff Area=0.250 ac 80.00% Impervious Runoff Depth=2.49"
Flow Length=60' Slope=0.0530 '/' Tc=0.6 min CN=94 Runoff=1.22 cfs 2,256 cf

Subcatchment2S: East Runoff Area=1.130 ac 79.65% Impervious Runoff Depth=2.49"
Flow Length=330' Tc=2.5 min CN=94 Runoff=5.20 cfs 10,196 cf

Total Runoff Area = 60,113 sf Runoff Volume = 12,452 cf Average Runoff Depth = 2.49"
20.29% Pervious = 12,197 sf 79.71% Impervious = 47,916 sf

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Subcatchment 1S: West

[49] Hint: Tc<2dt may require smaller dt

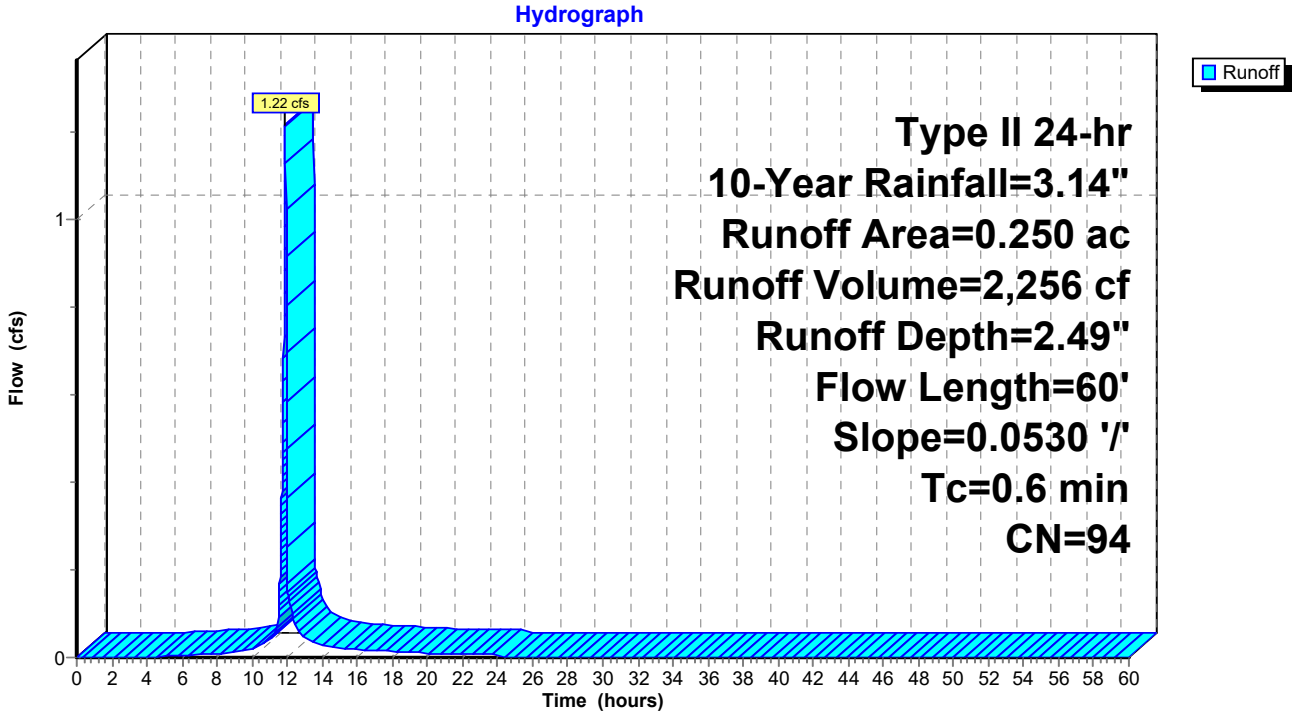
Runoff = 1.22 cfs @ 11.91 hrs, Volume= 2,256 cf, Depth= 2.49"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Type II 24-hr 10-Year Rainfall=3.14"

Area (ac)	CN	Description
0.030	98	Roofs, HSG D
0.170	98	Paved parking, HSG D
0.050	80	>75% Grass cover, Good, HSG D
0.250	94	Weighted Average
0.050		20.00% Pervious Area
0.200		80.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.6	60	0.0530	1.62		**Sheet Flow, pavement** Smooth surfaces n= 0.011 P2= 2.50"

Subcatchment 1S: West



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Subcatchment 2S: East

[47] Hint: Peak is 602% of capacity of segment #2

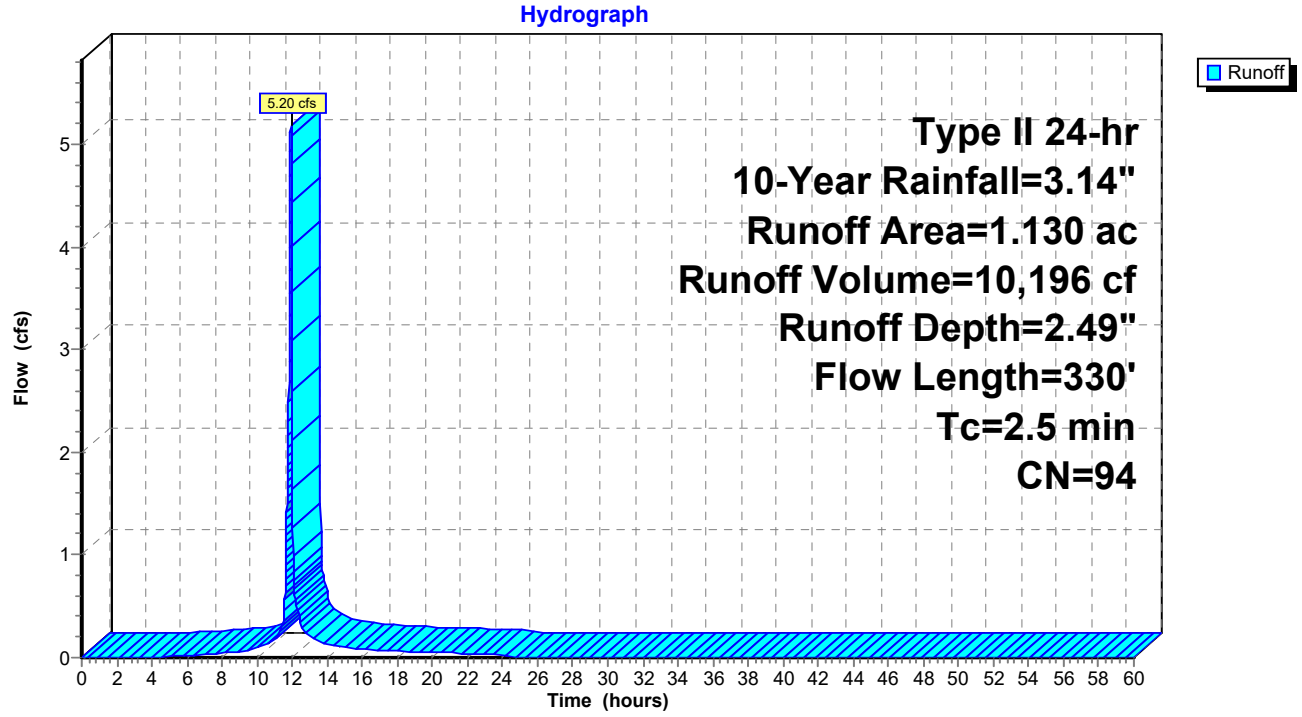
Runoff = 5.20 cfs @ 11.93 hrs, Volume= 10,196 cf, Depth= 2.49"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Type II 24-hr 10-Year Rainfall=3.14"

Area (ac)	CN	Description
0.070	98	Roofs, HSG D
0.830	98	Paved parking, HSG D
0.230	80	>75% Grass cover, Good, HSG D
1.130	94	Weighted Average
0.230		20.35% Pervious Area
0.900		79.65% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.6	105	0.0150	1.09		**Sheet Flow, pavement** Smooth surfaces n= 0.011 P2= 2.50"
0.9	225	0.0140	4.40	0.86	**Pipe Channel, Pipe flow** 6.0" Round Area= 0.2 sf Perim= 1.6' r= 0.13' n= 0.010 PVC, smooth interior
2.5	330	Total			

Subcatchment 2S: East



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Time span=0.00-60.00 hrs, dt=0.01 hrs, 6001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: West Runoff Area=0.250 ac 80.00% Impervious Runoff Depth=3.17"
Flow Length=60' Slope=0.0530 '/' Tc=0.6 min CN=94 Runoff=1.52 cfs 2,875 cf

Subcatchment2S: East Runoff Area=1.130 ac 79.65% Impervious Runoff Depth=3.17"
Flow Length=330' Tc=2.5 min CN=94 Runoff=6.51 cfs 12,994 cf

Total Runoff Area = 60,113 sf Runoff Volume = 15,868 cf Average Runoff Depth = 3.17"
20.29% Pervious = 12,197 sf 79.71% Impervious = 47,916 sf

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Subcatchment 1S: West

[49] Hint: Tc<2dt may require smaller dt

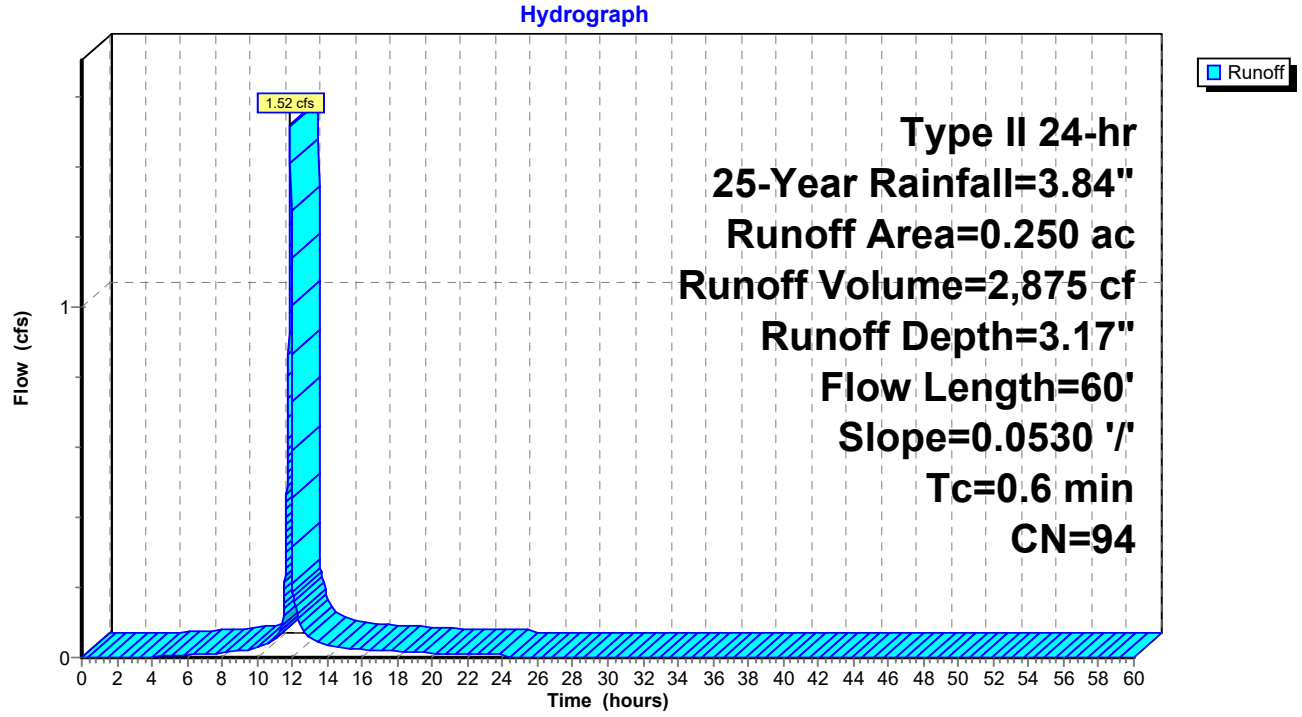
Runoff = 1.52 cfs @ 11.91 hrs, Volume= 2,875 cf, Depth= 3.17"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Type II 24-hr 25-Year Rainfall=3.84"

Area (ac)	CN	Description
0.030	98	Roofs, HSG D
0.170	98	Paved parking, HSG D
0.050	80	>75% Grass cover, Good, HSG D
0.250	94	Weighted Average
0.050		20.00% Pervious Area
0.200		80.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.6	60	0.0530	1.62		**Sheet Flow, pavement** Smooth surfaces n= 0.011 P2= 2.50"

Subcatchment 1S: West



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Subcatchment 2S: East

[47] Hint: Peak is 754% of capacity of segment #2

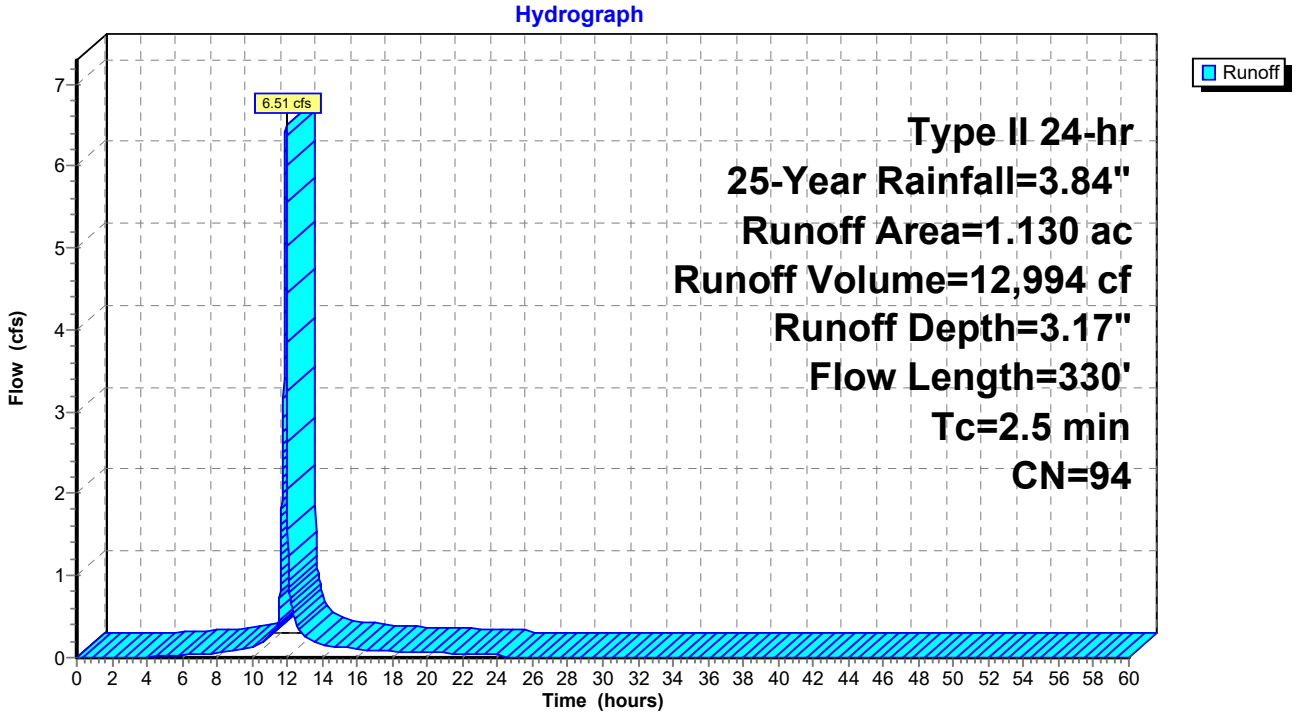
Runoff = 6.51 cfs @ 11.93 hrs, Volume= 12,994 cf, Depth= 3.17"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Type II 24-hr 25-Year Rainfall=3.84"

Area (ac)	CN	Description
0.070	98	Roofs, HSG D
0.830	98	Paved parking, HSG D
0.230	80	>75% Grass cover, Good, HSG D
1.130	94	Weighted Average
0.230		20.35% Pervious Area
0.900		79.65% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.6	105	0.0150	1.09		**Sheet Flow, pavement** Smooth surfaces n= 0.011 P2= 2.50"
0.9	225	0.0140	4.40	0.86	**Pipe Channel, Pipe flow** 6.0" Round Area= 0.2 sf Perim= 1.6' r= 0.13' n= 0.010 PVC, smooth interior
2.5	330	Total			

Subcatchment 2S: East



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Proposed Runoff

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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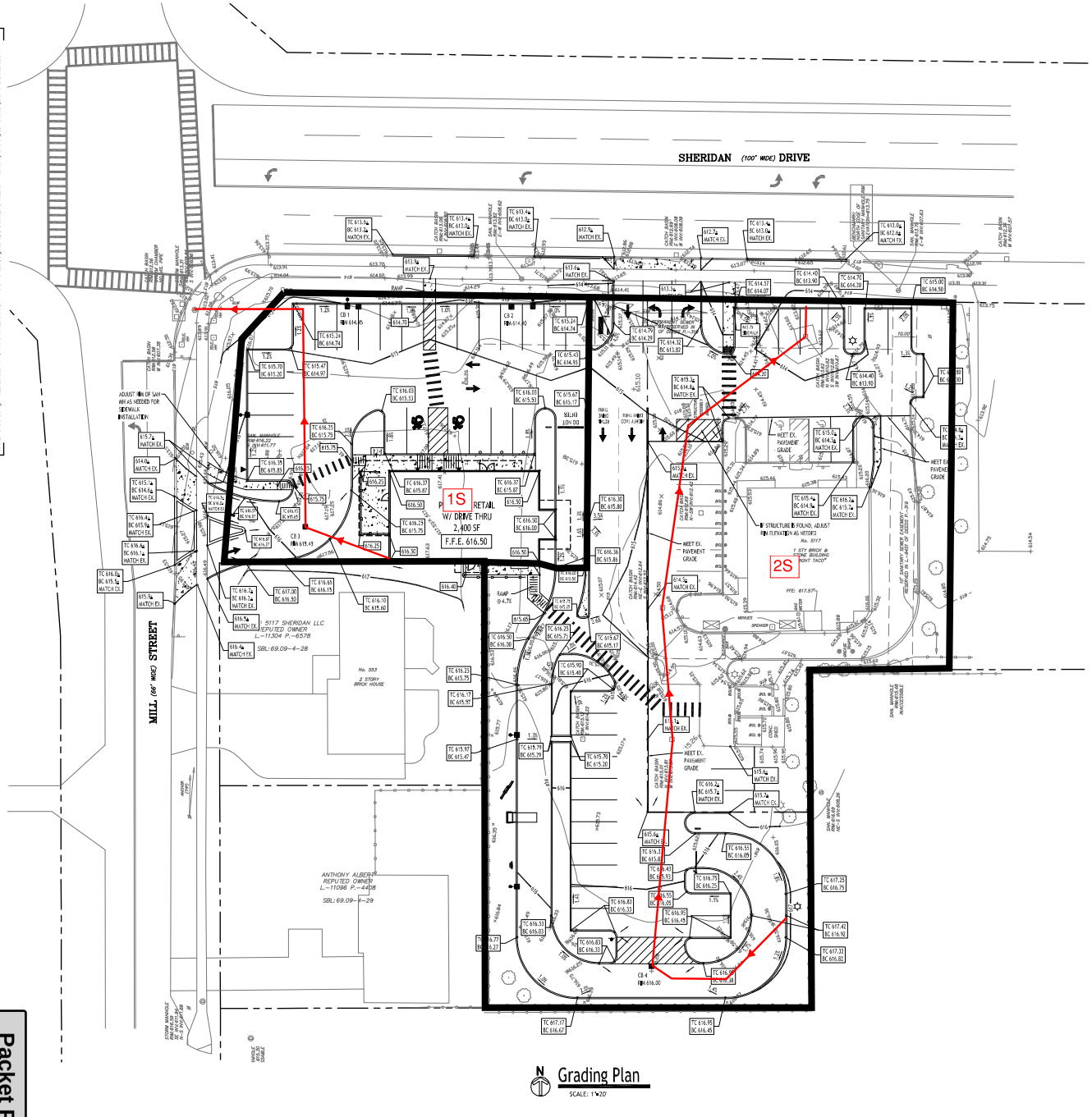


N Grading Plan
SCALE: 1"=20'

PROPOSED GRADING LEGEND
PROPOSED CONTOUR
PROPOSED SPOT ELEVATION
PROPOSED TOP/BOTTOM OF CURB
PROPOSED CATCH BASIN
PAVEMENT/GROUND SLOPE
PROPOSED MANHOLE
PROPOSED SWALE

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

20 10 0 20 40FT

CARMINAWOOD DESIGN
Buffalo | Utica | Greensboro

Proposed Retail w/ Drive Thru

5105 & 5117 Sheridan Drive
Amherst, NY

REVISIONS:
No. Description Date

DRAWING NAME:
Grading Plan

Date: 11/20/23
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
C-200

Project No:

Packet Pg. 460

2.a

Events for Pond 1P: Pipe Storage

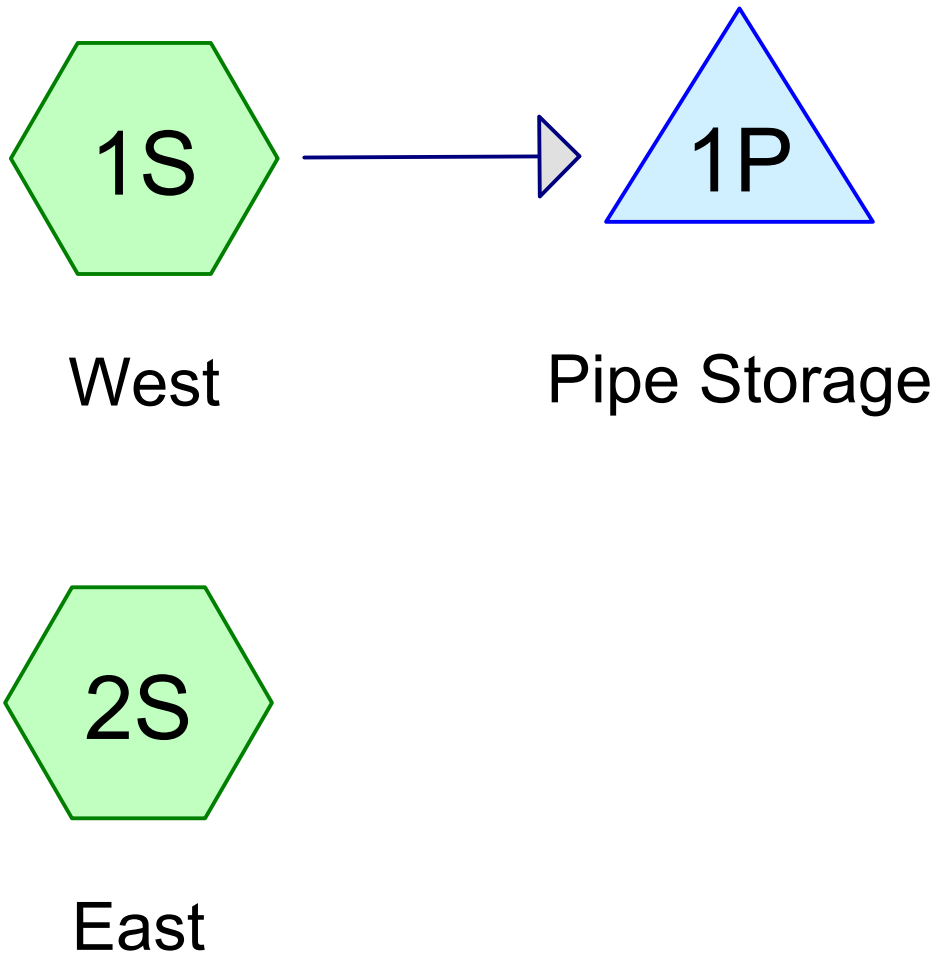
Event	Inflow (cfs)	Primary (cfs)	Elevation (feet)	Storage (cubic-feet)
1-Year	0.89	0.70	613.65	748
2-Year	1.07	0.87	613.94	803
5-Year	1.34	1.05	614.33	885
10-Year	1.59	1.84	616.87	**885**
25-Year	1.97	2.18	618.42	885
50-Year	2.31	2.71	621.33	885
100-Year	**2.71**	**3.28**	**625.13**	885

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Events for Subcatchment 2S: East

Event	Rainfall (inches)	Runoff (cfs)	Volume (cubic-feet)	Depth (inches)
1-Year	1.87	2.47	4,629	1.28
2-Year	2.20	3.03	5,751	1.58
5-Year	2.69	3.85	7,446	2.05
10-Year	3.14	4.60	9,023	2.49
25-Year	3.84	5.76	11,499	3.17
50-Year	4.48	6.82	13,778	3.80
100-Year	**5.23**	**8.05**	**16,462**	**4.54**

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



Subcat Reach Pond Link

Routing Diagram for 23-4037 proposed
Prepared by Carmina Wood Morris, PC, Printed 11/17/2023
HydroCAD® 10.20-2g s/n 05019 © 2022 HydroCAD Software Solutions LLC

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Rainfall Events Listing (selected events)

Event#	Event Name	Storm Type	Curve	Mode	Duration (hours)	B/B	Depth (inches)	AMC
1	10-Year	Type II 24-hr		Default	24.00	1	3.14	2
2	25-Year	Type II 24-hr		Default	24.00	1	3.84	2

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Area Listing (all nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
13,068	80	>75% Grass cover, Good, HSG D (1S, 2S)
41,818	98	Paved parking, HSG D (1S, 2S)
5,227	98	Roofs, HSG D (1S, 2S)
60,113	**94**	**TOTAL AREA**

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Soil Listing (all nodes)

Area (sq-ft)	Soil Group	Subcatchment Numbers
0	HSG A	
0	HSG B	
0	HSG C	
60,113	HSG D	1S, 2S
0	Other	
60,113		**TOTAL AREA**

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Ground Covers (all nodes)

HSG-A (sq-ft)	HSG-B (sq-ft)	HSG-C (sq-ft)	HSG-D (sq-ft)	Other (sq-ft)	Total (sq-ft)	Ground Cover	Su Nu
0	0	0	13,068	0	13,068	>75% Grass cover, Good	
0	0	0	41,818	0	41,818	Paved parking	
0	0	0	5,227	0	5,227	Roofs	
0	**0**	**0**	**60,113**	**0**	**60,113**	**TOTAL AREA**	

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Pipe Listing (all nodes)

Line#	Node Number	In-Invert (feet)	Out-Invert (feet)	Length (feet)	Slope (ft/ft)	n	Width (inches)	Diam/Height (inches)	Inside-Fill (inches)
1	1S	0.00	0.00	161.0	0.0130	0.013	0.0	10.0	0.0
2	2S	0.00	0.00	285.0	0.0140	0.013	0.0	8.0	0.0
3	1P	610.45	610.00	45.0	0.0100	0.013	0.0	8.0	0.0

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Time span=0.00-60.00 hrs, dt=0.01 hrs, 6001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: West Runoff Area=0.380 ac 86.84% Impervious Runoff Depth=2.69"
Flow Length=201' Tc=6.9 min CN=96 Runoff=1.59 cfs 3,711 cf

Subcatchment2S: East Runoff Area=1.000 ac 75.00% Impervious Runoff Depth=2.49"
Flow Length=360' Tc=2.5 min CN=94 Runoff=4.60 cfs 9,023 cf

Pond 1P: Pipe Storage Peak Elev=616.87' Storage=885 cf Inflow=1.59 cfs 3,711 cf
Outflow=1.84 cfs 3,120 cf

Total Runoff Area = 60,113 sf Runoff Volume = 12,733 cf Average Runoff Depth = 2.54"
21.74% Pervious = 13,068 sf 78.26% Impervious = 47,045 sf

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Subcatchment 1S: West

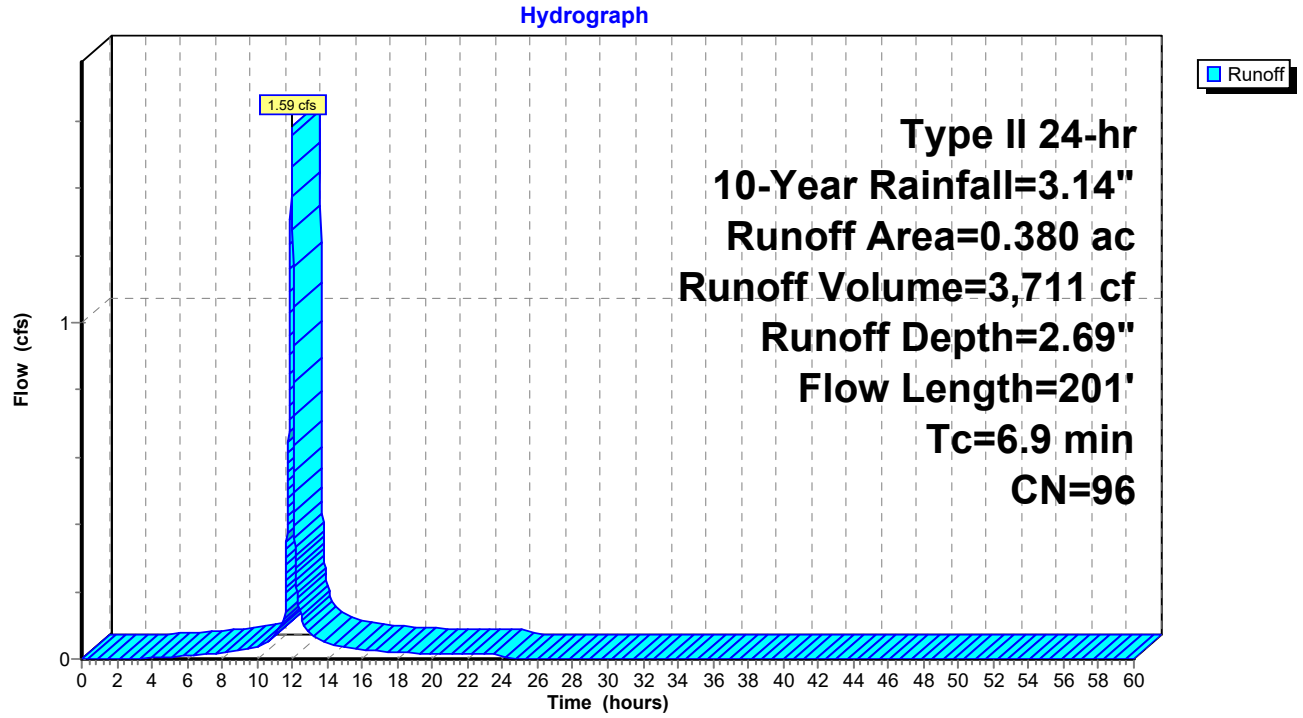
Runoff = 1.59 cfs @ 11.98 hrs, Volume= 3,711 cf, Depth= 2.69"
Routed to Pond 1P : Pipe Storage

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Type II 24-hr 10-Year Rainfall=3.14"

Area (ac)	CN	Description
0.060	98	Roofs, HSG D
0.270	98	Paved parking, HSG D
0.050	80	>75% Grass cover, Good, HSG D
0.380	96	Weighted Average
0.050		13.16% Pervious Area
0.330		86.84% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.1	30	0.0080	0.08		**Sheet Flow, grass** Grass: Short n= 0.150 P2= 2.50"
0.2	10	0.0150	0.68		**Sheet Flow, pavement** Smooth surfaces n= 0.011 P2= 2.50"
0.6	161	0.0130	4.58	2.50	**Pipe Channel, pipe flow** 10.0" Round Area= 0.5 sf Perim= 2.6' r= 0.21' n= 0.013 Corrugated PE, smooth interior
6.9	201	Total			

Subcatchment 1S: West



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Subcatchment 2S: East

[47] Hint: Peak is 322% of capacity of segment #2

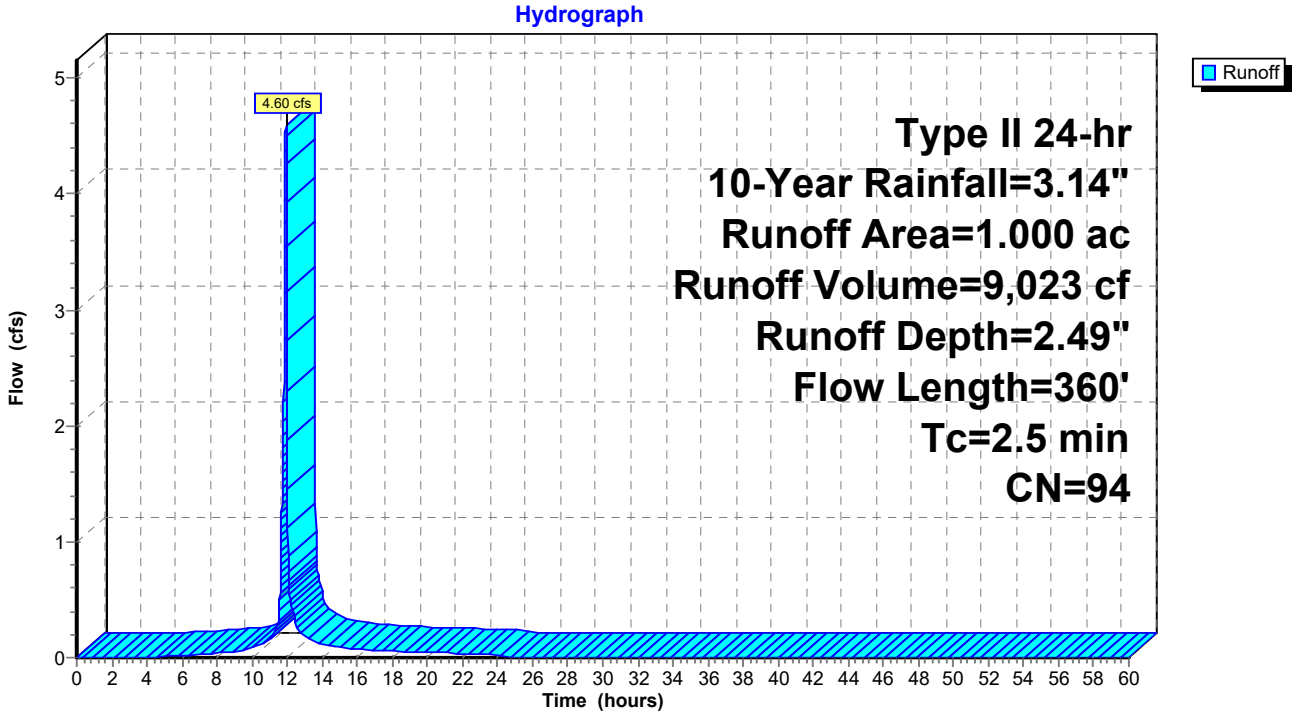
Runoff = 4.60 cfs @ 11.93 hrs, Volume= 9,023 cf, Depth= 2.49"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Type II 24-hr 10-Year Rainfall=3.14"

Area (ac)	CN	Description
0.060	98	Roofs, HSG D
0.690	98	Paved parking, HSG D
0.250	80	>75% Grass cover, Good, HSG D
1.000	94	Weighted Average
0.250		25.00% Pervious Area
0.750		75.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.3	75	0.0120	0.94		**Sheet Flow, pavement** Smooth surfaces n= 0.011 P2= 2.50"
1.2	285	0.0140	4.10	1.43	**Pipe Channel, pipe flow** 8.0" Round Area= 0.3 sf Perim= 2.1' r= 0.17' n= 0.013 Corrugated PE, smooth interior
2.5	360	Total			

Subcatchment 2S: East



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Pond 1P: Pipe Storage

[93] Warning: Storage range exceeded by 2.54'
[88] Warning: Qout>Qin may require smaller dt or Finer Routing
[85] Warning: Oscillations may require smaller dt or Finer Routing (severity=1)

Inflow Area = 16,553 sf, 86.84% Impervious, Inflow Depth = 2.69" for 10-Year event
Inflow = 1.59 cfs @ 11.98 hrs, Volume= 3,711 cf
Outflow = 1.84 cfs @ 11.98 hrs, Volume= 3,120 cf, Atten= 0%, Lag= 0.1 min
Primary = 1.84 cfs @ 11.98 hrs, Volume= 3,120 cf

Routing by Stor-Ind method, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Peak Elev= 616.87' @ 11.98 hrs Surf.Area= 526 sf Storage= 885 cf

Plug-Flow detention time= 118.7 min calculated for 3,120 cf (84% of inflow)
Center-of-Mass det. time= 48.5 min (820.4 - 771.9)

Volume	Invert	Avail.Storage	Storage Description
#1A	611.00'	513 cf	**12.33'W x 42.67'L x 3.33'H Field A** 1,754 cf Overall - 471 cf Embedded = 1,284 cf x 40.0% Voids
#2A	611.50'	372 cf	**ADS N-12 24"** x 6 Inside #1 Inside= 23.8"W x 23.8"H => 3.10 sf x 20.00'L = 62.0 cf Outside= 28.0"W x 28.0"H => 3.92 sf x 20.00'L = 78.4 cf 6 Chambers in 3 Rows
		885 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	610.45'	**8.0" Round Culvert** L= 45.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 610.45' / 610.00' S= 0.0100 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.35 sf
#2	Device 1	613.10'	**6.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=1.83 cfs @ 11.98 hrs HW=616.86' (Free Discharge)
└**1=Culvert** (Passes 1.83 cfs of 3.52 cfs potential flow)
└**2=Orifice/Grate** (Orifice Controls 1.83 cfs @ 9.34 fps)

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Pond 1P: Pipe Storage - Chamber Wizard Field A

Chamber Model = ADS N-12 24" (ADS N-12® Pipe)
Inside= 23.8"W x 23.8"H => 3.10 sf x 20.00'L = 62.0 cf
Outside= 28.0"W x 28.0"H => 3.92 sf x 20.00'L = 78.4 cf

28.0" Wide + 16.0" Spacing = 44.0" C-C Row Spacing

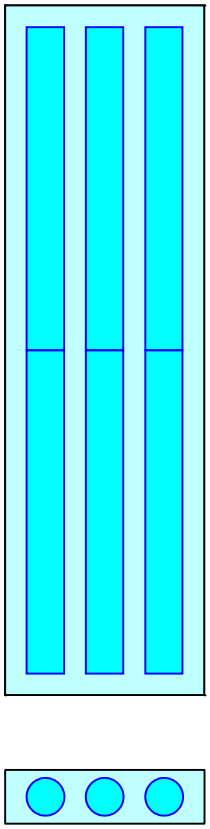
2 Chambers/Row x 20.00' Long = 40.00' Row Length +16.0" End Stone x 2 = 42.67' Base Length
3 Rows x 28.0" Wide + 16.0" Spacing x 2 + 16.0" Side Stone x 2 = 12.33' Base Width
6.0" Stone Base + 28.0" Chamber Height + 6.0" Stone Cover = 3.33' Field Height

6 Chambers x 62.0 cf = 372.0 cf Chamber Storage
6 Chambers x 78.4 cf = 470.6 cf Displacement

1,754.1 cf Field - 470.6 cf Chambers = 1,283.6 cf Stone x 40.0% Voids = 513.4 cf Stone Storage

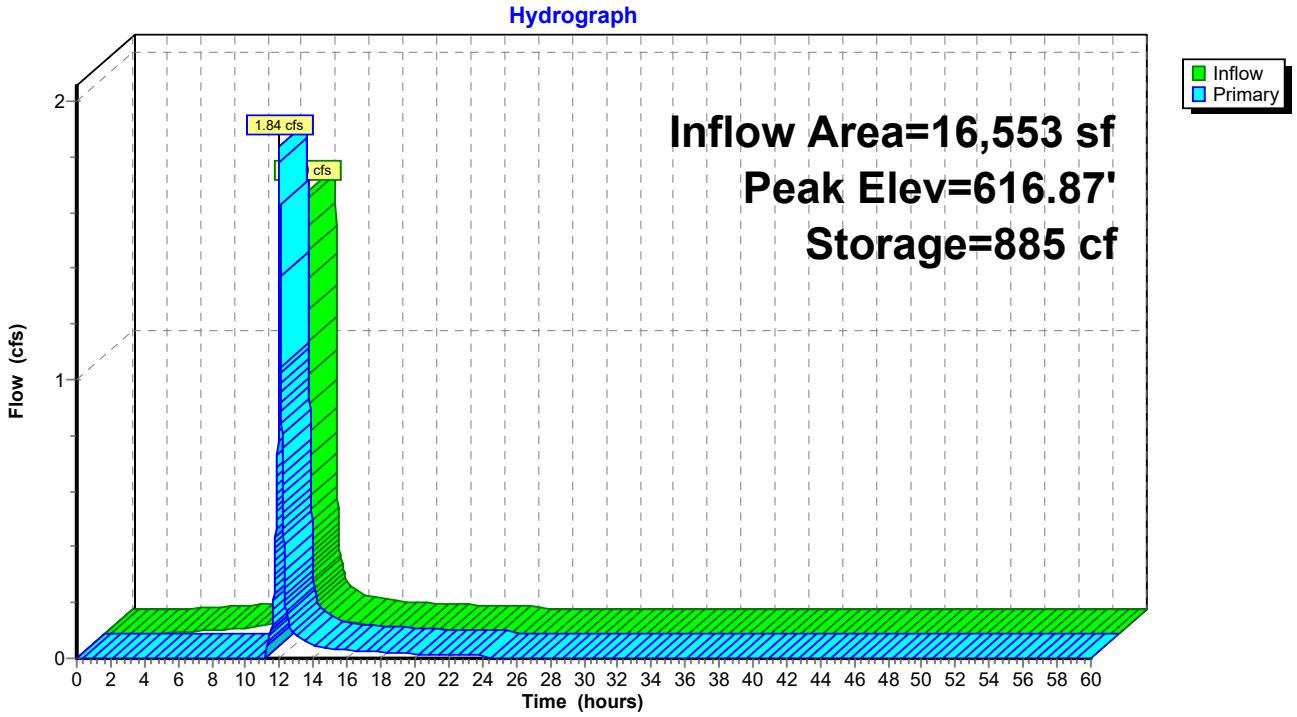
Chamber Storage + Stone Storage = 885.4 cf = 0.020 af
Overall Storage Efficiency = 50.5%
Overall System Size = 42.67' x 12.33' x 3.33'

6 Chambers
65.0 cy Field
47.5 cy Stone



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Pond 1P: Pipe Storage



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Time span=0.00-60.00 hrs, dt=0.01 hrs, 6001 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: West Runoff Area=0.380 ac 86.84% Impervious Runoff Depth=3.38"
Flow Length=201' Tc=6.9 min CN=96 Runoff=1.97 cfs 4,665 cf

Subcatchment2S: East Runoff Area=1.000 ac 75.00% Impervious Runoff Depth=3.17"
Flow Length=360' Tc=2.5 min CN=94 Runoff=5.76 cfs 11,499 cf

Pond 1P: Pipe Storage Peak Elev=618.42' Storage=885 cf Inflow=1.97 cfs 4,665 cf
Outflow=2.18 cfs 4,074 cf

Total Runoff Area = 60,113 sf Runoff Volume = 16,163 cf Average Runoff Depth = 3.23"
21.74% Pervious = 13,068 sf 78.26% Impervious = 47,045 sf

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Subcatchment 1S: West

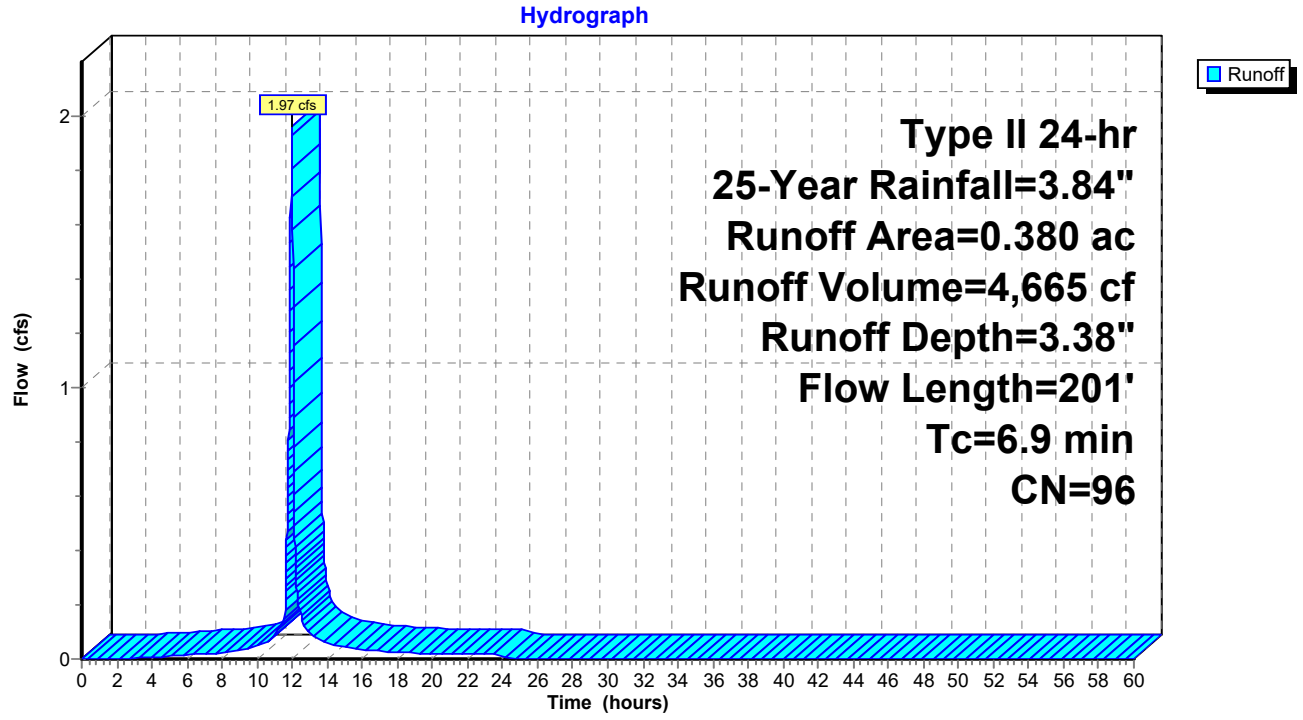
Runoff = 1.97 cfs @ 11.98 hrs, Volume= 4,665 cf, Depth= 3.38"
Routed to Pond 1P : Pipe Storage

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Type II 24-hr 25-Year Rainfall=3.84"

Area (ac)	CN	Description
0.060	98	Roofs, HSG D
0.270	98	Paved parking, HSG D
0.050	80	>75% Grass cover, Good, HSG D
0.380	96	Weighted Average
0.050		13.16% Pervious Area
0.330		86.84% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.1	30	0.0080	0.08		**Sheet Flow, grass** Grass: Short n= 0.150 P2= 2.50"
0.2	10	0.0150	0.68		**Sheet Flow, pavement** Smooth surfaces n= 0.011 P2= 2.50"
0.6	161	0.0130	4.58	2.50	**Pipe Channel, pipe flow** 10.0" Round Area= 0.5 sf Perim= 2.6' r= 0.21' n= 0.013 Corrugated PE, smooth interior
6.9	201	Total			

Subcatchment 1S: West



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Subcatchment 2S: East

[47] Hint: Peak is 403% of capacity of segment #2

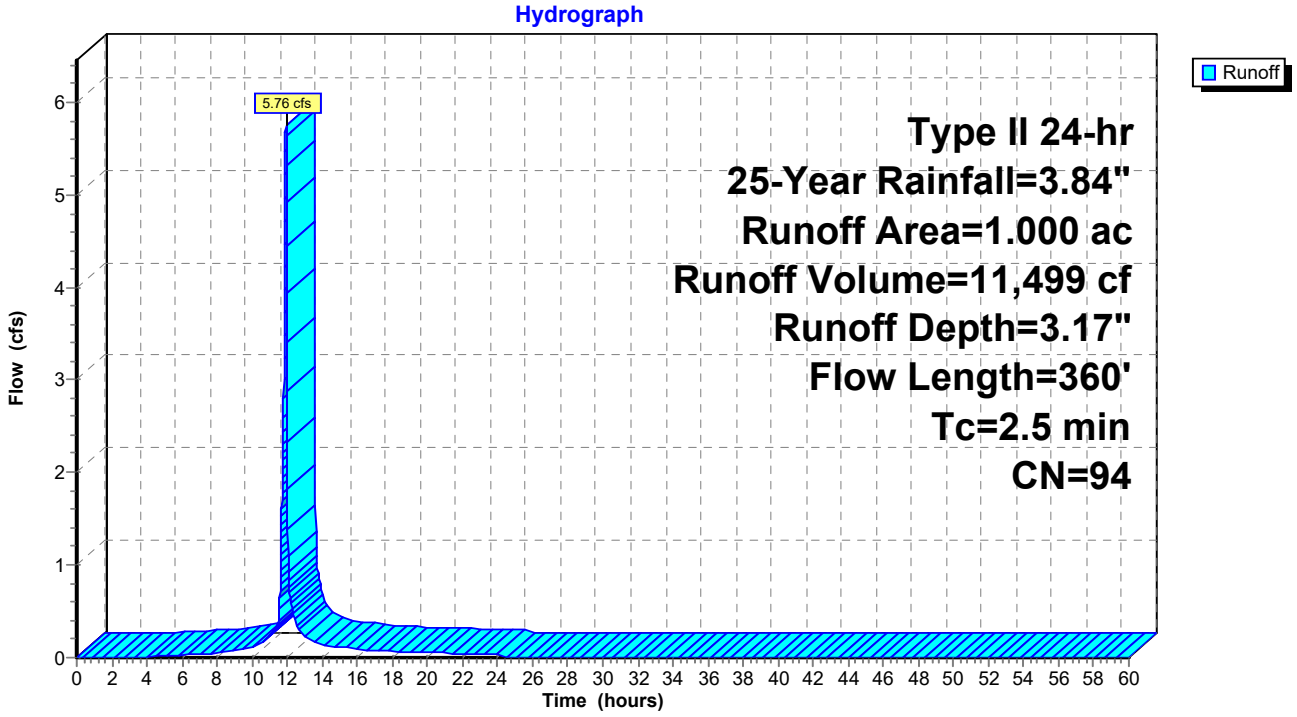
Runoff = 5.76 cfs @ 11.93 hrs, Volume= 11,499 cf, Depth= 3.17"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Type II 24-hr 25-Year Rainfall=3.84"

Area (ac)	CN	Description
0.060	98	Roofs, HSG D
0.690	98	Paved parking, HSG D
0.250	80	>75% Grass cover, Good, HSG D
1.000	94	Weighted Average
0.250		25.00% Pervious Area
0.750		75.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.3	75	0.0120	0.94		**Sheet Flow, pavement** Smooth surfaces n= 0.011 P2= 2.50"
1.2	285	0.0140	4.10	1.43	**Pipe Channel, pipe flow** 8.0" Round Area= 0.3 sf Perim= 2.1' r= 0.17' n= 0.013 Corrugated PE, smooth interior
2.5	360	Total			

Subcatchment 2S: East



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Summary for Pond 1P: Pipe Storage

[93] Warning: Storage range exceeded by 4.09'
[88] Warning: Qout>Qin may require smaller dt or Finer Routing
[85] Warning: Oscillations may require smaller dt or Finer Routing (severity=4)

Inflow Area = 16,553 sf, 86.84% Impervious, Inflow Depth = 3.38" for 25-Year event
Inflow = 1.97 cfs @ 11.98 hrs, Volume= 4,665 cf
Outflow = 2.18 cfs @ 11.98 hrs, Volume= 4,074 cf, Atten= 0%, Lag= 0.2 min
Primary = 2.18 cfs @ 11.98 hrs, Volume= 4,074 cf

Routing by Stor-Ind method, Time Span= 0.00-60.00 hrs, dt= 0.01 hrs
Peak Elev= 618.42' @ 11.98 hrs Surf.Area= 526 sf Storage= 885 cf

Plug-Flow detention time= 105.7 min calculated for 4,074 cf (87% of inflow)
Center-of-Mass det. time= 44.8 min (811.0 - 766.3)

Volume	Invert	Avail.Storage	Storage Description
#1A	611.00'	513 cf	**12.33'W x 42.67'L x 3.33'H Field A** 1,754 cf Overall - 471 cf Embedded = 1,284 cf x 40.0% Voids
#2A	611.50'	372 cf	**ADS N-12 24"** x 6 Inside #1 Inside= 23.8"W x 23.8"H => 3.10 sf x 20.00'L = 62.0 cf Outside= 28.0"W x 28.0"H => 3.92 sf x 20.00'L = 78.4 cf 6 Chambers in 3 Rows
		885 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Primary	610.45'	**8.0" Round Culvert** L= 45.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 610.45' / 610.00' S= 0.0100 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.35 sf
#2	Device 1	613.10'	**6.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=2.18 cfs @ 11.98 hrs HW=618.40' (Free Discharge)
└**1=Culvert** (Passes 2.18 cfs of 3.93 cfs potential flow)
└**2=Orifice/Grate** (Orifice Controls 2.18 cfs @ 11.09 fps)

Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Pond 1P: Pipe Storage - Chamber Wizard Field A

Chamber Model = ADS N-12 24" (ADS N-12® Pipe)
Inside= 23.8"W x 23.8"H => 3.10 sf x 20.00'L = 62.0 cf
Outside= 28.0"W x 28.0"H => 3.92 sf x 20.00'L = 78.4 cf

28.0" Wide + 16.0" Spacing = 44.0" C-C Row Spacing

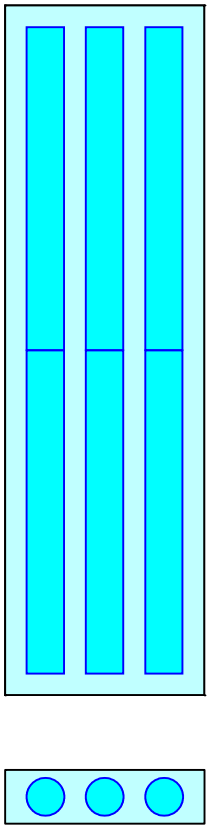
2 Chambers/Row x 20.00' Long = 40.00' Row Length +16.0" End Stone x 2 = 42.67' Base Length
3 Rows x 28.0" Wide + 16.0" Spacing x 2 + 16.0" Side Stone x 2 = 12.33' Base Width
6.0" Stone Base + 28.0" Chamber Height + 6.0" Stone Cover = 3.33' Field Height

6 Chambers x 62.0 cf = 372.0 cf Chamber Storage
6 Chambers x 78.4 cf = 470.6 cf Displacement

1,754.1 cf Field - 470.6 cf Chambers = 1,283.6 cf Stone x 40.0% Voids = 513.4 cf Stone Storage

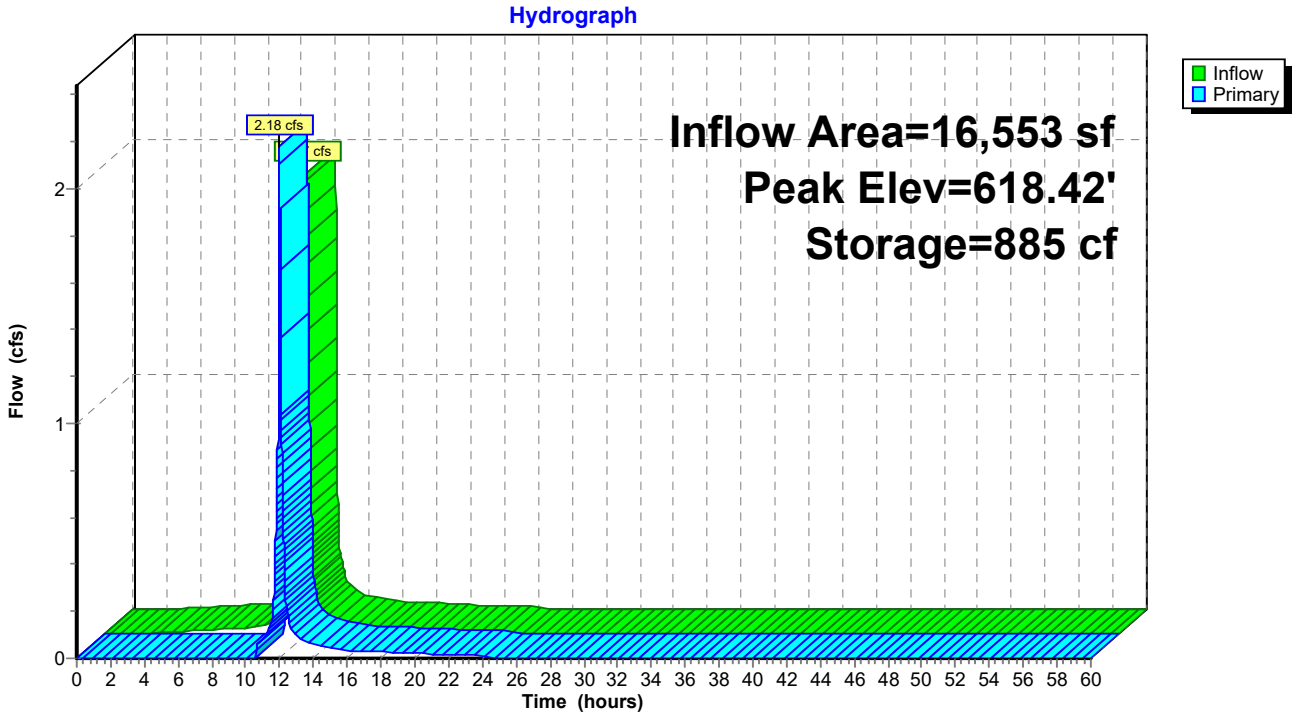
Chamber Storage + Stone Storage = 885.4 cf = 0.020 af
Overall Storage Efficiency = 50.5%
Overall System Size = 42.67' x 12.33' x 3.33'

6 Chambers
65.0 cy Field
47.5 cy Stone



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

Pond 1P: Pipe Storage



Attachment: SP-2023-14 application 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

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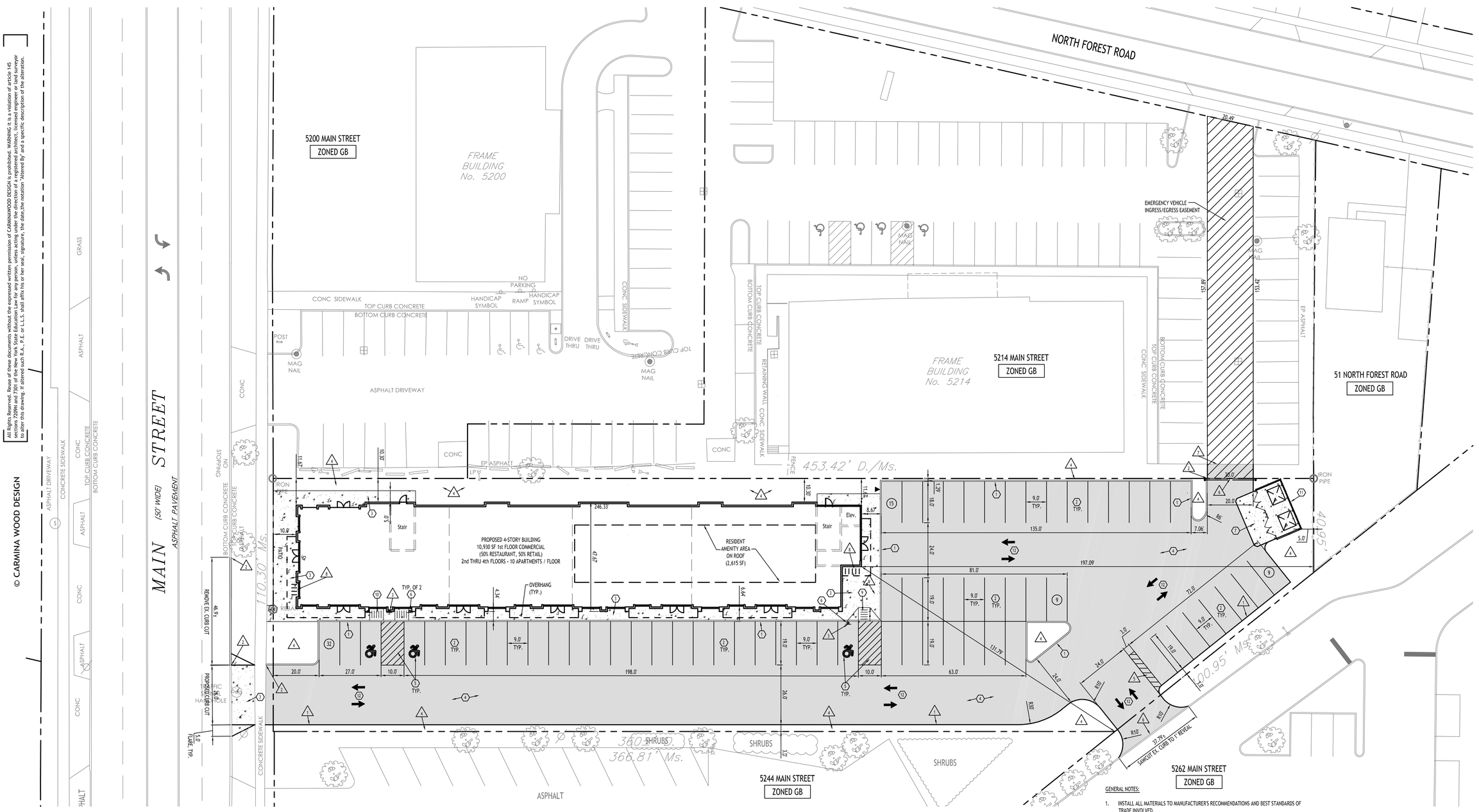

Site Plan

SCALE: 1"=20'

Site Data		
SITE AREA = 1.1 AC ±		
ZONED: REZONE TO TI - 4 (GENERAL FRONTAGE)		
USE: PROPOSED 4-STORY MIXED USE BUILDING - 10,930 SF COMMERCIAL + 30 APTS		
SETBACKS - BUILDING	REQUIRED	PROVIDED
FRONT	10' MIN./ 30' MAX.	10.0' MIN.
SIDE	0' MIN.	10.30' MIN.
REAR	0' MIN.	131.79' MIN.
SETBACKS - PARKING		
FRONT (PRIMARY STREET)	20' MIN.	20 FT.
SIDE	0' MIN.	1.29 FT MIN.
REAR	0' MIN.	3.0 FT MIN.
TOTAL VEHICLE SPACES	65	65
BICYCLE	19	19
ELECTRIC VEHICLE READY SPACES	1	1
GREENSPACE		
INTERIOR PARKING GREENSPACE:	5% (1,393 SF)	3% (710 SF) *
MAX. BUILDING HEIGHT	4 stories / 45'	4 stories / 55' *
OUTDOOR AMENITY SPACE	10% (0.06 AC)	10% (0.06 AC)
BUILDING FRONTAGE (75%)	82.72'	45' (40.8%) *

* VARIANCE REQUIRED

PARKING CALCULATION (per Section 5A-9-1-A)

RETAIL SALES: (5,930 GSF)
REQ'D: 2.5 per 1,000 sf
REQ'D = (5,930/ 1,000) x 2.5 = 15 SPACES REQ'D

RESTAURANT: (5,000 GSF)
REQ'D: 4.0 per 1,000 sf
REQ'D = (5,000/ 1,000) x 4.0 = 20 SPACES REQ'D

APARTMENTS:
REQ'D: 1 space per 1 or 2-bdrm unit = 1 x 30 units
REQ'D = 30 SPACES REQ'D

TOTAL PARKING SPACES REQUIRED = 65 SPACES

BICYCLE CALCULATION (per Section 5A-9-1-A)

RESIDENTIAL:
REQ'D: 0.5 per UNIT (20 max.)
REQ'D = 0.5 x 30 = 15 REQ'D.

COMMERCIAL:
REQ'D: 1 space per 3,000 sf
REQ'D = 10,930 sf/ 3,000 = 4 SPACES REQ'D

TOTAL BICYCLE SPACES REQUIRED = 19 SPACES

ELECTRIC VEHICLE CALCULATION (per Section 5A-9-1-D)

1% OF TOTAL PARKING = 65 x 0.01 = 1 SPACES REQ'D.

DETAIL LEGEND (SEE SITE DETAIL SHEET)

1. TYPE 'A' CONCRETE CURB
2. 90° PARKING STALL
3. CONCRETE SIDEWALK, 5' WIDE UNLESS OTHERWISE NOTED
4. STANDARD DUTY ASPHALT
5. HANDICAP PAVEMENT MARKINGS
6. HANDICAPPED PARKING SIGN
7. EXTERIOR CONCRETE SLAB ON GRADE
8. LIGHT POLE FOUNDATION
9. SIDEWALK CURB RAMP
10. HANDICAP PAVEMENT RAMP
11. DUMPSTER ENCLOSURE
12. PAINTED TRAFFIC ARROWS

NOTE LEGEND

A. EDGE OF PAVEMENT
1. RUNOUT CURB IN 2' OR MATCH EXISTING CURB
2. INSTALL 'NO PARKING' SIGN, M.U.T.C.D. SIGN NO. R7-1C
3. LANDSCAPED AREA - SEE LANDSCAPE PLAN, IF NO PLANTINGS, INSTALL TOPSOIL & SEED
4. 4' WIDE WHITE PAINT STRIPE @ 45° & 2' O.C., INFILL AREA AS SHOWN
5. MATCH EX. PAVEMENT, SAWCUT AS REQ'D TO ACHIEVE SQUARE EDGE TO MATCH
6. EMERGENCY GATE WITH KNOX BOX, DETAILED BY OTHERS
7. DECORATIVE BIKE RACK, DETAILED BY OTHERS
8. ELECTRIC VEHICLE CHARGING STATION

SITE NOTES:

1. ALL RADII SHALL BE 3'-0" UNLESS OTHERWISE NOTED.
2. ALL DISTURBED AREAS: SHALL HAVE 4" MIN. OF TOPSOIL AND SEED.
3. ALL DIMENSIONS FROM PROPERTY LINES SHALL BE MEASURED PERPENDICULAR TO THE PROPERTY LINE.
4. CENTER ENTRANCE SIDEWALKS ON DOOR OPENINGS.
5. BUILDING DIMENSIONS ARE APPROXIMATE, REFER TO ARCHITECTURAL DRAWINGS FOR LAYOUT DIMENSIONS.
6. ALL HANDICAP RAMPS (NOT WITHIN THE NYSDOT R.O.W.) AND/OR SIDEWALKS FLUSH TO PAVEMENT SHALL HAVE ADA COMPLIANT TACTILE WARNING STRIPS WHERE ENTERING PARKING AREAS/DRIVEWAYS. SIDEWALKS FLUSH TO PAVEMENT WITHIN THE NYSDOT R.O.W. SHALL ADHERE TO THE NOTES AND DESIGN REGULATIONS AS STATED ON NYSDOT STANDARD SHEET 608-01.
7. EXISTING TREE LOCATIONS ARE APPROXIMATE, CONTRACTOR TO LOCATE LOCATIONS PRIOR TO CONSTRUCTION AND COORDINATE WITH TOWN LANDSCAPE ARCHITECT WHICH TREES SHALL BE REMOVED AND WHICH SHALL REMAIN AND BE PROTECTED DURING CONSTRUCTION.

GENERAL NOTES:

1. INSTALL ALL MATERIALS TO MANUFACTURER'S RECOMMENDATIONS AND BEST STANDARDS OF TRADE INVOLVED.
2. SUBSTITUTIONS SHALL BE MADE ONLY WITH OWNER'S APPROVAL AND BE OF EQUIVALENT QUALITY TO WHAT IS SPECIFIED.
3. WORK SHALL BE COMPLETED IN STRICT ACCORDANCE WITH ALL LOCAL CODES AND OSHA SAFETY RULES AND REGULATIONS.
4. VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AT THE SITE. NOTIFY OWNER & ENGINEER OF DISCREPANCIES IN CONDITIONS SHOWN ON DRAWINGS PRIOR TO PROCEEDING WITH THE WORK.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ANY EXISTING STRUCTURES TO REMAIN AND ANY FINISH MATERIAL INSTALLED WHILE WORKING ON OTHER COMPONENTS.
6. CONTRACTOR SHALL KEEP JOB FREE OF DEBRIS AND MAKE FINAL CLEANUP TO SATISFACTION OF OWNER.
7. CONTRACTOR SHALL ASCERTAIN THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION SO THAT THIS WORK WILL NOT DISTURB EXISTING LINES AND/OR INSTALLATIONS. COORDINATE ALL WORK WITH THE APPLICABLE UTILITY COMPANIES.
8. ALL OTHER PERMITS REQUIRED BY STATE OF NEW YORK, COUNTY OF ERIE, AND TOWN OF AMHERST ARE THE RESPONSIBILITY OF THE CONTRACTOR/DEVELOPER/OWNER.
9. EXISTING CURB AND REMOVAL OF EXISTING ENTRANCE SHALL BE SAW CUT FULL-DEPTH AND NEATLY REMOVED FROM THE BACKSIDE. EXISTING PAVEMENT SHALL NOT BE DISTURBED AND THE PAVEMENT EDGE SHALL BE USED AS FORM FOR PLACING NEW CURB.
10. SANITARY SEWER EASEMENTS SHOWN ARE APPROXIMATE BASED ON RECORD PLANS PROVIDED BY TOWN OF AMHERST ENGINEERING DEPARTMENT. SURVEYOR TO VERIFY LOCATION PRIOR TO CONSTRUCTION.
11. REFER TO NYSDOT STANDARD SHEET 608-03 FOR DRIVEWAY ENTRANCE AND LAYOUT INFORMATION ALONG MAIN STREET.
12. ALL DISTURBED AREAS WITHIN NYSDOT R.O.W. TO BE RESTORED USING ITEM 610.1402 TOPSOIL - ROADSIDE AND ITEM 610.1602 TURF ESTABLISHMENT - LAWNS AND COMPLY WITH NYSDOT STANDARDS AND SPECIFICATIONS SECTION 713 - LANDSCAPE DEVELOPMENT MATERIALS.

SITE LEGEND

- PROPERTY LINE
- PROPOSED CURB
- PROPOSED SIDEWALK / CONCRETE PAD
- NUMBER OF PARKING SPACES (27)
- PROPOSED SIGN
- PROPOSED STANDARD DUTY ASPHALT PAVEMENT
- PROPOSED LIGHT POLE

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

20' 0 20 40Ft.

CARMINAWOOD DESIGN

487 Main Street, Suite 500
Buffalo, New York 14203
Phone: (716) 842-3165

111 Bain Street, Suite 332
Greensboro, North Carolina 27406
Phone: (336) 937-9009

Mixed Use Building

5226 & 5228 Main Street
Amherst, NY

REVISIONS:

No.	Description	Date
1	Rev. per Town comments	12/18/23

DRAWING NAME:
Site Plan

Date: 11/20
Drawn By: P. She
Scale: As No

DRAWING NO.
C-100

Project No: 22.111

Attachment: SP-2023-14 drawings 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

1 / A-500 Main Street Elevation
scale: 1/8 = 1'-0"

Total Upper: 1601.25sf x 20% = 1584sf Required Upper Floor Transparency = 360.99sf or 22.54% Provided
Total Ground: 588.75sf x 20% = 117.75sf Required Ground Floor Transparency = 291.33sf or 49.48% Provided

2 / A-500 Parking Elevation
scale: 1/8 = 1'-0"

Total Upper: 8468.83f x 20% = 1693.77sf Required Upper Floor Transparency = 1871.37sf or 22.10% Provided
Total Ground: 3113.83sf x 20% = 622.77sf Required Ground Floor Transparency = 1675.14sf or 53.80% Provided

CARMINA WOOD DESIGN

REVISIONS:

No.	Description	Date

ELLICOTT DEVELOPMENT

PROJECT NAME:
Concept Documents for:
Mixed Use Development
5226 Main Street
Amherst, New York

Issued for Approval:	11.13.2023
Drawn By:	BJS
Checked By:	BJS

DRAWING NAME:
Mixed Use Concept Elevations

DRAWING NO.
A-500

Project No: 22.051

Attachment: SP-2023-14 drawings 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

1 A-501 Rear Elevation
scale: 1/8 = 1'-0"

2 A-501 Lot Line Elevation
scale: 1/8 = 1'-0"

CARMINAWOOD DESIGN

REVISIONS:

No.	Description	Date

ELLICOTT DEVELOPMENT

PROJECT NAME:
Concept Documents for:
Mixed Use Development
5226 Main Street
Amherst, New York

Issued for Approval:	11.13.2023
Drawn By:	BJS
Checked By:	BJS

DRAWING NAME:
Mixed Use Concept Elevations

DRAWING NO.
A-501

Project No: 22.051

Attachment: SP-2023-14 drawings 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

1 / A-500 Main Street Elevation
scale: 1/8 = 1'-0"

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Total Upper: 8468.83f x 20% = 1693.77sf Required Upper Floor Transparency = 1871.37sf or 22.10% Provided
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CARMINA WOOD DESIGN

REVISIONS:

No.	Description	Date

ELLICOTT DEVELOPMENT

PROJECT NAME:
Concept Documents for:
Mixed Use Development
5226 Main Street
Amherst, New York

Issued for Approval:	11.13.2023
Drawn By:	BJS
Checked By:	BJS

DRAWING NAME:
Mixed Use Concept Elevations

DRAWING NO.
A-500

Project No: 22.051

Attachment: SP-2023-14 drawings 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)

1 A-501 Rear Elevation
scale: 1/8 = 1'-0"

2 A-501 Lot Line Elevation
scale: 1/8 = 1'-0"

CARMINAWOOD DESIGN

REVISIONS:

No.	Description	Date

ELLICOTT DEVELOPMENT

PROJECT NAME:
Concept Documents for:
Mixed Use Development
5226 Main Street
Amherst, New York

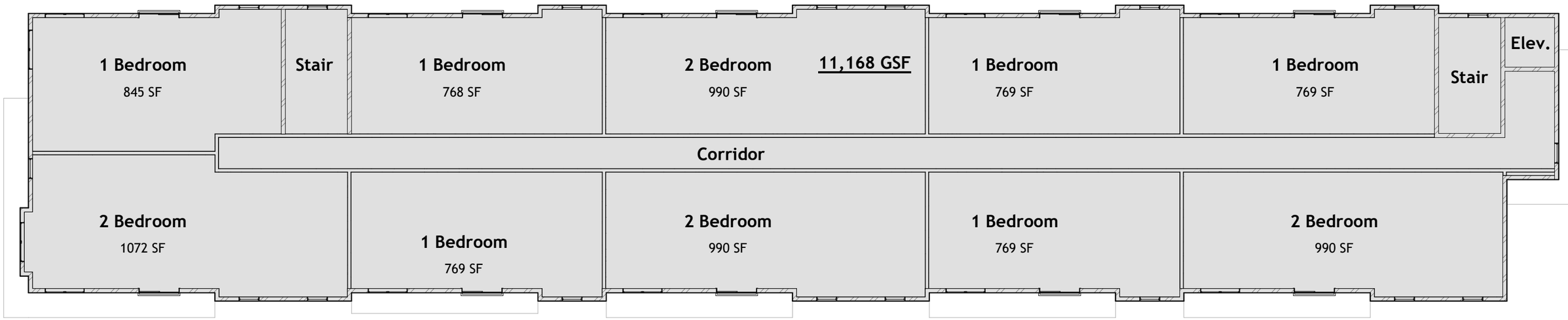
Issued for Approval:	11.13.2023
Drawn By:	BJS
Checked By:	BJS

DRAWING NAME:
Mixed Use Concept Elevations

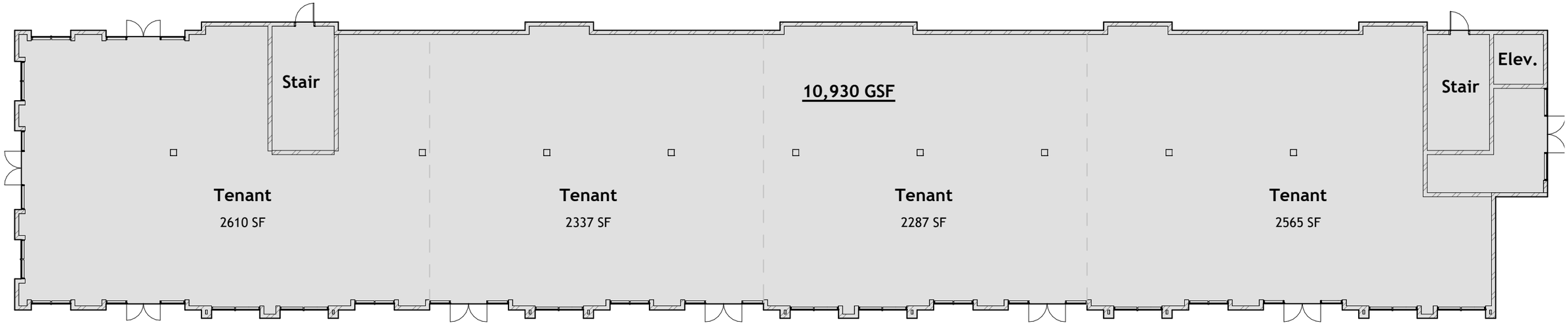
DRAWING NO.
A-501

Project No: 22.051

Attachment: SP-2023-14 drawings 011824 (28250 : SP-2023-14, 5226 & 5228 Main St.)



2nd - 4th Floors



1st Floor

CARMINA WOOD DESIGN

5226 Main Street

Area Plans

Williamsville, NY

04

Attachment: SP-2023-14 drawings 011824 (2825 : SP-2023-14, 5226 & 5228 Main St.)

Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

Meeting: 01/18/24 06:30 PM
Department: Planning
Category: Rezoning and Relief from Conditions of Rezoning
Prepared By: Amy Carrato
Initiator: Dan Howard
Sponsors:
DOC ID: 28244

ADOPTED

PLANNING BOARD ITEM (ID # 28244)

Request to Rezone 0.82± Acres of Land from RD to GI, Z-2023-09

Property located at 6000-6020 N. Bailey Avenue (portion)
Benderson Development Company, Petitioner

1/18/2024

No comments were heard on this proposal.

Following discussion, Ms. Penberthy moved to adjourn the request. The motion was seconded by Mr. Raffaele and carried. Ayes 5, Noes 0, Absent 2 (Giuliani, Kahn).

ATTACHMENTS:

- Z-2023-09 application 011824 (PDF)
- Z-2023-09 drawings 011824 (PDF)

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 2/15/2024 6:30 PM**
MOVER:	Brittany Lee Penberthy, Board Member	
SECONDER:	Joseph P. Raffaele Jr., Board Member	
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.	
ABSENT:	Dal Giuliani, Carrie H. Kahn	

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning

For Official Use

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

Address Verified by Assessor's Office _____ VERIFIED BY DATE

Application Received by Planning Department _____ ACCEPTED BY DATE

Materials Checked by Zoning Enforcement Officer _____ CHECKED BY DATE

Materials & Fee Paid to Town Clerk _____ ACCEPTED BY DATE

		Fill In Applicable Fees
2 ACRES OR LESS	**$1,250.**	_____
2 – 20 ACRES **$1,250 + $250/acre or fraction thereof over 2 acres** (fractions of an acre to be counted as 1 acre)		_____
21 – 30 ACRES **$5,700 + $150/acre or fraction thereof over 21 acres** (fractions of an acre to be counted as 1 acre)		_____
OVER 30 ACRES **$6,900 +$75/acre or fraction thereof over 30 acres** (fractions of an acre to be counted as 1 acre)		_____
Request for Relief of / Change to Conditions of Zoning Approval	**$1,200.**	_____
AFFIDAVIT FEE FOR PUBLIC HEARING	**$15.**	_____
TOTAL FEE:		**$**_____

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

Attachment: Z-2023-09 application 011824 (28244 : Z-2023-09, 6000-6020 N. Bailey Ave)

TO BE COMPLETED BY APPLICANT

1. **Petitioner:**

Name: Benderson Development Company, LLC

Address: 570 Delaware Avenue

Buffalo (City) New York (State) 14202 (Zip Code)

Phone: 716-878-9626 Fax 716-998-9915 Cell

E Mail: jmb@benderson.com

2. **The undersigned hereby petitions the Honorable Town Board to rezone the following described property:**

From: RD - Research & Developmnt District

To: GI - General Industrial District

3. **Street address of land to be rezoned:** (must be verified by Town Assessor's Office)

SBL #:

4. **Area of land to be rezoned** (in acres):

5. **Owner of Land**:

Name: Mississippi ADP, LLC

Address: 570 Delaware Avenue

Buffalo, New York 14202

City State Zip Code

Phone: 716-878-9626

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

Name: James A. Boglioli

Address: 570 Delaware Avenue

Buffalo, New York 14202

City State Zip Code

Phone: 716-878-9626 Fax 716-998-9915

E Mail: jmb@benderson.com

Attachment: Z-2023-09 application 011824 (28244 : Z-2023-09, 6000-6020 N. Bailey Ave)

7. **Petitioner's interest in property**

_____Option to purchase
_____Owner
__X__Other (explain) Affiliate Company

8. **The following are all others having an interest in this application and join herein with the petitioner named above:** (describe extent of interest; attach sheets as needed)
N/A

9. **Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor.**

10. **Said property has the following deed restrictions or covenants:** (attach copy)

Liber _____ Page _____

11. **Information on proposed project:**

A. Description of the character of the proposed development:
Please see the attached Letter of Intent

B. Rationale for rezoning request:

1. Why was this site chosen? Please see the attached Letter of Intent

2. Why cannot land be used with the existing zoning?
Please see the attached Letter of Intent

3. How will this rezoning impact surrounding properties?
Please see the attached Letter of Intent

4. How will this rezoning impact the school system?
Please see the attached Letter of Intent

Attachment: Z-2023-09 application 011824 (28244 : Z-2023-09, 6000-6020 N. Bailey Ave)

12. Quantitative Data:

A. Total # of dwelling units N/A

B. Distribution of dwelling units by type N/A

C. Gross Residential Density per acre N/A

D. Total amount of Open Space 0

E. Proposed Non-Residential Floor Area 0

13. Development Schedule:

Start April 2024

Finish April 2025

Stages (# of) 1 of 1

14. If any portion of the proposed development is planned to be sold or leased, please describe:

N/A

15. Open Space ownership and maintenance provisions (if applicable):

N/A

16. Basis for Findings (Sec. 8-3-5 of the Town Zoning Code) (Attach sheets and supplemental materials as necessary.)

A. **The proposed zoning and development plan must be generally consistent with the policies of the Comprehensive Plan and the Town Zoning Ordinance.**

1. State in detail why the proposed zoning is consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan. Cite specific sections, maps, and/or figures in the Plan that support the proposed zoning at this location (The Comprehensive Plan document is available at the Planning Department, Town Clerk's Office, Amherst libraries, or at www.amherst.ny.us). Add sheets as needed.

Please see the attached Letter of Intent

Attachment: Z-2023-09 application 011824 (28244 : Z-2023-09, 6000-6020 N. Bailey Ave)

2. Pursuant to NYS Town Law Section 272a(11), "All Town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this Section." The Amherst Town Board adopted the Bicentennial Comprehensive Plan pursuant to NYS Town Law 272 on January 2, 2007. If the rezoning is approved, the Town Board may require the Plan to be amended, as applicable.

   Cite all text, maps, or figures that must be amended to support the proposed zoning at this location (attach pages as necessary) and provide detailed suggested amendments.

   Please see the attached Letter of Intent

3. State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

   Please see the attached Letter of Intent

B. Adequate Services and Utilities are available or are proposed to be made available with the construction of the development:

1. Sanitary Sewer Existing
2. Storm Sewer/Drainage Existing
3. Water Existing
4. Other

C. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:

Please see the attached Letter of Intent

D. Suitability of the subject property for uses permitted by the current versus the proposed district:

Please see the attached Letter of Intent

E. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:

Please see the attached Letter of Intent

Attachment: Z-2023-09 application 011824 (28244 : Z-2023-09, 6000-6020 N. Bailey Ave)

17. The petitioner encloses herewith the sum of $ 1,265 to pay the fee, and consents to the placement of a sign(s) at the described location identifying this request for a period of time to be determined by the Town Clerk.

18. The undersigned certifies that all information required to be disclosed pursuant to Section 809 of the General Municipal Law (see below) is as follows:

The undersigned swears or affirms that all statements made herein are true, that all drawings submitted correctly show the situation involved in this petition.

Signature of Petitioner

Subscribed and sworn to before me this 9 *day of* October, 20 23

Notary Public, Erie County, New York Courtney L Adamo

COURTNEY L. ADAMO
Notary Public-State of New York
No. 01AD6413282
Qualified in Niagara County
Commission Expires January 25, 202

N.Y.S. General Municipal Law - Section 809 Disclosure in certain applications:

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provision of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state office or any office or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them

   (a) is the applicant, or
   (b) is an officer, director, partner or employee of the applicant, or
   (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
   (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such applicant, petition or request.

3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party Officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four or section two of the election law.

4. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

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

Attachment: Z-2023-09 application 011824 (28244 : Z-2023-09, 6000-6020 N. Bailey Ave)

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information

Name of Action or Project:
Proposed Rezoning

Project Location (describe, and attach a location map):
6040 North Bailey Ave, Town of Amherst, Erie County

Brief Description of Proposed Action:
The proposed action is a rezoning request for an existing 35,200 SF building to be rezoned from the existing RD District to GI District

Name of Applicant or Sponsor:	Telephone: 716-878-9626
Benderson Development Company, LLC	E-Mail: jamesboglioli@benderson.com

Address:
570 Delaware Ave

City/PO:	State:	Zip Code:
Buffalo	NY	14202

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☐	☑
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:	☐	☐

3. 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

4. Check all land uses that occur on, are adjoining or near the proposed action:

☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
☐ Parkland

Attachment: Z-2023-09 application 011824 (28244 : Z-2023-09, 6000-6020 N. Bailey Ave)

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☐
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☐	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☐	☐
b. Are public transportation services available at or near the site of the proposed action?	☐	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	☐	☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	☐	☐
12. a. 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?	☐	☐
b. 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?	☐	☐
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	☐	☐

Attachment: Z-2023-09 application 011824 (28244 : Z-2023-09, 6000-6020 N. Bailey Ave)

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☐	☐
16. Is the project site located in the 100-year flood plan?	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☐	☐
If Yes,		
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☐
If Yes, briefly describe: _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	☐	☐
If Yes, explain the purpose and size of the impoundment: _____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	☐	☐
If Yes, describe: _____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	☐	☐
If Yes, describe: _____		

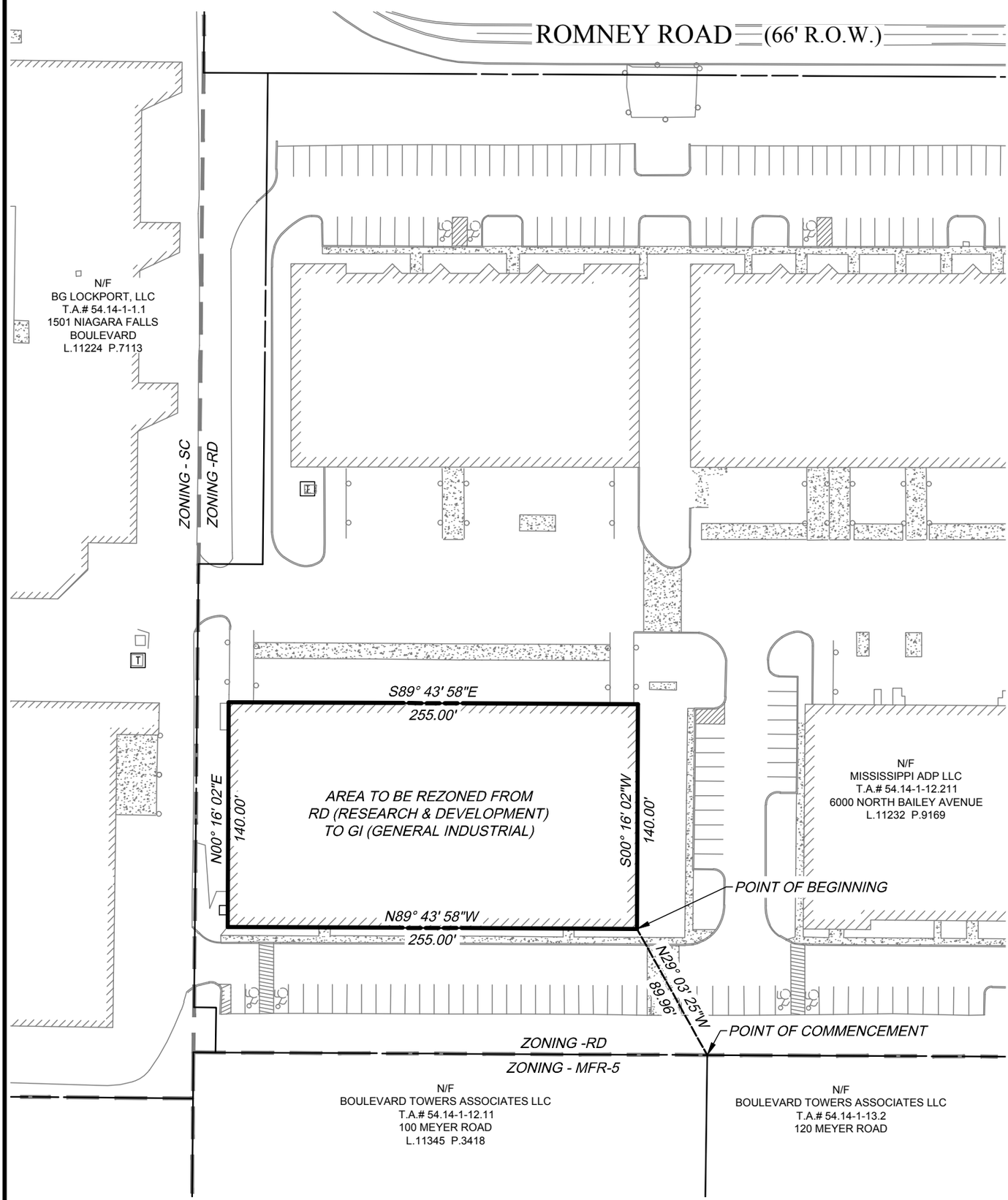
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Matthew J. Oates, P.E. Date: 10/06/2023

Signature: _____ Title: Director, Engineering

Attachment: Z-2023-09 application 011824 (28244 : Z-2023-09, 6000-6020 N. Bailey Ave)

PRINT FORM



Attachment: Z-2023-09 drawings 011824 (28244 : Z-2023-09, 6000-6020 N. Bailey Ave)

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COSTICH ENGINEERING, D.P.C.

REZONING MAP
PORTION OF PARCEL TO BE REZONED FROM RD TO GI

COSTICH ENGINEERING
• CIVIL ENGINEERING
• LAND SURVEYING
• LANDSCAPE ARCHITECTURE
217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020

ADDRESS:		T.A.#
NORTH BAILEY AVENUE		54.14-1-12.211
TOWN:	COUNTY:	STATE:
AMHERST	ERIE	NEW YORK
SCALE:	DATE:	DWG. NUMBER
1"=80'	SEPTEMBER 2023	8084-VE110

Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

ADOPTED

Meeting: 01/18/24 06:30 PM
Department: Planning
Category: Rezoning and Relief from Conditions of Rezoning
Prepared By: Amy Carrato
Initiator: Dan Howard
Sponsors:
DOC ID: 28245

PLANNING BOARD ITEM (ID # 28245)

Request to Rezone 1.03± Acres of Land from R-3 to NB, Z-2023-10

Property located at 1635 N. French Rd.
Torey Hirsch, Petitioner

The purpose of the request is to demolish the existing single-family residence and improve 1635 North French with a 2-story mixed-use building comprised of 9,640 s.f. of retail space and residential uses in a portion of the second floor. The petitioner also proposes to interconnect 1635 North French with 1639-1641 North French, an existing commercial use.

Ari Goldberg, Esq., Barclay Damon, represented the petitioner, explained the proposal and was available to answer questions from the Board. TJ and Torey Hirsch were also present.

In response to the Board's questions, Mr. Goldberg stated the second floor living space is for the property management.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Ms. Penberthy moved to approve the request based on the resolution. The motion was seconded by Mr. Raffaele and carried. Ayes 5, Noes 0, Absent 2 (Giuliani, Kahn).

ATTACHMENTS:

- Z-2023-10 application 011824 (PDF)
- Z-2023-10 drawings 011824 (PDF)
- Z-2023-10 signed resolution 011824 (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brittany Lee Penberthy, Board Member
SECONDER:	Joseph P. Raffaele Jr., Board Member
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.
ABSENT:	Dal Giuliani, Carrie H. Kahn

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

Petition for Rezoning/Town Application Form

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning

For Official Use

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

Address Verified by Assessor's Office _____ VERIFIED BY DATE

Application Received by Planning Department _____ ACCEPTED BY DATE

Materials Checked by Zoning Enforcement Officer _____ CHECKED BY DATE

Materials & Fee Paid to Town Clerk _____ ACCEPTED BY DATE

		Fill In Applicable Fees
2 ACRES OR LESS	**$1,250.**	$1,250.00
2 – 20 ACRES **$1,250 + $250/acre or fraction thereof over 2 acres** (fractions of an acre to be counted as 1 acre)		
21 – 30 ACRES **$5,700 + $150/acre or fraction thereof over 21 acres** (fractions of an acre to be counted as 1 acre)		
OVER 30 ACRES **$6,900 +$75/acre or fraction thereof over 30 acres** (fractions of an acre to be counted as 1 acre)		
Request for Relief of / Change to Conditions of Zoning Approval	**$1,200.**	
AFFIDAVIT FEE FOR PUBLIC HEARING	**$15.**	$15.00
	TOTAL FEE:	**$** 1,265.00

Town of Amherst Planning Department 5583 Main Street Williamsville New York 14221
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Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

TO BE COMPLETED BY APPLICANT

1. **Petitioner:**

Name: Torey Hirsch Sr. & Torey Hirsch Jr. Barclay Damon LLP as agent/attorney

Address: 200 Delaware Avenue, Suite 1200

Buffalo	NY	14202
City	State	Zip Code

Phone: (716) 858-3878 Fax (716) 566-4040

E Mail: agoldberg@barclaydamon.com / cauerbach@barclaydamon.com

2. **The undersigned hereby petitions the Honorable Town Board to rezone the following described property:**

From: R-3 District

To: NB - Neighborhood Business District

3. **Street address of land to be rezoned:** (must be verified by Town Assessor's Office)

1635 North French Road

SBL #: 27.19-2-15.12

4. **Area of land to be rezoned** (in acres): +/- 1.03 acres

5. **Owner of Land**:

Name: Torey Hirsch Sr. & Torey Hirsch Jr.

Address: c/o Barclay Damon LLP

Buffalo	NY	14202
City	State	Zip Code

Phone: (716) 858-3878

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

Name: Ari Goldberg - Barclay Damon LLP

Address: 200 Delaware Avenue, Suite 1200

Buffalo	ny	14202
City	State	Zip Code

Phone: (716) 858-3878 Fax (716) 566-4040

E Mail: agoldberg@barclaydamon.com

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

7. Petitioner's interest in property

_____Option to purchase
x_____Owner
_____Other (explain) _____

8. The following are all others having an interest in this application and join herein with the petitioner named above: (describe extent of interest; attach sheets as needed)
N/A

9. Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor.

10. Said property has the following deed restrictions or covenants: (attach copy)

Liber _____ Page _____

11. Information on proposed project:

A. Description of the character of the proposed development: _____

1635 North French currently contains an underutilized, isolated dwelling while 1639-1641 North French contains a multitude of child-centric uses (gymnastics center, dance school, and a child care facility) and a high-end automobile storage facility. Owner seeks to rezone 1635 North French to NB to accommodate a 2-story mixed use building compromising 6,640 square feet of retail space on the first floor, 3,000 square feet of retail space on the second floor, and an owner/manager's suite on the second floor with a first floor garage. The redevelopment would also include 53 parking space, where a minimum of 52 are required. The subsequent development is an effort to align the use of 1635 of abutting. The Town Comprehensive Plan has been amended to support this request.

B. Rationale for rezoning request:

1. Why was this site chosen? _____
The site was chosen because it is an underutilized dwelling amongst Commercial properties.

2. Why cannot land be used with the existing zoning? _____
Currently 1635 North French is zoned R-3 while immediately abutting properties are commercial. Rezoning would accommodate redevelopment and more closely align the Property with existing and proposed uses in the area to create a walkable retail and commercial destination.

3. How will this rezoning impact surrounding properties? _____
Rezoning will provide an opportunity to interconnect properties and will enrich the diverse environment of the Town by adding walkable destinations.

4. How will this rezoning impact the school system? _____
One residential unit is proposed for subsequent redevelopment therefore no impact on number of students. Property value likely to increase.

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

12. Quantitative Data:

A. Total # of dwelling units: 1

B. Distribution of dwelling units by type: 1 1BR unit

C. Gross Residential Density per acre: approx 1,600 SF per acre (1 unit)

D. Total amount of Open Space: approx 0.3 acres

E. Proposed Non-Residential Floor Area: 9,940

13. Development Schedule:

Start: 6-12 months after site plan approval

Finish: approx. 12-18 months after start

Stages (# of): 1

14. If any portion of the proposed development is planned to be sold or leased, please describe:

Units within the proposed development will be leased.

15. Open Space ownership and maintenance provisions (if applicable):

N/A

16. Basis for Findings (Sec. 8-3-5 of the Town Zoning Code) (Attach sheets and supplemental materials as necessary.)

A. The proposed zoning and development plan must be generally consistent with the policies of the Comprehensive Plan and the Town Zoning Ordinance.

1. State in detail why the proposed zoning is consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan. Cite specific sections, maps, and/or figures in the Plan that support the proposed zoning at this location (The Comprehensive Plan document is available at the Planning Department, Town Clerk's Office, Amherst libraries, or at www.amherst.ny.us). Add sheets as needed.

See attached analysis.

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

2. Pursuant to NYS Town Law Section 272a(11), "All Town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this Section." The Amherst Town Board adopted the Bicentennial Comprehensive Plan pursuant to NYS Town Law 272 on January 2, 2007. If the rezoning is approved, the Town Board may require the Plan to be amended, as applicable.

   Cite all text, maps, or figures that must be amended to support the proposed zoning at this location (attach pages as necessary) and provide detailed suggested amendments.
   See attached analysis.

3. State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:
   See attached analysis.

B. Adequate Services and Utilities are available or are proposed to be made available with the construction of the development:

1. Sanitary Sewer Town facilities
2. Storm Sewer/Drainage Town facilities
3. Water Erie County Water Authority - Lease managed area
4. Other Lot already impacted and connected to conveyance/utility systems

C. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:
See attached analysis.

D. Suitability of the subject property for uses permitted by the current versus the proposed district:
See attached analysis.

E. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:
See attached analysis.

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

17. The petitioner encloses herewith the sum of $1,265.00 to pay the fee, and consents to the placement of a sign(s) at the described location identifying this request for a period of time to be determined by the Town Clerk.

18. The undersigned certifies that all information required to be disclosed pursuant to Section 809 of the General Municipal Law (see below) is as follows:

The undersigned swears or affirms that all statements made herein are true, that all drawings submitted correctly show the situation involved in this petition.

Amy Kahl as agent/attorney
Signature of Petitioner

Subscribed and sworn to before me this 17th *day of* November, 2023

Notary Public, Erie County, New York Kathy K

KATHY KARASZEWSKI
Notary Public - State of New York
No. 01KA4981978
Qualified in Erie County
My Commission Expires May 28, 2027

N.Y.S. General Municipal Law - Section 809 Disclosure in certain applications:

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provision of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state office or any office or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them

(a) is the applicant, or
(b) is an officer, director, partner or employee of the applicant, or
(c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
(d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such applicant, petition or request.

3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party Officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four or section two of the election law.

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Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

Property Survey

NORTH FRENCH (66.00 WIDE) ROAD

℄ ℄

714.00 TO NORTHWEST CORNER LOT 64

150.00

NORTH LINE LOT 64 TOWNSHIP 12 RANGE 7

33.00 33.00

SOUTH LINE NORTH FRENCH ROAD

150.00

108.88

LINE PARALLEL WEST LINE LOT 64

CONCRETE PORCH

54.72

54.42

23.04 BRICK

9.24 9.18 0.30 0.30 9.34 3.99 1.29 7.28 0.15

No.1635

FRAME DWELLING

42.14 25.33

54.42

23.60

FRAME DECK

DECK

ZONED CF

333.00

300.00

ZONED R-3

300.00

333.00

ZONED CF

LINE PARALLEL WEST LINE LOT 64

24.28

39.95

24.32 FRAME GARAGE 24.29

24.32

40.30

50.10

150.00

FENCE 0.67-S 10.19-E

FENCE 1.01-S

LINE PARALLEL NORTH LINE LOT 64 TOWNSHIP 12 RANGE 7

ZONED CF

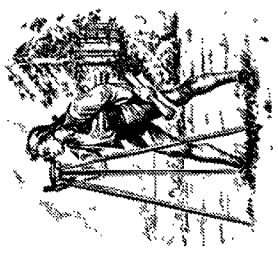
N.

W. E.

Feet	Inches	Feet	Inches
0.08	1 Inch	0.58	7 Inches
0.17	2 Inches	0.67	8 Inches
0.25	3 Inches	0.75	9 Inches
0.33	4 Inches	0.83	10 Inches
0.42	5 Inches	0.92	11 Inches
0.50	6 Inches	1.00	12 Inches

Job No.171,291 LL 3789

REVISED



ESTABLISHED 1870

Date of Survey JANUARY 27, 2021

Signature

Marshall L. Mill PLS
Krause & Gantzer
Land Surveyors
13 Olean Street
East Aurora, New York 14052

Part of Lot (Lots) 64, Section ____, Township 12, Range 7, Of The HOLLAND LAND COMPANY'S SURVEY

City (or) Village of _____, Town of AMHERST, County of ERIE, State of New York

Drawing Scale : 1" = 30 '

Notes:
1) This Survey is VOID unless embossed with New York State Licensed Land Surveyors Seal #050182.
2) Altering any item on this Survey is in violation of law, excepting as provided in Section 7209 Part 2 of the New York State Education Law.
3) This Survey VOID if used with an Affidavit Of No Change.
4) This Survey was prepared without the benefit of an Abstract of Title and is subject to any state of facts that may be revealed by an examination of the same.

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

Legal Description of Property

1635 North French Road

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 64, Township 12 and Range 7 of the Holland Land Company's Survey, being described more particularly as follows:

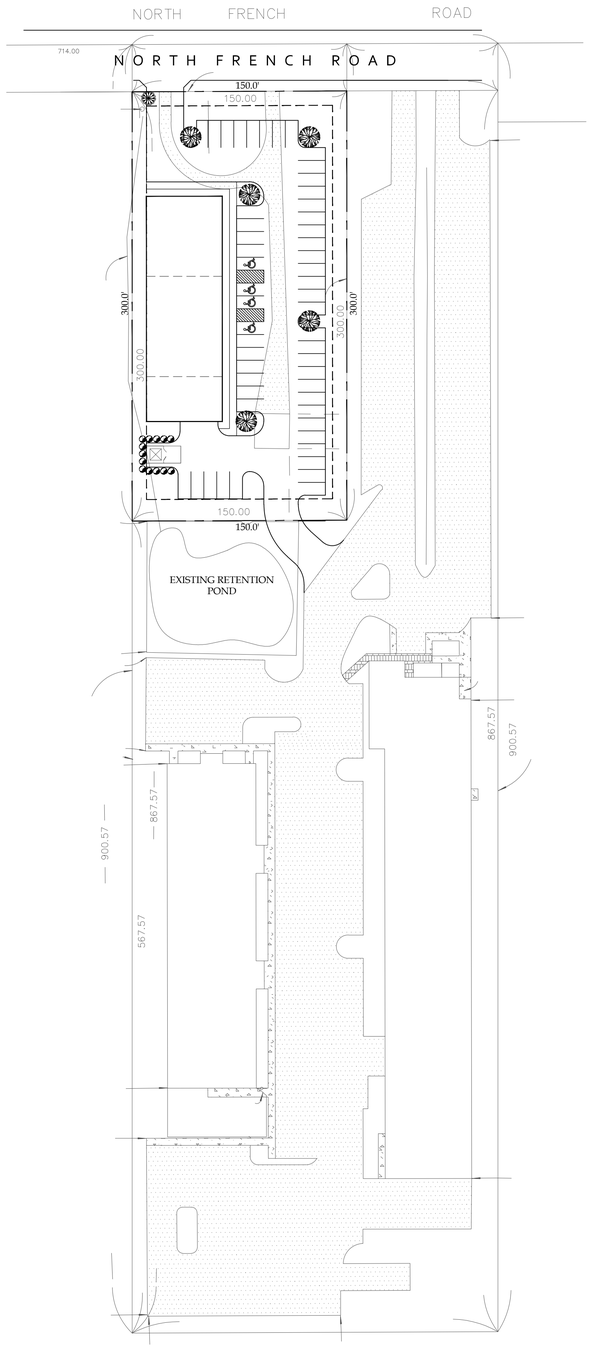
BEGINNING at a point in the center line of North French Road, which is also the northerly line of said Lot No. 64 distant 714 feet easterly as measured thereon from the northwesterly corner of said Lot No. 64; thence southerly parallel with the westerly line of said Lot No. 64, a distance of 333 feet, more or less, to a point; thence easterly, parallel with the northerly line of said Lot No. 64, a distance of 150 feet to a point; thence northerly parallel with the westerly line of said Lot No. 64, a distance of 333 feet, more or less, to the northerly line of Lot No. 64; thence westerly along the center line of North French Road and the northerly line of said Lot No. 64, a distance of 150 feet to the point or place of beginning.

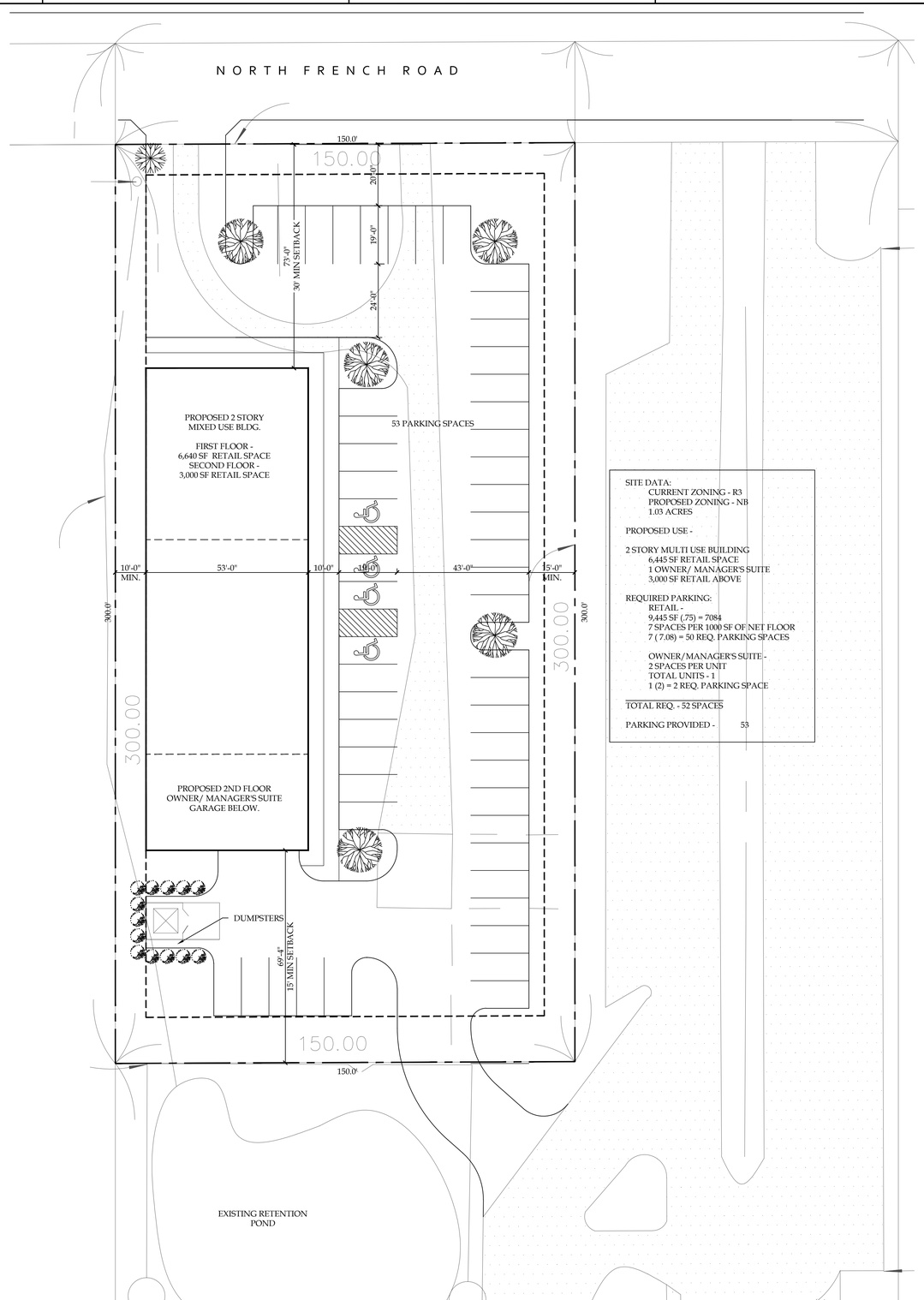
EXCEPTING AND RESERVING THEREFROM, those lands conveyed to the County of Erie by deed recorded in Erie County Clerk's Office in Liber 6327 of Deeds at page 524.

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

Preliminary Site Plan





N

A4 CONCEPT PLAN
1" = 20'-0"

NOTICE

This document, the property of, prepared and issued by the architect, is submitted for the specific project namely _____ and the recipient by accepting this document assumes custody and agrees that this document will not be copied or reproduced in part or in whole, and any special features peculiar to this design shall not be incorporated in any other project, unless prior agreement has been obtained in writing.These documents will be returned immediately upon completion of the project or upon the request of the architect.
This document is the exclusive property of the architect, no rights to ownership are transferable, or shall be lost by the filing of this document with any and all public authorities for the purpose of compliance with Codes and or Ordinances, i.e. Building Permit, etc.

Multi Use Building

1635 North French
Amherst, NY

ISSUE:

SA PROJECT TEAM: PRINCIPAL P.Silvestri
PROJ. ARCH. _____ DRAFTER _____
JOB CAPT. _____ INTERIORS _____

SEAL:

TITLE:

SITE PLAN

SILVESTRI
ARCHITECTS · PC
1321 MILLERSPORT HWY PH. 716.691.0900
AMHERST, NY 14221 FAX 716.691.4773

SA JOB #: 20132-01
DATE: 05/30/23

DRAWING #: AS-101

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

Draft Local Law

[word version submitted electronically]

LOCAL LAW NO. _____-202_

TOWN OF AMHERST
COUNTY OF ERIE, STATE OF NEW YORK

A LOCAL LAW AMENDING CHAPTER 203 OF THE TOWN OF AMHERST CODE, KNOWN AS THE ZONING ORDINANCE, TO REZONE 1635 NORTH FRENCH ROAD FROM R3 TO NB AND TO AMEND THE ZONING MAP ACCORDINGLY

Be it enacted by the Town Board of the Town of Amherst as follows:

Section 1. Title.

This Local Law shall be referred to as, "A Local Law Amending the Zoning of 1635 North French Road."

Section 2. Legislative Findings and Intent.

The Town Board of the Town of Amherst finds that an application to rezone 1635 North French Road from R3 Residential District-3 to NB Neighborhood Business zoning has been filed and is in proper order. The Town Board further finds that the rezoning is consistent with the Comprehensive Plan.

Section 3. Amherst Zoning Map.

The Town Board hereby amends its zoning map which is incorporated by reference in the Town zoning code by amending from R3 Residential District-3 to NB Neighborhood Business the zoning of 1635 North French Road, **subject to any conditions imposed by the authorizing resolution**; legally described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 64, Township 12 and Range 7 of the Holland Land Company's Survey, being described more particularly as follows:

BEGINNING at a point in the center line of North French Road, which is also the northerly line of said Lot No. 64 distant 714 feet easterly as measured thereon from the northwesterly corner of said Lot No. 64; thence southerly parallel with the westerly line of said Lot No. 64, a distance of 333 feet, more or less, to a point; thence easterly, parallel with the northerly line of said Lot No. 64, a distance of 150 feet to a point; thence northerly parallel with the westerly line of said Lot No. 64, a distance of 333 feet, more or less, to the northerly line of Lot No. 64; thence westerly along the center line of North French Road

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

and the northerly line of said Lot No. 64, a distance of 150 feet to the point or place of beginning.

EXCEPTING AND RESERVING THEREFROM, those lands conveyed to the County of Erie by deed recorded in Erie County Clerk's Office in Liber 6327 of Deeds at page 524.

Section 4. Validity.

This Local Law is adopted under the authority granted to the Town Board of the Town of Amherst pursuant to §§10(1)(ii)(a)(12), 20 and 27 of the Municipal Home Rule Law and §265 of the Town Law of the State of New York.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 5. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and published pursuant to Sections 130 & 133 of the Town Law and Chapter 28 of the Code of the Town of Amherst.

Francina J. Spoth
Town Clerk
Town of Amherst
County of Erie, State of New York

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

Town Zoning Code Rezoning Analysis

Town Zoning Code Rezoning Analysis
1635 North French Road

Pursuant to § 203-8-3-5 of the Town of Amherst Zoning Code, Petitioner submits the following in support of its Application to rezone 1635 North French Road, SBL 27.19-2-15.12 ("Property") from Residential District 3 (R-3) to Neighborhood Business (NB).

A. The proposed zoning and development plan is generally consistent with the policies of the Comprehensive Plan and this Ordinance.

1. State in detail why the proposed zoning is consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan.

The requested rezoning furthers the Conceptual Land Use Plan of the Comprehensive Plan. The Conceptual Land Use Plan depicts a future pattern of land use in the Town, and it "is intended to communicate the overall direction and concept of future development." Comprehensive Plan Section 3.3. The Property's classification in Comprehensive Plan Figure 6, as amended, is "Commercial/Mixed Use" and therefore supports the rezoning to Neighborhood Business, which permits the proposed redevelopment. Town Zoning Code § 4-3. The rezoning is the Comprehensive Plan at work: it brings land use in the direction of the Conceptual Land Use Plan and results in a development that furthers Comprehensive Plan goals and policies.

The requested rezoning enhances livability of the area by redeveloping the Property as a community-facing commercial destination and by interconnecting the Property with the adjacent 1639-1641 North French, which has existing community-facing uses. This creates a pedestrian-friendly center with multiple destinations and brings the community uses closer to the street level to enhance access, which aligns the Property use with the future designation of North French as a "Minor Arterial." Compressive Plan Goal 6-2, Figure 9. The rezone would enhance community life with a neighborhood commercial destination that contributes to making Amherst an exceptional place to live and raise a family. Comprehensive Plan Section 2.2. Relatedly, in enhancing the area's livability in an area of the Town near the University at Buffalo, that area becomes more attractive for educated professionals and young graduates entering the workforce. The rezoning capitalizes on the presence of UB. Comprehensive Plan Goal 5.2, Policy 5-1.

The rezoning offers economic development in balance with livability. The Property is already disturbed so redevelopment minimizes impact. Comprehensive Plan Policy 5-5, Policy 5-6. A shared access way within the development further minimizes transportation impacts. The rezoning occurs along a suburban corridor, and the redevelopment aligns the property use with the purpose of a suburban corridor. Comprehensive Plan Sec 3.3.2 (discussing

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

suburban corridors"), Figure 6-A (designating the nearby corner of Campbell/North French as a suburban corridor), Figure 10. As stated above, it also the Future Thoroughfare System of the Town, which classifies North French as a "minor arterial." Comprehensive Plan Figure 9.

The requested rezoning is consistent with the shared direction outlined in the Comprehensive Plan by strengthening the tax base, diversifying the economy and reinvigorating an underutilized parcel at 1635 North French in a vital suburban corridor with a community amenity. The requested rezoning may also catalyze appropriate growth in the surrounding area. Comprehensive Plan Section 2.2, Policy 5-5, Policy 5-6. While not specifically called out in the Northwest Amherst Focal Planning Area, the community oriented development at this location on North French can help spur planning in the adjacent Northwest Amherst. Comprehensive Plan Section 10.1.2, Figure 15. The Property is located in the North Amherst Focal planning Area, specifically where the planning goal is to "stabilize and maintain existing residential fabric." Comprehensive Plan Figure 18. The rezoning removes the R3 designation. But the zone change is on a property not part of any specific neighborhood and the zone change is only to Neighborhood Business, which permits community centric commercial uses. Zoning Code § 4-3. The fabric is not just stabilized and maintained but enhanced by revitalization of this underutilized Property that will host neighborhood commercial uses.

Lastly, the rezoning is consistent with the Revitalization Key Initiative because it redevelops an underutilized parcel with an appropriate neighborhood commercial destination that enhances connectivity to complimentary adjacent uses and surrounding residential areas. Comprehensive Plan Section 2.3.

2. **Pursuant to New York State Town Law § 272a(11) . . . . cite all text, map, and/or figures that must be amended to support the proposed zoning at this location.**

   The proposed rezoning will require a Local Law amending Chapter 203 of the Town of Amherst Code to rezone the Property from R3 Residential District Three to NB Neighborhood Business and to Amend the Zoning Map accordingly.

3. **State why the proposed zoning is consistent with intent and objections of § 203-1-2-2 of the Zoning Code.**

   This rezoning request will strategically align the Property with surrounding uses and provides for an opportunity to create an interconnected community facing destination. Additionally, as mentioned above, the rezoning further the goals and policies of the Comprehensive Plan.

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

B. Whether or not there are adequate services and utilities available or proposed to be made available in the construction of the development;

Adequate services exist. The Property is already impact as is the entirety of the area. The rezoning and subsequent redevelopment of the Property may increase services and utilities demand. This is not anticipated to be a substantial impact. Applicant will obtain all necessary connection permits, and required State Environmental Quality Review Act (SEQRA) environmental review will encompass referral to municipal departments and other government agencies responsible for services and utilities. This rezoning supports further municipal efforts set forth in Comprehensive Plan Policy 7-3 and corresponding Comprehensive Plan amendment made in support of that Policy.

C. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood; and

Nearly all of the properties surrounding the Property are commercial mixed use properties including the abutting 1639-1641 North French and 1573-1595 North French, both zoned CF – Community Facilities.[1] Rezoning the Property to Neighborhood Business is a reasonable extension of this commercial area and revitalizes the Property with a neighborhood commercial destination. The rezoning and redevelopment allows the opportunity to interconnect the Property with 1639-1641 North French, align the Property's uses to neighborhood focused commercial services similar to the abutting 1639-1641 North French, and support the adjacent recreational, community, and neighborhood uses.

The Neighborhood Business designation is also more limited than a traditional commercial zoning only certain specific uses permitted. Town Zoning Code § 4-3-2.A. This requested change in zoning mitigates impact.

D. Suitability of the subject property for uses permitted by the current versus the proposed district.

Currently, the Property is zoned R3 and is an isolated, underutilized parcel between a commercial plaza and religious facility along a suburban corridor. Rezoning the Property would result in an interconnected development with walkable, neighborhood services permitted as of right and attractive to adjacent residential areas, community facilities, and recreational amenities. Rezoning will create a neighborhood commercial center that is compatible with surrounding uses. The Property's classification in Comprehensive Plan Figure 6, as amended, is "Commercial/Mixed Use" and therefore supports the rezoning and application of the Neighborhood Business section of the Zoning Code.

[1] 1573-1595 North French is dual zoned, and the CF Portion borders the Property.

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

E. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town.

The proposed change enhances marketability, rezoning it to meet the needs of a changing real estate market. The rezoning also bring the property into conformity with surrounding parcels. It provides an opportunity to reactivate the already impacted Property with community centric uses. See Section A above for further demands met by the proposed rezoning.

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Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

Environmental Assessment Form

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information

Name of Action or Project:
1635 North French Road Town of Amherst Rezoning and Site Development

Project Location (describe, and attach a location map):
1635 North French Road

Brief Description of Proposed Action:
Rezoning of 1635 North French to NB - Neighborhood Business, and subsequent construction of two-story, approximately 12,000 SF mixed-use building (9,445 SF retail with remaining square footage for owner/manager's suite) and associated parking. The proposed action has been defined broadly to include all site clearing and construction activities.

Name of Applicant or Sponsor:	Telephone: (716) 858-3878
Torey Hirsch Sr. & Torey Hirsch Jr. by Barclay Damon LLP as agent/attorney	E-Mail: agoldberg@barclaydamon.com

Address:
200 Delaware Avenue, Suite 1200

City/PO:	State:	Zip Code:
Buffalo	NY	14202

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Amherst Town Board - Local Law Rezoning Property; Town of Amherst Planning Board - Site Plan	☐	☑

3. a. Total acreage of the site of the proposed action? +/-1.03 acres
   b. Total acreage to be physically disturbed? +/ 0.9 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 5.1 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☑ Other(Specify): Community Facilities
   ☐ Parkland

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES
If Yes, identify: _____	☑	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES
	☑	☐
b. Are public transportation services available at or near the site of the proposed action?	☑	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☑	☐
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☑
10. Will the proposed action connect to an existing public/private water supply?	NO	YES
If No, describe method for providing potable water: _____ _____	☐	☑
11. Will the proposed action connect to existing wastewater utilities?	NO	YES
If No, describe method for providing wastewater treatment: _____ _____	☐	☑
12. a. 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?	NO	YES
	☑	☐
b. 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?	☑	☐
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES
	☐	☑
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☑	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ If the proposed action is within 500 feet of a wetland or waterbody the EAF Mapper tool will automatically check "yes" on the pdf of the SEAF. There are no wetlands or waterbodies on 1635 North French and a small section of the southwest corner of 1639-1641 North French contains a federal wetland. South of the properties are federal wetlands and a class C steam (Town Ditch 4). East of the properties (across the 990) is State Wetland TE-18, but none of the properties are even within the buffer zone. The forested shrub wetland in the southwest corner of 1639-1641 North French will not be disturbed			

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100-year flood plan?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☐	☑
If Yes,		
a. Will storm water discharges flow to adjacent properties? Proposed action may connect to abutting retention pond	☐	☑
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☑
If Yes, briefly describe: Town storm sewer and/or connection to immediately abutting retention pond on 1639-1641 North French (also owned by Petitioner).		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	☑	☐
~~19~~. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	☑	☐
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	☑	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Torey Hirsch Sr. & Torey Hirsch Jr. by Barclay Damon LLP Date: November 20, 2023

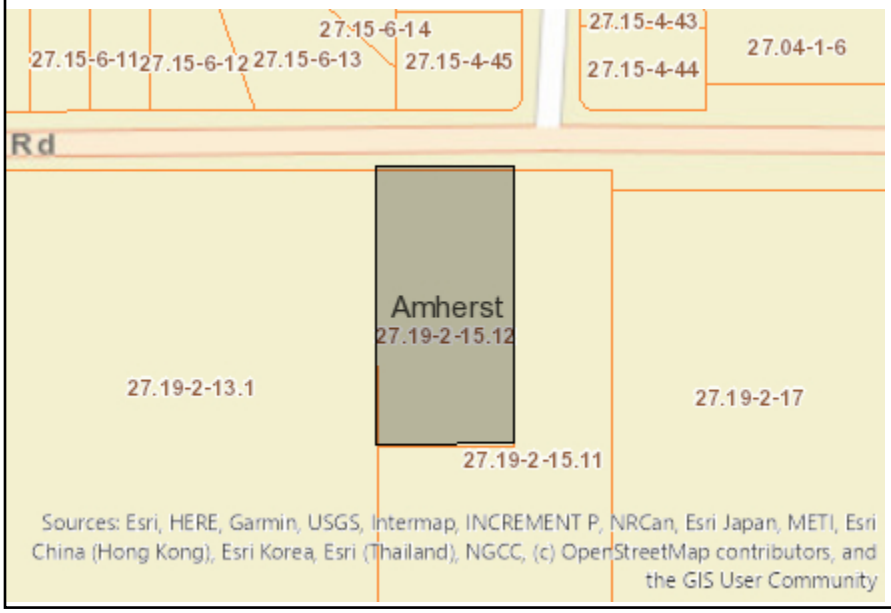
Signature: _____ Title: agent/attorney

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

PRINT FORM

EAF Mapper Summary Report

Friday, November 17, 2023 9:12 AM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

Town Environmental Assessment Form Addendum

TOWN OF AMHERST
State Environmental Quality Review
ENVIRONMENTAL ASSESSMENT FORM
-- ADDENDUM --

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

Soil Name	Shallow excavations	Dwellings without basements	Dwellings with basements	Small commercial buildings	Local roads and streets
LC - Lamson very fine sandy loam	severe	severe	severe	severe	severe
Mh - Minoa very fine sandy loam	severe	severe	severe	severe	severe
Sw - Swormville clay Loam	severe	severe	severe	severe	severe

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

_____ Geotechnical report attached X Not applicable

Petitioner will procure prior to Site Plan

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

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

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

5. Location and size of real property owned by petitioner within one (1) mile of subject proposal:
_____
_____

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

Describe_____
_____

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

7. Maximum number of vehicular trips to be generated per peak hour upon completion of project 15-25
Source: ITE 10th ed.

There are no curren prospective tenants 1635 redevelopmer 1639-1641 traffic n subject to change.

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

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

10. Proposed net additional gallons per day (gpd) of sanitary sewer discharge upon completion of project:
+/- 1,200 average flow +/- 1,200 peak flow.

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

11. Based on the Town's *2011 Reconnaissance Level Survey of Historic Resources,* is your property 'blue-rated' for historic significance? ☐ Yes ☑ No

Attachment: Z-2023-10 application 011824 (28245 : 1635 N. French Rd., Z-2023-10)

NORTH FRENCH (66.00 WIDE) ROAD

℄ ℄

714.00 TO NORTHWEST CORNER LOT 64

150.00

NORTH LINE LOT 64 TOWNSHIP 12 RANGE 7

33.00 33.00

SOUTH LINE NORTH FRENCH ROAD

150.00

108.88

LINE PARALLEL WEST LINE LOT 64

CONCRETE PORCH

54.72

54.42

23.04 BRICK

9.24 9.18 0.30 0.30 9.34 3.99 1.29 7.28 0.15

No.1635

FRAME DWELLING

42.14 25.33

54.42

23.60

FRAME DECK

DECK

LINE PARALLEL WEST LINE LOT 64

ZONED CF

333.00

300.00

ZONED R-3

300.00

333.00

ZONED CF

24.28

39.95

24.32 FRAME GARAGE 24.29

24.32

40.30

50.10

150.00

FENCE 0.67-S 10.19-E

FENCE 1.01-S

LINE PARALLEL NORTH LINE LOT 64 TOWNSHIP 12 RANGE 7

ZONED CF

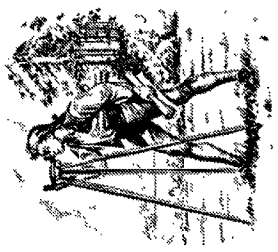
N.

W. E.

Feet	Inches	Feet	Inches
0.08	1 Inch	0.58	7 Inches
0.17	2 Inches	0.67	8 Inches
0.25	3 Inches	0.75	9 Inches
0.33	4 Inches	0.83	10 Inches
0.42	5 Inches	0.92	11 Inches
0.50	6 Inches	1.00	12 Inches

Job No.171,291 LL 3789

REVISED



ESTABLISHED 1870

Date of Survey JANUARY 27, 2021

Signature

Marshall L. Mill PLS
Krause & Gantzer
Land Surveyors
13 Olean Street
East Aurora, New York 14052

Part of Lot (Lots) 64, Section ____, Township 12, Range 7, Of The HOLLAND LAND COMPANY'S SURVEY

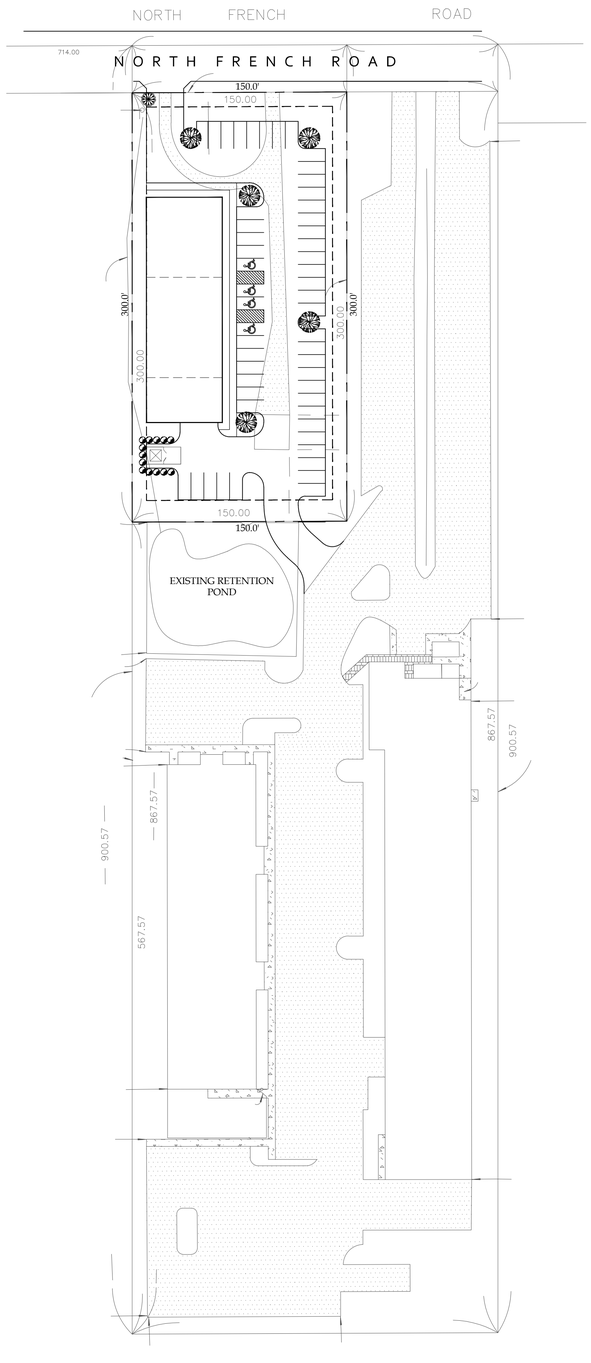
City (or) Village of _____, Town of AMHERST, County of ERIE, State of New York

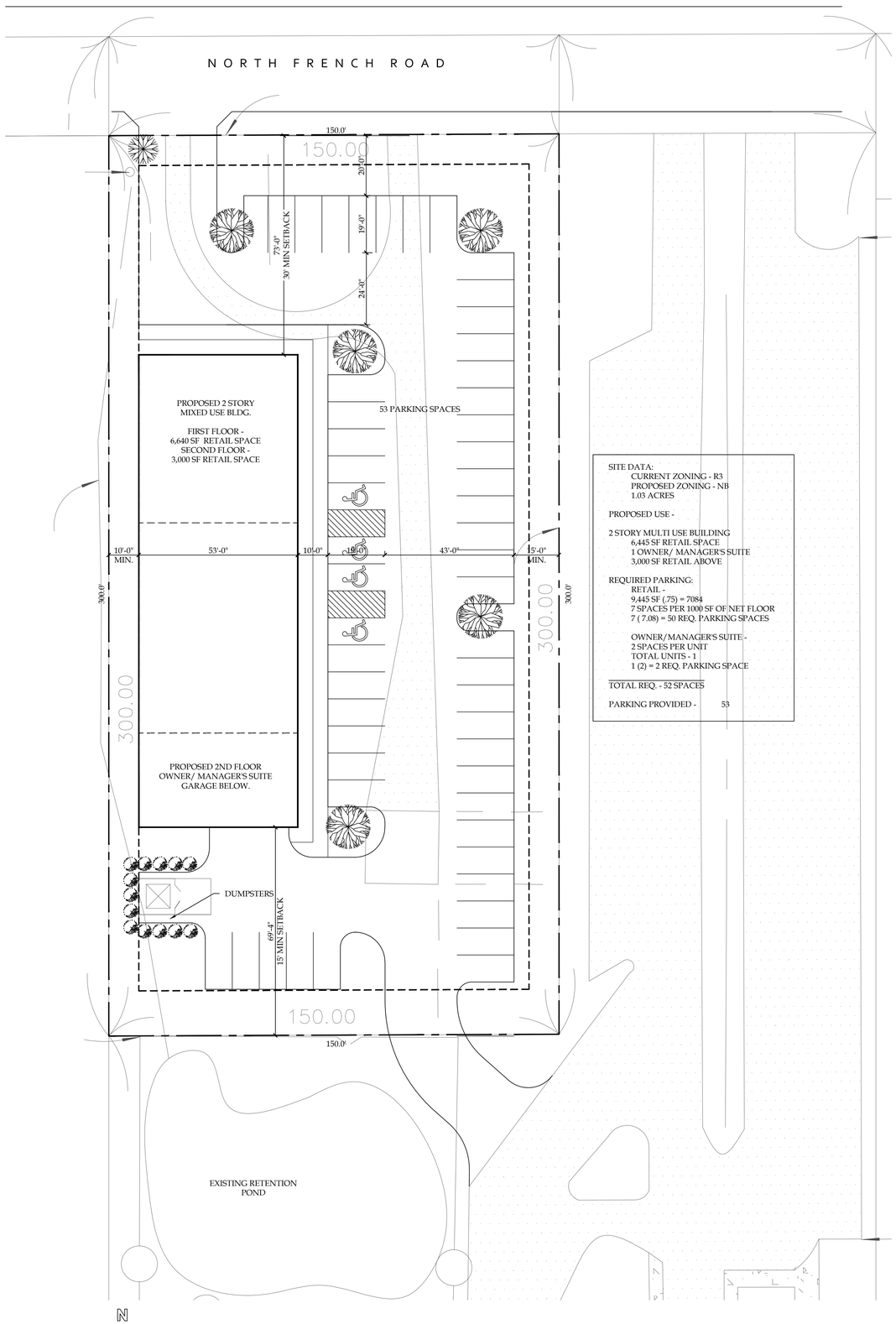
Drawing Scale : 1" = 30 '

Notes:

1) This Survey is VOID unless embossed with New York State Licensed Land Surveyors Seal #050182.
2) Altering any item on this Survey is in violation of law, excepting as provided in Section 7209 Part 2 of the New York State Education Law.
3) This Survey VOID if used with an Affidavit Of No Change.
4) This Survey was prepared without the benefit of an Abstract of Title and is subject to any state of facts that may be revealed by an examination of the same.

Attachment: Z-2023-10 drawings 011824 (28245 : 1635 N. French Rd., Z-2023-10)





N

A4 CONCEPT PLAN
1" = 20'-0"

NOTICE
This document, the property of, prepared and issued by the architect, is submitted for the specific project namely _____ and the recipient by accepting this document assumes custody and agrees that this document will not be copied or reproduced in part or in whole, and any special features peculiar to this design shall not be incorporated in any other project, unless prior agreement has been obtained in writing.These documents will be returned immediately upon completion of the project or upon the request of the architect.
This document is the exclusive property of the architect, no rights to ownership are transferable, or shall be lost by the filing of this document with any and all public authorities for the purpose of compliance with Codes and or Ordinances, i.e. Building Permit, etc.

Multi Use Building

1635 North French
Amherst, NY

ISSUE:

SA PROJECT TEAM: PRINCIPAL P.Silvestri
PROJ. ARCH. _____ DRAFTER _____
JOB CAPT. _____ INTERIORS _____

SEAL:

TITLE:
SITE PLAN

SILVESTRI
ARCHITECTS · PC
1321 MILLERSPORT HWY PH. 716.691.0900
AMHERST, NY 14221 FAX 716.691.4773

SA JOB #: 20132-01
DATE: 05/30/23

DRAWING #: AS-101

Attachment: Z-2023-10 drawings 011824 (28245 : 1635 N. French Rd., Z-2023-10)

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2023-10

JAN 24 2024 PM2

PETITIONER

Torey Hirsch
1635 North French Road
Amherst, NY 14068

PROPERTY LOCATION

1635 North French Road

WHEREAS the Town of Amherst Planning Board on Thursday, January 18, 2024 held a public hearing on the proposed rezoning of land from R-3 to NB, and

WHEREAS the Planning Board has reviewed plans and other materials regarding the rezoning proposal, and

WHEREAS the materials and plans have been referred to the Town's various review agencies, and

WHEREAS in accordance with Section 8-3-5 of the Zoning Ordinance the Planning Board finds that:

A. The proposed zoning and development plan is generally consistent with the policies of the Comprehensive Plan and the Zoning Ordinance.

B. The proposal is consistent with the Conceptual Land Use Plan which shows Commercial/Mixed Use use in this area of the Town.

C. There are adequate services and utilities available or proposed to be made available in the construction of the development.

D. The proposal is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.

E. The subject property is suitable for uses permitted by the current versus the proposed district.

F. The proposed change does not tend to improve the balance of uses, or meets a specific demand in the Town.

G. Review by the US Army Corps of Engineers under Section 404 of the Clean Water Act may be waived because the parcel is developed.

WHEREAS pursuant to Local Law #3-82, as amended, the Planning Board recommends that the Town Board determine that the requirements of SEQR are complete and that the subject proposal is not expected to have a significant adverse effect on the environment.

Attachment: Z-2023-10 signed resolution 011824 (28245 : 1635 N. French Rd., Z-2023-10)

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2023-10

JAN 24 2024 PM2:

PETITIONER

Torey Hirsch

PROPERTY LOCATION

1635 North French Road

NOW THEREFORE BE IT RESOLVED that the Planning Board recommends to the Town Board in accordance with Section 8-3-4 of the Zoning Ordinance, that the rezoning request be approved with the following condition:

1. That any future site plan for development of 1635 North French Road include vehicular access to the adjoining parcel at 1639-1641 North French Road.

The foregoing resolution was adopted by the Town of Amherst Planning Board, January 18, 2024; moved by Penberthy; seconded by Raffaele; ayes 5, noes 0, absent 2 (Giuliani, Kahn).

Michael J. Chmiel, Planning Board Chair

1/24/24
Date

GP/ac
X:\Current_Planning\Files\Rezonings\2023\Z-2023-10_(1635_N_French_Rd)_2023\Z-2023-10_resolution_011824.doc
cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator
Ari Goldberg, Barclay Damon, 200 Delaware Avenue, Suite 1200, Buffalo, NY 14202
Philip Silvestri, Silvestri Architects, 1321 Millersport Highway, Amherst, NY 14221
Torey L. Hirsch, Sr., 1635 North French Road, Getzville, NY 14068

Attachment: Z-2023-10 signed resolution 011824 (28245 : 1635 N. French Rd., Z-2023-10)

Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

DEFEATED

Meeting: 01/18/24 06:30 PM
Department: Planning
Category: Miscellaneous
Prepared By: Amy Carrato
Initiator: Dan Howard
Sponsors:
DOC ID: 27918

PLANNING BOARD ITEM (ID # 27918)

Request to Amend the Comprehensive Plan "Figure 6" from Single Family Residential to Mixed Residential, BCPA-2023-02

Properties located at 46, 54, 60, 68, 74 & 84 South Linden Street
South Linden LLC, Petitioner

The purpose of this request is to amend the Bicentennial Comprehensive Plan to change the land use designation from "Single Family Residential" to "Mixed Residential". The "Mixed Residential" land use designation is meant for a variety of residential housing types that allows for more density than single family residential housing. The subject parcels are currently zoned Residential Three (R-3) and therefore, to implement the concept plan provided the petitioner would need to file a subsequent rezoning request to one of the multifamily residential districts, provided the Town Board agrees to amend the Bicentennial Comprehensive Plan. The application materials indicate that the petitioner intends to seek a rezoning from R-3 to MFR-5 in order to develop 28 town homes.

1/18/2024

Jeff Palumbo, Esq., Block, Longo, LaMarca & Brzezinski, represented the petitioner, explained the proposal and was available to answer questions from the Board. Mr. Millitello was also present.

In response to the Board's questions, Mr. Palumbo stated neighboring properties are zoned for multi-family residential, there aren't any neighboring townhouses like the proposed townhouses, the Board is bound by each individual project not future development, and the density of the project has not changed.

Stephen Martin, 74 S. Harvest St., and Cathy Oliveri, 73 S. Harvest St., spoke in opposition of the project.

Tim Boyle, 46 & 54 S. Autumn St. spoke, in favor of the project.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Ms. Penberthy moved to deny the request based on the resolution. The motion was seconded by Mr. Raffaele and carried. Ayes 4, Noes 1 (Chmiel), Absent 2 (Giuliani, Kahn).

10/19/2023

No comments were heard on this proposal.

Mr. Giuliani moved to adjourn the request. The motion was seconded by Ms. Penberthy and carried. Ayes 6, Noes 0, Absent 1 (Raffaele).

HISTORY:

10/19/23 Planning Board ADJOURNED Next: 01/18/24

ATTACHMENTS:

- BCPA-2023-02 application packet 101923 (PDF)
- BCPA-2023-02 signed resolution 011824 (PDF)

RESULT:	**DENIED [4 TO 1]**
MOVER:	Brittany Lee Penberthy, Board Member
SECONDER:	Joseph P. Raffaele Jr., Board Member
AYES:	John B. Davis, Harbinder Gill, Brittany Lee Penberthy, Joseph P. Raffaele Jr.
NAYS:	Michael Chmiel
ABSENT:	Dal Giuliani, Carrie H. Kahn

RECEIVED
AUG 22 2023
TOWN OF AMHERST
PLANNING DEPT.

TOWN OF AMHERST PLANNING DEPARTMENT

Request for Bicentennial Comprehensive Plan Amendment

For Official Use

File #: BCPA-2023-02 Acreage 2.4± Fee $ 15

Address Verified by Assessor's Office _____ VERIFIED BY DATE

Application Received by Planning Department _____ ACCEPTED BY DATE

Materials & Fee Paid to Town Clerk _____ ACCEPTED BY DATE

		Fill In Applicable Fees
COMPREHENSIVE PLAN AMMENDMENT	**$0***	
AFFIDAVIT FEE FOR PUBLIC HEARING	**$15**	✓

Fee schedule subject to change by future Town Board action

TOTAL FEE: $ 15

TO BE COMPLETED BY APPLICANT

Petitioner:

Name: South Linden LLC

Address: 493 Kennedy Road

Cheektowaga (City) NY (State) 14227 (Zip Code\)

Phone: (716) 432-6947 Fax _____

Email: john@kimilco.com

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

Owner of Land (if different than above):

Name: _____

Address: _____

_____

City State Zip Code

Phone: _____ Fax _____

E Mail: _____

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

Name: Jeffery D. Palumbo, Esq. / Block, Longo, LaMarca & Brzezinski, P.C.

Address: 9276 Main Street, Suite 3

Clarence NY 14031

City State Zip Code

Phone: (716) 317-0664 Fax (716) 854-0057

E Mail: jpalumbo@blockandlongo.com

Petitioner's interest in property

- ☐ Option to purchase
- ☒ Owner
- ☐ Other (explain) _____

The following are all others having an interest in this application and join herein with the petitioner named above: (describe extent of interest; attach sheets as needed)

N/A

Street address(es) of land subject to Bicentennial Comprehensive Plan Amendment:

South Linden Street, a paper street

SBL #(s): TBD

INFORMATION ON REQUEST

1. **The undersigned hereby requests the Honorable Town Board to amend the following text sections of the Bicentennial Comprehensive Plan:**

   Section(s) #/page(s): N/A

Note: If the requested amendment does not involve a map change, skip #2 and #3.

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

2. **The undersigned hereby requests the Honorable Town Board to amend the Conceptual Land Use Map (Figure 6) and/or Commercial and Mixed-Use Designations (Figure 6A) as follows:**

FROM:

- ☐ Rural Residential
- ☒ Single Family Residential
- ☐ Mixed Residential
- ☐ Medium Residential
- ☐ Commercial/ Mixed Use*
- ☐ Special Use Center
- ☐ Commercial-Office
- ☐ Industrial-Office
- ☐ Community Facilities
- ☐ Educational Campus
- ☐ Recreation, Open Space, & Greenways
- ☐ Agriculture
- ☐ Transportation

*Additional Designations in Figure 6-A:

- ☐ Suburban Center
- ☐ Suburban Corridor
- ☐ Traditional Areas

TO:

- ☐ Rural Residential
- ☐ Single Family Residential
- ☒ Mixed Residential
- ☐ Medium Residential
- ☐ Commercial/ Mixed Use*
- ☐ Special Use Center
- ☐ Commercial-Office
- ☐ Industrial-Office
- ☐ Community Facilities
- ☐ Educational Campus
- ☐ Recreation, Open Space, & Greenways
- ☐ Agriculture
- ☐ Transportation

*Additional Designations in Figure 6A:

- ☐ Suburban Center
- ☐ Suburban Corridor
- ☐ Traditional Areas

3. **Other Bicentennial Comprehensive Plan Map Amendments (if applicable):**

Figure # or Name: Figure 6 Conceptual Land Use Plan

4. **Information on prospective action (*to be provided in separate attachment*):**

A. Description of any prospective action:

B. Rationale for request of amendment:

1. How will the requested amendment to the Bicentennial Comprehensive Plan consistent with *Section 2.2 (Vison Statement)*?
2. How will the requested amendment to the Bicentennial Comprehensive Plan consistent with *Section 2.3 (Key Initiatives)*?

C. How is the requested amendment align with the defined policies in Sections;

1. *3.0 Land Use and Development?*
2. *4.0 Natural and Cultural Resources?*
3. *5.0 Economic Development?*
4. *6.0 Transportation?*
5. *7.0 Infrastructure?*
6. *8.0 Housing & Neighborhoods?*
7. *9.0 Community Facilities & Services?*

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

SECTION 809 CERTIFICATION

The undersigned certifies that all information required to be disclosed pursuant to Section 809 of the General Municipal Law (see below) is as follows:

The undersigned swears or affirms that all statements made herein are true, that all drawings submitted correctly show the situation involved in this petition.

Signature of Petitioner

Subscribed and sworn to before me this 21 *day of* August, *20*23

Notary Public, Erie County, New York

TRACY A. MURRAY
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MU5077295
Qualified in Genesee County
Commission Expires May 5, 20 27

N.Y.S. General Municipal Law - Section 809 Disclosure in certain applications:

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provision of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state office or any office or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them

   (a) is the applicant, or
   (b) is an officer, director, partner or employee of the applicant, or
   (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
   (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such applicant, petition or request.

3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party Officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four or section two of the election law.

4. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

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

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

Survey and Legal Description

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 PROVISION 2

• SET OR EX. 5/8" REBAR

McINTIRE (50.0' WIDE) ROAD

SOUTH LINE McINTIRE ROAD

SOUTH LINE LANDS APPROPRIATED BY THE NYS THRUWAY L-5292, P-169

NOW OR FORMERLY
SOUTH LINDEN, LLC
L-11185, P-8858
SBL: 80.16-4-2

FENTON (50.0' WIDE) STREET ABANDONED
SEE RESOLUTION L-6053, P-41

NOW OR FORMERLY
SOUTH LINDEN, LLC
L-11186, P-8871
SBL: 80.16-4-3

NOW OR FORMERLY
SOUTH LINDEN, LLC
L-11186, P-8871
SBL: 80.16-4-4

NOW OR FORMERLY
SOUTH LINDEN, LLC
L-11186, P-8871
SBL: 80.16-4-5

NOW OR FORMERLY
SOUTH LINDEN, LLC
L-11186, P-8871
SBL: 80.16-4-6

NOW OR FORMERLY
JOSEPH P MARASCO
& VANDINA MARASCO
SBL: 80.16-4-7

NOW OR FORMERLY
MICHELE R. HOOD
L-11081, P-4878
SBL: 80.16-4-8

NOW OR FORMERLY
DAVID DI MINNI
L-10952, P-6438
SBL: 80.16-4-9.2

NOW OR FORMERLY
SUFIAN B. ALMASHHADANY
L-11084, P-2333
SBL: 80.16-4-10

SOUTH HARVEST (50.0' WIDE) STREET

SOUTH LINDEN (50.0' WIDE) STREET

61.80
95.00
70.00
70.00
70.00
70.00
70.00
70.00
91.70
668.50'
668.64'
50.00'
50.00'

AREA: 0.767± ACRE
(UNIMPROVED)

WEHRLE (WIDTH VARIES) DRIVE

SURVEY OF
PART OF LOT 22, TOWNSHIP 11, RANGE 7
HOLLAND LAND SURVEY
TOWN OF AMHERST, ERIE COUNTY, NEW YORK

DATE	REVISION/TYPE

GPI ENGINEERING, LANDSCAPE ARCHITECTURE & SURVEYING, LLP
ENGINEERING · SURVEYING · LANDSCAPE ARCHITECTURE
4950 GENESEE STREET, SUITE 100
BUFFALO, NEW YORK 14225
(716) 633-4844 FAX 633-4940

Job No. 9394
Scale 1" = 50'

Date: JULY 14, 2021
Tax No.

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Amherst, County of Erie and State of New York, being part of Lot 22, Township 11 and Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the west line of Linden Street (AKA South Linden Street) (50.0 feet wide) as shown on a subdivision map of Cayuga Heights filed in the Erie County Clerk's Office under Ma Cover 898 and the north line of Wehrle Drive (width varies), said point being the southeast corner of lands conveyed to Sufian B. Almashhadany by deed recorded in the Erie County Clerk's Office in Liber 11084 of Deeds at Page 2333:

THENCE: Northerly, along the west line of Linden Street, a distance of 668.50 feet to the south line of McIntire Road (50.0 feet wide) as appropriated by the NYS Thruway and recorded in the Erie County Clerk's Office in Liber 5292 of Deeds at Page 169;

THENCE: Easterly, along the said south line of McIntire Road, a distance of 50.00 feet to the east line of Linden Street;

THENCE: Southerly, along the said east line of Linden Street, a distance of 668.64 feet to the aforementioned north line of Wehrle Drive;

THENCE: Westerly, along the said north line of Wehrle Drive, a distance of 50.00 feet to the POINT OF BEGINNING containing 0.767 acre be the same more or less.

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

Preliminary Site Plan

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

© CARMINA WOOD DESIGN

DRAWING NAME:
Site Plan
Concept

PRELIMINARY
NOT FOR CONSTRUCTION

REVISIONS:

No.	Description	Date

Multi-family Devleopment
S Linden Street
Amherst, New York

CARMINAWOOD
DESIGN
Buffalo | Utica | Greensboro

Date: 7/11/23
Drawn By: C. Wood
Scale: As Noted

DRAWING NO.
C-100
Project No: 23-xxxx

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

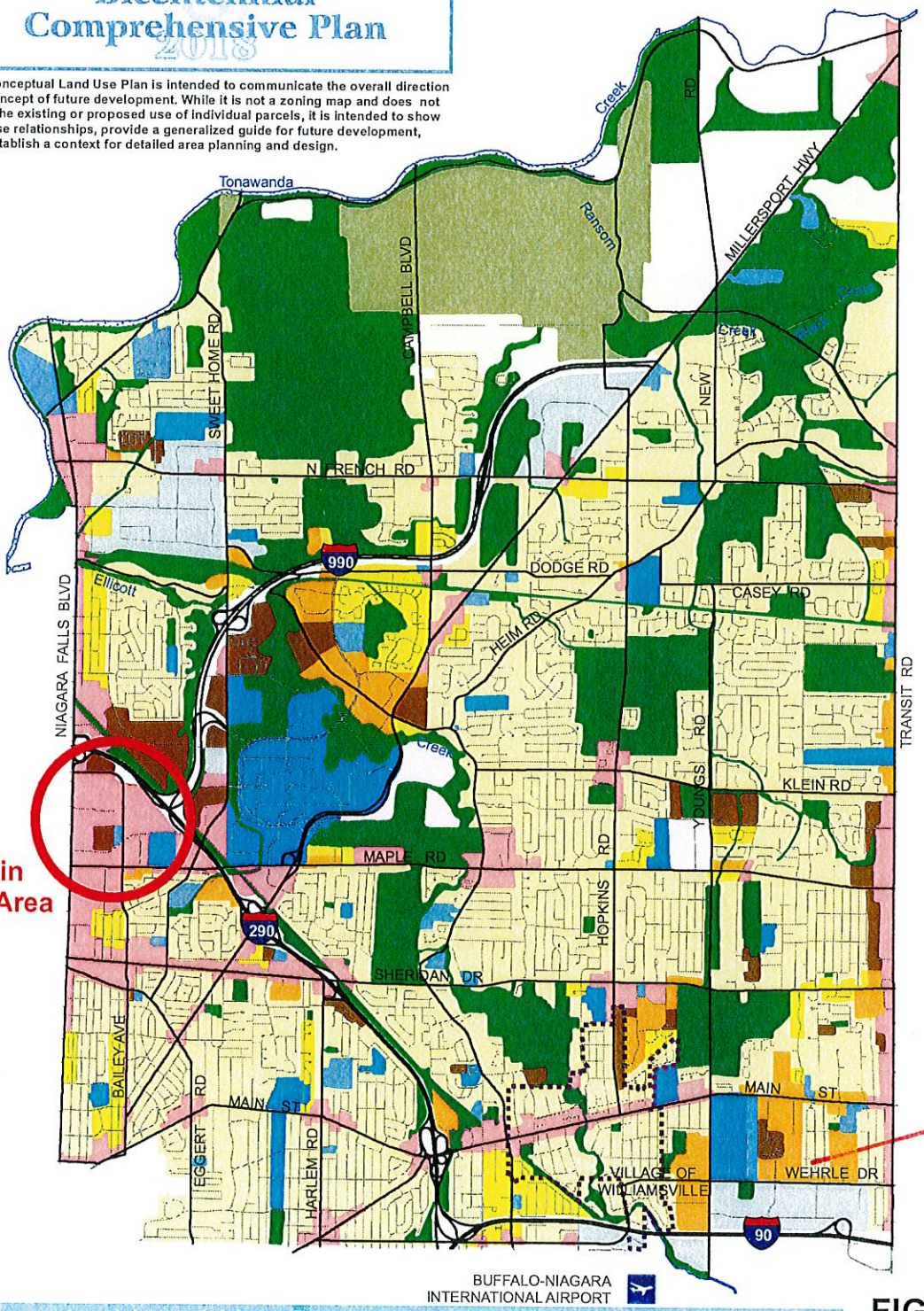
Map Graphic
depicting requested Comprehensive Plan Change

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

Town of Amherst Bicentennial Comprehensive Plan

1818 2018

The Conceptual Land Use Plan is intended to communicate the overall direction and concept of future development. While it is not a zoning map and does not show the existing or proposed use of individual parcels, it is intended to show land use relationships, provide a generalized guide for future development, and establish a context for detailed area planning and design.



Increase in Mixed-Use Area

Property Location

Requested Classification

Conceptual Land Use Plan

Rural Residential	Special Use Center	Recreation, Open Space & Greenways
Single Family Residential	Commercial - Office	Agriculture
Mixed Residential	Industrial - Office	Transportation
Medium Residential	Community Facilities	Surface Water
Commercial / Mixed Use*	Educational Campus	Village of Williamsville Boundary

* See Map Figure 6-A for Additional Designations

SOURCE NOTES:

Original Source Data Provided by the Town of Amherst Information Technology Department, URS Corporation and Wallace Roberts & Todd, LLC

Map Compiled by the Town of Amherst Planning Department

Date: June 2019

N

0 0.25 0.5 0.75 1 1.25 Miles

FIGURE 6

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

Comprehensive Plan Amendment Analysis

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

Comprehensive Plan Amendment Analysis S. Lynden Street

As set forth in the Town of Amherst Bicentennial Comprehensive Plan ("Plan") amendment application form, Petitioner must provide information on the prospective action in relation to the plan. The application form questions are outlined below in bold with Petitioner's response noted.

A. Description of Prospective Actions:

Petitioner's Response: Petitioner is proposing to build four (4) buildings, each containing seven (7) two (2) story townhomes, for a total of 28 townhome units.

B. Rationale for Request of Amendment:

1. How will the requested amendment be consistent with Section 22 (Vision Statement)

Petitioner's Response: The requested amendment will enhance the livability of the area in offering a lifestyle option not readily available in the immediate area. In addition, it will serve to enhance community character by investing in and revitalizing older neighborhoods. Further, the requested amendment and subsequent development will present a very high standard for quality development while respecting appropriate buffers in existing neighborhoods. Finally, this is consistent with the Shared Direction as set forth in the plan as it enhances the diverse economy of the Town, strengthening the tax base and attraction to the community by carefully using vacant land with an infill development.

2. How will the requested amendment be consistent with Section 2.3 (Key Initiatives)

Petitioner's Response: Regarding "Aesthetic/Community Character" as set forth in the plan, the amendment will only add to the renowned beauty, character and environmental quality of the Town. A first-class townhome community seeks to "raise the bar" by adding a new lifestyle choice in an underserved area.

Regarding the "Revitalization" initiative in the plan, again, this proposal injects new life and new investment into an older area of the Town, by providing a diverse choice of living for empty nesters, young professionals, or others seeking limited maintenance obligations.

Finally, the amendment is consistent with the "Governance" initiative as the proposed townhomes do not introduce inconsistency or unfairness in zoning and land use.

C. How is the requested amendment aligned with the defined policies in sections:

1. 3.0. Land Use and Development?

Petitioner's Response: The requested amendment adds new diverse housing and an investment to the established community and does so with a context-sensitive architectural and site design. Ultimately, the Properties call for residential dwellings and the requested

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

amendment and development result in residential dwellings. Specifically, the requested amendment seeks to have the Properties classified as "Mixed Residential." Mixed Residential is appropriate for residences along roads like Wehrle Drive and as a buffer to more traditional single-family neighborhoods. The Properties and Development perfectly capture Mixed Residential as set forth in the Comprehensive Plan.

2. ***4.0 Natural and Cultural Resources:***

Petitioner's Response: As set forth in the Plan, "best management practices" will be employed to retain stormwater on site, thus reducing downstream flooding and allowing pollutants to filter out over time. Additionally, silt fences and various other techniques will be employed to prevent sediment from leaving this site during construction.

3. ***5.0 Economic Development:***

Petitioner's Response: As stated in the Plan, "A healthy tax and employment base are essential not only to Amherst's economy, but also the Town's quality of life." Further, the amendment, by introducing new housing, meets the town's objective of maintaining Amherst's strong tax base. Additionally, the proposed townhomes will respect the character and quality of life in the area.

4. ***6.0 Transportation:***

Petitioner's Response: The plan defines the area as "Traditional Character" which describes a corridor located within higher intensity centers and other neighborhoods. Traffic from the proposed townhome will not significantly alter any traffic patterns in the area.

5. ***7.0 Infrastructure:***

Petitioner's Response: The proposed amendment will not stress existing storm or waste water service. Other utilities such as water, electric and gas are available on site.

6. ***8.0 Housing and Neighborhoods:***

Petitioner's Response: The proposed amendment furthers the Comprehensive Plan objective to achieve a diversity of housing options. The Petitioner will ensure that the diverse housing option will be well managed and contribute to the surrounding neighborhood's health and stability. While the proposed amendment changes the Comprehensive Plan conceptual land use plan, Figure 6, by making the Properties mixed residential, the change allows Amherst residents to remain in Amherst by downsizing into a maintenance free environment.

7. ***9.0 Community Facilities & Services:***

Petitioner's Response: The proposed townhomes are not far from the Main Street corridors. This will allow the residents to visit nearby businesses, restaurants, movie theaters, etc.

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

Environmental Assessment Form

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information

Name of Action or Project:
South Linden Townhomes

Project Location (describe, and attach a location map):
South Linden Street, a paper street

Brief Description of Proposed Action:
Four (4) buildings each containing seven (7) townhomes.

Name of Applicant or Sponsor:	Telephone: (716) 317-0667
South Linden LLC, Jeffery D. Palumbo, agent	E-Mail: jpalumbo@blockandlongo.com

Address:
c/o Block, Longo, LaMarca & Brzezinski, P.C. - 9276 Main Street, Suite 3

City/PO:	State:	Zip Code:
Clarence	NY	14031

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town Board rezoning approval and Planning Board sit plan approval.	☐	☑

3. a. Total acreage of the site of the proposed action? 2.4 acres
   b. Total acreage to be physically disturbed? 2.0 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2.4 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☑	☐	☐
b. Consistent with the adopted comprehensive plan?	☑	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☑	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☑	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☑	YES ☐	
b. Are public transportation services available at or near the site of the proposed action?	☑	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☑	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO ☐	YES ☑	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☐	YES ☑	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☐	YES ☑	
12. a. 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?	NO ☑	YES ☐	
b. 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?	☐	☑	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO ☑	YES ☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☑	☐	

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☑ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100-year flood plan?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☐	☑
If Yes, a. Will storm water discharges flow to adjacent properties?	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☑
If Yes, briefly describe: Storm water management system will discharge to the Town of Amherst system on McIntire Road		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	☐	☑
If Yes, explain the purpose and size of the impoundment: Storm water management, size TBD		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	☑	☐
If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	☑	☐
If Yes, describe:		

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

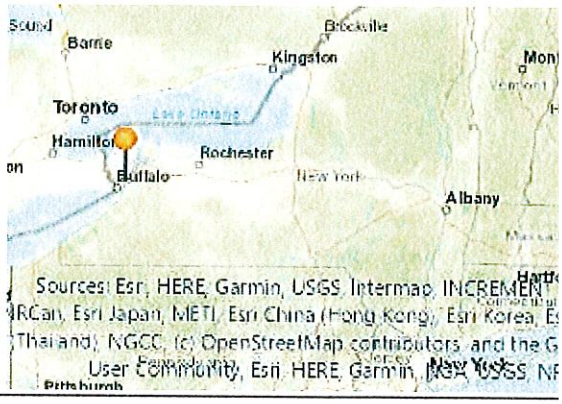
Applicant/sponsor/name: JEFFERY D. PALUMBO - AS ATTORNEY Date: 8-21-23

Signature: [signature] Title: ATTORNEY

PRINT FORM

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

Disclaimer: The EAF Mapper is a screening tool intended to assi project sponsors and reviewing agencies in preparing an environment 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. Althoug 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 orde to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

Owner Authorization

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

AUTHORIZATION

John Militello, as Member of South Linden LLC, record property owner of property located at South Linden Street, a paper street in the Town of Clarence, New York (SBL No. TBD), hereby authorize Block, Longo, LaMarca & Brzezinski, P.C. to file any and all applications along with any necessary supporting documentation, with the Town of Amherst in connection with the approvals sought for the properties referenced above.

SOUTH LINDEN LLC

By: Militello, John
John Militello, Member
Dated: 08 / 21 / 2023

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

Renderings

Attachment: BCPA-2023-02 application packet 101923 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

TOWN OF AMHERST
PLANNING BOARD
COMPREHENSIVE PLAN AMENDMENT
BCPA-2023-02

JAN 24 2024 PM2

PETITIONER

South Linden LLC
493 Kennedy Road
Cheektowaga, NY 14227

PROPERTY LOCATION

46, 54, 60, 68, 74 & 84 South Linden Street

WHEREAS the Town of Amherst Planning Board on Thursday, October 19, 2023 and January 18, 2024 held a public hearing on the proposed amendment to the Bicentennial Comprehensive Plan, and

WHEREAS the Planning Board has reviewed the Town of Amherst Bicentennial Comprehensive Plan, and

WHEREAS the Planning Board has reviewed plans and other materials regarding the proposal, and

WHEREAS the materials and plans have been referred to the Town's various review agencies, and

WHEREAS the Planning Board finds that:

A. The proposed request is generally inconsistent with the Zoning Ordinance and with the following sections of the Comprehensive Plan:
- Chapter 2, Plan Concept: Section 2.2 "Vision Statement";
- Chapter 3, Land Use and Development: Section 3.2 "Goal, Objectives and Policies" and Section 3.3.1 "Residential Uses";
- Chapter 8 Housing and Neighborhoods: Section 8.2 "Goals, Objectives and Policies"

B. The subject property is suitable for uses permitted by the current versus the proposed land use designation.

C. The proposed change does not improve the balance of land uses, and does not meet a specific demand in the Town.

D. The area surrounding the subject request is predominantly comprised of single-family housing, developed according to the requirements of the R-3 districts.

NOW THEREFORE BE IT RESOLVED that the Planning Board recommends to the Town Board in accordance with New York State Town Law §272-a Subsection 4, that the request to amend the Bicentennial Comprehensive Plan be denied for the following reasons:

Attachment: BCPA-2023-02 signed resolution 011824 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

TOWN OF AMHERST
PLANNING BOARD
COMPREHENSIVE PLAN AMENDMENT
BCPA-2023-02

JAN 24 2024 PM2

PETITIONER	PROPERTY LOCATION
South Linden LLC	46, 54, 60, 68, 74 & 84 South Linden Street

- The amendment is not consistent with the Town of Amherst Bicentennial Comprehensive Plan in the following ways:
    - The amendment promotes rezoning and subsequent multi-family attached development at a density, scale, and of a character that are inconsistent with the small lot, single-family detached house neighborhoods that surrounds the site;
    - The amendment does not enable a public street network from McIntire Road to the east for future development of single-family homes,

The foregoing resolution was adopted by the Town of Amherst Planning Board, January 18, 2024; moved by Penberthy; seconded by Raffaele; ayes 4, noes 1 (Chmiel), absent 2 (Giuliani, Kahn).

Michael J. Chmiel, Planning Board Chair

1/24/24
Date

GP/ac
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\2023\BCPA-2023-02_(46-74_South_Linden_St)\BCPA-2023-02_resolution_011824.doc-

cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator
Jeff Palumbo, Block, Longo, LaMarca & Brzezinski, 9276 Main Street, Clarence, NY 14031
South Linden LLC, 493 Kennedy Road, Cheektowaga, NY 14227

Attachment: BCPA-2023-02 signed resolution 011824 (27918 : BCPA-2023-02 - 46-74 South Linden Road)

Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

ADOPTED

Meeting: 01/18/24 06:30 PM
Department: Planning
Category: Miscellaneous
Prepared By: Amy Carrato
Initiator: Dan Howard
Sponsors:
DOC ID: 28232

PLANNING BOARD ITEM (ID # 28232)

Proposed Zoning Ordinance Text Amendment, Creation of a New Mixed-Use District Center 10 (CTR-10) Zoning, ZTA-2023-04

Town of Amherst, Petitioner

This zoning text amendment proposes to add a new Center 10 (CTR-10) Mixed-Use Zoning District to Chapter 203 of the Town's Code. The CTR-10 district standards are intended to create new walkable mixed-use places with human-scaled internal streets in locations that are appropriate for the Town's tallest buildings - such as the Golden Triangle, Boulevard Mall, and the Maple Ridge Plaza - and not adjacent to single-family residences. The district is also intended to create a network of continuous high-quality active and walkable streets establishing a network of pedestrian connections throughout the district and to the surrounding community. Open space is required and intended as an organizing feature for new development. Buildings will range from two (2) to ten (10) stories in height. This new district permits a variety of retail, service and commercial uses, as well as multi-family residences and offices.

This zoning text amendment also creates a new Retrofit Frontage type, the Boulevard Frontage. Where determined by the Town, the Boulevard Frontage replaces existing Minor or Major Arterial frontages in relation to roadway classifications in the Town's Comprehensive Plan, Future Thoroughfare System Map (Figure 9). Its intent is to promote an alternative approach to fronting arterials that is both greener and more urban in building form while still allowing some traditional suburban elements. Other related changes throughout Chapter 203 are also proposed in relation to the CTR-10 District. These include (1) language requiring Shallow Lot Transitions internally within CTR-8 and CTR-10 Districts where a use that includes the vending of alcohol abuts a residential use, (2) language regarding minimum height requirements being met using additional functional stories above the ground story containing conditioned space and covering the full extent of the ground story, (3) adding CTR-10 to the Mixed Use District Use Table, and (4) the addition of a Use Definition for Brewery/Distillery (Craft Scale).

It is the Town's intent to have CTR-10 Zoning located at the Boulevard Mall site and possibly at other large commercial centers as listed above to support the Town's redevelopment goals in the Urban Renewal Area and the Boulevard Central District.

1/18/2024

Daniel Ulatowski, Town of Amherst Assistant Planning Director, represented the petitioner, explained the proposal and was available to answer questions from the Board.

In response to the Board's questions, Mr. Ulatowski noted that the Marriott Hotel is 10-stories high and the intent of this text amendment is to enhance marketability of some sites for redevelopment. The availability of a district to develop 10-story buildings permits greater flexibility for future development, particularly housing, where needed and appropriate. This district would have to be mapped and likely limited to the three areas the Planning Department noted. The Mall property is one that can support up to 10-stories.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Ms. Penberthy moved to approve the request and remove CTR-10 from the changes. The motion was seconded by Mr. Gill and failed. Ayes 3, Noes 2 (Chmiel, Davis), Absent 2 (Giuliani, Kahn).

Following discussion, Ms. Penberthy moved to approve the request removing the 10-story building height from the district. The motion was seconded by Mr. Gill and failed. Ayes 3, Noes 2 (Chmiel, Davis), Absent 2 (Giuliani, Kahn).

Following discussion, Ms. Penberthy moved to adjourn the request. The motion was seconded by Mr. Raffaele and carried. Ayes 5, Noes 0, Absent 2 (Giuliani, Kahn).

ATTACHMENTS:

- ZTA-2023-04 Application Packet 011824 (PDF)

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 2/15/2024 6:30 PM**
MOVER:	Brittany Lee Penberthy, Board Member	
SECONDER:	Joseph P. Raffaele Jr., Board Member	
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.	
ABSENT:	Dal Giuliani, Carrie H. Kahn	

TOWN OF AMHERST PLANNING DEPARTMENT

Zoning & Subdivision Text Amendment Application

File # **ZTA-2023-04**

1. Zoning Ordinance Text Amendment ☒
2. Subdivision Regulations Text Amendment ☐

PETITIONER:

- ☒ Town Board
- ☐ Planning Board
- ☐ Zoning Board of Appeals
- ☐ Commissioner of Building
- ☐ Planning Director
- ☐ Zoning Enforcement Officer

Sections Proposed to be Amended: (Attach sheets as necessary.)

See Attachment A

Description of Amendments: (Attached sheets as necessary.)

See Attachment B

Materials Received by Planning Department

RECEIVED BY DATE

Materials Filed with Town Clerk

ACCEPTED BY DATE

X:\Current_Planning\Application Forms 2019\Zoning or Subdivision Text Amend App 2022.doc

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

ATTACHMENT A

Proposed CTR-10 Center 10 Zoning District **December 7, 2023**
ZTA-2023-04

SEE THE FOLLOWING PAGES FROM CHAPTER 203 SECTION 5A OF THE TOWN'S ZONING ORDINANCE

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

Chapter 203. Zoning

SECTION 5A. MIXED USE DISTRICTS

Adopted: September 3, 2019

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

SECTION 5A.

MIXED USE DISTRICTS

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5A-2-3. General Frontage 5A-5
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5A-3-7. CTR-5 Center 5 . . . . . .5A-18
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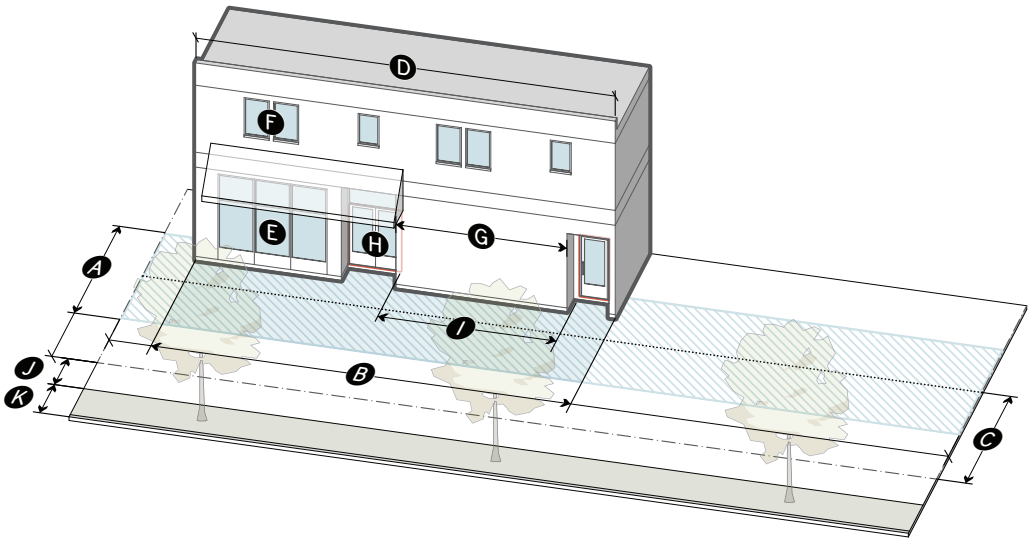
REVISIONS TO EXISTING CODE ADD-1

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

5A-2-5. Green Frontage



BUILDING SETBACKS	
A Build-to zone	10' min/30' max
B Lot frontage	60% min
PARKING SETBACKS	
C Street	20' min
BUILDING MASS	
D Street-facing building length	175' max
STORY HEIGHT	
Ground floor elevation	
Residential	2' min / 5' max
Non-residential	0' min / 2' max
Ground story height	
Residential	9' min
Non-residential	13' min
Upper story height	9' min

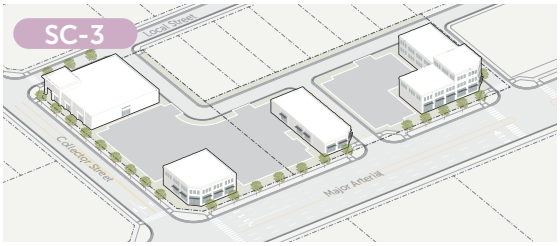
TRANSPARENCY	
E Ground story	50% min
F Upper story	20% min
G Blank wall length	20' max
PEDESTRIAN ACCESS	
H Street-facing entrance	Required
I Entrance spacing	50' max
STREETSCAPE	
J Clear pedestrian zone	6' min
K Curb zone	6' min
Tree planting type	Tree lawn/grates
Tree spacing	35' on-center avg.

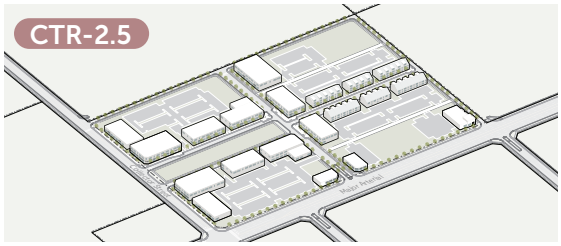
Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

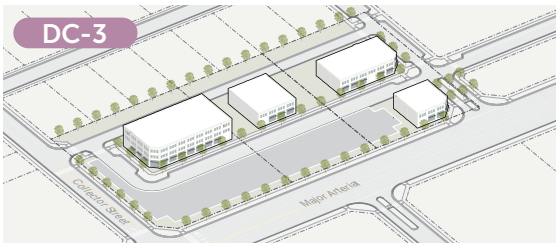
§ 5A-3 RETROFIT DISTRICTS

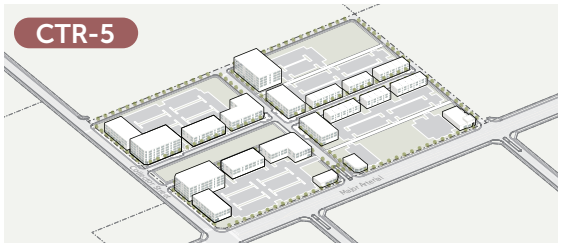
5A-3-1. Intent

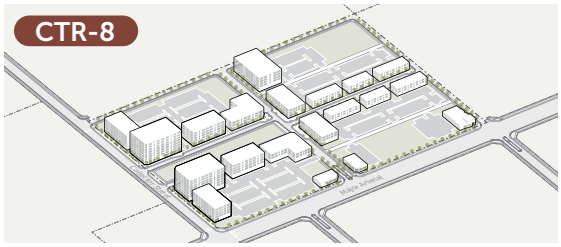
The Retrofit Districts are intended for parcels of land that are designated commercial and mixed-use activity centers in the Town's 2019 Comprehensive Plan. These larger parcels lie along corridors and at the intersection of major corridors throughout the Town. The intent of these districts is to improve safety and the experience for all users along major roadways. The Retrofit Districts also create a network of human-scaled streets that connect the community to "places" within newly-developed or redeveloped sites. This street framework is intended to promote incremental change in the existing patterns of development over time.

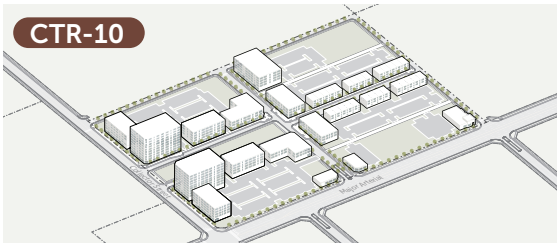












5A-3-2. Districts

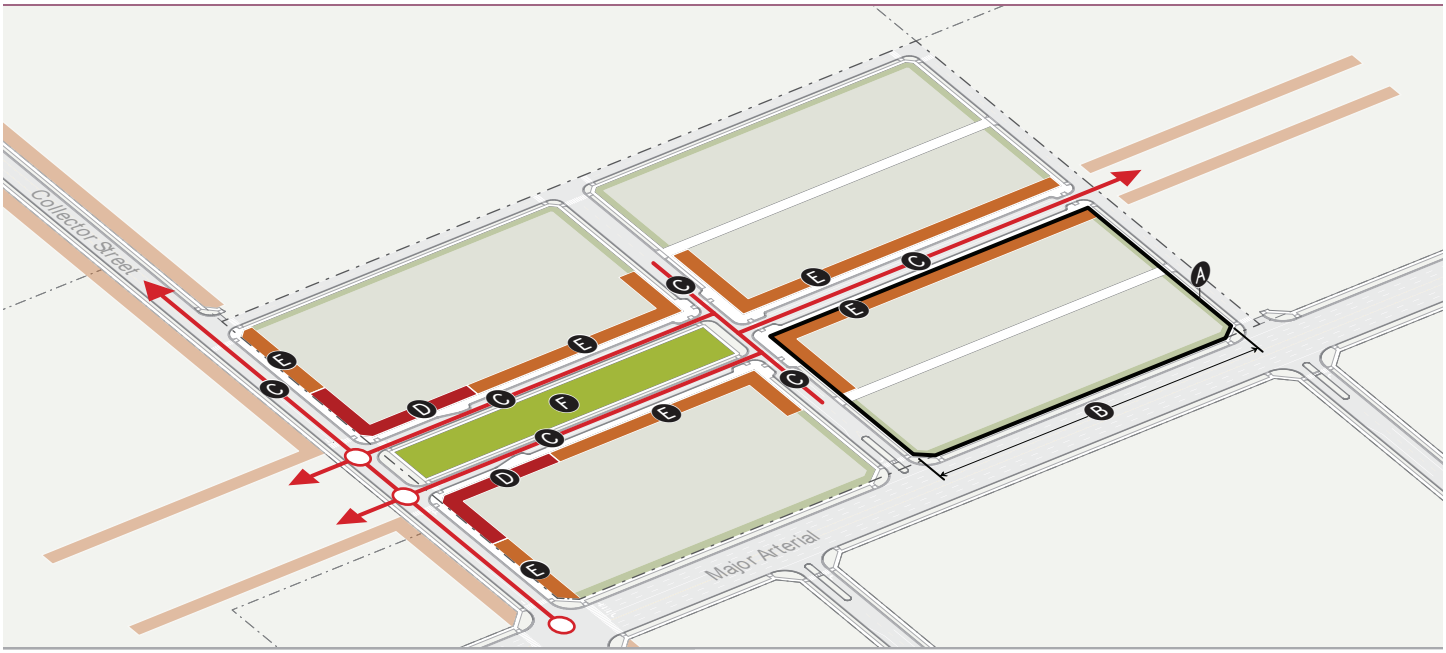
The following Retrofit Districts are established. Intent statements are provided with each district on the following pages.

A. Shallow Corridor 3 (SC-3)
B. Deep Corridor 3 (DC-3)
C. Deep Corridor 5 (DC-5)
D. Center 2.5 (CTR-2.5)
E. Center 5 (CTR-5)
F. Center 8 (CTR-8)
G. Center 10 (CTR-10)

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

5A-3-6. CTR-2.5 Center 2.5

A. District



INTENT

The Center 2.5 District is intended to create new walkable mixed-use places with human-scaled internal streets. The district standards are intended to create a network of continuous high-quality active and walkable streets establishing a network of walkable and bikeable connections throughout the district and to the surrounding community. Open space is required and intended as an organizing feature for new development. Buildings will range from 1 to 2.5 stories in height. The Center 2.5 District is intended to provide for a variety of retail, service and commercial uses, as well as multi-family residences or offices.

USE

Allowed uses	See 5A-8 Use Regulations

BLOCKS

A	Perimeter	1600' max
B	Length	600' max

STREETS

C	Core streets	20% min (of entire district)
D	Village Core Frontage	20% min (See 5A-4-3)
E	Walkable Core Frontage	Remainder (See 5A-4-4)

TRANSITION

	Deep Lot Transition	See 5A-5-4

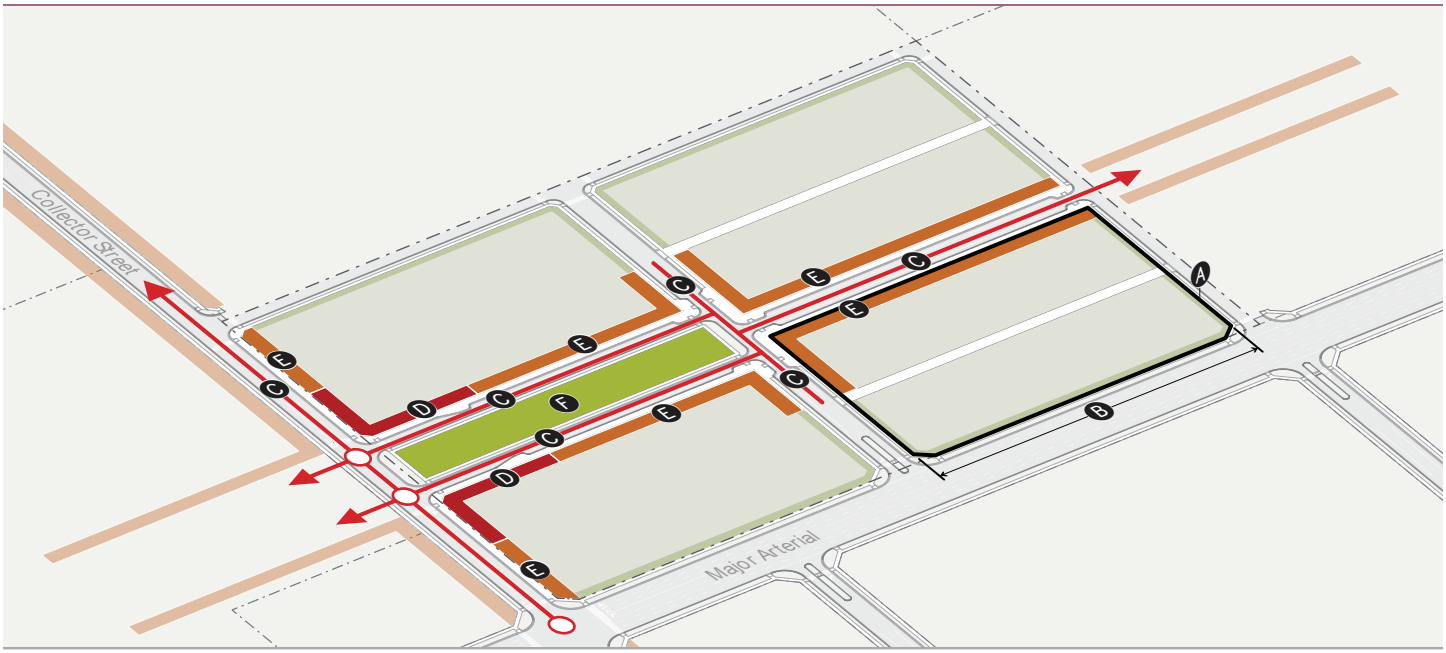
OPEN SPACE

F	Area	5% min

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

5A-3-7. CTR-5 Center 5

A. District



INTENT

The Center 5 District is intended to create new walkable mixed-use places with human-scaled internal streets. The district standards are intended to create a network of continuous high-quality active and walkable streets establishing a network of walkable and bikeable connections throughout the district and to the surrounding community. Open space is required and intended as an organizing feature for new development. Buildings will range from 1 to 5 stories in height. The Center 5 District is intended to provide for a variety of retail, service and commercial uses, as well as multi-family residences or offices.

USE

Allowed uses	See 5A-8 Use Regulations

BLOCKS

A	Perimeter	1600' max
B	Length	600' max

STREETS

C	Core streets	20% min (of entire district)
D	Village Core Frontage	20% min (See 5A-4-3)
E	Walkable Core Frontage	Remainder (See 5A-4-4)

TRANSITION

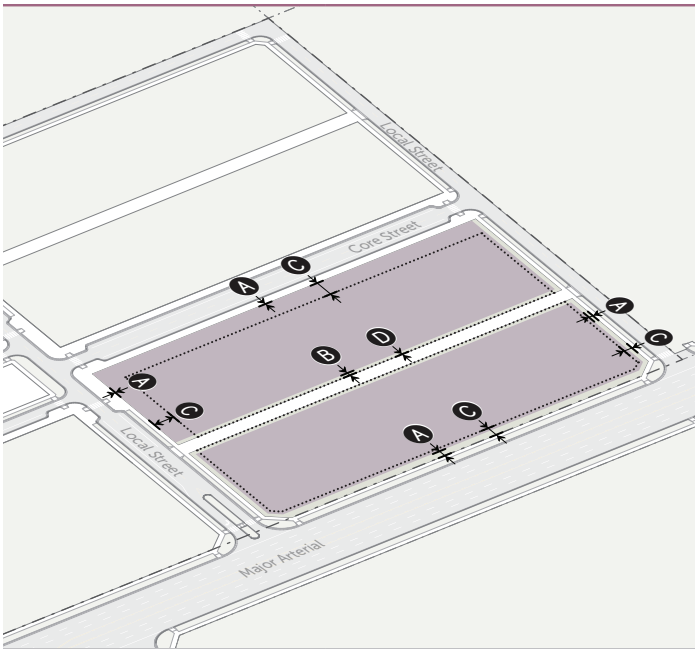
Deep Lot Transition	See 5A-5-4

OPEN SPACE

F	Area	5% min

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

B. Site

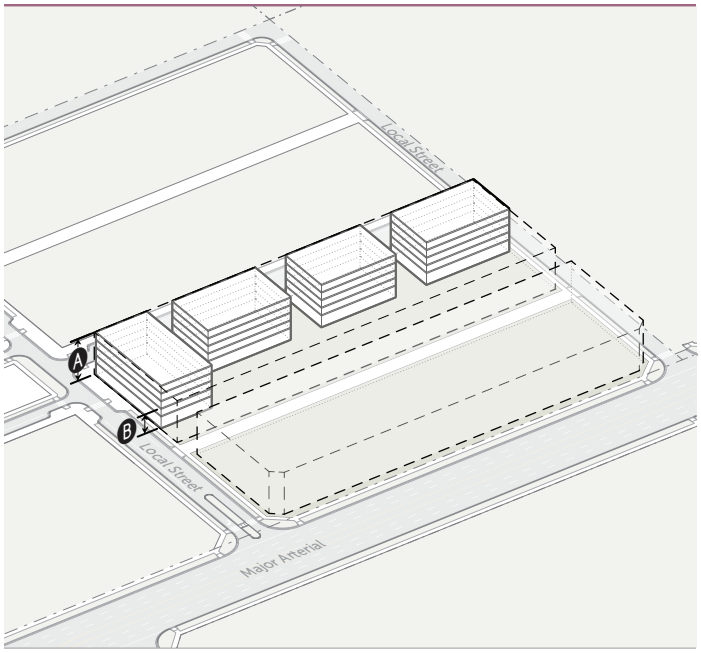


LOT	
Width	0' min

BUILDING SETBACKS		
A	Street lot line	See 5A-4 Retrofit Frontages
	Common lot line	0' min
B	Alley	5' min

PARKING SETBACKS		
C	Street lot line	See 5A-4 Retrofit Frontages
	Common lot line	0' min
D	Alley	0' min
D	Alley	0' min

C. Building



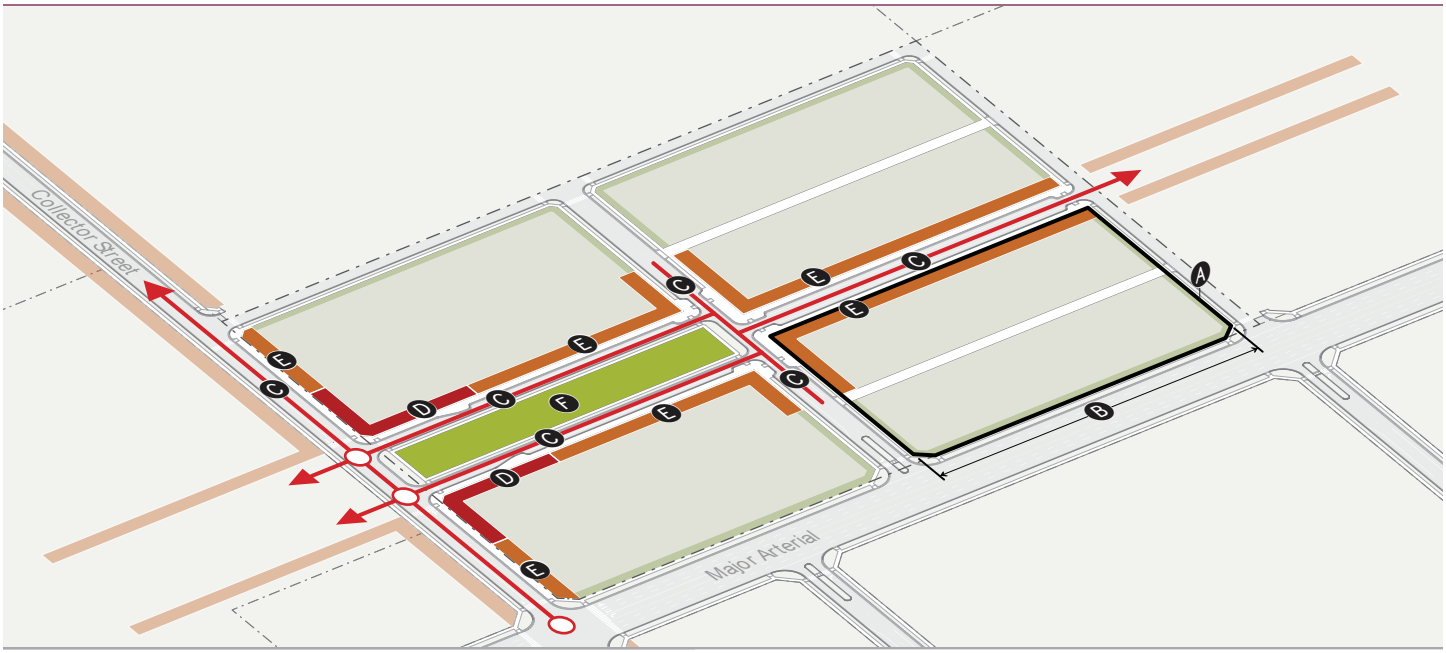
BUILDING MASS		
A	Maximum building height	5 stories/75' max
B	Minimum building height	See 5A-8-8A(4)
	Street-facing building length	n/a

ACTIVATION	See 5A-4 Retrofit Frontages

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

5A-3-8. CTR-8 Center 8

A. District



INTENT

The Center 8 District is intended to create new walkable mixed-use places with human-scaled internal streets. The district standards are intended to create a network of continuous high-quality active and walkable streets establishing a network of walkable and bikeable connections throughout the district and to the surrounding community. Open space is required and intended as an organizing feature for new development. Buildings will range from 2 to 8 stories in height. The Center 8 District is intended to provide for a variety of retail, service and commercial uses, as well as multi-family residences or offices.

USE

Allowed uses	See 5A-8 Use Regulations

BLOCKS

A	Perimeter	1600' max
B	Length	600' max

STREETS

C	Core streets	20% min (of entire district)
	Required frontage	
D	Village Core Frontage	20% min (See 5A-4-3)
E	Walkable Core Frontage	Remainder (See 5A-4-4)

TRANSITION

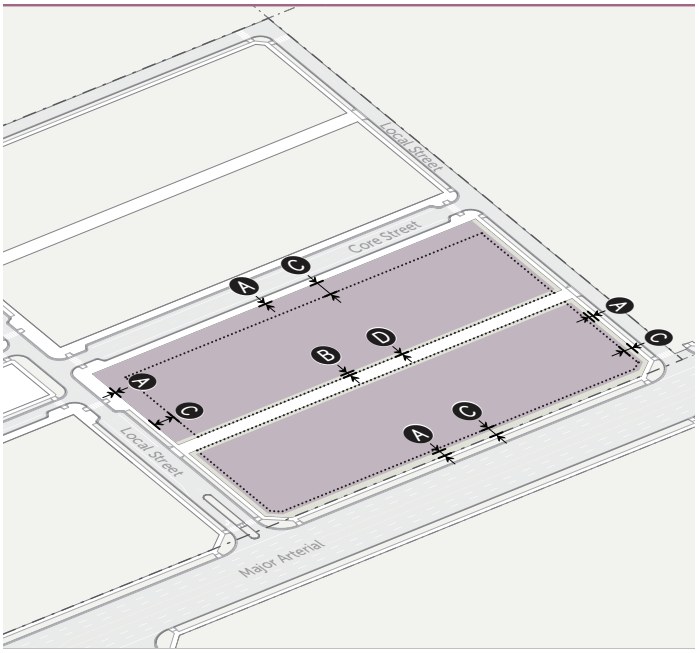
Deep Lot Transition	Required (See 5A-5-4)
Internal Transition	See 5A-5-3

OPEN SPACE

F	Area	5% min

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

B. Site



LOT

	Area	0 SF min
	Width	0' min

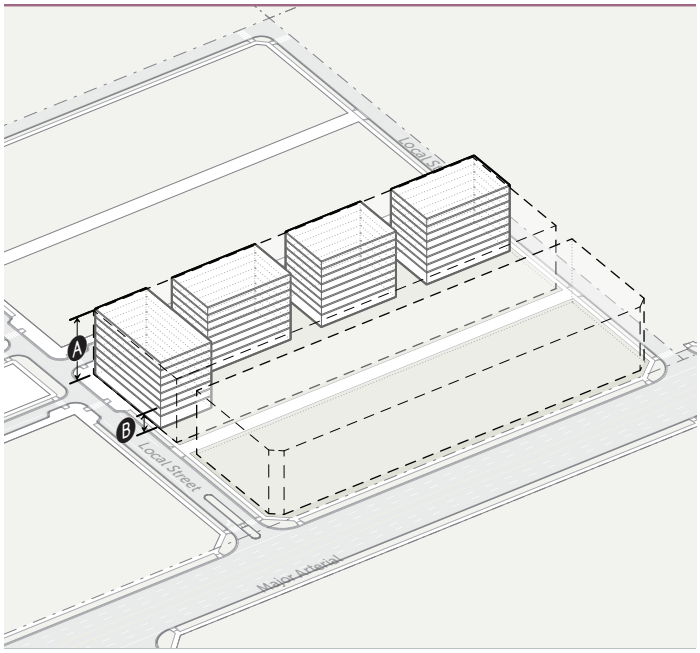
BUILDING SETBACKS

A	Street lot line	See 5A-4 Retrofit Frontages
	Common lot line	0' min
B	Alley	5' min

PARKING SETBACKS

C	Street lot line	See 5A-4 Retrofit Frontages
	Common lot line	0' min
D	Alley	0' min

C. Building



BUILDING MASS

A	Maximum building height	8 stories/105' max
B	Minimum building height	See 5A-8-8A(4)
	Street-facing building length	n/a

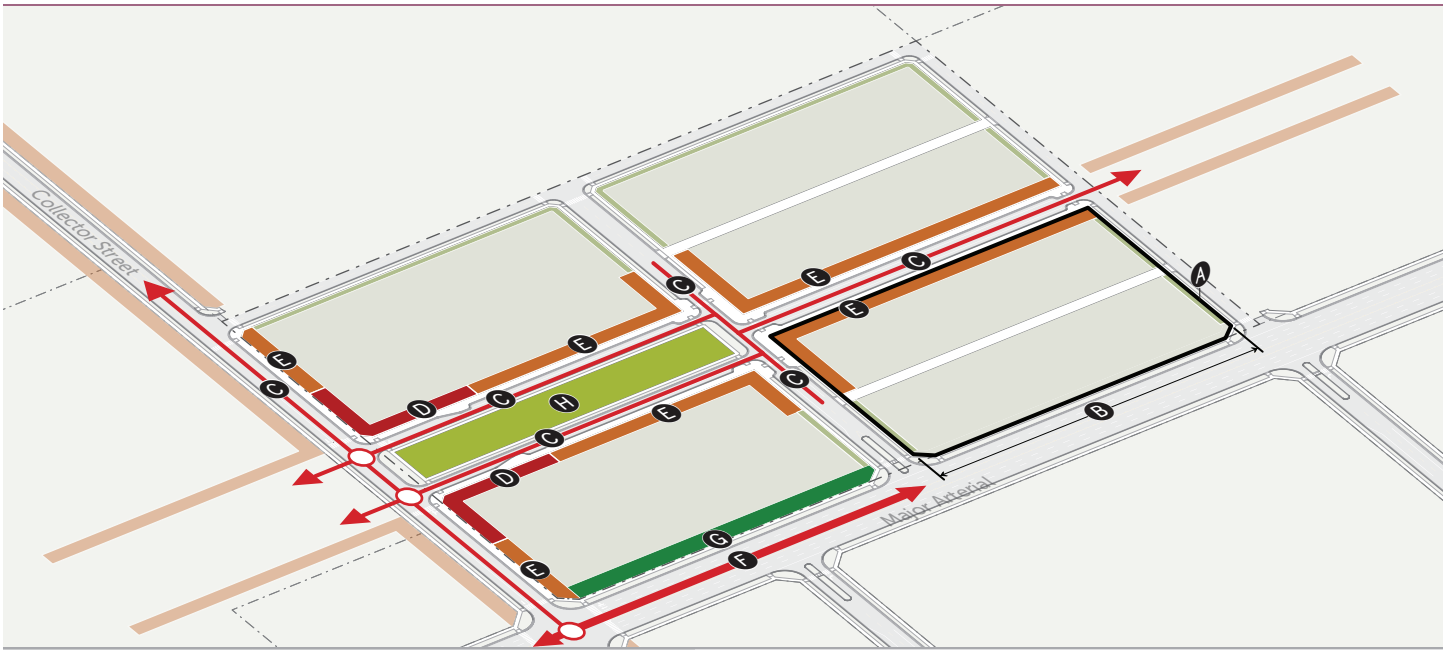
ACTIVATION

See 5A-4 Retrofit Frontages

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

5A-3-9. CTR-10 Center 10

A. District



INTENT

The Center 10 District is intended to create new walkable mixed-use places with human-scaled internal streets in locations that are appropriate for the Town's tallest new buildings – such as the Golden Triangle, the Boulevard Mall, Maple Ridge Plaza and the former UBMD site – and not adjacent to single family residential. The district standards are intended to create a network of continuous high-quality active and walkable streets establishing a network of pedestrian connections throughout the district and to the surrounding community. Open space is required and intended as an organizing feature for new development. Buildings will range from 2 to 10 stories in height. The Center 10 District provides for a variety of retail, service and commercial uses, as well as multi-family residences or offices.

USE

Allowed uses	See 5A-8 Use Regulations

BLOCKS

A	Perimeter	1600' max
B	Length	600' max

STREETS

C	Core streets	20% min (of entire district)
	Required frontage	
D	Village Core Frontage	20% min of Core Streets (See 5A-4-3)
E	Walkable Core Frontage	Remainder of Core Streets (See 5A-4-3)
F	Exterior streets	
	Required frontage	
G	Boulevard Frontage	100% of Exterior Streets (See 5A-4-11)

TRANSITION

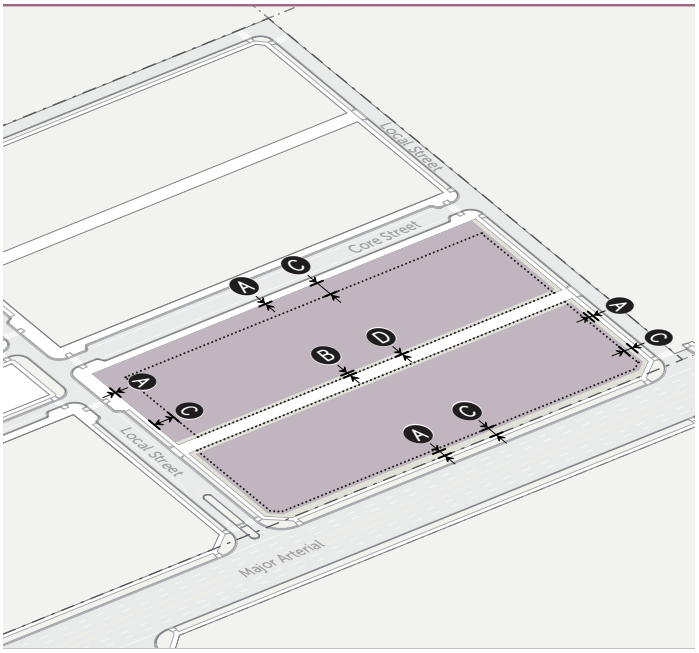
Deep Lot Transition	Required (See 5A-5-4)
Internal Transition	See 5A-5-3

OPEN SPACE

H	Area	5% min

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

B. Site



LOT

	Area	0 SF min
	Width	0' min

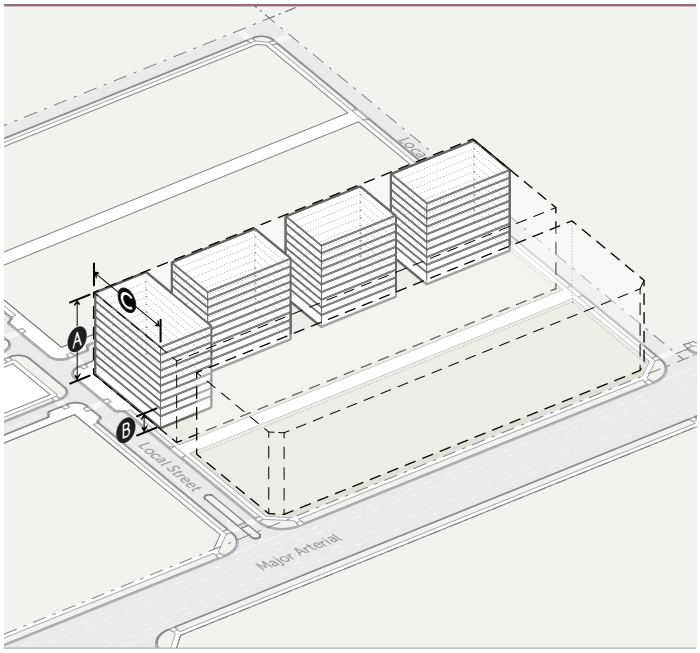
BUILDING SETBACKS

A	Street lot line	See 5A-4 Retrofit Frontages
	Common lot line	0' min
B	Alley	5' min

PARKING SETBACKS

C	Street lot line	See 5A-4 Retrofit Frontages
	Common lot line	0' min
D	Alley	0' min

C. Building



BUILDING MASS

A	Maximum building height	10 stories/125' max
B	Minimum building height	See 5A-8-8A(4)
C	Street-facing building length	200' max

ACTIVATION

See 5A-4 Retrofit Frontages

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

§ 5A-4 RETROFIT FRONTAGES

5A-4-1. Intent

The Retrofit Frontages are established to supplement standards in the Retrofit Districts. Frontages are applied to all of the street-facing block faces of Retrofit Districts. The frontages introduce specific dimensional standards to Retrofit Districts including shared access drives, building setbacks, parking setbacks, streetscapes, story height, transparency and pedestrian access.

5A-4-2. Retrofit Frontages

The following Retrofit Frontages are established.

A. Existing Street Frontages

Existing street frontages are applied based on the street's classification as designated in the Town's 2019 Comprehensive Plan Future Thoroughfare System Map. Existing street frontages may be applied within a Retrofit District site where chosen by the applicant to meet both the Retrofit District standards and traffic demand requirements when approved by the Town Engineer. An applicant may not utilize an existing street frontage where the Town has applied a Boulevard frontage to replace an existing Minor or Major Arterial frontage.

(1) Collector Street

(2) Minor Arterial

(3) Major Arterial

B. Boulevard Frontages

Where determined by the Town, the Boulevard frontage replaces existing Minor or Major Arterial frontages as designated in the Town's Comprehensive Plan Future Thoroughfare System Map (Figure 9). Its intent is to promote an alternative approach to fronting arterials that is both greener and more urban in building form.

C. New Internal Streets

(1) Village Core

This frontage provides for a high-quality active and walkable streetscape along core streets within new retrofit development. The frontage requirements generate a building appropriate for retail use with offices or residential space above (although all uses allowed in the districts may occur).

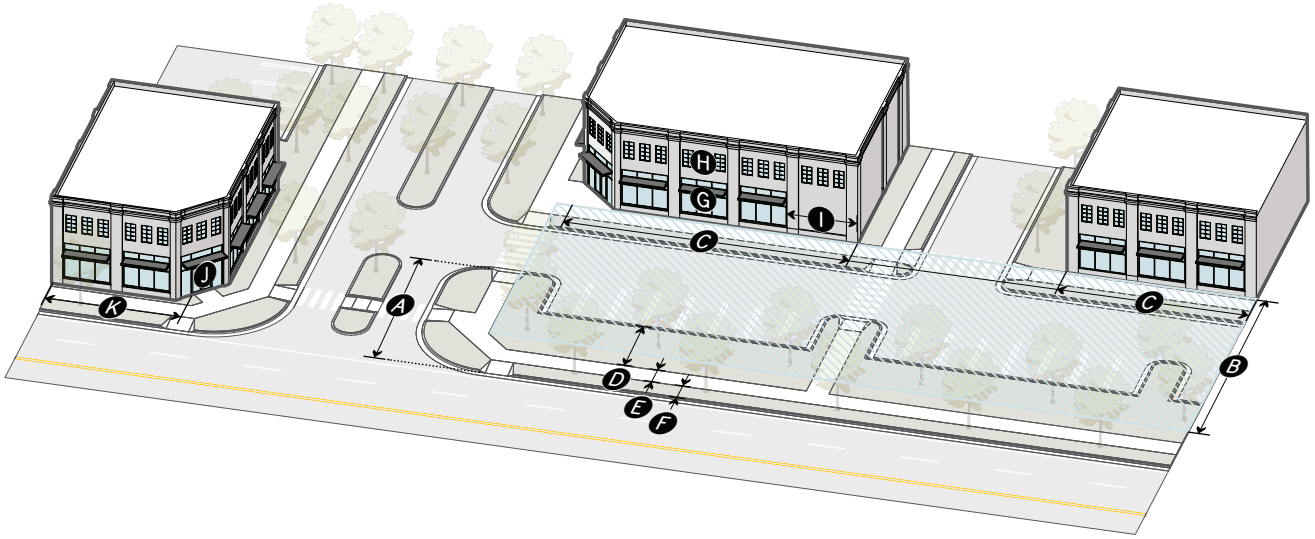
(2) Walkable Core

This frontage provides for a high-quality walkable streetscape along core streets within new retrofit development. The frontage requirements generate a building appropriate for office or residential space (although all uses allowed in the districts may occur).

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

5A-4-7. Boulevard Frontage

Diagram added



SHARED ACCESS DRIVE	
Separation	300' min
Distance after intersection	200' min
Distance before intersection	350' min
A Throat depth	75' min
BUILDING SETBACKS	
B Build-to zone	5' min/75' max
C Lot frontage	75% min
PARKING SETBACKS	
D Street	20' min
STREETSCAPE	
E Clear pedestrian zone	6' min
F Curb zone	10' min
Tree planting type	Tree lawn
Tree spacing	35' on-center avg.

	Residential	Non-residential
STORY HEIGHT		
Ground floor elevation	2' min / 4' max	0' min / 2' max
Ground story height	9' min	13' min
TRANSPARENCY		
G Ground story	20% min	50% min
H Upper story	20% min	20% min
I Blank wall length	40' max	40' max
PEDESTRIAN ACCESS		
J Street-facing entrance	Required	Required
K Entrance spacing	100' max	100' max

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

§ 5A-5 RETROFIT TRANSITIONS

5A-5-1. Applicability

These transition rules apply when a Mixed Use District abuts one of the following protected districts:

A. Rural Residential (R-R)

B. Suburban Agriculture (S-A)

C. Residential District One (R-1)

D. Residential District Two (R-2)

E. Residential District Three (R-3)

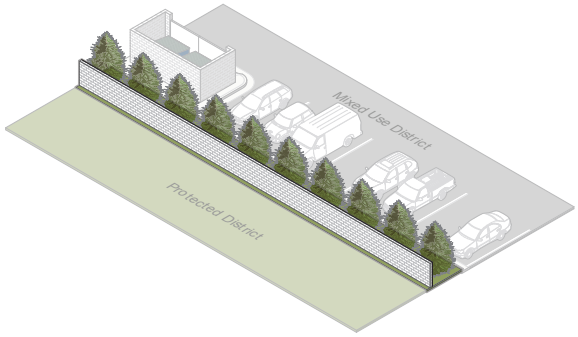
F. Cluster Residential Three (CR-3)

5A-5-2. Transitions

A. Shallow Lot

The Shallow Lot Transition is required for parcels located in Traditional Infill and Shallow Corridor districts abutting a protected district listed above, when the lot is less than 200 feet in depth. Due to the limited lot depth, a narrower landscape buffer is required compared to the requirements for deep lots.

A shallow lot transition is required internally within the CTR-8 and CTR-10 Districts, where a use that includes the vending of alcohol abuts a residential use.



B. Deep Lot

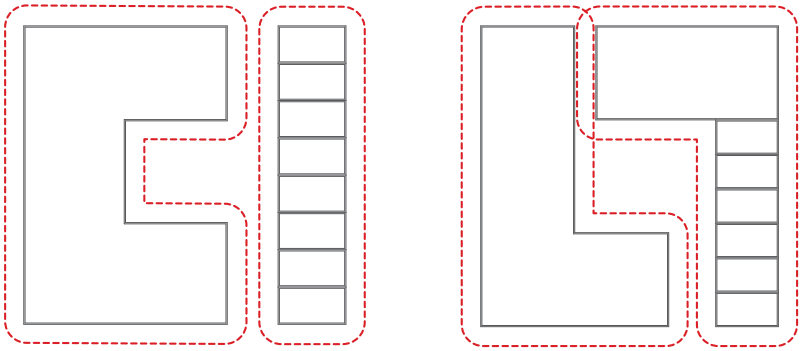
The Deep Lot Transition is required for all parcels located in Mixed Use Districts, when the lot is over 200 feet in depth and abutting a protected district listed above. The Deep Lot Transition requires a wider landscape buffer and a more extensive height transition compared to the shallow lot transition.

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

5A-7-7. Building Separation

A. The narrowest allowable distance between two buildings.

B. Except where a greater requirement has been established under the regulations for the district, buildings within Mixed Use Districts must be separated by a minimum of 10 feet.



5A-7-8. Building Height

A. Stories

(1) A story counts as a half story if dormers are present on no more than 50% of the front or side building length. Where dormers exceed 50% of the front or side building length, it will be considered a full story.

(2) An attic in a pitched roof form does not count as a story when no dormers are present and 50% or more of the attic floor area has a clear height of less than 7.5 feet as measured from the finished floor to the finished ceiling.

(3) Basements and mezzanines, as defined in the Building Code, do not count as a story.

(4) Minimum height requirements must be met using additional functional stories above the ground story containing conditioned space and covering the full extent of the ground story. This requirement shall not apply to additions to existing buildings, when such building does not have a second story. Such building addition shall be constructed minimally at the height of the existing building. For new buildings, in all districts except CTR-10, a minimum of 50% of all buildings within the development site shall meet minimum height requirements.

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

5A-8-2. Mixed Use District Use Table

MIXED USE DISTRICTS	TI-2.5	TI-4	SC-3	DC-3	DC-5	CTR-2.5	CTR-5	CTR-8	CTR-10	Use Standards
OPEN USES										
None allowed	--	--	--	--	--	--	--	--	--	
RESIDENTIAL USES										
Single-family detached	P	P	P	P	P	P	P	P	--	
Multi-family dwelling	P	P	P	P	P	P	P	P	P	
Upper-story dwelling	P*	P*	P*	P*	P*	P*	P*	P*	P*	6-2-6.
Assisted group living	P	P	P	P	P	P	P	P	P	
Senior citizen housing	P*	P*	P*	P*	P*	P*	P*	P*	P*	6-2-2.
PUBLIC AND CIVIC USES										
Ambulance service	P	P	P	P	P	P	P	P	P	
Business college, commercial school	P	P	P	P	P	P	P	P	P	
College, university	--	--	--	--	P	--	P	P	P	
Day care	P*	P*	P*	P*	P*	P*	P*	P*	P*	6-3-2.
Meeting rooms for fraternal or civic organizations	P	P	P	P	P	P	P	P	P	
Passenger Station	--	--	--	--	--	--	P	P	P	
Place of worship	P	P	P	P	P	P	P	P	P	
Public utility service structure or facility	P*	P*	P*	P*	P*	P*	P*	P*	P*	6-3-4.
School, elementary/secondary (private)	P	P	P	P	P	P	P	P	P	
Telecommunication facility	S	S	S	S	S	S	S	S	S	§ 6-7
Utility, minor	P	P	P	P	P	P	P	P	P	
COMMERCIAL USES										
Animal care	P*	P*	P*	P*	P*	P*	P*	P*	P*	6-4-1., 6-4-13., 6-8-7.
Brewery / disillery (craft scale)	P*	P*	P*	P*	P*	P*	P*	P*	P*	x.x.x
Drive-through facility	--	--	P*	P*	P*	P*	P*	P*	P*	4-8-4.
Lodging	P	P	P	P	P	P	P	P	P	
Medical	P	P	P	P	P	P	P	P	P	
Office	P	P	P	P	P	P	P	P	P	
Personal service	P	P	P	P	P	P	P	P	P	
Recreation, indoor	P	P	P	P	P	P	P	P	P	
Recreation, outdoor	--	--	--	S	S	S	S	S	S	
Restaurant	P	P	P	P	P	P	P	P	P	
Restaurant with outdoor dining	P*	P*	P*	P*	P*	P*	P*	P*	P*	6-4-9.
Retail sales and service	P	P	P	P	P	P	P	P	P	
Sexually oriented business	--	--	--	--	--	--	--	--	--	§ 6-6
Vehicle sales, indoor	--	--	--	--	P	P	P	P	P	
Vehicle sales (outdoor), vehicle service	--	--	--	--	--	--	--	--	--	
INDUSTRIAL USES										

P = Permitted P* = Permitted with supplemental use standards S = Special Use (ZBA approval required) -- = Not Permitted

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

MIXED USE DISTRICTS	TI-2.5	TI-4	SC-3	DC-3	DC-5	CTR-2.5	CTR-5	CTR-8	CTR-10	Use Standards
Light industrial	--	--	--	--	--	--	--	--	--	
Heavy industrial	--	--	--	--	--	--	--	--	--	
ACCESSORY USES										
All uses and structures customarily incidental to a principal use	P	P	P	P	P	P	P	P	P	

P = Permitted P* = Permitted with supplemental use standards S = Special Use (ZBA approval required) -- = Not Permitted

5A-8-3. Use Definitions

The following use definitions apply in the Mixed Use Districts.

ANIMAL CARE. A facility designed or arranged for the care of animals. Animal Care examples include, but are not limited to, pet grooming, dog day care, cat boarding facility, indoor kennel, animal hospital and veterinarian.

BREWERY / DISTILLERY (CRAFT SCALE). A facility that manufactures beer or spirits, but is classified as a "micro-brewery" or "micro distillery" according to state law (where production is limited to 75,000 barrels of beer or 75,000 gallons of spirits annually).

LODGING. Accommodations arranged for short term stays. Lodging examples include, but are not limited to, a motel, hotel or bed & breakfast.

MEDICAL. A facility providing medical or surgical care to patients. Some facilities may offer overnight care. Medical examples include, but are not limited to, a hospital, clinic, surgical center, dentist office, optometrist, medical laboratory, or medical testing service.

OFFICE. A facility used for activities conducted in an office setting and generally focusing on business, professional or financial services. Office examples include, but are not limited to, a radio or television station, recording studio, advertising agency, contracting or construction services (with no storage), archival center, employment agency, offices for scientific research, telecommunications, telemarketing, administrative support services for business and finance, electronic data operations, development and testing enterprises, training schools such as technical, trade, vocational or business schools, driving, martial arts and other trade schools.

PERSONAL SERVICE. A facility involved in providing personal or repair services to the general public. Personal Service examples include, but are not limited to, apparel repair and alterations, copy or print shop, shoe repair shop, beauty or barbershop, funeral home,locksmith, tattoo parlor or body art studio, tailor, milliner or upholsterer, tutoring, laundromat, cleaning and dying outlet pick-up, and art studio.

RECREATION, INDOOR. An indoor facility designed for sports and recreation activities. Indoor Recreation examples include, but are not limited to, a gym, health club, health spa or personal training facility, amusement center or game/video arcade, assembly hall, auditorium, meeting hall, pool hall, bowling

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

ATTACHMENT B

Proposed CTR-10 Center 10 Zoning District **December 7, 2023**
ZTA-2023-04

The Town's major commercial areas, including Boulevard Central District (BCD), exhibit characteristics typical of suburban development. Commercial areas such as this have been developed with primarily single-use office or retail uses surrounded by large surface parking lots. A sparse network of major street thoroughfares carry all of the area traffic. As changing market trends of online shopping, new technologies, and work-from-home options have emerged, this area has begun to deteriorate and impact the Town's tax base due to the need for less physical office and retail space.

On June 27, 2022, the Town Board passed a resolution (2022-610) designating a portion of the Town's Boulevard Central District as an Urban Renewal Area. The Urban Renewal Area includes approximately 195 acres and 60 parcels. The Boulevard Mall is included in this area and was the impetus for defining an Urban Renewal Area in order to spur redevelopment, increase the tax base, and provide amenities, businesses and transportation options to existing residents, while also creating a place to attract new residents and visitors. On October 24, 2022, the Town Board passed a resolution (2022-1001) approving the Boulevard Central District Urban Renewal Plan to provide guidelines and a framework for the potential revitalization and/or redevelopment of certain blighted properties within the Urban Renewal Area, starting with the Boulevard Mall.

Located on the western boundary of the Town, the Boulevard Mall has long served as a local and regional commercial center for the Town. The Mall is a large block bordered by Niagara Falls Boulevard on the west, Alberta Drive on the east, Maple Road on the north, and Almeda Avenue on the south. Opened in 1962 as the first indoor shopping center in the Buffalo area, the Mall thrived along with the Town largely due to its location near strong residential neighborhoods, access to a major inter-county arterial, the University at Buffalo North Campus, and proximity to the Canadian border, helping the Boulevard Mall become the central point of a thriving commercial corridor.

Like similar properties regionally and nationally, changing demographics and shopping habits have posed financial challenges for commercial enterprises, setting the stage for revitalization of the Mall and surrounding areas. Several anchor stores at the Boulevard Mall are closed, some have moved just down the street to newer, more updated open-air spaces, and others are completely leaving the area. As a result, the Mall is faced with rising vacancy rates, and more marginal stores. The vast surface parking lots that surround the Mall, containing little to no landscaping, were constructed to accommodate a fully occupied, auto-oriented, regional mall destination and sit nearly empty at many times of the day.

There is a growing consensus around transforming the built environment through redevelopment of existing commercial areas and street redesign to better serve community needs and improve safety as well as economic outcomes. To achieve this, the Town adopted new Mixed-Use Zoning Districts in 2019. The Retrofit Districts are intended for parcels of land that are designated commercial and mixed-use centers in the Town's Comprehensive Plan. These larger parcels lie along corridors and at the intersection of major corridors throughout the Town. The intent of these districts is to improve safety and the experience for all users along major

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

roadways. The Retrofit Districts also create a network of human-scaled streets that connect the community to “places” within newly-developed or redeveloped sites. This street framework is intended to promote incremental change in the existing patterns of development over time. The Retrofit Districts include Corridor and Center Districts, accommodating development anywhere from one (1) story up to eight (8) stories, depending on the district.

This zoning text amendment intends to add a new Center 10 (CTR-10) District intended to create new walkable mixed-use places with human-scaled internal streets in locations that are appropriate for the Town's tallest new buildings – such as the Golden Triangle, the Boulevard Mall, Maple Ridge Plaza and the former UBMD site – and not adjacent to single family residential. The district standards are intended to create a network of continuous high-quality active and walkable streets establishing a network of pedestrian connections throughout the district and to the surrounding community. Open space is required and intended as an organizing feature for new development. Buildings will range from two (2) to ten (10) stories in height. This new district provides for a variety of retail, service and commercial uses, as well as multi-family residences or offices.

This zoning text amendment also creates a new Retrofit Frontage type: Boulevard Frontage. Where determined by the Town, the Boulevard Frontage replaces existing Minor or Major Arterial frontages as designated in the Town's Comprehensive Plan Future Thoroughfare System Map (Figure 9). Its intent is to promote an alternative approach to fronting arterials that is both greener and more urban in building form while still allowing some traditional suburban elements. Other related changes throughout Chapter 203 of the Town’s Zoning Code are also proposed in relation to the added CTR-10 District and new Boulevard Frontage. It is the Town’s intent to have CTR-10 Zoning located at the Boulevard Mall site and the other large commercial centers listed above to achieve the Town’s redevelopment goals in the Urban Renewal Area and the Boulevard Central District.

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: ZTA-2023-04 (Zoning Code Text Amendment)		
Project Location (describe, and attach a general location map): Town of Amherst, Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed action will amend Chapter 203 of the Amherst Town Code (Zoning) by providing a new zoning district for mixed-use development within the Town. It will add a new Section 5A-3-9, "CTR-10 Center 10" and related changes throughout Section 5A.		
Name of Applicant/Sponsor: Town of Amherst Planning Department	Telephone: (716) 631-7051 E-Mail: planningemail@amherst.ny.us	
Address: 5583 Main Street		
City/PO: Williamsville	State: New York	Zip Code: 14221
Project Contact (if not same as sponsor; give name and title/role): Daniel Ulatowski, Assistant Planning Director	Telephone: (716) 631-7058 E-Mail: dulatowski@amherst.ny.us	
Address: 5583 Main Street		
City/PO: Williamsville	State: New York	Zip Code: 14221
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees ☑Yes ☐No	Town Board (Approval)	February 2024
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Planning Board (Reccomendation)	January 2024
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☐Yes ☑No		
e. County agencies ☑Yes ☐No	239M NYS GML	January 2024
f. Regional agencies ☐Yes ☑No		
g. State agencies ☐Yes ☑No		
h. Federal agencies ☐Yes ☑No		

i. Coastal Resources.

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

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

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☑Yes ☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes ☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐Yes ☑No

If Yes, identify the plan(s):

_____

_____

_____

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):

_____

_____

_____

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

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?
The zoning text amendment creates a new CTR-10 Center 10 Mixed-Use District in Chapter 203, Section 5A of the Town's Zoning Ordinance.

b. Is the use permitted or allowed by a special or conditional use permit? N/A ☐ 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? Sweet Home, Amherst, Williamsville, Clarence

b. What police or other public protection forces serve the project site?
N/A - the zoning text amendment applies to various areas of the Tow and not a specific site

c. Which fire protection and emergency medical services serve the project site?
N/A - the zoning text amendment applies to various areas of the Tow and not a specific site

d. What parks serve the project site?
N/A - the zoning text amendment applies to various areas of the Tow and not a specific 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: _____

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6.a

f. Does the project include new residential uses? ☐Yes☐No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
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.

_____

_____

i*v.* Will there be onsite dewatering or processing of excavated materials? ☐Yes☐No

If yes, describe. _____

_____

v. What is the total area to be dredged or excavated? _____acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐Yes☐No

ix. Summarize site reclamation goals and plan: _____

_____

_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes☐No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

_____

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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

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- Do existing sewer lines serve the project site? ☐Yes ☐
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

_____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

_____

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

_____

_____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes ☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ 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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

_____

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☐No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☐No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☐No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☐No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

_____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

_____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☐No

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

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐

If yes:

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

_____

_____

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

Describe: _____

_____

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

If yes:

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

_____

_____

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

Describe: _____

_____

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

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

_____

_____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No

If Yes:

i. Product(s) to be stored _____

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

iii. Generally, describe the proposed storage facilities:_____

_____

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

If Yes:

i. Describe proposed treatment(s):

_____

_____

_____

_____

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

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

If Yes:

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

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

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

- Construction: _____

  _____
- Operation: _____

  _____

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

- Construction: _____

  _____
- Operation: _____

  _____

Attachment: ZTA-2023-04 Application Packet 011824 (28232 : ZTA-2023-04 CTR-10 Zoning)

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐

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 Covertype	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: _____ _____			

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

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No
If Yes,
i. Identify Facilities:
_____
_____

e. Does the project site contain an existing dam? ☐ Yes ☐ No
If Yes:
i. Dimensions of the dam and impoundment:
- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:
_____
_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:
_____
_____
iii. Describe any development constraints due to the prior solid waste activities: _____
_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:
_____
_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____
☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures:_____
_____
_____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
_____
_____

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v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐

- 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: _____

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

_____ _____ _____

_____ _____ _____

n. Does the project site contain a designated significant natural community? ☐Yes ☐No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

_____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐Yes ☐No

If Yes:

i. Species and listing (endangered or threatened): _____

_____

_____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes ☐No

If Yes:

i. Species and listing: _____

_____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☐No

If yes, give a brief description of how the proposed action may affect that use: _____

_____

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

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☐No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☐No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☐No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

_____

_____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☐No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

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e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☐ No

If Yes:

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

ii. Name: _____

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

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☐ No

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

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

If Yes:

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

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

F. Additional Information

Attach any additional information which may be needed to clarify your project. **See Attachment A**

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. **See Attachment B**

G. Verification

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

Applicant/Sponsor Name _____ Date_____

Signature_____ Title_____

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PRINT FORM

Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

ADOPTED

Meeting: 01/18/24 06:30 PM
Department: Planning
Category: Miscellaneous
Prepared By: Amy Carrato
Initiator: Dan Howard
Sponsors:
DOC ID: 28233

PLANNING BOARD ITEM (ID # 28233)

Proposed Zoning Text Amendment, Creation of an Urban Renewal Overlay District 1, ZTA-2023-05

Town of Amherst, Petitioner

In December 2020, the Amherst Town Board adopted the Boulevard Central District (BCD) Focal Planning Area as part of the Bicentennial Comprehensive Plan. The BCD Plan envisions incorporating walkable, mixed-use, transit oriented developments into aging and underutilized commercial areas, including the Boulevard Mall site. The BCD Plan is proposed to be implemented through application of mixed-use zoning districts (Chp. 203 §5A) adopted in 2019 that encourage retrofits of the town's commercial areas.

In 2022, as the Mall continued to decline, the Town Board established an Urban Renewal Area and the Amherst Urban Renewal Agency (AURA), and adopted the Boulevard Mall Urban Renewal Plan. The Urban Renewal Plan outlines methods to proactively address blighted conditions and further implement the BCD vision, including though the acquisition and disposition of land to qualified developers; as well as the introduction of new ordinances, provisions, or amendments to existing codes, amongst other actions.

The Urban Renewal Plan specifically calls for the "Town Board to consider adopting specialized provisions for the Urban Renewal Area that will allow for flexibility in the review and approval of specific development projects". Accordingly the Town Board proposes to create an Urban Renewal Area Overlay District (URAOD) in order to promote flexibility in the review and approval processes for the redevelopment of certain parcels within the Urban Renewal Area, by using its authority granted by New York Town Law §261-c and the Municipal Home Rule Law.

A URAOD is an overlay zoning district layered on top of another existing zoning district that implements additional regulations and does not disturb the substantive provisions of the underlying base zoning districts. This URAOD establishes additional standards and criteria to promote specific development projects, and constitutes the exclusive procedural requirements and authorizations for development within the URAOD. As proposed, this URAOD will apply to the Boulevard Mall area and parcels as described in the Local Law.

The proposed URAOD project review process as described in the Local Law is similar to the current Site Plan Review Process carried out by the Town except for the deviations described below:

1. A Pre-submittal Meeting with the Planning Department is required;
2. Information from the Urban Renewal Plan, may be considered, in addition to the Comprehensive Plan, in the Planning Board's ability to render decisions;
3. The AURA may limit Planning Board authority to adjust the number of proposed buildings and "other elements deemed essential" on certified projects;
4. The Planning Board cannot request further re-referral of projects to outside agencies or boards.
5. The Planning Board is granted authority to consider waivers as part of project review in place of the Zoning Board of Appeals;

6. Public hearings by the Planning Board shall not be held; and all notice, publication, and other requirements set forth by other laws, ordinances, or regulations of the Town for land use approvals are inapplicable to applications within the URAOD;

1/18/2024

Martin Polowy, Town of Amherst, Town Attorney, represented the petitioner, explained the proposal and was available to answer questions from the Board.

In response to the Board's questions, Mr. Polowy stated that NYS law allows for an overlay district, this proposed process is streamlined and more efficient for redevelopment. The process enables the Town Board/AURA to consider individual projects before transferring property ownership, and relies on the Planning Board to review and approve projects.

Geri DiCosmo, 378 Meyer Rd., and Joe Voytovich, 35 Bucyrus Dr., spoke in opposition of the project.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Ms. Penberthy moved to deny the request. The motion was seconded by Mr. Raffaele and failed. Ayes 2, Noes 3 (Chmiel, Davis, Gill), Absent 2 (Giuliani, Kahn).

Following discussion, Ms. Penberthy moved to adjourn the request. The motion was seconded by Mr. Chmiel and passed. Ayes 5, Noes 0, Absent 2 (Giuliani, Kahn).

ATTACHMENTS:

- ZTA-2023-05 Application Packet 011824 (PDF)

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 2/15/2024 6:30 PM**
MOVER:	Brittany Lee Penberthy, Board Member	
SECONDER:	Michael Chmiel, Chair	
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.	
ABSENT:	Dal Giuliani, Carrie H. Kahn	

TOWN OF AMHERST PLANNING DEPARTMENT

Zoning & Subdivision Text Amendment Application

File # **ZTA-2023-05**

1. Zoning Ordinance Text Amendment ☒
2. Subdivision Regulations Text Amendment ☐

PETITIONER:

- ☒ Town Board
- ☐ Planning Board
- ☐ Zoning Board of Appeals
- ☐ Commissioner of Building
- ☐ Planning Director
- ☐ Zoning Enforcement Officer

Sections Proposed to be Amended: (Attach sheets as necessary.)

See Attachment A

Description of Amendments: (Attached sheets as necessary.)

See Attachment B

Materials Received by Planning Department

RECEIVED BY DATE

Materials Filed with Town Clerk

ACCEPTED BY DATE

X:\Current_Planning\Application Forms 2019\Zoning or Subdivision Text Amend App 2022.doc

Attachment: ZTA-2023-05 Application Packet 011824 (28233 : ZTA-2023-05 Urban Renewal Area Overlay District 1)

ATTACHMENT A

Proposed Local Law for URAOD **December 7, 2023**
ZTA-2023-05

Town of Amherst
Local Law Intro. No. ___ of 2023
Local Law No. ___ of 2023

A Local Law Amending Chapter 203 of the Town of Amherst Code Creating the Urban Renewal Area Overlay Zoning District and Regulations for Said District

Be it hereby enacted by the Town Board of the Town of Amherst as follows:

Section 1: Chapter 203, Zoning, Part 5, Special Purpose and Overlay Districts is hereby amended to add § 5-10 to read in its entirety as follows:

§ 5-10 Urban Renewal Area Overlay District (URAOD)

5-10-1. Purpose and Goals

The purpose of the Urban Renewal Area Overlay District (URAOD) is to use the authority granted by New York Town Law § 261-c and the Municipal Home Rule Law to promote flexibility in the review and approval processes for the development of Urban Renewal Area Parcels in the Town in accordance with the Town's Comprehensive Plan, the Town's Urban Renewal Plan, and the base zoning regulations applicable to the particular parcel(s) being developed. The Town Board finds that this approach will (A) promote the most appropriate uses in the Urban Renewal Area; (B) improve the design, character and quality of new developments; (C) encourage a harmonious and appropriate mixture of residential, commercial, and non-industrial uses; (D) facilitate the adequate and economic provision of streets, utilities, and public services; (E) promote architecture that is compatible with the surroundings; and (F) provide suitable design responses to the specific environmental constraints of the site and surrounding area.

5-10-2. Definitions

As used herein:

A. "Urban Renewal Area Planned Development" means a site upon which residential, commercial, and non-industrial land uses or any combination thereof may be authorized by the Planning Board.

B. "Urban Renewal Area Overlay District" or "URAOD" means an overlay zoning district designated by the Town Board within the Urban Renewal Area.

C. "Urban Renewal Area" shall mean the area(s) designated by the Town Board pursuant to Section 504 of the New York General Municipal Law.

Attachment: ZTA-2023-05 Application Packet 011824 (28233 : ZTA-2023-05 Urban Renewal Area Overlay District 1)

D. "Urban Renewal Area Overlay District Law" shall mean the Local Law that was adopted to add Section 5-10 to Chapter 203, Zoning, Part 5, Special Purpose and Overlay Districts.

E. "Development Plan" means a proposal for a planned development prepared in a manner prescribed by the Urban Renewal Area Overlay District Law showing the layout of the proposed project including, but not limited to, maps, plans, or drawings relating to proposed land uses, location and dimensions of buildings, all proposed facilities, including plans and profiles, at suitable scale and in such detail as required by law; architectural features, lot sizes, setbacks, heights, buffers, screening, open space areas, lighting, signage, landscaping, parking and loading, traffic circulation, protection of natural resources, public or private amenities, adjacent land uses and physical features, and such other elements as may be required by the Town.

F. "Development Plan Approval" means the approval by the Planning Board with conditions, if any, of a proposed Development Plan.

G. "Development Plan Application form and Submittal Requirements Checklist" shall mean the form and checklist prepared by the Town Planning Department setting forth the required materials that must accompany an application for Development Plan Approval, which may be amended from time to time by the Planning Department.

5-10-3. Creation of Urban Renewal Area Overlay District ("URAOD") No. 1 and General Rules

A. The Zoning Map of the Town of Amherst is hereby amended to include the Urban Renewal Area Overlay District ("URAOD") No.1. URAOD No. 1 is described as follows:

Beginning at the south east corner of the intersection of Niagara Falls Boulevard and Maple Road, the Urban Renewal Overlay District 1 extends approximately 1,329 feet east along the southern border of the Maple Road right-of-way to the north eastern corner of the 3893 Maple Road parcel (SBL-54.03-1-13), then turns southerly along the western border of the Alberta Drive right-of-way for approximately 1,715 feet to the south eastern corner of the 1265 Niagara Falls Boulevard (SBL-54.03-1-24.21) parcel (the portion of the parcel split off from the main parcel to the south of the National Grid parcel (SBL- 54.03-1-12.1)), then turns westerly for approximately 329 feet along the southern parcel line of 1265 Niagara Falls Boulevard, then turns at a diagonal along a portion of the 1265 Niagara Falls Boulevard parcel line heading south westerly for approximately 81 feet, then turns southerly for approximately 78 feet, then turns westerly for approximately 145 feet, then turns southerly along the National Grid parcel line for approximately 479 feet to the northern border of the Almeda Avenue right-of-way, then turns westerly along the northern border of Almeda Avenue for approximately 893 feet to the south western corner of the 1261 Niagara Falls Boulevard parcel (SBL-67.06-1-1.111), and then turns northerly along

Attachment: ZTA-2023-05 Application Packet 011824 (28233 : ZTA-2023-05 Urban Renewal Area Overlay District 1)

the eastern border of the Niagara Falls Boulevard right-of-way for approximately 2,315 feet back to the southeast corner of the intersection of Niagara Falls Boulevard and Maple Road (the beginning point).

The Urban Renewal Area Overlay District 1 totals approximately 68.7 acres and includes 10 existing parcels.

B. The Town Board may create other URAODs pursuant to the procedures for amending the Town Zoning Map.

C. A URAOD is an overlay zoning district and shall not disturb the substantive requirements of the underlying base zoning districts, except where the Planning Board grants specific waivers as part of a Development Plan Approval pursuant to Section 5-10-5(K). Rather, a URAOD supplants the existing procedural requirements for development approval and constitutes the exclusive procedural requirements and authorizations for development within the URAOD. Any substantive requirements contained in the URAOD regulations shall be in addition to the substantive requirements of the base zoning district.

D. Notwithstanding any other provisions of local law to the contrary, no land may be used, nor may any building permit be issued with respect to any parcel located in the URAOD until Development Plan Approval has been obtained pursuant to the provisions of the Urban Renewal Area Overlay District Law, as contained herein in Section 5-10 of the Town Code.

E. Notwithstanding any other provisions of local law to the contrary, no other discretionary approval pursuant to local law shall be required for the use of land and construction of structures for which a Development Plan has been approved.

5-10-4. Application Requirements

Applications for Development Plan Approval shall include all materials as set forth on the Development Plan Application Form and Submittal Requirements Checklist as developed by the Planning Department, as may be amended from time to time. The Planning Department and the Planning Board have the right to request such other information as they deem necessary for review of the application.

5-10-5. Development Plan Review Procedures

The procedure for approving a Development Plan in the URAOD shall be as follows:

A. Prior to submittal of an application for Development Plan Approval, the applicant (or agent thereof, herein referred to as the "applicant") shall attend a pre-submittal meeting with the Planning Department to review the required contents of the submittal and the procedures of the Urban Renewal Area Overlay District Law.

B. Following the pre-application meeting, the applicant shall submit twelve copies of the application materials described in Section 5-10-4 to the Planning Department

Attachment: ZTA-2023-05 Application Packet 011824 (28233 : ZTA-2023-05 Urban Renewal Area Overlay District 1)

for Development Plan Approval. One copy, and all supplemental material received, shall be kept in the Planning Department for public review.

C. Upon confirmation from the Town Clerk that all application fees have been paid, the Planning Department shall review the application for completeness, and if determined complete by the Planning Director, or upon receiving the additional information necessary to make the application complete, shall proceed to consider the application.

D. Upon a determination from the Planning Director that the application is complete, the Planning Department shall begin a thirty (30) day coordinated review of the application, which shall include (1) referral of the application to applicable Town, County, and State departments and agencies for comments; (2) referral of the application to the Erie County Department of Environment and Planning under the General Municipal Law, if applicable; and (3) referral of the application to the Town Design Advisory Board for recommendations.

E. After completion of the coordinated review, the Planning Department shall compile all comments received for inclusion with the application material to be placed on the next Planning Board agenda for consideration.

F. No public hearing by the Planning Board shall be held on any application for any land use approval in the URAOD. The Urban Renewal Area Overlay District Law supersedes all other procedural requirements for discretionary land use approvals in the Town. All notice, publication, and other requirements set forth by other laws, ordinances, or regulations of the Town for land use approvals are inapplicable to applications proceeding hereunder.

G. In determining whether to approve an application for a Development Plan, the Planning Board shall consider the following and such other factors as set forth in the Urban Renewal Plan:

1) Conformity with the Town's Comprehensive Plan and base zoning district;

2) The proposed and existing character of the neighborhood;

3) Compatibility of uses adjacent to one another;

4) The proposed pedestrian circulation and amenities;

5) The proposed open space and landscaping;

6) The proposed traffic circulation features such as the amount, location and access to automobile parking areas, driveways, and loading zones on the site, access to public transportation on and adjacent to the site, and proposed trip distribution and generation from the proposal and the impacts on existing transportation systems;

Attachment: ZTA-2023-05 Application Packet 011824 (28233 : ZTA-2023-05 Urban Renewal Area Overlay District 1)

7) The adequacy of the proposed public/private utilities, including water supply, sewage treatment and storm-water drainage facilities;

8) The height and bulk of buildings and their relation to other structures in the vicinity;

9) Such other matters as the Planning Board may consider pertinent, provided they have been established by the Town Board in the Town's Comprehensive Plan or the Urban Renewal Plan.

H. The Planning Board's determination to approve, approve with conditions, or deny an application shall be set forth in writing in findings based on the above criteria. A decision in the application shall be made within sixty-two (62) days after the application first appears on the Planning Board's agenda.

I. All comments shall have been received by Town agencies and advisory boards and other applicable State and County agencies as determined by the Planning Department in advance of the Planning Board's first meeting. The Planning Board shall not request further referral to other outside agencies or boards.

J. Limitation on Planning Board authority for Amherst Urban Renewal Agency (AURA) certified projects. Where AURA, following Town Board approval, submits to the Planning Department a certification that the application comports with the Urban Renewal Plan as proposed, the Planning Board shall not have jurisdiction to change the number of proposed buildings or other elements deemed essential as specified in the certification.

K. Planning Board Waiver Authority. The Planning Board shall have the authority to waive or deviate from the substantive requirements of the base zoning district, including bulk, area, density, setback, height, or other physical or dimensional requirements as part of a Development Plan Approval utilizing the authority granted under Town Law § 261-c, where the applicant makes a showing that such waivers are not substantial, will not create a detrimental impact to neighboring properties, and are necessary to achieve the goals of the Town Board outlined in the Urban Renewal Plan.

5-10-6. Issuance of Building Permits

Building permits shall be required pursuant to Chapter 85 of the Town Code. No building permit shall be issued for any work in a URAOD except in full compliance with the Final Development Plan approved as herein provided.

5-10-7. Modifications

A. Upon application to the Planning Department, Development Plan Approval may be modified and amended. Applications for Major Amendments must be determined by the Planning Board. Applications for Minor Amendments shall be determined by the Planning Director. The classification of a modification application as a Major Amendment or Minor Amendment is within the

Attachment: ZTA-2023-05 Application Packet 011824 (28233 : ZTA-2023-05 Urban Renewal Area Overlay District 1)

discretion of the Planning Director, subject to the criteria and guidelines set forth herein.

B. An application that meets any one of the following shall constitute a Major Amendment:

1) Change of use classification;

2) A 10% change in the total number of residential units (either more or less than proposed);

3) Adding more than 25,000 sq. ft. to any proposed structure and/or within the entire proposed development;

4) Inconsistency from the Town's Boulevard Central District (BCD) Generic Environmental Impact Statement (GEIS)

C. The following criteria may be considered by the Planning Director in determining whether to classify a modification application as a Major Amendment or Minor Amendment:

1) Suggested changes to the Town's Preferred Block and Street Network Plan

2) Deviation from the approved building(s) elevation(s)/design(s) such as façade materials, color, transparency and blank wall, entranceway spacing, etc.

3) Modifications to parking (i.e. going from structured parking to surface parking or vice versa)

4) Significant deviation from the Development Plan approved by the Planning Board that the Planning Director deems pertinent.

D. Any application for modifications or amendment to Development Plan Approval shall be in writing and contain such information as required for the initial application as set forth in Section 5-10-4. The Planning Director may (a) waive any specific application requirement that it, in its sole discretion, determines unnecessary to the consideration of the application; and (b) require any additional information that it, in its sole discretion, determines helpful to the consideration of the application.

5-10-8. Fees

Nonrefundable fees as determined by the Town Board by resolution shall be paid to the Town Clerk upon each application.

Section 2: Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this

Attachment: ZTA-2023-05 Application Packet 011824 (28233 : ZTA-2023-05 Urban Renewal Area Overlay District 1)

Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 3: Supersession. This local law is hereby adopted pursuant to the provisions of Section 10 of the Municipal Home Rule Law. It is the intent of the Town Board pursuant to Section 10 of the Municipal Home Rule Law, to supersede the following sections of Article 16 of the Town Law relating to the procedure followed with respect to the review and processing of applications for approval, including any requirement to hold hearings or provide notice thereof and or to have a Planning Board as opposed to an administrative official process said applications and the authority of the Planning Board to grant waivers from zoning requirements: Town Law §§ 267, 267-a, 267-b, 271, 274-a, 274-b, 276-279. This supersession is done out of an abundance of caution as Town Law § 261-c provides this separate authority, under which this Local Law is also being adopted.

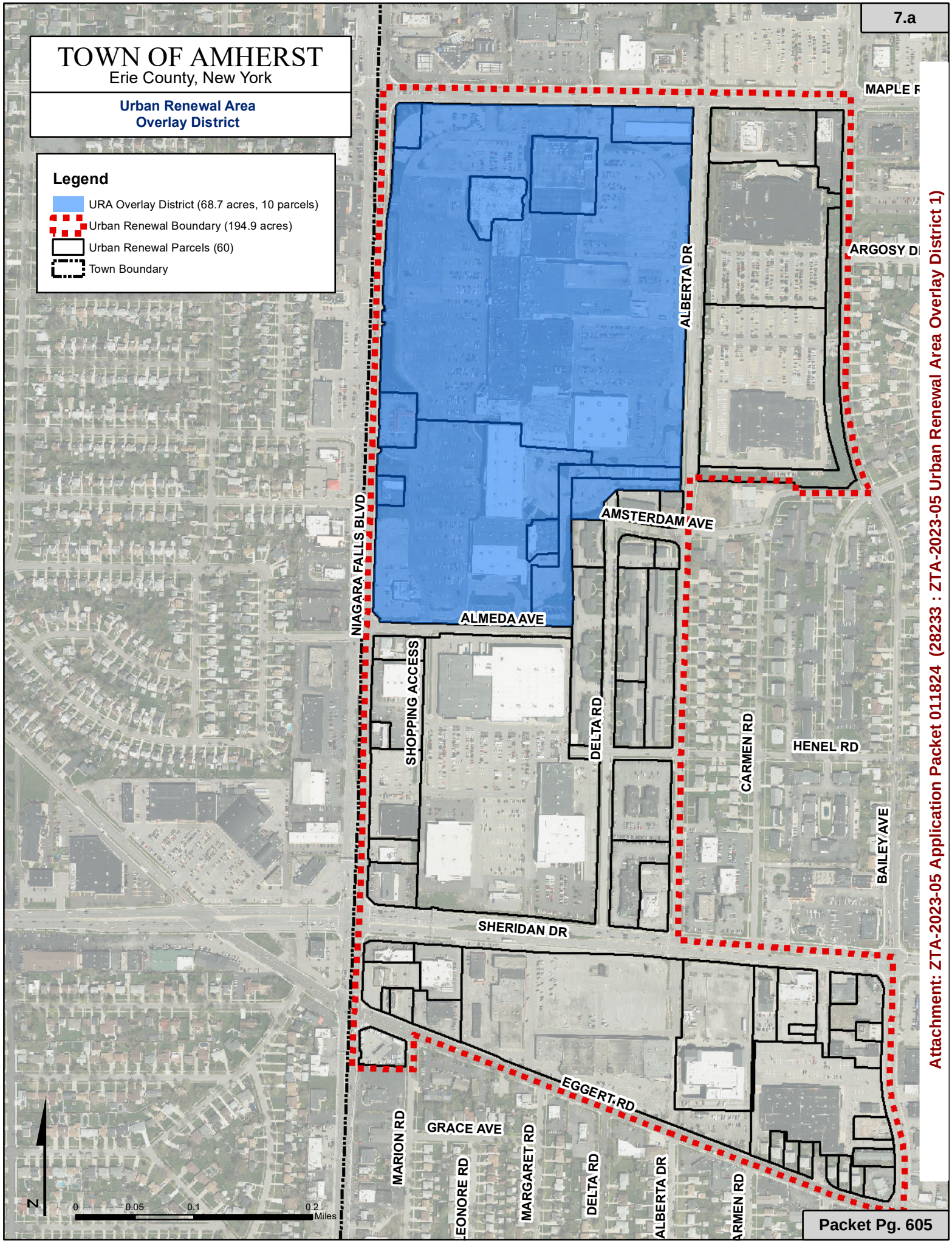
Section 4: Effective Date. This Local Law shall be effective upon filing with the Secretary of State in accordance with the Municipal Home Rule Law.

Attachment: ZTA-2023-05 Application Packet 011824 (28233 : ZTA-2023-05 Urban Renewal Area Overlay District 1)

TOWN OF AMHERST
Erie County, New York

Urban Renewal Area Overlay District

Legend
- URA Overlay District (68.7 acres, 10 parcels)
- Urban Renewal Boundary (194.9 acres)
- Urban Renewal Parcels (60)
- Town Boundary



Attachment: ZTA-2023-05 Application Packet 011824 (28233 : ZTA-2023-05 Urban Renewal Area Overlay District 1)

ATTACHMENT B

Proposed Local Law for URAOD **December 7, 2023**
ZTA-2023-05

On June 27, 2022, the Town Board passed a resolution (2022-610) designating a portion of the Boulevard Central District as an Urban Renewal Area and for the Town Board to act as the Amherst Urban Renewal Agency (AURA). The Urban Renewal Area includes approximately 195 acres and 60 parcels, as shown in the map included as part of this proposed Local Law (see Attachment A). The Urban Renewal Area includes the Boulevard Mall which has been continually declining due to changing national and regional shopping trends leading to the loss of businesses, high vacancy rates, and diminishing property value. This was the impetus for defining an Urban Renewal Area to include the Boulevard Mall and various other declining commercial properties in order to spur redevelopment, increase the tax base, and provide amenities, businesses and transportation options to existing residents, while also creating a place to attract new residents and visitors.

On October 24, 2022, the Town Board passed a resolution (2022-1001) approving the Boulevard Central District Urban Renewal Plan to provide guidelines and a framework for the potential revitalization and/or redevelopment of certain blighted properties within the Urban Renewal Area. Also on this date, the Town Board passed a resolution (2022-124) to use its powers of condemnation in accordance with the provisions of the Eminent Domain Procedure Law of the State of New York (EDPL) to acquire some of these properties by eminent domain, specifically those parcels on which the Boulevard Mall currently sits and surrounding properties, to achieve redevelopment of the area and for public purpose in order to: (i) eliminate blight and transform the properties into a walkable, mixed-use, transit-oriented development acting as a community center for both the Town and the greater Buffalo region; (ii) improve the quality and appearance of non-residential development within the Town; (iii) encourage reinvestment and capital investment (public and private) in commercial corridors and residential neighborhoods; (iv) further the Town's plans of establishing a network of parks, open spaces, and greenway corridors; and (iv) establish the necessary site control required to implement the development goals in the Urban Renewal Plan and the Town's Comprehensive Plan for this area.

On January 30, 2023, the Town Board passed a resolution (2023-125) to adopt the determination and findings and brief synopsis in connection with the acquisition of the properties pursuant to Article 2 of the EDPL. The Town intends to issue Article 4 of the EDPL to vest/acquire the property at a later date.

In order to promote flexibility in the review and approval processes for the redevelopment of certain parcels in the Urban Renewal Area, the Town is creating an Urban Renewal Area Overlay District (URAOD) by using its authority granted by New York Town Law §261-c and the Municipal Home Rule Law. A URAOD is an overlay zoning district and shall not disturb the substantive requirements of the underlying base zoning districts. Rather, a URAOD supplants the existing procedural requirements for development approval and constitutes the exclusive procedural requirements and authorizations for development within the URAOD. The URAOD will apply to an area and parcels as described in the Local Law (see Map in Attachment A). The Town Board finds that this approach will (a) promote the most appropriate uses in the Urban Renewal Area; (b) improve the design, character and quality of new developments; (c) encourage

Attachment: ZTA-2023-05 Application Packet 011824 (28233 : ZTA-2023-05 Urban Renewal Area Overlay District 1)

a harmonious and appropriate mixture of residential, commercial, and non-industrial uses; (d) facilitate the adequate and economic provision of streets, utilities, and public services; (e) promote architecture that is compatible with the surroundings; and (f) provide suitable design responses to the specific environmental constraints of the site and surrounding area.

The URAOD process as described in the Local Law is almost identical to the current Site Plan Review Process carried out by the Town apart from for the following exceptions:

1. No public hearing by the Planning Board shall be held on any application for any land use approval in the URAOD.
2. All notice, publication, and other requirements set forth by other laws, ordinances, or regulations of the Town for land use approvals are inapplicable to applications within the URAOD.
3. The Planning Board shall not request further referral to other outside agencies or boards.
4. Where AURA, following Town Board approval, submits to the Planning Department a certification that the application comports with the Urban Renewal Plan as proposed, the Planning Board shall not have jurisdiction to change the number of proposed buildings or other elements deemed essential as specified in the certification.

Attachment: ZTA-2023-05 Application Packet 011824 (28233 : ZTA-2023-05 Urban Renewal Area Overlay District 1)

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: ZTA-2023-05		
Project Location (describe, and attach a general location map): Town of Amherst		
Brief Description of Proposed Action (include purpose or need): Local Law creating an Urban Renewal Area Overlay District (URAOD) to promote flexibility in the review and approval processes for the redevelopment of certain parcels in the Town's Urban Renewal Area, using the Town's authority granted by New York Town Law §261-c and the Municipal Home Rule Law. The URAOD process is almost identical to the current Site Plan Review Process carried out by the Town apart from for the following exceptions: 1. No public hearing by the Planning Board shall be held on any application for any approval in the URAOD. 2. All notice, publication, and other requirements set forth by other laws, ordinances, or regulations of the Town are inapplicable to applications within the URAOD. 3. The Planning Board shall not request further referral to other outside agencies or boards. 4. Where AURA, following Town Board approval, submits to the Planning Department a certification that the application comports with the Urban Renewal Plan as proposed, the Planning Board shall not have jurisdiction to change the number of proposed buildings or other elements deemed essential as part of the certified project.		
Name of Applicant/Sponsor: Amherst Town Board	Telephone: (716) 631-7051 E-Mail: planningemail@amherst.ny.us	
Address: 5583 Main Street		
City/PO: Williamsville	State: New York	Zip Code: 14221
Project Contact (if not same as sponsor; give name and title/role): Elizabeth Burakowski, Director of Special Projects	Telephone: (716) 631-7094 E-Mail: eburakowski@amherst.ny.us	
Address: 5583 Main Street		
City/PO: Williamsville	State: New York	Zip Code: 14221
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

Attachment: ZTA-2023-05 Application Packet 011824 (28233 : ZTA-2023-05 Urban Renewal Area Overlay District 1)

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees ☑Yes ☐No	Town Board (Approval)	February 2024
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Planning Board (Reccomendation)	January 2024
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☐Yes ☑No		
e. County agencies ☑Yes ☐No	239M NYS GML	January 2024
f. Regional agencies ☐Yes ☑No		
g. State agencies ☐Yes ☑No		
h. Federal agencies ☐Yes ☑No		

i. Coastal Resources.

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

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

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☑Yes ☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes ☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes ☐No

If Yes, identify the plan(s):

The Town's Urban Renewal Area as designated in the Town's Urban Renewal Plan

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):

Attachment: ZTA-2023-05 Application Packet 011824 (28233 : ZTA-2023-05 Urban Renewal Area Overlay District 1)

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?
The zoning text amendment creates an overlay district within the Town's designated Urban Renewal Area. The proposed Urban Renewal Area Overlay District would apply to certain parcels with various zoning districts within the larger Urban Renewal Area.

b. Is the use permitted or allowed by a special or conditional use permit? N/A ☐ 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? Sweet Home Central School District

b. What police or other public protection forces serve the project site?
N/A - the zoning text amendment applies to various zoning districts and not a specific site

c. Which fire protection and emergency medical services serve the project site?
N/A - the zoning text amendment applies to various zoning districts and not a specific site

d. What parks serve the project site?
N/A - the zoning text amendment applies to various zoning districts and not a specific 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: _____

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7.a

f. Does the project include new residential uses? ☐Yes☐No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
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): _____

_____

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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

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- Do existing sewer lines serve the project site? ☐Yes ☐
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

_____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

_____

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

_____

_____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes ☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ 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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

_____

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☐No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☐No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☐No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☐No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

_____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

_____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☐No

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

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐

If yes:

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

_____

_____

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

Describe: _____

_____

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

If yes:

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

_____

_____

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

Describe: _____

_____

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

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

_____

_____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No

If Yes:

i. Product(s) to be stored _____

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

iii. Generally, describe the proposed storage facilities:_____

_____

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

If Yes:

i. Describe proposed treatment(s):

_____

_____

_____

_____

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

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

If Yes:

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

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

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

- Construction: _____

  _____
- Operation: _____

  _____

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

- Construction: _____

  _____
- Operation: _____

  _____

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s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐

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 Covertype	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: _____ _____			

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

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No
If Yes,
i. Identify Facilities:
_____
_____

e. Does the project site contain an existing dam? ☐ Yes ☐ No
If Yes:
i. Dimensions of the dam and impoundment:
- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:
_____
_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:
_____
_____
iii. Describe any development constraints due to the prior solid waste activities: _____
_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:
_____
_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____
☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures:_____
_____
_____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
_____
_____

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v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐

- 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: _____

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

_____ _____ _____

_____ _____ _____

n. Does the project site contain a designated significant natural community? ☐Yes ☐No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐Yes ☐No

If Yes:

i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes ☐No

If Yes:

i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☐No

If yes, give a brief description of how the proposed action may affect that use: _____

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

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☐No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☐No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☐No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☐No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

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e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☐ No

If Yes:

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

ii. Name: _____

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

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☐ No

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

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

If Yes:

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

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

F. Additional Information

Attach any additional information which may be needed to clarify your project. **See Attachment A**

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. **See Attachment B**

G. Verification

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

Applicant/Sponsor Name _____ Date_____

Signature_____ Title_____

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PRINT FORM

Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

ADOPTED

Meeting: 01/18/24 06:30 PM
Department: Planning
Category: Subdivisions & Relief from Conditions
Prepared By: Amy Carrato
Initiator: Dan Howard
Sponsors:
DOC ID: 28460

PLANNING BOARD ITEM (ID # 28460)

Request for Extension of Preliminary Plat Approval for a Proposed 19-Lot Subdivision "Regency Commons", SUB-2021-01PP2

Property located at 166 Klein Road
Regency Builders LLC, Petitioner

The proposed subdivision includes 19 lots for 18 single family homes in the R-3 zoning district. The proposal shows a 28-foot-wide private drive that terminates in a hammer-head turn around. The stormwater and bio-retention areas are located at the northern most end of the parcel, at the terminus of the private drive.

Ms. Penberthy moved to approve the request based on the resolution. The motion was seconded by Mr. Gill and carried. Ayes 5, Noes 0, Absent 2 (Giuliani, Kahn).

ATTACHMENTS:

- SUB-2021-01PP2 signed resolution 011824 (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brittany Lee Penberthy, Board Member
SECONDER:	Harbinder Gill, Board Member
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.
ABSENT:	Dal Giuliani, Carrie H. Kahn

TOWN OF AMHERST
PLANNING BOARD
PRELIMINARY PLAT RESOLUTION
SUB-2022-01PP

JAN 24 2024 PM

PETITIONER

Regency Builders LLC
c/o Sean Hopkins Esq.
5500 Main Street Suite 343
Williamsville, New York 14221

PROPERTY LOCATION

166 Klein Road

'23 AUG 25 AM9:5

WHEREAS the Town of Amherst Planning Board on Thursday, February 16, 2023 held a public hearing on a preliminary plat for a 19-lot subdivision, "Regency Commons", located at 166 Klein Road, and

WHEREAS on October 20, 2022 the Planning Board has issued a Negative Declaration for the proposed subdivision, and

WHEREAS the Planning Board has reviewed plans and specifications for the proposed Subdivision, and

WHEREAS the Subdivision has been referred to the Town's various review agencies, and

WHEREAS the Planning Board finds that:

1. The proposed subdivision is consistent with the intent, objectives and specific requirements of the Zoning Ordinance.

2. Adequate services and utilities are or will be available prior to occupancy.

3. The proposed subdivision is consistent with all other applicable laws.

4. Under Section 404 of the Clean Water Act, the US Army Corps of Engineers has determined that it has no jurisdiction.

NOW THEREFORE BE IT RESOLVED that the Planning Board, in accordance with Section 8-7 of the Zoning Ordinance and Part III of the Subdivision Regulations approves said Subdivision subject to the follow condition(s):

1. That the petitioner address the comments of the Engineering Department in their letter dated November 28, 2022 to the satisfaction of that department.

2. That the petitioner address the comments of the Right-of-Way Agent in their review letter dated February 7, 2023 to the satisfaction of the Town Attorney's Office.

3. That the petitioner address the comments of the Planning Department in their letter dated January 12, 2023 to the satisfaction of that department.

'23 FEB 24 AM9:34

Attachment: SUB-2021-01PP2 signed resolution 011824 (28460 : SUB-2021-01PP2 Extension 166 Klein Rd)

TOWN OF AMHERST
PLANNING BOARD
PRELIMINARY PLAT RESOLUTION
SUB-2022-01PP

JAN 24 2024 PM2:

PETITIONER

Regency Builders LLC

PROPERTY LOCATION

166 Klein Road

'23 AUG 25 AM9:5

4. That the ownership status of the proposed waterline and sanitary sewer line be determined by the Town Board in consultation with the Town Attorney.

5. That the petitioner revise the preliminary plat drawings to provide for a cul-de-sac design at the terminus of the proposed private road pursuant to §204-3-2-4F of Town Code.

NOW THEREFORE BE IT FURTHER RESOLVED that Klein Road is classified as a collector street and that sidewalks are required along the parcel frontage on Klein Road and that sidewalks are required along both sides and on the cul-de-sac for the proposed private street, and that the required ramps and/or curb cuts to meet ADA compliance be included and constructed with the P.I.P. for the roadway utilities; and

BE IT FURTHER RESOLVED in reviewing the proposed subdivision and §204-3-2O of Town Code that street lighting is required for the proposed subdivision and that the required street lighting be constructed under a Private Improvement Permit for the subdivision; and the ownership of the proposed waterline and proposed sanitary sewer line shall be determined by the Town Board in consultation with the Town Attorney; and

BE IT FURTHER RESOLVED that recreation fees are required for the proposed subdivision lots in accordance with the adopted fee schedule.

The foregoing resolution was adopted by the Town of Amherst Planning Board, February 16, 2023; moved by Chmiel; seconded by Gilmour; ayes 7, noes 0.

Robert J. Gilmour, Planning Board Chair

2·23·23.
Date

TV/ac
X:\CURRENT_PLANNING\FILES\SUBDIVISIONS\SUB-2021\SUB-2021-01_(166_KLEIN_RD)_2021\SUB-2021-01PP_(166_KLEIN_RD)_2022\SUB-2021-01_PP_DRAFT_RESOLUTION_021623.DOC

cc: Commissioner of Building
Town Engineer
Highway Superintendent
Fire Chiefs Council
ECDEP
NYSDEC
Regency Builders LLC, 4899 Meyer Rd., Pendleton, NY 14120
Ken Zollitsch, Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225
Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main St., Suite 343, Williamsville, NY 14221

'23 FEB 24 AM9:34

Attachment: SUB-2021-01PP2 signed resolution 011824 (28460 : SUB-2021-01PP2 Extension 166 Klein Rd)

TOWN OF AMHERST
PLANNING BOARD
PRELIMINARY PLAT RESOLUTION
SUB-2021-01PP

JAN 24 2024 PM2:

PETITIONER

Regency Builders LLC

PROPERTY LOCATION

166 Klein Road

'23 AUG 25 AM9:5

Extension of Preliminary Plat commencing retroactive to August 16, 2023 for a period of six months. The foregoing resolution was adopted by the Town of Amherst Planning Board, August 17, 2023; moved by Chmiel; seconded by Penberthy; ayes 6; noes 0; absent 1 (Raffelle).

Robert J. Gilmour, Planning Board Chair

8/24/23.
Date

TV/ac
x:\current_planning\files\subdivisions\sub-2021\sub-2021-01_(166_klein_rd)_2021\sub-2021-01_pp1_extension_(166_klein_rd)_2023\sub-2021-01_pp_extension_resolution_080423.doc

cc: Commissioner of Building
Town Engineer
Highway Superintendent
Fire Chiefs Council
ECDEP
NYSDEC
Regency Builders LLC, 4899 Meyer Rd., Pendleton, NY 14120
Ken Zollitsch, Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225
Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main St., Suite 343, Williamsville, NY 14221

Attachment: SUB-2021-01PP2 signed resolution 011824 (28460 : SUB-2021-01PP2 Extension 166 Klein Rd)

TOWN OF AMHERST
PLANNING BOARD
PRELIMINARY PLAT RESOLUTION
SUB-2021-01PP2

JAN 24 2024 PM2:

PETITIONER

Regency Builders LLC

PROPERTY LOCATION

166 Klein Road

Extension of Preliminary Plat commencing on February 16, 2024 for a period of six months and deleting condition number 4 from the resolution of February 16, 2023. The foregoing resolution was adopted by the Town of Amherst Planning Board, January 18, 2024; Moved by Penberthy; Seconded by Gill; Ayes 5; Noes 0; Absent 2 (Giuliani, Kahn).

Michael J. Chmiel, Planning Board Chair

1/24/24
Date

TV/ac
x:\current_planning\files\subdivisions\sub-2021\sub-2021-01_(166_klein_rd)_2021\sub-2021-01_pp2_extension_(166_klein_rd)_2023\sub-2021-01_pp2_extension_2_resolution_011824.doc

cc: Commissioner of Building
Town Engineer
Highway Superintendent
Fire Chiefs Council
ECDEP
NYSDEC
Regency Builders LLC, 4899 Meyer Rd., Pendleton, NY 14120
Ken Zollitsch, Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225
Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main St., Suite 343, Williamsville, NY 14221

Attachment: SUB-2021-01PP2 signed resolution 011824 (28460 : SUB-2021-01PP2 Extension 166 Klein Rd)

Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

ADOPTED

Meeting: 01/18/24 06:30 PM
Department: Planning
Category: Miscellaneous
Prepared By: Amy Carrato
Initiator: Dan Howard
Sponsors:
DOC ID: 28477

PLANNING BOARD ITEM (ID # 28477)

Zoning Board of Appeals Request for Recommendation - Accessory Restricted Parking Lot, ZB-2024-04

Property located at 6812, 6814 & 6832 Main Street and 29 Tennyson Terrace
6812 Main Street LLC, Petitioner

The purpose of this request is to allow for the required parking associated with a 4 & 5 story mixed-use building with 15,000 sq. ft. of commercial space on the ground floor and 34 dwelling units on floors 2-5. Sixty-two (62) of the required 117 parking spaces are proposed to be located within the existing residential zoning district (MFR-5) at 20 and 37 Tennyson Terrace which requires a recommendation from the Planning Board and the issuance of a Special Use Permit from the Zoning Board of Appeals in accordance with §203-7-9B(2)(b) of Town Code.

Ms. Penberthy moved to deny the request. The motion failed due to lack of a second.

Mr. Raffaele moved to approve the request based on the resolution. The motion was seconded by Mr. Davis and carried. Ayes 4, Noes 1 (Penberthy), Absent 2 (Giuliani, Kahn).

ATTACHMENTS:

- ZB-2023-70 signed resolution 011824 (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Joseph P. Raffaele Jr., Board Member
SECONDER:	John B. Davis, Board Member
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.
ABSENT:	Dal Giuliani, Carrie H. Kahn

TOWN OF AMHERST
PLANNING BOARD
ZB-2023-70

PETITIONER

PB Investors LLC
c/o Sean Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, NY 14221

PROPERTY

6790 Main Street

JAN 24 2024 PM2

WHEREAS the Town of Amherst Planning Board on Thursday, January 18, 2024 in accordance with §203-7-1-9B(2)(b) considered a request for Restricted Parking in the MFR-5 District, and

WHEREAS the Planning Board has reviewed materials regarding the request, and

WHEREAS per Section 203 - 8-5-5(A) & (B) of the Town Code, the Planning Board finds that:

A. The proposed request is consistent with the purpose statements of the Zoning Ordinance.

B. The proposed request advances the public health, safety, or welfare and is consistent with the Zoning Ordinance. The request is generally consistent with the objectives of the Comprehensive Plan.

NOW THEREFORE BE IT RESOLVED that the Planning Board recommends to the Zoning Board of Appeals in accordance with Section 7-1-9B(2)(b) of the Zoning Ordinance, that the request be approved and the following conditions considered.

1. That a high impact screen that complies with the requirements of §203-7-2-4B(1) be provided between any portions of the proposed development and the property located at 45 Tennyson Terrace.

2. That there be no vehicular access from the residentially zoned property at 29-37 Tennyson Terrace to the property located at 6842-6846 Main Street.

The foregoing resolution was adopted by the Town of Amherst Planning Board, January 18, 2024; moved by Raffaele; seconded by Davis; ayes 4, noes 1 (Penberthy), absent 2 (Giuliani, Kahn).

Michael J. Chmiel, Planning Board Chair

1/24/24
Date

TV/ac
X:\Current_Planning\Files\Site Plans\2024\SP-2024_XX_6812 Main St\SP-2024-XX_resolution_Restricted Parking_011824.doc
cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator

Attachment: ZB-2023-70 signed resolution 011824 (28477 : ZB-2024-02 6812, 6814 & 6832 Main St.)

Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

ADOPTED

Meeting: 01/18/24 06:30 PM
Department: Planning
Category: Miscellaneous
Prepared By: Amy Carrato
Initiator: Dan Howard
Sponsors:
DOC ID: 28491

PLANNING BOARD ITEM (ID # 28491)

Revised 2024 Schedule of Planning Board Meetings

Revised 2024
Schedule of Planning Board Meetings

Planning Board Meeting
Thursday 6:30 pm

01/18/2024
02/15/2024
03/21/2024
04/18/2024
05/16/2024
06/25/2024 (Tuesday)
07/23/2024 (Tuesday)
08/27/2024 (Tuesday)
09/19/2024
10/17/2024
11/21/2024
No December meeting
01/16/2025
2/20/2025

Following discussion, Ms. Penberthy moved to approve the revised calendar. The motion was seconded by Mr. Davis and carried. Ayes 5, Noes 0, Absent 2 (Giuliani, Kahn).

ATTACHMENTS:

- revised Calendar 2024 with voting block(PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brittany Lee Penberthy, Board Member
SECONDER:	John B. Davis, Board Member
AYES:	Chmiel, Davis, Gill, Penberthy, Raffaele Jr.
ABSENT:	Dal Giuliani, Carrie H. Kahn

MOTION:
APPROVE ____ BY _____ 2nd _____ VOTE _____
DENY ____
TABLE ____

	FOR	AGAINST	ABSTAIN		FOR	AGAINST	ABSTAIN
CHMIEL				KAHN			
DAVIS				PENBERTHY			
GILL				RAFFAELE			
GIULIANI							

DRAFT
Revised

2024
Schedule of Planning Board Meetings

Submittal Date **Monday 3 pm**	**Planning Board Meeting** **Thursday 6:30 pm**
11/20/2023	01/18/2024
12/18/2023	02/15/2024
1/22/2024	03/21/2024
Tuesday 2/20/2024	04/18/2024
3/25/2024	05/16/2024
4/22/2024	06/26/2024 (Wednesday)
5/28/2024	07/24/2024 (Wednesday)
6/24/2024	08/21/2024 (Wednesday)
7/15/2024	09/19/2024
8/19/2024	10/17/2024
9/23/2024	11/21/2024
	No December meeting
11/25/2024	01/16/2025
12/16/2024	2/20/2025

Attachment: revised Calendar 2024 with voting block (28491 : 2024 Revised Schedule of Planning Board Meetings)

5583 Main Street • Williamsville • New York • 14221 • (716) 631-7051 • Fax (716) 631-7152