Amherst Town Board

Regular Meeting of the Town Board

Minutes

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

Francina J. Spoth
Town Clerk

Monday, February 5, 2024 | **7:00 PM** | **Amherst Municipal Building**

I. IN MEMORY

James Martin Nesper, Esq., served as Amherst Town Attorney for many years

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL:

7:00 PM Meeting called to order on February 5, 2024 at Amherst Municipal Building, 5583 Main Street, Williamsville, NY.

Attendee Name	Organization	Title	Status	Arrived
Brian J. Kulpa	Town of Amherst	Supervisor	Present	
Jacqualine Berger	Town of Amherst	Councilmember	Present	
Shawn Lavin	Town of Amherst	Councilmember	Present	
Michael Szukala	Town of Amherst	Councilmember	Present	
Angela Marinucci	Town of Amherst	Councilmember	Present	
Francina J. Spoth	Town of Amherst	Town Clerk	Present	
Timothy Koller	Town of Amherst	Deputy Town Clerk	Present	
Martin A. Polowy	Town of Amherst	Town Attorney	Present	
Daniel J. Ulatowski	Town of Amherst	Assistant Planning Director/ZEO	Present	
Daryl Bramer	Town of Amherst	Comptroller	Present	
Lynda Juul	Town of Amherst	Director of Finance	Present	

V. MINUTES APPROVAL

1. Monday, January 22, 2024

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

VI. PROCLAMATIONS AND ANNOUNCEMENTS

VII. PUBLIC HEARINGS

Speakers will be limited to 3 minutes.

1. Resolution 2023-775

Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road

Request for a special use permit for a Tier III Solar Energy System at 800 & 850 New Road.

9/18/2023
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 7:10 PM.

Marc Kenward of Erdman Anthony & Leigh McEntire of Sol Source Power LLC, presented.

The following speakers opposed the project:
Sally Blazynski, 905 New Rd
Heidi Wagonblott, 885 New Rd
Christopher Wyles, 861 New Rd

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was adjourned at 7:50 PM.

10/2/2023
A motion to adjourn was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

1/22/2024
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was opened at 7:25 PM.

Marc Kenward of Erdman Anthony & Leigh McEntire of Sol Source Power LLC, presented.

The following speakers addressed the Town Board:
Isabell Posner, 317 Ruskin Rd
Matt Plunkett, 299 Northill Dr
Karen Piazza, 89 San Fernando Ln
Tara Kim, 1315 Dodge Rd
Sally Blazynski, 905 New Rd

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn the hearing until the February 5th Town Board meeting, seconded by Councilmember Lavin and unanimously approved 5-0. The public hearing was adjourned at 7:57 PM.

2/5/2024
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was opened at 8:04 PM.

Marc Kenward of Erdman Anthony, Leigh McEntire of Sol Source Power LLC and Attorney Sean Hopkins spoke.

The following speakers addressed the Town Board:
Matt Plunkett, 299 Northill Dr
Heidi Wagonblott, 885 New Rd
Sally Blazynski, 905 New Rd
Jonathan Rich, 210 Smith Rd
Christina Coyle-Lenz, 64 Chateau Ter E
Tom Weisbeck, 48 Drawbridge Ct

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the public hearing, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was closed at 8:41 PM.

RESULT: HEARING CLOSED

2. Resolution 2024-116

Local Law - to Enhance Transparency and Participation in the Town of Amherst Budget Process

AGENDA ITEM : FEBRUARY 26TH, 2024

TO: **Town Board**

FROM: **Nicole M. Burroughs, Senior Paralegal**

DATE: **February 20, 2024**

RE: **A Local Law to Amend the Code of the Town of Amherst To Enhance Transparency and Participation in the Town of Amherst Budget Process**

The above-referenced matter is scheduled for a Public Hearing on February 26, 2024 at 7:00 p.m. In this regard, kindly adopt a resolution authorizing the adoption of the attached Local Law.

Thank you.

NMB:hs
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item - February 26, 2024**)

2/5/2024
Supervisor Kulpa made a motion to adjourn to the February 26th Town Board meeting, seconded by Councilmember Lavin and unanimously approved 5-0.

2/26/2024
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0. The public hearing was opened at 8:26 PM.

Martin Polowy, Town Attorney presented.

The following speakers raised concerns:
Christina Coyle-Lenz, 64 Chateau Ter E
Frank Belliotti, 61 Old Lyme
Don Smith, 201 N Long St
Judy Ferraro, 213 Donna Lea Blvd
Chris Drongosky, Youngs Rd
Jane Cox, 4584 Harlem Rd
Matt Plunkett, 299 Northill Dr
Tom Weisbeck, 48 Drawbridge Ct

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the March 11th Town Board meeting, seconded by Councilmember Lavin and unanimously approved 4-0. The public hearing was closed at 8:52 PM.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 2/26/2024 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Shawn Lavin, Councilmember	
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci	

3. Resolution 2024-117

Designation of the Property at 22 Chateau Terrace as a Local Historic Landmark

WHEREAS, The Town of Amherst has many significant historic, architectural and cultural landmarks within its borders; and

WHEREAS, On June 6, 2023 the Town of Amherst Historic Preservation Commission Chair submitted a landmark designation application for the entire property located at 22 Chateau Terrace; and

WHEREAS, The Amherst Historic Preservation Commission held a public hearing on August 8, 2023 on the designation of 22 Chateau Terrace as a Town historic landmark; and

WHEREAS, The Amherst Historic Preservation Commission voted to recommend the local landmark nomination to the Town Board at their regular meeting held on September 12th 2023; and

WHEREAS, Finding that the application addresses the following criteria for designation of a Local Landmark (I) is associated with rapid suburban growth in Amherst, (ii) embodies the distinctive characteristics of the Craftsman-style residence circa 1940; and (v) represents an established and familiar visual feature of the neighborhood; and

WHEREAS, On February 5th of 2024 the Town Board held a public hearing regarding the designation; now therefore be it

RESOLVED, The Amherst Town Board designates 22 Chateau Terrace as a Town historic landmark.

2/5/2024

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0. The public hearing was opened at 7:07 PM.

Brian Swartz, Chairman of the Historic Preservation Commission and James Quinn, Assistant Planner, presented.

The following speakers addressed the Board:
Samantha Smith, 60 Fruehauf Ave
Jessica Black, 79 Fruehauf Ave
Lisa & Bob Drdul, 92 Chateau Ter
Michael Kozelsky, 60 Fruehauf Ave
Jane Cox, 4584 Harlem Rd
John Casali, 23 Fruehauf Ave
Christina Coyle-Lenz, 64 Chateau Ter E

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn and keep the public hearing open, seconded by Councilmember Berger and unanimously approved 5-0.

2/26/2024

A motion to reopen the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0. The public hearing was opened at 7:15 PM.

The following speakers addressed the Board:
Samantha Smith, 60 Fruehauf Ave
Michael Kozelsky, 60 Fruehauf Ave
Eric Anson, 57 Fruehauf
John Casali, 23 Fruehauf Ave
Mary Beth Glose, 20 Chateau Ter S
Lisa & Bob Drdul, 92 Chateau Ter

Dennis Hoban, 216 California Dr
Dianne Gordon, 42 Chateau Ter S
Christina Coyle-Lenz, 64 Chateau Ter E
Timothy Druzbik, 70 Fruehauf Ave
Judy Ferraro, 213 Donna Lea Blvd
Jane Cox, 4584 Harlem Rd
Jessica Black, 79 Fruehauf Ave
Paul Cercone, 52 Chateau Ter
Shelly Schratz, 1952 Kensington Ave
Don Smith, 201 N Long St
Tom Weisbeck, 48 Drawbridge Ct

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Councilmember Berger and unanimously approved 4-0. The public hearing was closed at 8:26 PM.

A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 2/26/2024 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Jacqualine Berger, Councilmember	
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci	

4. Resolution 2023-623

1350 Eggert Road Rezoning

Request to rezone 1350 Eggert Road from OB-TNB-1 to TI-2.5.

7/24/2023
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was opened at 8:14 PM.

Sean Hopkins, Esq. presented.

The following speakers spoke in opposition:
Ray Volpe, 302 Crosby Blvd
Dan Dolloff, 278 Crosby Blvd
Susan Aureli, 312 Crosby Blvd
Pamela & John Sander, 34 Olney Dr
Kristen Lane, 37 Olney Dr
Janice Colvin, 49 Olney Dr
Jessica Kerr, 22 Olney Dr

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn the hearing until August 21st, seconded by Councilmember Lavin and unanimously approved 5-0.

8/21/2023
Supervisor Kulpa made a motion to adjourn the hearing until September 18th at the earliest, for the petitioner to submit information regarding a storm water mitigation plan, a traffic analysis and to hold a meeting with the residents within the 600 ft. radius, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

12/4/2023
A motion to adjourn was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

12/18/2023
A motion to adjourn was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

2/5/2023
A motion to adjourn was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

RESULT:	**ADJOURNED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

VIII. DEVELOPMENT REVIEW ACTIONS

1. Resolution 2024-59

SEQR Determination (800 & 850 New Road, SP-2023-01)

RESOLVED, that pursuant to 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Town Code Chapter 104, as amended, the Town Board is deemed the Lead Agency for those actions which it has sole discretionary power, including but not limited to rezoning decisions and adoptions of local laws, and be it further

RESOLVED, that this Town Board as SEQR Lead Agency has reviewed a request for a Special Use Permit at 800 & 850 New Road and has identified the areas of environmental concern, thoroughly analyzed them for significant adverse impact, including any concerns and/or recommendations from other agencies, and be it further

RESOLVED, that the Planning Board at their meeting of August 17, 2023 held a public hearing on the site plan application for the proposed use and issued a Determination of Significance by adopting a Negative Declaration pursuant to 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Town Code Chapter 104, as amended, and be it further

RESOLVED, that the requirements of SEQR are now complete therefore this Town Board issues the attached Negative Declaration as its determination of environmental significance, for the subject action.

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

2/5/2024
Supervisor Kulpa made a motion to approve, seconded by Councilmember Berger and unanimously approved 5-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

2. Resolution 2024-60

Adoption of a Special Use Permit for Solar Energy Project (800 & 850 New Road; SP-2023-01)

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 August 17, 2023 that the proposed solar energy development to be located at 800 & 850 New Road is consistent with the adopted Bicentennial Comprehensive Plan and §8-6-7 of the Zoning Ordinance as follows:

1. Will be generally consistent with the policies of the Comprehensive Plan;
2. Meets any specific criteria set forth in this Ordinance;
3. Will be compatible with existing uses adjacent to and near the property;
4. Will be in harmony with the general purpose of this Ordinance;
5. Will not tend to depreciate the value of adjacent property;
6. Will not create a hazard to health, safety or the general welfare;
7. Will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents; and
8. Will not otherwise be detrimental to the public convenience and welfare.

as amended, and be it further

RESOLVED, that in accordance with Section 6-10-7B(3)(d) of the Zoning Ordinance, the Planning Board recommended to the Town Board approval of the Special Use Permit for the proposed solar development as stated in their resolution of August 17, 2023; and be it further

RESOLVED, that pursuant with Section 8-6-6 of the Zoning Ordinance, the Town Board **approves** said Special Use Permit subject to the following conditions:

1. That the AIDA Project Agreement and Community Benefit Agreement be finalized, and that a copy of the signed agreements be provided to the Planning Department prior to the issuance of final site plan drawings.

2. That the petitioner provide a wetland habitat restoration plan for the 2.18± acres of tree removal that are proposed within jurisdictional wetland 2.

3. The petitioner work with Erie County Department of Public Works to clean and grade the existing drainage ditch along New Road as it affects the subject property.

4. The petitioner provide post construction monitoring of the site and correct any drainage related impacts as a result of the improvements made, based on legitimate complaints received and/or initiated from the Town Engineer and /or the Building Commissioner. Such post construction monitoring shall be based on an assessment of existing potential drainage deficiencies occurring on the project site.

5. Where possible additional tree plantings shall be part of the habitat restoration plan indicated in condition number 2 above.

6. The contract for the required agricultural component chosen by the petitioner (animal grazing vegetation management) be reviewed by the Planning Department before it is executed between the petitioner and the subcontractor.

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

2/5/2024
A motion to approve was made by Supervisor Kulpa and seconded by Councilmember Berger. A motion to amend was made by Supervisor Kulpa, seconded by Councilmember Marinucci 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, Berger, Lavin, Szukala, Marinucci

3. Resolution 2024-118

SEQR Determination (2280 Wehrle Drive, BCPA-2023-03)

RESOLVED, that pursuant to 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Town Code Chapter 104, as amended, the Town Board is deemed the Lead Agency for those actions which it has sole discretionary power, including but not limited to rezoning decisions and adoptions of local laws, and be it further

RESOLVED, that this Town Board as SEQR Lead Agency has reviewed a request for a Bicentennial Comprehensive Plan amendment at 2280 Wehrle Drive and has identified the areas of environmental concern, thoroughly analyzed them for significant adverse impact, including any concerns and/or recommendations from other agencies, and be it further

RESOLVED, that the requirements of SEQR are now complete therefore this Town Board issues the attached Negative Declaration as its determination of environmental significance, for the subject action.

2/5/2024
Supervisor Kulpa made a motion to approve, seconded by Councilmember Berger and unanimously approved 5-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

4. Resolution 2024-58

Adoption of Resolution to Amend the Bicentennial Comprehensive Plan 2280 Wehrle Drive (BCPA-2023-03)

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Chapter 104 of Amherst Town Code, 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 November 16, 2023 that the proposed change in land use designation from Commercial-Office to Mixed Residential at 2280 Wehrle Drive is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that in accordance with NYS Town Law Sec. 272-a, the Town Board amends the Bicentennial Comprehensive Plan for 0.42 acres of land from Commercial-Office to Mixed Residential at 2280 Wehrle Drive.

1/22/2024
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was opened at 7:18 PM.

Attorney Jeff Palumbo presented.

Dennis Hoban, 216 California Dr - asked about the size of the townhomes

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the February 5th Town Board meeting, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was closed at 7:25 PM.

2/5/2024
Supervisor Kulpa made a motion to approve, seconded by Councilmember Berger and unanimously approved 5-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

5. Resolution 2024-119

SEQR Determination 4774 & 4780 Sheridan Drive, Z-2023-07

RESOLVED, that pursuant to 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Town Code Chapter 104, as amended, the Town Board is deemed the Lead Agency for those actions which it has sole discretionary power, including but not limited to rezoning decisions and adoptions of local laws, and be it further

RESOLVED, that this Town Board as SEQR Lead Agency has reviewed a request for a rezoning at 4774 & 4780 Sheridan Drive and has identified the areas of environmental concern, thoroughly analyzed them for significant adverse impact, including any concerns and/or recommendations from other agencies, and be it further

RESOLVED, that the requirements of SEQR are now complete therefore this Town Board issues the attached Negative Declaration as its determination of environmental significance, for the subject action.

2/5/2024
Supervisor Kulpa made a motion to approve, seconded by Councilmember Berger and unanimously approved 5-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

6. Resolution 2023-957

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

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR are complete, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of October 19, 2023 that the proposed Residential District 4 zoning at 4774 & 4780 Sheridan Drive is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

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

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

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

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

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

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

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

12/4/2023

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

Sean Hopkins, Esq., presented.

The following speakers spoke in opposition:
Sharon Easterbrook, 80 Tristan Ln
Alicia Schreier, 79 Tristan Ln

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

9:23 PM.

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

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

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

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

IX. PERSONAL APPOINTMENTS TO BOARDS & COMMITTEES

Board Appointments - Amherst Conservation Advisory Council, Board of Ethics, Historic Preservation, IDA, Planning, Recreation, Recycling & Waste, Traffic Safety and the Zoning Board of Appeals.

NOTE - The number of vacancies is listed after the Committee name.

1. **9/11 Commemoration Committee**

   Membership is unlimited.

2. **Amherst Committee on Disabilities (6)**

3. **Amherst Community Diversity Commission (4)**

4. **Amherst Conservation Advisory Council (5)**

5. **Amherst Government Financial Advisory Board**

   Membership is full.

6. **Amherst Industrial Development Agency**

   Membership is full.

7. **Amherst Veterans Committee (6)**

8. **Arts & Culture in Public Places Board**

9. **Board of Assessment Review**
   Membership is full.

10. **Board of Electrician Examiners**
    Membership is full.

11. **Board of Ethics (2)**

12. **Board of Plumbing and Drainage Examiners**
    Membership is full.

13. **Design Advisory Board**

14. **Employee Suggestion Program Merit Award Board**
    Membership is full.

15. **Employee Suggestion Review Committee**

16. **Energy Conservation Citizens Advisory Committee (3)**

17. **Freedom of Information Law (FOIL) Board**

18. **Glen Park Joint Board**

19. **Historic Preservation Commission**
    Membership is full.

20. **Information Technology Advisory Committee (1)**

21. **Library Board of Trustees**
    Membership is full.

22. **Minority / Woman Owned Business (4)**

23. **Open Government Advisory Board (7)**

24. **Planning Board**
    Membership is full.

25. **Recreation Commission (1)**

26. **Recycling and Waste Committee (3)**

27. Senior Services Advisory Board (6)

28. Traffic Safety Board (2)

29. Youth Board

Adult vacancies (6), Youth vacancies (0)

30. Zoning Board of Appeals

X. PUBLIC EXPRESSION

This is an opportunity for residents to <u>comment</u> on matters involving Amherst other than those pertinent to Public Hearings that day. <u>Speakers will be limited to 3 minutes.</u>

A motion to open Public Expression was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. Public Expression was opened at 9:09 PM.

The following speakers addressed the Town Board:
Frank Belliotti, 61 Old Lyme - less spending
Tom Weisbeck, 48 Drawbridge Ct - streetlights
Allison Sagraves, 171 Amherstdale Rd - budget, ethics & open government advisory board
Matt Plunkett, 299 Northill Dr -reimagine Niagara Falls Boulevard
Joe Voytovich, 35 Bucyrus Dr - LED streetlights
Dennis Hoban, 216 California Dr - board credibility
Alicia Schreier, 79 Tristan Ln - Resolution 2023-957
John Trabert, 234 Mt Vernon Rd - tax hike
Karen Howard, 194 Roycroft Blvd - BNVH and streetlights
Dave Howard, 194 Roycroft Blvd - Amherst Central Park
Jane Cox, 4584 Harlem Rd - sound system
Mark Rivard, 132 Fleetwood Ter - Westwood reuse
Janet Lenichek, 6 Millrace Rd - budget & sustainability
Sara Schultz, 126 N Cayuga Rd - LED project & respect
Chris Drongosky, Youngs Rd - westwood
Shelly Schratz, 1952 Kensington Ave - transparency and listening to residents
Debra Majchrzycki-Kroening, 1221 N French Rd - Amherst central park
Andrea Morgante, 253 Woodshire Ct - February is Black History Month
Paul Francavilla, 70 Cimarand Dr - water main breaks
Eugene Sibick, 34 Wik St - listening to residents
Heidi Ziemer, 352 Reist St - lack of help from the Board with the Zoning Board of Appeals
Michael Kozelsky, 60 Fruehauf Ave - supports LED streetlights
Jim Geiger, 102 Nicole Ct - cell service
Don Smith, 201 N Long St - Resolution 2024-133

There were no further speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Councilmember Berger and unanimously approved 5-0. Public Expression was closed at 10:26 PM.

XI. CONSENT AGENDA

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

XII. COUNCILMEMBER RESOLUTIONS

A. SUPERVISOR KULPA:

1. Resolution 2024-120

Re-Appointment of Town Comptroller 2024

BE IT RESOLVED that Daryl Bramer be re-appointed as Town Comptroller through December 31, 2025.

2/5/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

2. Resolution 2024-121

Approve Travel for 2024 Association of Towns Meeting

Please approve the attached travel requests for Supervisor Brian Kulpa, Dennis Powers, Emily Melski, and Jacqualine Berger to attend the 2024 Associations of Towns Annual Meeting & Training School in February.

2/5/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

B. COUNCILMEMBER BERGER:

1. Resolution 2024-122

Appointment of Vice Chair to Zoning Board of Appeals

WHEREAS, pursuant to the provisions of Section 267 of the New York State Town Law, the Town of Amherst maintains a Zoning Board of Appeals (ZBA) consisting of five (5) members appointed by the Amherst Town Board (Town Board), each for a term of five (5) years, with terms concluding on a staggered basis; and

WHEREAS, the ZBA is authorized to grant relief from any provision of the Town of Amherst Zoning Ordinance or any decision of an administrative official charged with the enforcement of that ordinance; and

WHEREAS, the ZBA is empowered to grant special use permits in certain instances as spelled out in the Zoning Ordinance and Amherst Town Law specifies the grounds and criteria that the ZBA must use to grant a variance; and

WHEREAS, the ZBA currently has a Board of four (4) members, who shall continue to serve until their term of appointment expires, as follows:

Brian Bray, Chair, term expires 12/31/2026
Erik A. Goergen, Member, 12/31/2028
Ellen Parker, Member, term expires 12/31/2027
Kelly J. Philips, Member, 12/31/2025
Ronald Shubert, Esq., Member, 12/31/2024; and

WHEREAS, Ronald Shubert is a current member, appointed in January 2020, and has expressed interest in serving as Vice Chair through the remainder of his term;

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves of Ronald Shubert serving as Vice Chair to the Zoning Board of Appeals for a term to conclude December 31, 2024.

2/5/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jacqualine Berger, Councilmember
SECONDER:	Brian J. Kulpa, Supervisor
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

C. COUNCILMEMBER LAVIN:

1. Resolution 2024-123

Amherst Senior Center Advisory Board Appointments

WHERE AS, the purpose of the Amherst Senior Center Advisory Board is to support the Mission of the Town of Amherst Department of Senior Services; to advocate for services to support older adults and caregivers and appropriate funding for current and future programming; to foster communication between the Town and the community regarding issues, trends, and public policy affecting older adults; to support and sponsor appropriate program development; and to advise and consult with the Amherst Town Board regarding issues related to senior citizens; and

WHERE AS, the Amherst Senior Center Advisory Board meets a minimum of 6 times a year; and

WHERE AS, The Amherst Senior Center Advisory Board shall consist of a minimum of 5 appointed members, with a maximum of 11 appointed members; each appointed by a majority of the Amherst Town Board, who shall serve a term of 2 years and may be appointed for two additional two year terms; and

WHERE AS, the Amherst Senior Center Advisory Board currently has a Board of Five members, who shall continue to serve until their term of appointment expires, as follows:

Reverend Susan Frawley, Member, Term expires 12/31/2024
Julie Whitbeck-Lewinski, Member, Term expires 12/31/2024
Gary Henry, Member, Term expires 12/31/2025
Ann Nichols, Member, Term expires 12/31/2025

WHERE AS, the Chairperson is appointed by the Director of Senior Services; and

WHERE AS, Jim Bardot has been selected by the Director of Senior Services, to serve as Senior Center Advisory Board Chairperson for the Term to expire 12/31/24; and

WHERE AS, in addition to appointed members, the following individuals shall serve in ex-officio capacity:

The Honorable Shawn Lavin, Liaison to Senior Services
Melissa Abel, Executive Director, Town of Amherst Senior Services
Mary-Diana Pouli, Executive Director, Town of Amherst Youth & Recreation
Assistant Police Chief Michael Camilleri
Dal Giuliani, Executive Director, Amherst Generations Foundation
Ms. Del Szczesniak, President, Senior Center Representatives Council; and

WHERE AS, Aaron Carlson, has served on the Amherst Senior Center Advisory Board and has expressed interest in serving another 2 year term.

NOW, THEREFORE, BE IT RESOLVED, that the Amherst Town Board reappoints Aaron Carlson to the Amherst Senior Center Advisory Board for a term to conclude December 31, 2025.

2/5/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Shawn Lavin, Councilmember
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

D. COUNCILMEMBER SZUKALA:

1. Resolution 2024-124

Amherst Board of Ethics Appointments

WHEREAS, the Amherst Board of Ethics, also known as Board of Ethics, seeks to foster an environment where Town officers, Town employees, Town agencies and citizens work together in good faith, with integrity and honesty; and

WHEREAS, the Board of Ethics possesses the powers and duties prescribed by Article 18 of the General Municipal Law to render advisory opinions; and

WHEREAS, the Board of Ethics shall consist of five (5) members who shall serve five (5) year terms of office, one such term expiring each year. Members shall be appointed by the Supervisor, subject to confirmation by the Town Board. If the Supervisor shall fail to appoint the members within thirty (30) days after the establishment of the Board of Ethics or within thirty (30) days after a vacancy occurs on the Board of Ethics, the Town Board shall appoint such member or members as the case may be. Only one (1) member of the Board shall be an officer or employee of the Town of Amherst. In the event that a vacancy occurs prior to the expiration of the five (5) year term, such vacancy shall be filled for the balance of such term in the same manner as members are appointed to full terms. All members shall reside within the Town of Amherst. All members shall serve without compensation except that any member who is a Town of Amherst officer or employee shall be entitled to his usual compensation when attending upon the business of the Board during normal working hours; and

WHEREAS, No more than two (2) members of the Board may be affiliated with the same political party. No member of the Board of Ethics may hold an officer's position in any political party except such person may be a member of a county committee of a political party. For purposes of this section, "political party" shall mean any political party which appears on the ballot in the last biennial Town election. The members shall elect a Chairman from among themselves and such other officers as may be deemed necessary from time to time; and

WHEREAS, the Board of Ethics currently has a Board of three (3) members, who shall continue to serve until their term of appointment expires, as follows:

Mark Carney, Member, term expires 12/31/2024
Lisa Kistner, Member, term expires 12/31/2026
Michael Littman, Member, term expires 12/31/2025; and

WHEREAS, A Board of Ethics member may be removed by the Town Supervisor with the approving consent of not fewer than four (4) members of the Town Board after a finding of substantial neglect of duty, gross misconduct in office, inability to discharge the powers or

duties of the office or violation of this chapter after written notice of the charges and an opportunity for reply; and

WHEREAS, Mark Carney expressed interest in serving as Chair; and

WHEREAS, Mark Carney will serve as Chair through the remainder of his term;

WHEREAS, the Honorable Geoffrey Klein and Nancy Bojanowski have expressed interest in serving on the Board of Ethics;

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves the appointment of the Honorable Geoffrey Klein and Nancy Bojanowski for a term to expire 12/31/2028.

2/5/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Szukala, Councilmember
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

2. Resolution 2024-125

Amherst Recycling & Waste Committee Appointments

WHEREAS, the purpose of the Amherst Recycling & Waste Committee (R&W) is to advise the Amherst Town Board on all aspects of municipal solid waste affecting the Town and to monitor, make recommendations regarding the Town's activities relating to environmental issues which affect or impact the residents; and

WHEREAS, to also investigate methods of recycling, waste stream reduction, household hazardous waste collection and consider new technologies for handling municipal solid waste; and

WHEREAS, the Recycling & Waste Committee meets monthly to review and advise the Town Board accordingly; and

WHEREAS, the Recycling & Waste Committee consists of a maximum of twelve (12) members appointed by the Town Board majority to serve a three (3) year term; and

WHEREAS, members' terms will expire on a staggered schedule to maintain consistency on the board with information and history shared as needed; and

WHEREAS, the R&W currently has a Board of eight (8) members, who shall continue to serve until their term of appointment expires, as follows:

John Szalasny, Vice Chairperson, term expires 12/31/2025
Diane Anderson, Member, term expires 12/31/2024

John Hannon, Member, term expires 12/31/2025
Judy Hendee, Member, term expires 12/31/2025
Donald Kuhn, Member, term expires 12/31/2024
Jean Neff, Member, term expires 12/31/2024
Megan Reddish, Member, term expires 12/31/2025; and

WHEREAS, the Members of the Committee shall, by majority vote, elect a Chairperson from among the members and such officers as may be deemed necessary from time to time; and

WHEREAS, as Superintendent of Highway, **Steven Floss** will serve in the capacity of a resource person (O) to the Committee till his term has concluded.

WHEREAS, Eustace Mendez has served on the Recycling & Waste Committee and has expressed interest in serving another term; and

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board re-appoints Eustace Mendez to the Amherst Recycling & Waste Committee, term to conclude on December 31, 2026.

2/5/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Szukala, Councilmember
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

3. Resolution 2024-126

Amherst Government Financial Advisory Board

WHEREAS, the purpose and mission of the Amherst Government Financial Advisory Board is to review management letters from the Town auditors and to continue with each of the future management letter responses; and

WHEREAS, to investigate where the Comptroller's Department is not in compliance with the management letter and make recommendations to help ensure the compliance process; and

WHEREAS, to suggest improvements of the effectiveness or modification of the Town of Amherst government activities; and

WHEREAS, the Amherst Government Financial Advisory Board, also known as AGFAB, consists of seven (7) members appointed by the Amherst Town Board majority to serve a two (2) year term; and

WHEREAS, the Amherst Government Financial Advisory Board will meet once a quarter, or more, as needed; and

WHEREAS, the Amherst Government Financial Advisory Board's current roster of five (5) members, who shall continue to serve until their term of appointment expires, as follows:

Gregory M. Dionne, Chairperson, term concludes 12-31-2023
John DiPasquale, Member, term concludes 12-31-2023
Helaine Sanders, Member, term concludes 12-13-2024
Kenneth Smith, Member, term concludes 12-31-2023
Jason Zaklikowski, Member, term concludes 12-31-2023; and

WHEREAS, the Members of the AGFAB shall, by majority vote, elect a Chairperson from among the members and such officers as may be deemed necessary from time to time; and

WHEREAS, Gregory Dionne, John DiPasquale, and Jason Zaklikowski has expressed interest in being reappointed to the AGFAB; and

WHEREAS, Jeff Marion has expressed interest in serving on the AGFAB;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Amherst Town Board reappoints Gregory Dionne, John DiPasquale, and Jason Zaklikowski for terms to conclude December 31, 2025; and

BE IT FURTHER RESOLVED, that the Amherst Town Board appoints Jeff Marion to the Amherst Government Financial Advisory Board, for a term to conclude on December 31, 2025.

RESULT: WITHDRAWN

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4. Resolution 2024-127

Open Government Advisory Board Appointments

WHEREAS, the purpose of the Open Government Advisory Board (OGAB) is to advocate for providing more information to the public by encouraging greater collaboration among town officials and the public; and

WHEREAS, the mission of the OGAB is to expand opportunities for the public to participate in and influence governmental decisions; and

WHEREAS, the OGAB consists of a maximum of ten (10) members appointed by Town Board majority to serve a three (3) year term; and

WHEREAS, the Open Government Advisory Board currently has a Board of two (2) members, who shall continue to serve until their term of appointment expires, as follows:

Roy DeFrancis, Member, term expires 12/31/2023
Ronald Shubert, Member, term expires 12/31/2024; and

WHEREAS, the Members of the OGAB shall, by majority vote, elect a Chairperson from among the members and such officers as may be deemed necessary from time to time; and

WHEREAS, Roy DeFrancis has expressed interest in being reappointed to the OGAB;

WHEREAS, Pierre Islam has express interest in serving on the OGAB; and

BE IT FURTHER RESOLVED, that the Amherst Town Board reappoints Roy DeFrancis for a term to conclude December 31, 2026;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that to Amherst Town Board appoints Pierre Islam for a term to conclude December 31, 2026.

2/5/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Szukala, Councilmember
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

5. Resolution 2024-128

Appointments to FOIL Board

BE IT RESOLVED that the Amherst Town Supervisor reappoints Michael Szukala to the FOIL Board for a term ending December 31, 2028; and

BE IT FURTHER RESOLVED that the Town Board reappoints Francina Spoth to the FOIL Board for a term ending December 31, 2028; and

BE IT FURTHER RESOLVED that the Town Board appoints Stanley Sliwa, Esq. to the FOIL Board for a term ending December 31, 2028.

2/5/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Szukala, Councilmember
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

E. COUNCILMEMBER MARINUCCI:

1. Resolution 2024-129

Youth Board Re-Appointment

WHEREAS, the Amherst Youth Board (Youth Board) is an organization offering varied services in support of children, youth and families living in the Town of Amherst. Chartered by the Amherst Town Board and New York State Executive Law, the agency is governed by a policy-making board of 23 citizen volunteers, comprising both adults and youth; and

WHEREAS, members are appointed by the Amherst Town Board for three-year terms and participate in decisions affecting programming, policies, funding and public relations for youth programs and services.

WHEREAS, the Youth Board also relies on the efforts and contributions of citizen volunteers in its programs. Many different volunteer opportunities are available, and may be tailored to individual needs; and

WHEREAS, the Youth Board currently has a Board of nine (9) members, who shall continue to serve a three (3) year term as follows:

Danielle Alba, Member, term expires 12/31/2025
Rose Mary Buscaglia, Member, term expires 12/31/2024
Hannah Joseph, Member, term expires 12/31/2024
Krista Krause, Member, term expires 12/31/2025
Tiger Li, Member, term expires 12/31/2024
Kristy Lindner, Member, term expires 12/31/2025
Susan McClary, Member, term expires 12/31/2024
Anagha Menon, Member, term expires 12/31/2025

WHEREAS, Dawn Cwierley has expressed an interest in continuing to serve on the Amherst Youth Board.

BE IT RESOLVED, that as recommended by the Director of Youth & Recreation, Dawn Cwierley be reappointed as an adult member of the Youth Board by the Amherst Town Board for a term to end December 31, 2026.

2/5/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Angela Marinucci, Councilmember
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

2. Resolution 2024-130

Fee Waiver - Skate with a Cop

WHEREAS, the Town of Amherst Police Department (APD) practices community policing, a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate

conditions that give rise to public safety issues such as crime, social disorder, and fear of crime; and

WHEREAS, the APD often partners with the Town of Amherst Youth & Recreation Department to host community policing events; and

WHEREAS, the APD and the Youth & Recreation Department hosted a successful "Skate with a Cop" community policing event at the Northtown Center at Amherst in 2023; and

WHEREAS, the APD desires to hold this event again, at no cost to participants; and

WHEREAS, the Youth & Recreation Department does not have the authority to waive fees for this event, estimated to be approximately $1,000.00, but supports the APD in this endeavor;

NOW THEREFORE, BE IT RESOLVED that the Amherst Town Board waives admission fees at the Northtown Center at Amherst for the 2024 "Skate with a Cop" event on Sunday, February 25, 2024 from 4 - 5:30 pm.

2/5/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Angela Marinucci, Councilmember
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

XIII. DEPARTMENT HEAD RESOLUTIONS AND REPORTS

A. TOWN ATTORNEY:

1. Resolution 2024-131

Miscellaneous Sanitary Sewer Relining and Manhole Rehabilitation (Order Calling Public Hearing - $500,000)

AGENDA ITEM : FEBRUARY 5th, 2024

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **January 31, 2024**

RE: **Miscellaneous Sanitary Sewer Relining and Manhole Rehabilitation**
2024 C.I.P. - Project No. S-3
Order Calling Public Hearing - $500,000

Kindly adopt the attached Order Calling Public Hearing regarding the above matter by scheduling a Public Hearing for the project on February 26, 2024 at 7:00 p.m.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb
Attachment
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - February 5, 2024**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachment*)
Vaishali Reberholt, PE, Assistant Municipal Engineer (*w/attachment*)

2/5/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

2. Resolution 2024-132

Parallel Peanut Line Sanitary Sewer Interceptor Design and Mini-System Study (OCPH - $275,000)

AGENDA ITEM : FEBRUARY 5th, 2024

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **January 31, 2024**

RE: **Parallel Peanut Line Sanitary Sewer Interceptor Design and Mini-System Study**
2024 C.I.P. - Project Nos. S-5, S-7
Order Calling Public Hearing - $275,000

Kindly adopt the attached Order Calling Public Hearing regarding the above matter by scheduling a Public Hearing for the project on February 26, 2024 at 7:00 p.m.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

SJS:nmb
Attachment
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - February 5, 2024**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachment*)
Vaishali Reberholt, PE, Assistant Municipal Engineer (*w/attachment*)

2/5/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

3. Resolution 2024-133

"P" Order for NYSDEC Oversight - Amherst Central Park

AGENDA ITEM - FEBRUARY 5th, 2024

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Senior Deputy Town Attorney**

DATE: **January 31, 2024**

RE: **P Order For NYSDEC Oversight - 772 North Forest Road**

Kindly adopt the following resolution with respect to the above matter:

WHEREAS, on April 12, 2023, following approval of this Town Board, the Town of Amherst purchased certain property consisting of approximately 170.5 acres known as Tax Map/Parcel No.: 68.01-1-1.2, 772 North Forest Road, Town of Amherst (the "Site"); and

WHEREAS, the Town of Amherst intends to develop the Site as the Town of Amherst Central Park; and

WHEREAS, environmental studies conducted by the prior Owner prior to the purchase of the Site by the Town of Amherst, indicated the presence of environmental conditions which exceeded in some areas of the Site standards promulgated by NYSDEC for the certain planned uses of the Site by the Town of Amherst; and

WHEREAS, the Town of Amherst contacted NYSDEC to address environmental conditions at the Site to the satisfaction of NYSDEC, consistent with legal and regulatory requirements for the development of the Site by the Town of Amherst for its intended use; and

WHEREAS, the Town and the NYSDEC have negotiated a "P" Order to provide for NYSDEC oversight, including the submission of Work Plans and analytical findings to NYSDEC;

NOW THEREFORE, BE IT RESOLVED that this Town Board directs:

1. The Town Supervisor to execute the Order on Consent and Administrative Settlement ("Order") , attached hereto for a Remedial Program for the Site known as "Amherst Central Park" (DEC Site No. 915291, 772 North Forest Road, Amherst, New York, which Order shall under NYSDEC oversight in coordination with the Town's proposed construction activities, appropriately characterize and address contamination at the Site consistent with the Town's intended use.
2. The Town Supervisor, and his designee is further authorized to provide for the submittals to the NYSDEC as provided in the Order, with not less than quarterly reports to this Board regarding activities undertaken under the Order as authorized by this Resolution.

MAP:nmb
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment*, **Agenda Item - February 5, 2024**)

2/5/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

4. Resolution 2024-134

License Agreement - 400 Wehrle Drive (CRS #4578)

AGENDA ITEM - FEBRUARY 5th, 2024

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **January 29, 2024**

RE: **License Agreement (400 Wehrle Drive)**
Verizon Wireless - CRS #4578

Kindly adopt a resolution authorizing the Town Supervisor to execute a License Agreement that would permit Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless allowing for use of space on a lightpole structure to install, maintain and operate communications equipment pending successful completion of the CRS.

Thank you.

MAP:nmb:hs
c: Timothy Koller, Deputy Town Clerk
(**Agenda Item : February 5, 2024**)

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

5. Resolution 2024-135

Site Access Agreement (400 Wehrle Drive) (CRS #4566)

AGENDA ITEM - FEBRUARY 5th, 2024

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **January 31, 2024**

RE: **Site Access Agreement (400 Wehrle Drive)**
Verizon Wireless - CRS #4566

Kindly adopt a resolution authorizing the Town Supervisor to execute the attached Site Access Agreement permitting Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless

site access to assess the suitability of the above property for the placement, maintenance and use of a communications facility pending successful completion of the CRS.

Thank you.

MAP:nmb:hs
c: Timothy Koller, Deputy Town Clerk
(**Agenda Item : February 5, 2024**)

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

6. Resolution 2024-136

Site Access Agreement (1265 Smith Road) (CRS #4567)

AGENDA ITEM - FEBRUARY 5th, 2024

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **January 31, 2024**

RE: **Site Access Agreement (1265 Smith Road)**
Verizon Wireless - CRS #4567

Kindly adopt a resolution authorizing the Town Supervisor to execute the attached Site Access Agreement permitting Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless site access to assess the suitability of the above property for the placement, maintenance and use of a communications facility pending successful completion of the CRS.

Thank you.

MAP:nmb:hs
Attachment
c: Timothy Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : February 5, 2024**)

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

7. Resolution 2024-137

Settlement of Article 7 Matter - Dent Tower A/K/A Sheridan Equity Partners I, LLC V. Town of Amherst

AGENDA ITEM : FEBRUARY 5TH, 2024

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Senior Deputy Town Attorney**

DATE: **January 31, 2024**

RE: **Settlement of Article 7 Matter**
Dent Tower a/k/a Sheridan Equity Partners I, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

(1) Settlement of the above matter as detailed in the attached Consent Order; and

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Consent Order as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : February 5th, 2024**)
Emily Murphy, Town Assessor

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

8. Resolution 2024-138

Settlement of Article 7 Matter - R&F Amherst, LLC V. Town of Amherst

AGENDA ITEM : FEBRUARY 5TH, 2024

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Senior Deputy Town Attorney**

DATE: **January 31, 2024**

RE: **Settlement of Article 7 Matter**
R&F Amherst, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

(1) Settlement of the above matter as detailed in the attached Stipulation of Settlement and Order; and

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Stipulation of Settlement and Order as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : February 5th, 2024**)
Emily Murphy, Town Assessor

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

9. Resolution 2024-139

Settlement of Article 7 Matter - Amherst II VF, LLC V. Town of Amherst

AGENDA ITEM : FEBRUARY 5TH, 2024

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Senior Deputy Town Attorney**

DATE: **January 31, 2024**

RE: **Settlement of Article 7 Matter**
Amherst II VF, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

(1) Settlement of the above matter as detailed in the attached Consent Judgment; and

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Consent Judgment as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : February 5th, 2024**)
Emily Murphy, Town Assessor

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

10. Resolution 2024-140

Settlement of Article 7 Matter - Delta Sonic Car Wash Systems, Inc. V. Town of Amherst

AGENDA ITEM : FEBRUARY 5TH, 2024

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Senior Deputy Town Attorney**

DATE: **January 31, 2024**

RE: Settlement of Article 7 Matter
Delta Sonic Car Wash Systems, Inc. v. Town of Amherst

Kindly adopt a resolution authorizing the following:

(1) Settlement of the above matter as detailed in the attached Consent Order and Judgment; and

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Consent Order and Judgment as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : February 5th, 2024**)
Emily Murphy, Town Assessor

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

B. TOWN CLERK:

C. ASSESSOR:

D. BUILDING/BUILDING MAINTENANCE:

1. Resolution 2024-141

U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement CRS #4529, 4530 & 4531

Please authorize the Supervisor to sign contract between Town of Amherst and U&S Services, Inc. 95 Stark St, Tonawanda, NY 14150 CRS#4531. Below are annual payments for Police Dept.

2024 - $12,980.00
2025 - $13,360.00
2026 - #13,760.00

Please authorize the Supervisor to sign contract between Town of Amherst and the U&S Services, Inc. 95 Stark St, Tonawanda, NY 14150 CRS#4529. Below are the annual payments for Senior Center.

2024 - $7,500.00
2025 - $7,700.00
2026 - $7,900.00

Please authorize the Supervisor to sign contract between the Town of Amherst and U&S Services, Inc. 95 Stark St, Tonawanda, NY 14150 CRS#4530. Below are the annual payments for Town Hall.

2024 - $6,900.00
2025 - $7,100.00
2026 - $7,300.00

Thank you.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

E. CENTRAL ALARM:

F. COMPTROLLER:

1. Resolution 2024-142

Budget Transfers and Amendments

For February 5, 2024 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 01/31/2024
Re: Various Department Budget Transfers / Amendments

I have received the following request(s) requiring budget transfers and / or amendments. Based on my review, I ask that the Town Board approve the following list;

BUDGET TRANSFERS - 2023

FROM: ***TO:***

BUDGET TRANSFERS - 2024

FROM: ***TO:***

A1950.4190 Taxes on Town Property $1,404.29 A7253.4600 Ice Rink - Property Taxes $1,404.29
To transfer funds for 2024 Town & County bills on Town owned property.

A7450.2150 Building Improvements $24,150.07 A7450.9000 Interfund Transfers $24,150.07
To transfers funds from A7450 Museum into Capital Fund KP2234 Museum Improvements for roof repair.

BUDGET AMENDMENTS - 2023

INCREASE: ***INCREASE:***

A3649.04589 ARPA Federal Aid $191,487.50 A3649.2600 ARPA- Other $191,487.50
To recognize P.O. #22214351 B, C, E under ARPA.

A3122.02410 Bailey Ave Rentals $4,200.00 A3122.4220 Bldgs. & Grounds $4,200.00
To recognize revenue received for bailey avenue training facility.

BUDGET AMENDMENTS - 2024

INCREASE: ***INCREASE:***

N2340.02785 AMH HOME- PI $14,660.10 N2340.4000 Contractual $14,660.10
N2354.02785 HOME Admin- PI $1,628.90 N2354.4003 10% Admin $1,628.90
To recognize Community Development program income from 352 N. Ivyhurst, Amherst.

KP2403.05031 Interfund Transfers $100,000 KP2403.4971 Design $100,000
To setup capital project KP2403 BCD Design, Planning, Legal, (A8020.9000).

N2341.02785 AMH 1St Time Homebuyer $5,662.01 N2341.4000 Contractual $5,662.01
To recognize Community Development program income from 80 Groton, Amherst.

N2323.02785 CDBG & VG- PI $5,844.00 N2323.4000 Contractual $5,844.00
N2325.02785 CDBG Admin- PI $1,461.00 N2325.1000 Personal Svcs $1,357.18
N2325.8030 FICA $103.82
N2340.02785 AMH HOME- PI $4,802.40 N2340.4000 Contractual $4,802.40
N2354.02785 HOME Admin- PI $533.60 N2354.4003 10% Admin $533.60
To recognize Community Development program income from 112 Larch, Amherst.

C3623.02800 Town Match Grants $30,000.00 C3623.1000 Personal Services $25,000.00
C3623.03089 State Aid Grants $30,000.00 C3623.8030 FICA $2,000
C3621.4110 Contractual $30,000.00
C3621.4040 Travel $3,000.00
To setup the budget for Amherst Organics Management Plan CRS# 3633.

KP2234.05031 Interfund Transfers $24,150.07 KP2234.4972 Construction $24,150.07
To setup the budget for interfund transfers from A7450 into KP2234 Museum Improvements for roof repair.

BUDGET AMENDMENTS - 2024

DECREASE: ***INCREASE:***

A 0909 Assigned Fund Balance $100,000 A8020.9000 Interfund Transfers $100,000
To transfer funds from Assigned Fund Balance for Community Benefit to Planning Department for Interfund Transfers into KP2403 BCD Design, Planning, Legal.

2/5/2023

Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

2. Resolution 2024-143

Interfund Loan

Please approve an interfund loan and the appropriate budget amendments from the Drainage Fund (H) to the Capital Fund, KP2401 for Reist Street Culvert Replacement Over Ditch 10, CRS#4376, Bridge NY Local Project Agreement. Total cost of the project is $797,950 which is fully reimbursable from New York State Department of Transportation (NYSDOT). The 2024 loan will be $159,768.89 for design costs (KP2401.4971) with the balance of $638,181.11 (less any reimbursements) (KP2401.4972) for construction to be loaned in 2025.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

G. CONTRACT COMPLIANCE:

1. Resolution 2024-144

Award RFP #202307 for Sale of Athletic Venue Advertising - CRS #4484

WHEREAS, the Contract Compliance and Administration Department received proposals on November 15, 2023 for RFP #202307 for Sale of Athletic Venue Advertising; and

WHEREAS, the RFP process resulted in responses from one (1) vendor;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this RFP to Gibby Consulting Group, LLC; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with Gibby Consulting Group, LLC; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the fact that we are currently without a contract.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

2. Resolution 2024-145

Award Bid #2023056 Thomas Conveyor Replacement Parts - CRS #4525

WHEREAS, the Contract Compliance and Administration Department received bids on December 14, 2023 for Bid #2023052 for Thomas Conveyor Replacement Parts; and

WHEREAS, the bid process resulted in a response from one (1) vendor, as per the attached bid analysis form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award to James Eagen Sons Co.; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with James Eagen Sons Co..

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

3. Resolution 2024-146

Award Bid #2024002 Demolition of BNHV Storage Barn - CRS 4568

WHEREAS, the Contract Compliance and Administration Department received bids on January 19, 2024 for Bid #2024002 for the Demolition of BNHV Storage Barn; and

WHEREAS, the bid process resulted in responses from fourteen (14) vendors, as per the attached bid analysis form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to Durable Demolition LLC; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with Durable Demolition LLC; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to safety concerns at site.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

4. Resolution 2024-147

Award of Bid #2024006 NYS OGS Mini-Bid for (2) Ford F350 Trucks with Dump Body and Plow - CRS #4572

WHEREAS, Contract Compliance issued Bid #2024006 through NYS OGS for two (2) 2024 Ford F350 trucks with dump body and plow; and

WHEREAS, bids were received from four (4) vendors as per the attached Bid Tabulation Form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Mini-Bid be awarded to Delacy Ford for their low bid of $142,247.76; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with Delacy Ford; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the need to place the order with the vendor as soon as possible due to the long lead time.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

5. Resolution 2024-148

Award of Bid #2024007 NYS OGS Mini-Bid for (1) Ford F350 Truck with Dump Body - CRS #4573

WHEREAS, Contract Compliance issued Bid #2024007 through NYS OGS for one (1) 2024 Ford F350 truck with dump body; and

WHEREAS, bids were received from three (3) vendors as per the attached Bid Tabulation Form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Mini-Bid be awarded to Delacy Ford for their low bid of $64,053.88; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with Delacy Ford; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the need to place the order with the vendor as soon as possible due to the long lead time.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

6. Resolution 2024-149

Award of Bid #2024009 NYS OGS Mini-Bid for (2) Ford F550 Trucks with Dump Body - CRS #4574

WHEREAS, Contract Compliance issued Bid #2024009 through NYS OGS for two (2) 2024 Ford F550 trucks with dump body; and

WHEREAS, bids were received from seven (7) vendors as per the attached Bid Tabulation Form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Mini-Bid be awarded to Delacy Ford for their low bid of $143,817.46; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with Delacy Ford; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the need to place the order with the vendor as soon as possible due to the long lead time.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

H. COURT:

I. ECONOMIC DEVELOPMENT:

J. EMERGENCY SERVICES:

K. ENGINEERING SERVICES:

1. Resolution 2024-150

Resolution Amendment – Robinhill Rd. & Swanson Terr. Waterline Replacement TOA Project No. 2021.042

As per Resolution 2023-516, the above referenced project was awarded from accounts KP2309.4972 and KP2120.4972 and subsequently amended as per Resolution 2023-981 on December 4, 2023. At this time and in effort to further maximize available funds for current and future waterline repairs, we recommend and request further amendment of the above resolutions as per the following allocation for this project award:

Account	Original Award Allocation	Dec 4, 2023 Amendment	Current Proposed Amendment
KP2309.4972	$831,979.25	$735,097.25	$681,338.14
KP2120.4972	$40,925.00	$137,625.00	$191,384.11
Totals	$872,722.25	$872,722.25	$872,722.25

Thank you for considering this request.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

2. Resolution 2024-151

Evergreen Landing Street Lighting Engineering Services TOA Job# 2016.054A

Please authorize the comptroller's office to pay Wendel Invoice #EGD1 in the amount of $30,000 for initial design work associated with a new street lighting system within Evergreen Landing Subdivision. Funding is available in account E9997-4090.

Thank you for considering this request.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

L. FINANCE:

M. HIGHWAY

1. Resolution 2024-152

Authorize Quotation with FM Communications (CRS# 4575) and Northeast Site and Tower, Inc. (CRS #4576) – Radio Antenna Upgrade

WHEREAS, Quotation 102003251 for Highway Department allows for the project to be completed with FM COMMUNICATIONS INC, 1914 Colvin Boulevard, Tonawanda, NYvin the

amount of $7,125.00 for the antenna upgrade replacement.

WHEREAS AS, the HIGHWAY DEPARTMENT is requesting approval for FM COMMUNICATIONS INC (CRS#4575) and NORTHEAST SITE AND TOWER INC (CRS#4576) to complete the project.

This contract is subject to the Contract Routing System and the approval of the Town Attorney.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

N. HUMAN RESOURCES:

1. Resolution 2024-153

Recreation Attendant - PT/Youth & Recreation (2 Positions)

Recreation Attendant - PT/Youth & Recreation, Effective February 6, 2024, Temporary, $15.30 ph, Step 2 for Matteo Evola and Coleman Feldmann.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

2. Resolution 2024-154

Recreation Attendant - PT/Youth & Recreation (8 Positions)

Recreation Attendant - PT/Youth & Recreation, Effective February 6, 2024, Temporary, $15.50 ph, Step 1 for Thomas Errico, Nolan French, Dennis Majdandzic, Giovanni Maldonado, Matthew Parrish, Natalie Puccio, Anna Simpson and Noah Williams.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

3. Resolution 2024-155

Recreation Attendant - PT/Youth & Recreation

Recreation Attendant - PT/Youth & Recreation, Effective February 6, 2024, Temporary, $15.80 ph, Step 2 for Jack Foster.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

4. Resolution 2024-156

Recreation Attendant - PT/Youth & Recreation

Recreation Attendant - PT/ Youth & Recreation, Effective February 6, 2024, Temporary, $16.00 ph, Step 1 for Erik Soucy.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

5. Resolution 2024-157

Recreation Attendant - PT/Youth & Recreation (2 Positions)

Recreation Attendant - PT/Youth & Recreation, Effective February 6, 2024, Temporary, $16.50 ph, Step 1 for Lauren Pease and Diana Kane.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

6. Resolution 2024-158

Wastewater Treatment Plant Operator -Trainee/Eng./Plant #16

Please appoint a Wastewater Treatment Plant Operator-Trainee to the Engineering Department/Plant #16. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective February 6, 2024 at an hourly rate of $25.57, Grade 4, Step 2 for Richard Steele.

This is a Permanent appointment for a current employee who has been serving Provisionally.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

7. Resolution 2024-159

Wastewater Treatment Plant Operator-Trainee/Eng./Plant #16

Please appoint a Wastewater Treatment Plant Operator-Trainee to the Engineering Department/Plant #16. Permanent, from list, pending satisfactory completion of a

probationary term as set forth in the Civil Service Rule XIII. Effective February 6, 2024 at an hourly rate of $24.26, Grade 4, Step 1 for Kevin Kohut.

This is a Permanent appointment for a current employee who has been serving Provisionally.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

8. Resolution 2024-160

Project Manager-Construction/Engineering Department

Please appoint a Project Manager-Contruction to the Engineering Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective February 6, 2024 at an annual salary of $87,761.77, Grade 2, Step E of the Exempt Non-Department Head Salary Schedule for Christopher Schregel.

This is a promotion for an employee currently serving as a Project Manager-Construction.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

9. Resolution 2024-161

Project Manager-Construction/Engineering Department

Please appoint a Project Manager-Contruction to the Engineering Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective February 6, 2024 at an annual salary of $85,621.24, Grade 2, Step D of the Exempt Non-Department Head Salary Schedule for Jessica Boudreau.

This is a promotion for an employee currently serving as a Project Manager.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

O. INFORMATION TECHNOLOGY:

1. Resolution 2024-162

Request to Use Trust and Agency Funds - Account No. T4011

We respectfully request approval to spend up to $750 in Trust and Agency Funds, Account No. T4011-4002.

These funds were received from PEG Grant monies and will be used to purchase assistive audio equipment for Council Chambers, consisting of wireless audio receivers, headphones and sanitary disposable headphone ear covers.

The account balance as of January 24, 2024 is $69,500.00.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Shawn Lavin
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

P. PLANNING:

1. Resolution 2024-163

SEQR Notice of Intent to be Lead Agency (West Side Interceptor Force Main and Pump Station)

WHEREAS, pursuant to 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Town Code Chapter 104, as amended, the Town Board is deemed the SEQR Lead Agency for those actions which it has sole discretionary power, including but not

limited to purchases, rezoning decisions and adoptions of local laws, and

WHEREAS, this Town Board is proposing the construction of a major capital sanitary sewer improvement project within the Boulevard Central District to improve the Town's West Side Interceptor Sewer and desires to initiate the required State Environmental Quality Review (SEQR) to allow for the proposed construction of such project, and

WHEREAS, the proposed sanitary sewer project will involve other involved agencies for its approval,

NOW THEREFORE BE IT RESOLVED, that the that Engineering Department with the assistance of the Planning Department be hereby directed to solicit all involved/interested agencies for concurrence with the Town's desire to act as SEQR lead agency for its proposed West Side Interceptor Force Main and Pump Station Project, thus, permitting this Town Board to may make the required determination of environmental significance prior to the Town commencing construction.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

2. Resolution 2024-164

To Adopt the 2024 CDBG/HOME Annual Action Plan and to Authorize the Supervisor to Submit the Plan to the Department of Housing and Urban Development

WHEREAS, the Town has prepared an Action Plan delineating the use of CDBG and HOME funds for Fiscal Year 2024 to address housing and community development needs identified in the 2020-2024 Five Year Consolidated Plan; and

WHEREAS, the Town has complied with HUD requirements that at least two public hearings be held. The first hearing was on October 17, 2023 and a second was held on January 22, 2024 to inform citizens of the availability of CDBG and HOME funds for Program Year 2024, now, therefore, be it

RESOLVED that the Amherst Town Board hereby adopts the 2024 CDBG/HOME Annual Action Plan for April 1, 2024-March 31, 2025, and authorizes the Supervisor to act as the official representative of the Town in submitting the Action Plan and amendments thereto, all understandings and assurances contained therein, and authorizes him to act in connection with the submission of the Action Plan and to provide such additional information as may be required by the Department of Housing and Urban Development.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Q. POLICE:

1. Resolution 2024-165

Request for Additional Funds 2023 Asset Forfeiture Trust Account

Town Board Agenda Item: February 5, 2024

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **Request for Additional Funds**
2023 Asset Forfeiture Trust Account

Kindly adopt a resolution authorizing the approval to spend up to an additional $5,000.00 from T2917 Asset Forfeiture Trust Account. This account is federally regulated by instituted guidelines regarding the expenditure of funds.

Thank you.

SPC: msl
C: Tim Koller, Deputy Town Clerk (**Agenda Item: February 5, 2024**)

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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2. Resolution 2024-166

Training & Travel Request Network Intrusion Response Program

TOWN BOARD AGENDA ITEM : FEBRUARY 5, 2024

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **Travel & Training Request**
Network Intrusion Response Program

Kindly adopt a resolution authorizing One (1) Police Officer to attend a Network Intrusion Response Program Training Course in Hoover, Alabama. This course is being held from March 17, 2024 to April 5, 2024. The cost for travel associated with this course is $848.20.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: February 5, 2024)**

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

3. Resolution 2024-167

Training & Travel Request Advanced Forensics Training

TOWN BOARD AGENDA ITEM : FEBRUARY 5, 2024

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **Training & Travel Request**
Advanced Forensics Training

Kindly adopt a resolution authorizing One (1) Police Officer to attend the Advanced Forensics Training Course in Hoover, Alabama. This course is being held from April 7, 2024 to April 19, 2024. The cost for the training and travel for this course is paid for by the organization teaching the course.

Thank you.

SPC:msl
C: Tim Koller, Deputy Town Clerk **(Agenda Item: February 5, 2024)**

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

4. Resolution 2024-168

Travel & Training Request Call Detail Record Analysis

TOWN BOARD AGENDA ITEM : FEBRUARY 5, 2024

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **Travel & Training Request**
Call Detail Record Analysis

Kindly adopt a resolution authorizing One (1) Police Officer to attend the Call Detail Record Analysis Training Course in Hoover, Alabama. This course is being held from May 13, 2024 to May 17, 2024. The cost for the training and travel for this course is paid for by the organization teaching the course.

Thank you.

SPC:msl
C: Tim Koller, Deputy Town Clerk **(Agenda Item: February 5, 2024)**

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

5. Resolution 2024-169

Gun Involved Violence Elimination (GIVE) Grant Agreement (CRS #4564) New York State Division of Criminal Justice Services (NYSDCJS)

TOWN BOARD AGENDA ITEM: FEBRUARY 5, 2024

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **Gun Involved Violence Elimination (GIVE) Grant Agreement (CRS#4564)**
New York State Division of Criminal Justice Services (NYSDCJS)

Kindly adopt a resolution authorizing the Supervisor to adopt and execute the attached grant agreement between the Town of Amherst (Police) and the New York State Division of Criminal Justice Services (NYSDCJS) with regard to the above-entitled matter. Approval of this grant agreement is contingent upon the successful completion of the Contract Routing Process.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk (**Agenda Item: February 5, 2024**)

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

R. SENIOR SERVICES:

S. SEWER/PLANT 16:

1. Resolution 2024-170

Xylem Level Probe Procurement Fleet Pump & Service Group, Inc. CRS – 4559

The Engineering Department - WPCF Division is requesting that the Town Board authorize the Supervisor to sign the attached agreement with Fleet Pump & Service Group, Inc. who is the "sole source" supplier of Xylem level probes for the State of New York. The total cost of this procurement as listed on the attached proposal number 231212-08-MDH is $5,734.00. The term of this agreement will be from date of Town Board approval through March 01, 2024.

Funds will be available in G9916-4929

Thank you for considering this request.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

2. Resolution 2024-171

Change Order #1 – Sewer Jet Water Tank Coatings Eastern Tank Services CRS No. 4579

We are requesting Town Board approval for the above referenced change order. Upon initial inspection of the water truck E-66, the tank baffles were found to be structurally compromised and needed to be reinstalled before the tank coating could be completed.

Funding for these additional services at a total cost of $843.00 is available from account G9000-4300.

This request is pending successful completion of the contract routing process.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

3. Resolution 2024-172

TOA Bid 2020035 Allen Bradley Product – Bid Extension Rexel Inc. CRS No. 4569

The Engineering Department, WPCF division is requesting that the Town Board authorize the Supervisor to sign the attached contract extension agreement with Rexel Inc. The terms and conditions within Town of Amherst Bid 2020035 Allen Bradley Products will remain the same. The term of this contract will run from February 22, 2024 through February 21, 2027.

This request is pending successful completion of the contract review process.

Funds for this request are available Town Wide and Various.

Thank you for considering this request.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

T. YOUTH AND RECREATION:

XIV. UNFINISHED BUSINESS

XV. COMMUNICATIONS

1. Communication 2024-7

Request for Public Hearing - 1635 North French Road Rezoning

Request from Ari Goldberg, Esq. for a public hearing with respect to the rezoning of 1635 North French Road from R-3 to NB.

This hearing has been scheduled for March 11th.

2/5/2024
Consent

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

2. Communication 2024-8

Request for Public Hearing - 46-84 South Linden Street

Request from Jeffery Palumbo, Esq. for a public hearing to Amend the Comprehensive Plan for 46-84 South Linden Road.

This public hearing has been scheduled for March 11th.

2/5/2024
Consent

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

3. Communication 2024-9

Joe Rubino Correspondence

Letter from Joe Rubino concerning the status of the Suburban Agriculture (SA) zoning report.

2/5/2024
Referred to Town Attorney and Planning

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

4. Communication 2024-10

Notice of Verified Petition and Verified Petition: Concerned Residents for Amherst Central Park, by Its Chairperson William F. Wopperer Vs. Town of Amherst, Amherst Town Board, Town of Amherst Planning Board, and Brian J. Kulpa, in His Official Capacity as the Town Supervisor of the Town of Amherst

2/5/2024
Referred to Town Attorney

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

XVI. PUBLIC IMPROVEMENT PERMITS

XVII. PUBLIC EXPRESSION #2

This is an opportunity for residents to comment on matters involving Amherst other than those pertinent to Public Hearings that day. Speakers will be limited to 3 minutes.

A motion to open Public Expression was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. Public Expression was opened at 10:30 PM.

The following speakers addressed the Town Board:
Don Smith, 201 N Long St - resolution 2024-133
Chris Drongosky, Youngs Rd - Amherst central park
Shelly Schratz, 1952 Kensington Ave - Amherst central park
Tom Weisbeck, 48 Drawbridge Ct - development
Matt Plunkett, 299 Northill Dr - not listening to residents
Kathy Aquilina, 215 Maple Rd - westwood
Christina Coyle-Lenz, 64 Chateau Ter E - Amherst Central Park

There were no further speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Councilmember Lavin and unanimously approved 5-0. Public Expression was closed at 10:46 PM.

XVIII. ADJOURNMENT

There being no further business to come before the Town Board, Supervisor Kulpa moved to adjourn, seconded by Councilmember Lavin and unanimously approved 5-0. The Town Board meeting of February 5, 2024 was adjourned at 10:47 PM.

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

Francina J. Spoth
Town Clerk

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

DOC ID: 27999 **RESOLUTION 2023-775** **HEARING CLOSED**

Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road

Request for a special use permit for a Tier III Solar Energy System at 800 & 850 New Road.

9/18/2023
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 7:10 PM.

Marc Kenward of Erdman Anthony & Leigh McEntire of Sol Source Power LLC, presented.

The following speakers opposed the project:
Sally Blazynski, 905 New Rd
Heidi Wagonblott, 885 New Rd
Christopher Wyles, 861 New Rd

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was adjourned at 7:50 PM.

10/2/2023
A motion to adjourn was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

1/22/2024
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was opened at 7:25 PM.

Marc Kenward of Erdman Anthony & Leigh McEntire of Sol Source Power LLC, presented.

The following speakers addressed the Town Board:
Isabell Posner, 317 Ruskin Rd
Matt Plunkett, 299 Northill Dr
Karen Piazza, 89 San Fernando Ln
Tara Kim, 1315 Dodge Rd
Sally Blazynski, 905 New Rd

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn the hearing until the February 5th Town Board meeting, seconded by Councilmember Lavin and unanimously approved 5-0. The public hearing was adjourned at 7:57 PM.

2/5/2024

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was opened at 8:04 PM.

Marc Kenward of Erdman Anthony, Leigh McEntire of Sol Source Power LLC and Attorney Sean Hopkins spoke.

The following speakers addressed the Town Board:
Matt Plunkett, 299 Northill Dr
Heidi Wagonblott, 885 New Rd
Sally Blazynski, 905 New Rd
Jonathan Rich, 210 Smith Rd
Christina Coyle-Lenz, 64 Chateau Ter E
Tom Weisbeck, 48 Drawbridge Ct

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the public hearing, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was closed at 8:41 PM.

RESULT:	**HEARING CLOSED**

Amherst
Town of Amherst Planning Department
Erie County, New York

Brian J. Kulpa
Supervisor

Daniel C. Howard,
Planning Direct

Daniel J. Ulatowski,
Assistant Planning Di

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

Town Board Agenda of September 18, 2023

September 12, 2023

The Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Subject: Request for a Special Use Permit for a Tier III Solar Energy System; property located at 800 & 850 New Road, Sol Source Power LLC, Petitioner. (SP-2023-01).

Honorable Members:

The project consists of the construction of a Tier III Solar Energy System (5Mw of power) that includes an access road, the solar array equipment and associated pads interior to the site. The array will be located on 27.52 ± acres of the total 51.98 ± acres of land. A fence will surround the entire project site and vegetative screening will be used along all property lines to conceal the array.

The subject property is a 51.98 ± acre rectangular parcel located on the west side of New Road approximately 800 ± feet north of its intersection with Millersport Highway. The subject site is vacant with scattered trees. The site includes two (2) Federal Jurisdictional Wetland areas and is located within the 100-Year Floodplain. New Road is an Erie County roadway, classified as a collector roadway in Figure 9 of the Bicentennial Comprehensive Plan.

For information on the surrounding zoning and land use, please refer to the attached sketch.

HISTORY OF PREVIOUS REZONING REQUESTS / SITE PLAN ACTIONS:

Rezoning:

The subject site was zoned Suburban Agriculture (SA) with the adoption of the Town wide Zoning Map & Ordinance on January 19, 1976.

Z-1984-26:
A request to rezone land (3.4± acres) at 800 New Road from Suburban Agriculture (SA) to General Business (GB) for the establishment of a nursery-garden center was approved by the Town Board on December 3, 1984 subject to the following deed restriction;

1. That said parcel, together with any additions or improvements thereon, shall solely and exclusively have a primary use as a nursery and secondary use as a landscaping contract business only as started above, and shall not be at any time devoted to any other business use unless consented to or approved by the Town Board of the Town of Amherst.

Honorable Town Board

Request for a Special Use Permit;
Property located at 800 & 850 New Road
Agenda of September 18, 2023

Z-1984-26_A:
A request to remove a declaration of restrictions imposed as part of a rezoning decision limiting use to nursery and landscaping business was approved for the property located at 800 New Road by the Town Board on March 20, 2023.

Z-2022-12:
Request to rezone 3.4± Acres of Land from GB to SA for the property located at 800 New Road was approved by the Town Board on March 20, 2023.

Site Plans:

SP-1985-03	A site plan for the construction of a 1,140 sq. ft. building with 11 parking spaces for a nursery with retail sales on 3.26 +/- acres of land zoned GB was approved by the Planning Board on January 17, 1985.
SP-1985-03_A	Proposal to construct a one-story, 1,728 sq. ft. building with 15 parking spaces on approx. 3 acres of land zoned GB was approved by the Planning Board on November 19, 1987.

The Planning Board offers the following findings consistent with §8-3 of the Zoning Ordinance.

INTENT AND OBJECTIVES OF THE COMPREHENSIVE PLAN
Section 3.3.8 of the Bicentennial Comprehensive Plan states:

> *"Ensuring the long-term viability of agricultural and farming operations is key to maintaining diverse neighborhoods including those with rural character."*

The subject parcel is located within 500 feet of an Erie County Agricultural District and consists of soils that are of statewide importance for farming. A decommissioning plan has been submitted that documents the required procedure to return the land to the state in which it exists prior to development. The proposed use is not a farming activity, however the applicant is required to co-locate an agricultural use, such as an apiary or sheep grazing. The long-term viability of the land to be an agricultural use will not be threatened by the proposed use as a Tier III Solar Energy System and therefore is consistent with the Bicentennial Comprehensive Plan.

Section 4-7 of the Bicentennial Comprehensive Plan states:

> *"Apply best management practices (BMP's) to reduce water quality impact of development."*

Preserve natural vegetation and institute clearing limits for new construction.

The subject project contains two jurisdictional wetlands, Wetland 1, which is 0.92± acres and Wetland 2, which is 11.36± acres. Within Wetland 2, 2.18± acres of trees will be removed as part of the subject solar project. Mitigation for impacts to the wetland habitat for such tree losses should be sought by the Town.

INTENT AND OBJECTIVES OF THE ZONING ORDINANCE
The proposed Tier III Solar Energy System is consistent with Section 3-3-1 of the Zoning Ordinance which establishes the purpose of the Suburban Agriculture district as providing areas for the development of uses that include farms, farm-related activities and non-intensive compatible uses. A Tier III Solar energy system is a non-intensive farm compatible use and therefore is consistent with the intent of the zoning district.

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

Honorable Town Board

Request for a Special Use Permit;
Property located at 800 & 850 New Road
Agenda of September 18, 2023

CONSISTENCY/COMPATIBILITY WITH SURROUNDING DEVELOPMENT/ZONING

The project is located in the Suburban Agriculture (SA) zoning district; neighboring uses are single family residential on the east, west, and south zoned SA, vacant land to the north zoned SA, and vacant land to the east and south zoned Traditional Neighborhood Development District (TND); therefore, the project is consistent with surrounding land use and zoning designations.

ADEQUATE SERVICES AND UTILITIES

All services and utilities necessary for the proposed rezoning are available and adequate at the subject location. This is a Type I action, and an environmental assessment consistent with SEQR has been prepared for the subject proposal.

The applicant, as required in §203-6-10-7B3(d)(5) has provided confirmation from National Grid for establishment of interconnection to the grid. The applicant has also submitted an Operations and Maintenance Plan that outlines the applicant or their contractor's responsibility for maintaining each component of the system in working condition on a regular basis including inspections on an annual or semi-annual schedule. The Operations and Maintenance Plan also outlines applicable safety requirements for the maintenance of the system.

RECOMMENDATION

The Planning Board at their meeting of August 17, 2023 held a public hearing and approved a site plan for the subject request, and pursuant to Local Law #3-82, as amended, made a determination that the requirements of SEQR have been completed and issued a Negative Declaration for the subject site plan.

Tier III Solar Energy Systems are a permitted use subject to the issuance of a Special Use Permit by the Town Board pursuant to §203-8-6-1D of Town Code,

The Planning Department requests that if the Town Board desires to act on the Special Use Permit request, that a decision date be established after the public hearing so that the Planning Department can prepare a determination of environmental significance pursuant to SEQR, and prepare a resolution for the Town Board's consideration. The petitioner has not yet met with the Amherst IDA to discuss terms of a P.I.L.O.T. Agreement or a Community Benefit Agreement. The Town Board is encouraged to delay a decision date until the Amherst IDA has a draft P.I.L.O.T. and Community Benefit Agreement from the petitioner. Additionally, as a condition of Special Permit approval, the petitioner should provide a wetland habitat restoration plan for the 2.18± acres of tree removal that are proposed within jurisdictional wetland 2.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/TV/ac
Att.
X:\Current_Planning\Files\Site Plans\2023\SP-2023-01_(800_&_850_New_Road)_2023\SP-2023-01_TB_Letter.docx
cc: Martin Polowy, Town Attorney

Planning Board Approval August 17, 2023
Ayes 6; Noes 0; Absent 1

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard,
Planning Direct

Daniel J. Ulatowski,
Assistant Planning Di

'23 AUG 25 AM9:45

SEQR
Negative Declaration

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Planning Board	**Project:**	SP-2023-01
Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	**Date:**	August 17, 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: Site Plan Review

SEQR Status: Type 1 Action

Description of Action: The construction of a Tier III Solar Energy System (5Mw of power) that includes a solar array, an access road and associated equipment pads interior to the site. The array will be located on 27.52 ± acres of the total 51.98 ± acres of land and a fence will surround the entire project site. Work will include the site improvements not specifically stated above, including, stormwater, utilities, grading, lighting, paving, and landscaping.

Location: 800 & 850 New Road, Amherst, Erie County

Petitioner: Sol Source Power, LLC

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

'23 AUG 25 AM9:45

REASONS SUPPORTING THIS DETERMINATION

Based on information submitted by the applicant including a Full Environmental Assessment Form (EAF) - Part I, (as amended) and a complete site plan application, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that this action will not have a significant impact on the environment, as follows:

1. The Engineering Department on April 18, 2023 reviewed the Grading, Drainage and Utility, and Erosion Control Plans submitted on April 14, 2023. A Custom Soil Resource Report for the subject site was prepared by the United States Department of Agriculture with the National Resources Conservation Services and submitted to the Planning Department on January 23, 2023. 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 Stormwater Pollution Prevention Plan (SWPPP) submitted on July 20, 2023 was also reviewed. Based on its review of these documents, the Stormwater Management Officer has determined that the project has or will have met all applicable requirements and has no objection to its approval.

2. The Planning Department reviewed a Landscape Plan submitted on July 18, 2023 and determined that it meets or exceeds Zoning Ordinance requirements for greenspace. The Landscape Plan has or will have met all Zoning Ordinance and Town requirements for landscaping.

   A Forestry Assessment Report prepared by Keister Consulting Inc., stated that the removal of tress on the subject site is justified due to the lack of significant trees both in size and health. It was further stated that many of the existing trees are being negatively impacted by insects and that the existing groundcover would prohibit the growth of new trees.

   Further, a Habitat Assessment Report was prepared by Earth Dimensions Inc., concluded that the subject site contains a potentially suitable habitat for the Monarch Butterfly and the Northern long-eared Bat. In response, the petitioner has agreed to use a wildflower seed mix to mitigate for the potential impacts to the Monarch Butterfly' habitat. The New York State Department of Environmental Conservation (NYSDEC) in their letter dated May 23, 2023, states that there is "no records of rare or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity".

   Therefore, 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.

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

'23 AUG 25 AM9:45

3. The project is not expected to create any substantive conflict with the Town Comprehensive Plan. The Planning Department in their review of August 1, 2023 has reviewed the application documents and Building Department in their review of April 19, 2023 has reviewed the application documents and determined that the subject project has or will have met all International Building Code – 2015 and Zoning Ordinance regulations.

4. The project is within an area identified by the State as having potential archaeological or historical significance. A Phase 1 Archeological Investigation was prepared by Hartgen Archeological Resources and received by the Planning Department on July 18, 2023 concluded that the project will not have a significant impact on historical or cultural resources. The NYS Office of Parks, Recreation and Historic Preservation has reviewed the project and, as stated in their letter of June 13, 2023, determined that there will be no impact on these resources.

5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The project is located in the Suburban Agriculture (SA) zoning district; neighboring uses are single family residential on the east, west, and south zoned SA, vacant land to the north zoned SA, and vacant land to the east and south zoned Traditional Neighborhood Development District (TND); therefore, the project is consistent with surrounding land use and zoning designations.

6. The proposed subject development will include the construction of a Tier III Solar Energy System which will not cause a major change in the use of either the quantity or type of energy.

7. The project will not create any hazard to human health. The Fire Chief's Association on April 21, 2023, has reviewed the project and has no objection to the approval of the site plan, as all requirements of this agency has or will have been met.

8. The project will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The use of sheep, goats, lambs or practices such as Apiculture is required to be incorporated into the project to maintain an agricultural use of that land. Further, a vegetative management plan has been submitted and reviewed by the Town's Landscape Architect that includes the preservation of existing vegetation and soils. The construction of a Tier III Solar Energy System on approximately 53% of the subject site (27.52 out of 51.98 acres) will be consistent with the scale of surrounding land uses.

9. The function of the proposed construction of a Tier III Solar Energy System will not significantly increase the number of people using the site over its previous level of use.

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

'23 AUG 25 AM9:46

10. Review by the Town Traffic/Safety Board dated April 20, 2023, and NYSDOT dated February 2, 2023, indicates that significant negative traffic impacts are not expected to result from the proposed project.

11. A coordinated review of the project has been undertaken by Town Departments, in addition to those mentioned above, Highway on March 27, 2023, Assessor on February 2, 2023, , and Right-of-Way Agent on February 2, 2023 along with outside agencies including the Erie County Department of Environment and Planning on February 22, 2023, New York State Department of Transportation on February 2, 2023, New York State Department of Environmental Conservation on February 9, 2023, and the New York State Office of Parks, Recreation and Historic Preservation on June 13, 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 cause significant negative environmental impacts.

Planning Board Approval
Moved by: Chmiel; Seconded by: Kahn Ayes 6, Noes 0, Absent 1 (Raffaele)

Thomas J. Voigt, Assistant Planner — Date 8/24/23

Robert J. Gilmour, Planning Board Chair — Date 8/24/23.

TV/ac
X:\Current_Planning\Files\Site Plans\2023\SP-2023-01_(800_&_850_New_Road)_2023\SP-2023-01_neg dec_081723.docx
cc: Commissioner of Building
Town Engineer
Fire Chiefs'
Highway
Traffic/Safety
ECDEP
NYSDEC
Steve Long, Sol Source Power, 1 Washington Place, Troy, NY 12180
Marc Kenward, Erdman Anthony Consulting, 145 Culver Rd., Ste. 200, Rochester, NY 14620

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

TOWN OF AMHERST
PLANNING BOARD
SITE PLAN RESOLUTION
SP-2023-01

PETITIONER

Sol Source Power, LLC
1 Washington Place
Troy, NY 12180

PROPERTY LOCATION

800 & 850 New Road

'23 AUG 25 AM9:46

WHEREAS, the Town of Amherst Planning Board on Thursday, August 17, 2023 held a public hearing on a Site Plan for the construction of a Tier III Solar Energy System, and

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

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

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

A. The proposed site plan is consistent with the development plan if one is required.

B. The proposed site plan is consistent with the purpose and specific requirements of the Zoning Ordinance and generally consistent with the policies of the Comprehensive Plan.

C. Adequate services and utilities will be available prior to occupancy.

D. The site plan is consistent with all other applicable laws.

E. Pursuant to Local Law #3-82, as amended, the Planning Board has determined that the requirements of SEQR are complete and that the subject proposal is not expected to have a significant adverse effect on the environment.

F. Review by the US Army Corps of Engineers under Section 404 of the Clean Water Act is required since hydric / potentially hydric soils have been identified on the parcel.

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

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

1. That the consideration of signs is specifically excluded from this approval as they require a separate review and approval by the Town.

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

TOWN OF AMHERST
PLANNING BOARD
SITE PLAN RESOLUTION
SP-2023-01

PETITIONER

Sol Source Power, LLC

PROPERTY LOCATION

800 & 850 New Road

'23 AUG 25 AM9:4[illegible]

2. That all dumpsters/trash containers and all mechanical equipment, utility structures, multiple meter boards, generators, and similar appurtenances, including those which are mounted on any part of a primary structure shall be appropriately screened with a fence, wall, and/or landscaping. Provide gate on dumpster enclosure that shall be closed whenever dumpster is not being serviced, enclosure shall be high enough to screen the dumpster(s) within.

3. That as-built record drawings, including location of utilities, be provided to the Engineering Department prior to issuance of a Certificate of Occupancy by the Building Department.

4. At the time of inspection for the certificate of compliance, the Town can require supplemental plantings in accordance with §203-7-2-4B(a) of Town Code to satisfy buffer and screening requirements.

5. The parcels located at 800 & 850 New Road to be merged prior to issuance of final approved site plan drawings.

6. That the petitioner is required to mitigate any glare produced by the array along Hopkins, Smith, New Roads and Millersport Highway by supplementing the existing vegetative screening with additional line-of-sight plantings on the subject site if complaints relating to glare are received by the Building Department.

7. That the petitioner provide a copy of any and all USACOE, USFW, and NYSDEC permit applications to the Planning Department when filed.

8. Tree removals outside of the fenced compound will not be authorized without evidence that such removals are necessary for the operation of the solar arrays.

9. That the petitioner or petitioner's contractor obtain any and all permits from the Erie County Department of Public Works- Highways Division for any work within the New Road right-of-way.

10. That the petitioner satisfy the requirements of the Stormwater Management Officer in their review letter dated May 2, 2023 to the satisfactory of the Officer.

11. That the petitioner provide documentation of the co-location of an agricultural use as required by §203-6-10-7B(8) of Town Code.

12. That any potentially hazardous metals in the solar panels be securely contained in the event of a breakage or fire.

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

TOWN OF AMHERST
PLANNING BOARD
SITE PLAN RESOLUTION
SP-2023-01

PETITIONER

Sol Source Power, LLC

PROPERTY LOCATION

800 & 850 New Road

'23 AUG 25 AM9:46

13. That the Town Board issue a Special Use Permit pursuant to §203-8-6-1(D) of Town Code.

The foregoing resolution was adopted by the Town of Amherst Planning Board, August 17, 2023; moved by Chmiel; seconded by Kahn; ayes 6, noes 0; absent 1 (Raffele).

Robert J. Gilmour, Planning Board Chair

8/24/23
Date

TV/ac
X:\Current_Planning\Files\Site Plans\2023\SP-2023-01_(800_&_850_New_Road)_2023\SP-2023-01_resolution_081723.doc
cc: Commissioner of Building
Town Engineer
Fire Chiefs
Traffic/Safety
Highway Superintendent
ECDEP
NYSDEC
Steve Long, Sol Source Power, 1 Washington Place, Troy, NY 12180
Marc Kenward, Erdman Anthony Consulting, 145 Culver Rd., Ste. 200, Rochester, NY 14620

Approved Plan: Erdman Anthony
Received: July 18, 2023

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

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: New Road Solar 1, LLC; c/o Sol Source Power [contact -Steve Long]

Address: 1 Washington Place

Troy (city) NY (state) 12180 (zip code)

Phone: (603) 455-9483 Fax: _____

E Mail: Steve@solsourcepower.com

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

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

Name: Erdman Anthony Consulting Engineers [contact - Marc Kenward]

Address: 145 Culver Rd., Suite 200

Rochester (city) NY (state) 14620 (zip code)

Phone: (585) 427-8888 Fax:

E Mail: KenwardMD@erdmananthony.com

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

Address: 850 New Road, Amherst, NY 14228 &

800 New Road, Amherst, NY 14228

SBL No(s): 16.00-2-14.1 & 16.00-2-14.2

Project Name: New Road Solar 1, LLC.

Project Description: The proposed project will construct and operate a 5 Mw (AC) ground-mounted utility grade solar energy system on 28.77 +/- acres of a combined parcel area of 51.98 acres of agricultural land.

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

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

	existing	proposed	total
Gross Floor Area (non-residential):			
Gross Floor Area Residential:			
Number of Residential Units:			
Number of Parking Spaces:			

Acreage of Parcel: 40.468 Acres (850 New Road)

(list each parcel separately) 11.511 Acres (800 New Road)

Frontage on Public Roads: 60 ft

(list each road separately)

Existing Zoning District(s) Suburban Agricultural & General Business

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

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

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"**		
2.0	**Title of Drawing**		
3.0	**Name and address of Applicant**		
4.0	**Name of person preparing drawing**		
5.0	**Wet seal/raised seal and signature of NYS licensed architect, engineer, landscape architect, or surveyor (as applicable)**		
6.0	**Project address**		
7.0	**Zoning of subject property and adjacent parcels**		
8.0	**North point, scale, date, and revision date(s)**		
9.0	**4" x 6" reserved area in lower right hand corner for official Town use**		
II	**Structures, Paved Areas, & Open Space**		
1.0	**Existing and Proposed Streets**		
1.1	Names of all existing and proposed streets		
1.2	Width and radii of proposed curb-cuts		
1.3	Existing curb-cuts on adjacent and opposite properties		
1.4	Show ROW width, pavement dimensions, lane widths, pavement markings, and proposed signage on proposed streets		
1.5	Show proposed ROW consistent with planned NYSDOT, Erie County, or Town road projects (if applicable)		
1.6	Show location of proposed cross access to adjacent parcels along with a draft easement		
1.7	Designation of Fire Lanes (if applicable)		
1.8	Fire apparatus access roads		
1.9	Label any proposed roads as public or private		
1.10	Location and dimensions of sidewalks		
1.11	Typical cross sections and profiles of proposed streets, pedestrian walkways, and bikeways		
2.0	**Proposed Structures**		
2.1	Location and complete dimensions of proposed structures		
2.2	Setback dimensions of structure(s) to all property lines		
2.3	Proposed use of structures		
2.4	Gross square feet area of each structure		
2.5	Location of all building entrances		
2.6	Indicate type of roof construction/materials		
2.7	Location, height, and design detail of existing and proposed fences and walls		
2.8	Location of light standards and building mounted lights		
2.9	Location of dumpster and detail of dumpster enclosure with gate		
2.10	Layout and dimensions of the lot(s) proposed for development		

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Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

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)		
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)		
4.1	Show screening of mechanical equipment		
5.0	**Parking/Loading/Stacking Areas**		
5.1	Location and complete dimensions of all paved areas		
5.2	Setback dimensions of all paved areas to property lines		
5.3	Dimension of typical parking space and drive aisles		
5.4	Location and layout of handicapped parking spaces & access aisles		
5.5	Detail of vertical signage for handicapped parking and access aisles		
5.6	Indicate minimum parking requirement & number of spaces provided		
5.7	Proposed signage for directing and guiding traffic		
5.8	Curb cut permits from NYS, Erie County, or Town (if applicable)		
5.9	Pedestrian connections (from proposed structures to public sidewalk network)		
6.0	**Location and proposed development of all open spaces, including parks, playgrounds, and open reservations**		
III Utilities and Drainage			
1.0	**Engineers Report** (bound separately from the Stormwater Pollution Prevention Plan [SWPPP])		
1.1	Stamped/sealed and signed by NYS licensed architect or professional engineer		
1.2	Proposed water service sizing, RPZ pressure and fire safety flow and pressure calculations		
1.3	Proposed sanitary sewer facility load calculations (avg. & peak flows) including calculation of the peaking factor		
1.4	Proposed storm drainage facility calculations (see information included with this application)		
2.0	**Grading Plan**		
2.1	Existing and proposed grades indicated (proposed grades may not exceed 1 on 3)		
3.0	**Water Service**		
3.1	Location, size and material of existing and proposed facilities		
3.2	Location of existing and proposed fire hydrant location(s)		
3.3	Indicate use of sprinklers, location of Fire Department connection, and proposed fire protection systems		
3.4	Existing and proposed meter/RPZ size and location		
3.5	Applicable construction details		
4.0	**Sanitary Sewers**		
4.1	Locations, sizes, slopes, inverts, and materials of all existing and proposed facilities		

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

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Item No.		Submitted	Official use
III Utilities and Drainage (cont'd)			
4.2	Applicable construction details		
4.3	Proposed water/oil/grease interceptor sizing calculations by a professional engineer (if applicable)		
5.0	**Storm Drainage**		
5.1	Locations, sizes, slopes, inverts, and materials of existing and proposed storm drainage facilities		
5.2	Connection of roof drains to proposed drainage system		
5.3	Applicable Town Standard construction details		
5.4	Existing and proposed swales and ditches		
5.5	Detention area cross-section and high-level elevations		
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.**		
7.0	**Natural Gas Service**		
8.0	**Location of transformers, generators and other mechanical equipment; include detail drawings (if applicable)**		
9.0	**Downstream Sanitary Capacity Analysis (DSCA) Report** (must be submitted if proposed average flows are greater than 2,500 gallons per day)		
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		
IV Lighting Plan			
1.0	**Photometric plan showing light spread in foot candles at property lines**		
1.1	Detail of all light standards, including dimension of height from finished grade		
1.2	Detail of all exterior lighting fixtures		
V Landscape Plan			
1.0	**Wet/raised seal and signature of a licensed Landscape Architect**		
2.0	**Provide a calculation of the total Parking area and a calculation of interior parking area in square feet and as a percentage**		
3.0	**Indicate location, size, number and type of proposed landscape materials**		
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**		
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**		

Town of Amherst Planning Department 5583 Main Street Williamsville-NY-14221
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Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

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		
2.0	**Topographic Survey with a 30 ft. buffer outside all property lines by a NYS licensed land surveyor**		
3.0	**Draft of any deed restrictions, covenants, provisions for home associations and common ownership, and reciprocal easement agreements (as applicable).**		
4.0	**For assessment purposes, state intent to apply for condominium status (if applicable).**		
5.0	**Completed and signed Environmental Assessment Form**		
5.1	Soil boring report and geotechnical report prepared by a qualified Professional Engineer (if applicable)		
5.2	Traffic Impact Study (if applicable)		
5.3	Archaeological survey (if applicable		
5.4	Wetland Delineation report (if applicable)		
6.0	**Show existing zoning(s) of both the subject property and adjacent parcels on the Site Plan and the Landscape Plan**		
7.0	**Location of NYSDEC wetlands (including buffer area) and/or federal wetlands; indicate jurisdictional status**		
8.0	**Location of Floodway and floodplain** (if applicable)		
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)**		
10.0	**Documentation related to any required variances granted by the ZBA**		
11.0	**For residential site plans, provide a statement from the appropriate school district that adequate school sites and facilities are available.**		
12.0	**8 1/2" X 11" reduction of primary site plan drawing (see appendix "B" of application package for specifications)**		
13.0	**A CD containing a PDF of all site plan drawings (Must also be provided with revised drawings)**		
VII Additional Required Information for Projects in the Mixed Use Districts			
1.0	**Design Advisory Board Application**		
1.1	Required for Major Site Plan		
1.2	Required at the Planning Directors Discretion for Minor Site Plans		
2.0	**Block & Street Network Plan**		
2.1	Designation of Core, Local & Alley streets		
2.2	Dimensions of Blocks		
3.0	**Block Usage Plan (as applicable)**		
3.1	Designation of site usage for each block including open space areas		
4.0	**Phasing Plan**		

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

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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-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

Town of Amherst Planning Department 5583 Main Street Williamsville-NY-14221
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TOWN OF AMHERST
State Environmental Quality Review
ENVIRONMENTAL ASSESSMENT FORM
-- ADDENDUM --

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
Lakemont Silt Loam	severe	severe	severe	severe	severe
Niagara Silt Loam	severe	severe	severe	severe	severe
Odessa Silt 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 ___✓___ Not applicable Utility Trenching & Electrical Equipment Pads

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 None
Source: N/A

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:
N/A average flow N/A 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: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

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: 800 & 850 New Road Solar Project		
Project Location (describe, and attach a general location map): 800 & 850 New Road, Amherst, NY 14228 (Tax Map No.'s 16.00-2-14.1 & 16.00-2-14.2)		
Brief Description of Proposed Action (include purpose or need): Construct and operate a 5.0 Mw (AC) ground mounted, utility grade solar energy system.		
Name of Applicant/Sponsor: New Road Solar 1, LLC. c/o Sol Source Power, LLC. [contact - Steve Long]	Telephone: (603) 455 - 9483 E-Mail: Steve@solsourcepower.com	
Address: 1 Washington Place		
City/PO: Troy	State: NY	Zip Code: 12180
Project Contact (if not same as sponsor; give name and title/role): Erdman Anthony Consulting Engineers [contact - Marc Kenward]	Telephone: (585) 427 - 8888 E-Mail: KwnwardMD@erdmananthony.com	
Address: 145 Culver Road, Suite 200		
City/PO: Rochester	State: NY	Zip Code: 14620
Property Owner (if not same as sponsor): Anthony Cimato; Cimato Enterprises, Inc.; [contact for both - Ferdinando Cimato, President]	Telephone: (716) 861-3529 E-Mail: cimatoenterprises5647@gmail.com	
Address: 9220 Transit Rd.		
City/PO: East Amherst	State: NY	Zip Code: 14051

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

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 Council, Town Board, or Village Board of Trustees ☐Yes ☑No		
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Town of Amherst Planning Board: Special Use Permit & Site Plan Review	January 2023
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☑Yes ☐No	Town of Amherst Building Department: Floodplain Development Permit	January 2023
e. County agencies ☑Yes ☐No	Erie County Planning Board	TBD
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	NYSDEC GP-0-20-001 for Stormwater Discharges NYS DEC Wetland Permit	TBD
h. Federal agencies ☑Yes ☐No	US Army Corps of Engineers - Nationwide Permit 51 (Renewable Energy) for minor wetland impacts	TBD

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):

Town of Amherst Farmland Protection & Agricultural Development Plan - June 2021.

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

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?
Suburban Agricultural & General Business (General Business to be rezoned to Suburban Agricultural)

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? General Business to Suburban Agricultural

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?
Amherst Police Department, Erie County Sheriff's Office, NY State Police

c. Which fire protection and emergency medical services serve the project site?
North Amherst Fire Department,

d. What parks serve the project site?
Jurek Park, The Paw Park-Off-Leash Dog Park, Dann Lake 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)? Construct and Operate a utility grade (large scale) solar energy project

b. a. Total acreage of the site of the proposed action? 51.98 acres
b. Total acreage to be physically disturbed? 6.834 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 51.98 acres

Project will encompass approximately 28.766 +/- acres of the total parcel area.

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-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

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): Wetland W2. See separately submitted Wetland Delineation Report Dated August 2022.
_____

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

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:
Approximately 0.172 AC of Wetland W2 will be within the fenced solar array. Trees in this area will be cut and stumps removed.

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☑ Yes ☐ No
If Yes, describe: Trees will be cut and tree stumps will be removed.

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 ☐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?

2824 Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. Electrical Equipment Pads and equipment. Note that solar arrays are considered disconnected roof-top draining onto grass meadow. New access drive is permeable stone.

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)?

Sheet flow across grass meadow. Proposed stormwater run-off is equal to the existing conditions with an overall composite (run-off) curve number (CN) of 79 compared to the existing curve number of 79.

- 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: 7:00 am - 6:00 pm
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: Daylight Hours
- Saturday: Daylight Hours
- Sunday: Daylight Hours
- Holidays: Daylight Hours

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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:

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 ☑ 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): General Business

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	0.130	0.065	-0.115
• Forested	15.332	9.940	-5.392
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	36.518	40.731	+4.213
• 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)	12.283	12.111	-0.172
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Pervious Driveway	0	1.243	+1.243

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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:
Amherst Baby & Child Care Center, Inc.

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? >6.67 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:

Lakemont silt loam	47.5 %
Odessa silt loam	31.5 %
Niagara silt loam	20.1 %

d. What is the average depth to the water table on the project site? Average: 0 to 1.5 feet

e. Drainage status of project site soils:

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

f. Approximate proportion of proposed action site with slopes:

☑ 0-10%:	100 % of site
☐ 10-15%:	____ % of site
☐ 15% or greater:	____ % of site

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site? ☑ 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 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:
Deer, possum, raccoon, skunk
Fox, woodchucks
Songbirds, Turkey, Hawks, blackbirds
Meadow Moles, Field Mice

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:
Proposed action will limit hunting activities to areas outside the fenced array.

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? Farmland of Statewide Importance - 48.4% of site. Prime Farmland if Drained - 51.6% of site.
ii. Source(s) of soil rating(s): USDA NRCS Web Soil Survey

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): Archaeological Buffer Area

ii. Basis for identification: NYS Office of Parks, Recreation & Historic Preservation - Cultural Resource Information System (CRIS) website

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: Jurek Park, The Paw Park-Off-Leash Dog Park, Dann Lake Park, Depeau Park, Billy Wilson Park, Nature View Park, Great Baehre Conservation Park, Amherst Veterans Canal Park, Meadow Lakes Park, Walton Woods Park, and Bassett Park

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

iii. Distance between project and resource: 0.54, 0.68, 1.46, 1.85, 3.18, 3.60, 3.60, 3.70, 3.88, 3.89, and 4.13 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 Marc Kenward Date January 20, 2023

Signature Marc Kenward Title Senior Associate

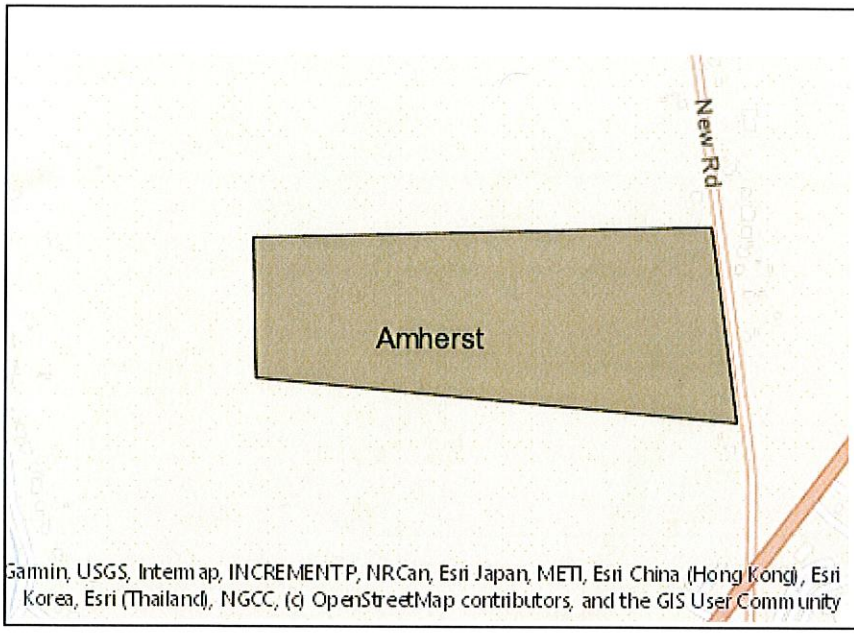
Erdman Anthony Consulting Engineers
145 Culver Road, Suite 200
Rochester, NY 14620 (585) 427 - 8888
KenwardMD@erdmananthony.com

PRINT FORM

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

EAF Mapper Summary Report

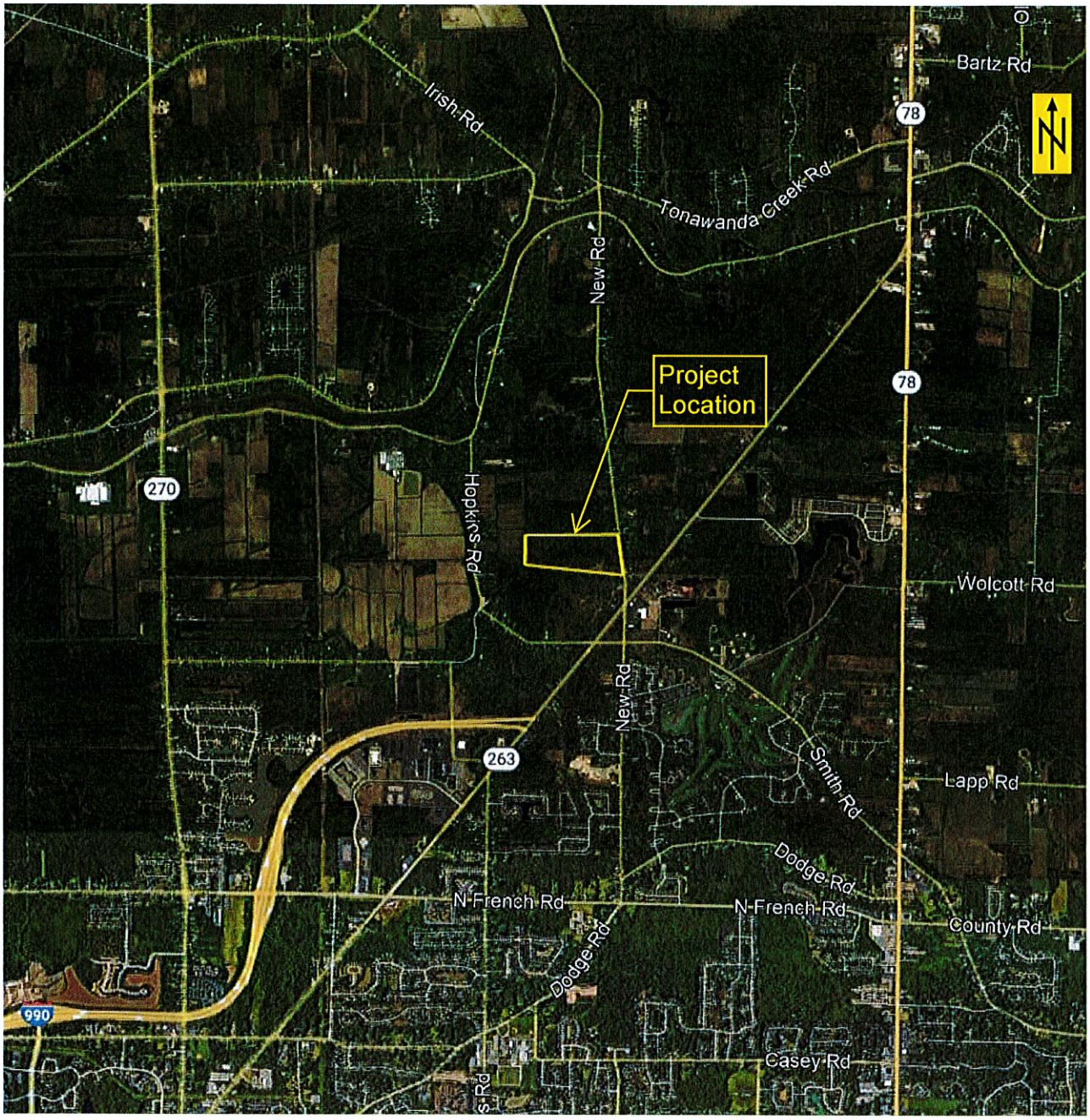
Tuesday, November 15, 2022 1:55 PM



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]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)



ERDMAN ANTHONY

145 Culver Road, Suite 200
Rochester, NY 14620
(585) 427-8888

TITLE:

PROJECT LOCATION MAP

850 & 800 New Road, Amherst, New York

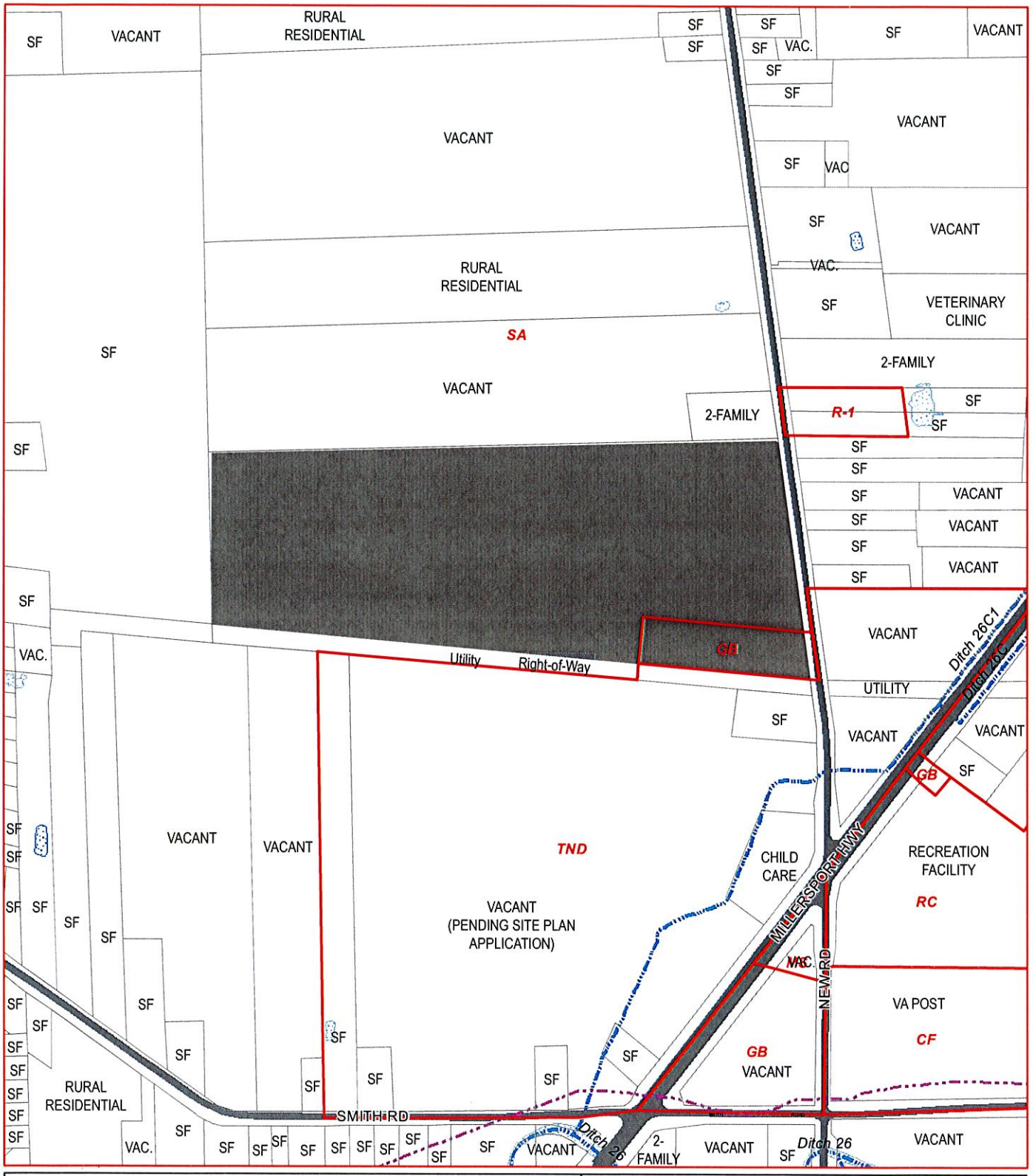
Prepared For: Sol Source Power, Inc.

DRAWING BY:	DATE:	PROJECT:
NA	November, 2022	19720.01

SCALE: NTS

REFERENCE: FIGURE I

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)



SP-2023-01

Proposed Tier III Solar Energy System
Property Located at 800 & 850 New Road

Sol Source Power, LLC, Petitioner

August 17, 2023

800 & 850 New Road

Floodway Boundary

Prepared by the Town of Amherst Planning Department

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

Recommended Plant List

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
DECIDUOUS TREES					
CO	1	Celtis occidentalis 'Prairie Pride'	Prairie Pride Common Hackberry	2½"-3"Cal.	B&B; Grows to 45 feet high, 30 feet wide
NS	3	Nyssa sylvatica 'Wildfire'	Wildfire Blackgum	2½"-3"Cal.	B&B; Grows to 40 feet high, 25 feet wide
QB	3	Quercus bicolor	Swamp White Oak	2½"-3"Cal.	B&B; Grows 50 to 60 feet high and wide
SMALL/ORNAMENTAL TREES					
AI	8	Amelanchier laevis	Allegheny Serviceberry	8-ft. to 10-ft.*	B&B; grows 25-35 feet high
CC	7	Cercis canadensis	Eastern Redbud	8-ft. to 10-ft.*	B&B; grows 20-30 feet high
CH	7	Crataegus crus-galli 'Cruzam'	Crusader Hawthorn	1.5"-2" Cal. *multi-stem, minimum 3 major stems	B&B; grows 20-30 feet high
SHRUBS					
AA	28	Aronia arbutifolia 'Brilliantissima'	Red Chokeberry	3 ft. high min.	No.5 Cont.; grows 8-12 feet high
CA	40	Corylus americana	American hazelnut	3 ft. high min.	No.5 Cont.; grows 6-10 feet high
RD	66	Cornus alba 'Sibirica'	Red Twig dogwood	4 ft. high min.	B&B; grows 6-9 feet high
SD	40	Cornus amomum	Silky Dogwood	4 ft. high min.	B&B; grows 6-10 feet high
HV	28	Hamamelis vernalis	Vernal Witchhazel	5 ft. high min.	B&B; multi-stem; grows 10-12 feet high
SC	24	Sambucus canadensis	Elderberry	24" high min.	No. 3 Cont.; grows 5-12 feet high
EVERGREEN TREES					
AC	13	Abies concolor	Concolor Fir	5' high min.**	B&B; Full to Ground; grows 40-60 feet high
JV	22	Juniperus virginiana	Eastern Red Cedar	5' high min.**	B&B; Full to Ground; grows 55-60 feet high
PG	24	Picea glauca	White Spruce	5' high min.**	B&B; Full to Ground; grows 40-60 feet high

**Measured from ground to bottom of leader

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

Town of Amherst Zoning Ordinance § 7-2, Landscaping, Buffers and Screening.

Sec. 7-2-6: Buffers and Screening.

Buffering and screening may consist of healthy trees and shrubs existing on the site prior to development providing that they form an immediately effective visual screen at least 36 inches above the grade at the adjacent VUA and that the existing trees and shrubs are thoroughly protected from damage during construction by establishing a work limit line on all site plan drawings. The work limit line shall be delineated in the field prior to site clearing in the vicinity of the required yard area. Supplemental plantings may be required in addition to the existing vegetation as determined by the Planning Board or Planning Director in order to improve the screening properties of the buffer.

LANDSCAPE PLAN

Z-2022-12
800 New Road

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

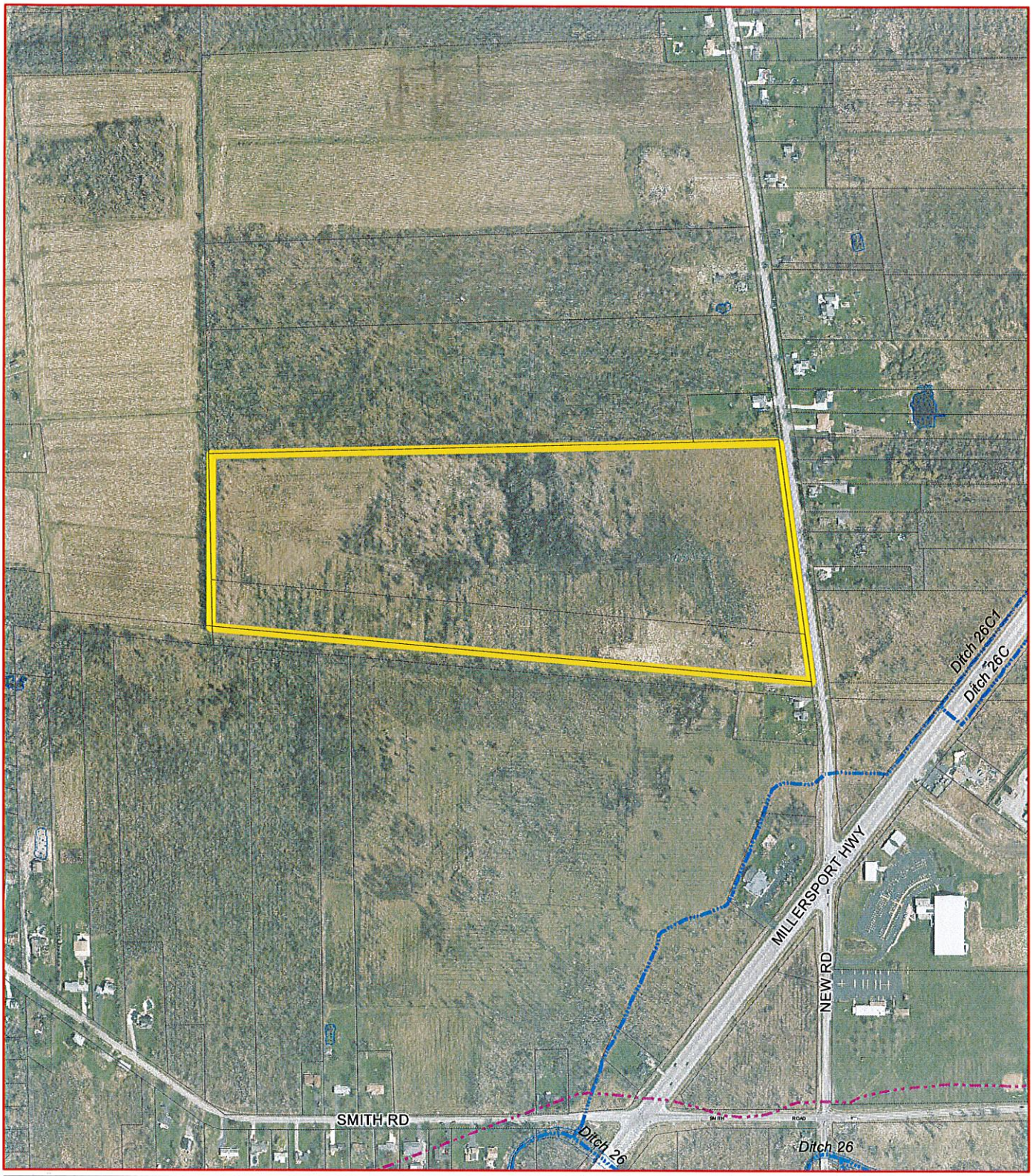
New Road: Proposed Conditions at the Time of Planting

New Road: Proposed Conditions at the Time of Planting

SIMULATIONS

SP-2023-01
800 New Road

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)



SP-2023-01

Proposed Tier III Solar Energy System
Property Located at 800 & 850 New Road

Sol Source Power, LLC, Petitioner

August 17, 2023

800 & 850 New Road

Floodway Boundary

Prepared by the Town of Amherst Planning Department

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

Amherst

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

Brian J. Kulpa, Supervisor
Daniel C. Howard, AI Planning Director
Daniel J. Ulatowski, AI Assistant Planning Dire

August 1, 2023

Steve Long
Sol Source Power
1 Washington Place
Troy, NY 12180

SUBJECT:	Site Plan Review	**SP-2023-01**
	Proposed:	Tier III Solar Energy System
	Property located at:	**800 & 850 New Road**
	Revised plans received:	July 18, 2023
	Architect/Engineer:	Erdman Anthony

Dear Sir or Madam:

Please consider the following comments:

ZONING ENFORCEMENT OFFICER:

Approvable with the following conditions;

1. At the time of inspection for the certificate of compliance, the Town can require supplemental plantings in accordance with §203-7-2-4(a) of Town Code to satisfy buffer and screening requirements.

2. The parcels located at 800 & 850 New Road to be merged prior to issuance at final approved site plan drawing.

3. That the petitioner is required to mitigate any glare produced by the array along Hopkins, Smith, New Roads and Millersport Highway by supplementing the existing vegetative screening with additional line-of-sight plantings on the subject site if complaints relating to glare are received by the Building Department.

4. That the petitioner provide a copy of any and all USACOE, USFW, and NYSDEC permit applications to the Planning Department when filed.

5. Tree removals outside of the fenced compound (within wetlands) will not be authorized without evidence that such removals are necessary for the operation of the solar arrays.

PLANNING DEPARTMENT REVIEW

1. The rezoning and the request for relief of deed restriction on the portion of 800 New Road must be finalized and the special use permit request must be approved by the Town Board prior to issuance of final approved site plan drawings.

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

LANDSCAPE ARCHITECT REVIEW:

No comments on the revised site plan drawings submitted on July 18, 2023.

This is a review only and does not constitute approval of the Major Site Plan. Final approval will occur after Planning Board approval, any conditions imposed by that board are addressed, and approved Major Site Plan drawings are issued by this department. Should you have questions regarding this correspondence, please contact Thomas Voigt, Assistant Planner at tvoigt@amherst.ny.us or Scott A. Marshall, Principal Planner at smarshall@amherst.ny.us.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/SM/bf
X:\Current_Planning\Files\Site Plans\2023\SP-2023-01_(800_&_850_New_Road)_2023\SP-2023-01_Pln_Dpt_Rvw_080123.docx
cc: Daniel Ulatowski, Zoning Enforcement Officer
Mark S. Berke, Commissioner of Building
Jeffrey Burroughs, Town Engineer
Jeffrey Szatkowski, Landscape Architect
Marc Kenward, Erdman Anthony Consulting, 145 Culver Rd., Ste. 200, Rochester, NY 14620

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

TOWN OF AMHERST
ENGINEERING DEPARTMENT
ERIE COUNTY – NEW YORK
JEFFREY S. BURROUGHS, P.E., TOWN ENGINEER

May 2, 2023

TO: Scott A. Marshall – Principal Planner
Douglas Gesel – Senior Code Enforcement Officer
Jeffrey S. Burroughs, P.E – Town Engineer

REVIEWER: Vaishali Reberholt, P.E, CPESC – SMO

SUBJECT: Site Plan Review: SP-2023-01
Proposed Tier III Solar Energy System
Town Job #2023.006

ADDRESS: 800 & 850 New Road

PETITIONER: Sol Source Power

SITE PLAN SWPPP NOT REVIEWABLE

No SWPPP sent – therefore not reviewable.
However, upon review of the plans, a bio-retention area has been added. This now will require a Stormwater Maintenance Agreement to maintain this post-construction stormwater control. A profile of the bio-retention is also required along with verbiage on the ESC plan stating that no bio-retention media will be installed until the site has been stabilized. Please also show silt sock around the bio-retention area on the ESC plan.

The following are from the March 2, 2023 review:

- Please include the 25-year storm event calculations so that the review can be completed.

Other noted comments:

- Per the NYSDEC and the 2010 MS4 Permit, all urbanized areas shall be extended to the municipal's boundary line, so the Town of Amherst will have jurisdiction over this project. Please change the SWPPP on page 1 to reflect this.
- On page 9, written authorization for disturbance over 5 acres comes from the Town of Amherst, not NYSDEC.
- The owner certification and SWPPP preparer form need to be signed.
- On page 5, Swett Road appears to be referring to New Road instead.

VR/SKB

Cc: Steve Long, Sol Source Power, 1 Washington Place, Troy, NY 12180
Marc Kenward, Erdman Anthony Consulting, 145 Culver Rd., Suite 200, Rochester, NY 14620

ENGINEERING OFFICE – SEWER MAINTENANCE
1100 N. FOREST ROAD
WILLIAMSVILLE, N.Y. 14221
(716) 631-7154 FAX: (716) 631-7222

WASTEWATER TREATMENT FACILITY – ENVIRONMENTAL CONTROL
455 TONAWANDA CREEK ROAD
AMHERST, N.Y. 14228
(716) 691-9771 FAX: (716) 691-4496

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

TOWN OF AMHERST

RECEIVED
APR 21 2023
TOWN OF AMHERST
PLANNING DEPT.

TRAFFIC SAFETY BOARD

ENGINEERING DEPARTMENT – 1100 NORTH FOREST ROAD, WILLIAMSVILLE, NEW YORK 14221
TRAFFIC SAFETY COORDINATOR - TELEPHONE 631-7154 - FAX 631-7222

MICHAEL SZUKALA
Councilmember & Liaison Officer

ERIC FRAAS
Chairman

GREGORY DIONNE
Vice Chairman

CHRISTOPHER P. SCHREGEL
Traffic Safety Coordinator

MEMBERS

DANIEL J. RIDER, P.E.
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MAXWELL KAHN
KEVIN CANTWELL
KRISTIN GOSS

DEPT. LIAISONS

THOMAS VOIGT
Planning

CAPT. KEVIN BROWN
Police

WILLIAM PRENEVAU
Building

AL SPOTH
Highway

April 20, 2023

TO: Scott Marshall – Principal Planner
Mark S. Berke – Commissioner of Buildings

FROM: Christopher P. Schregel – Traffic Safety Coordinator

SUBJECT: Proposed Major Site Plan Review **SP-2023-01**
Proposed Tier III Solar Energy System
TOA Job # 2023.006

ADDRESS: 800 & 850 New Road

PETITIONER: Sol Source Power

X **MAJOR SITE PLAN IS**

X **APPROVED AS SUBMITTED**

CPS/ch
Cc: Steve Long, Sol Source Power, 1 Washington Place, Troy NY 12180
Marc Kenward, Erdman Anthony Consulting, 145 Culver Road, Suite 200, Rochester, NY 14620

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

AMHERST FIRE CHIEFS' ASSOCIATION INC.

To: Dan Howard, Planning Director Date:

From: Krista Halt, Liaison to Amherst Fire Safety Committee

RE: Site Plan Review: SP-2023-01 PROPOSED TIER III SOLAR ENERGY SYSTEM
Address: 800 & 850 NEW RD. **REV. 4/21/23**

Petitioner: SOL SOURCE POWER

The above referenced ☒ Site Plan is ☐ Subdivision is ☐ Minor Modification is:

☒ Approved with conditions: See comments

☐ Denied due to the following:

☐ Not reviewable at this time due to the following:

☐ 1. Section 503 FCNYS 2020 – Fire Apparatus Access Road

- ☐ A. Section 503 Firelanes (fire apparatus access roads) be provided in accordance with the FCNYS 2020
- ☐ B. 503.1.1 – provide for the fire apparatus access road to within 150 feet of all portions of the building or within 300 feet if the building is sprinkled.
- ☐ C. 503.1.2 – provide an additional fire apparatus access road
- ☐ D. 503.2 – specifications – fire apparatus access roads shall be installed and arranged in accordance with section 503.2.1 through 503.2.7
  - ☐ 1. 503.2.1 – fire apparatus access road must be an unobstructed width of not less than 20 feet and a vertical clearance of 13 feet 6 inches.
  - ☐ 2. 503.2.2 – increase width of fire apparatus access road to ____ feet to be adequate for fire or rescue operations.
  - ☐ 3. 503.2.4 – the turning radius for fire apparatus access roads is 22 inside and 45 outside.
  - ☐ 4. 503.2.5 – dead end fire apparatus access roads in excess of 150 feet, shall be provided with an approved area for turning around fire apparatus.
  - ☐ 5. 503.3 – fire apparatus access roads must be marked as firelanes per the signage specification established by Appendix D FCNYS 2020
  - ☐ 6. Appendix D – Access Roads: Width, Distance from bldgs. Remoteness requiring 2 separate access roads.

☐ 2. Section 506 FCNYS 2020 – Key Boxes – A fire department Knox key box is required for access to building keys.

☐ 3. Section 507 FCNYS 2020 – Fire Protection Water Supplies

- ☐ A. Indicate all existing Fire Hydrants on plans.
- ☐ B. All waterlines with numerous hydrants should be looped or on a grid system.
- ☐ C. All fire hydrants must be within 500 feet of each other. (Subdivisions)
- ☐ D. Section 507.5.1 – provide an additional Fire Hydrant within 400 feet of the most remote point of the building (as the fire hose would be laid out) or within 600 feet if the building is equipped with a Fire Sprinkler system.
- ☐ E. [B] Section 912 - This project may be required to install a Fire Sprinkler system, if so, indicate the location of the fire department connection for the sprinkler system, which must be located on the street side of the building

COMMENTS: 1- Provide a Knox lock on the access gate for fire department access in an emergency. 4/21/23 OK SOD C-102 2- A clear, brush-free area of 10-ft. shall be required and maintained.4/21/23 OK NOTE ON C-102 3- Personnel contact information shall be provided for the fire department. 4- Emergency shut down operations shall be posted for fire department. 4/21/23 OK SIGNAGE PROVIDED.

X:\DOCS\KBH\Site Plan Reviews\2023\800 & 850 NEW RD. SOLAR PANELS SP-2023-01.docx 4/21/2023

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

TOWN OF AMHERST
BUILDING DEPARTMENT
ERIE COUNTY, NEW YORK
5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080
FAX: (716) 631-7192

Mark S. Berke, P.E.
Commissioner of Building

DATE: April 19, 2023

TO: Planning Department

FROM: Doug Gesel Supervising Code Enforcement Officer

RE: Major Site Plan SP-2023-01Tier III Solar energy system @ 800& 850 New Rd

☒ Site Plan is: ☐ Subdivision is: ☐ ODA is: ☐ CSP is:

☒ Approved as Submitted

☐ Approved with the following conditions or changes:

☐ Denied for the following reasons:

☐ Not reviewable at this stage because the following information is not provided:

☐ Not applicable to this department at this time.

NOTE:

☒ Floodplain Development Permit required.

☒ Wetlands on property.

☐

*This review was for site compliance only.
*Approval does not grant permission to start construction.

Douglas Gesel

Supervising Code Enforcement Officer
Town of Amherst Building Department

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

TOWN OF AMHERST ENGINEERING DEPARTMENT
ENGINEERING SERVICES DIVISION
BRIAN J. ARMSTRONG – DIRECTOR OF ENGINEERING SERVICES

April 18, 2023

TO: Daniel J. Ulatowski, AICP – Assistant Planning Director
Doug Gesel – Senior Code Enforcement Officer
Patrick G. Lucey - Highway Superintendent
Emily Murphy - Town Assessor
Anne Demopoulos – Legal Department

FROM: Brian J. Armstrong – Director of Engineering Services

SUBJECT: Major Site Plan Review; SP-2023-01
Proposed Tier III Solar Energy System
Town of Amherst Job No. 2023.006

ADDRESS: 800 & 850 New Rd.

PETITIONER: SOL Source Power

SITE PLAN REVIEW IS APPROVED AS SUBMITTED

cc: Steve Long, SOL Source Power, 1 Washington Place, Troy, NY 12180
Marc Kenward, Erdman Anthony Consulting, 145 Culver Rd., Suite 200, Rochester, NY 14620
Scott Marshall – Principal Planner

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

AMHERST HIGHWAY DEPARTMENT

1042 North Forest Road Williamsville, New York 14221

Patrick Lucey
Superintendent of Highways
plucey@amherst.ny.us

PHONE (716) 631-7117

FAX (716) 631-7265

www.amherst.ny.us

March 27, 2023

To: Scott Marshall, Principal Planner

From: Patrick Lucey, Superintendent of Highways

Re: MAJOR SITE PLAN REVIEW, **SP-2023-01;** PROPOSED TIER III SOLAR ENERGY SYSTEM; PROPERTY LOCATED AT **800 & 850 NEW ROAD;** SOL SOURCE POWER, PETITIONER.

After review relative to Highway Department concerns, the plan is approved as submitted.

Daniel J. Ulatowski, AICP, Assistant Planning Director
Douglas Gesel, Supervising Code Enforcement Officer
Jeffrey Burroughs, Town Engineer
Vaishali Reberholt, PE, Stormwater Management Officer (Eng)
Emily Murphy, Town Assessor
Chris Schregel, Traffic/Safety Coordinator (Eng)
Bryan Parnell, Fire Chief's Association (c/o Bldg)
Alan Herberger, Senior Plumbing Inspector, (c/o Bldg)
Ann Demopoulos, Deputy Town Attorney, ROW Agent
Jeffrey Szatkowski, Landscape Architect
Brian Barnes, Senior GIS Analyst (Eng)
ECDEP
NYSDOT
ECDPW
NYSDEC
Steve Long, Sol Source Power, 1 Washington Place, Troy, NY 12180
Marc Kenward, Erdman Anthony Consulting, 145 Culver Road Suite 200, Rochester, NY 14620

PL/EB/TL/ke

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y. AND REPLY TO MUNICIPALITY

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE
Case No.: SP-23-112
Postmark/Delivery Date: 1/27/2023

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 l - nn
A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: Town of Amherst, New York

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.
If the county fails to reply within such period, the referring body may take final action.
However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)
The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: Date 3/16/2023 Time 6:30pm Location 5583 Main Street, Williamsville, New York 14221

3. Action is before: ☐ Legislative Body ☐ Board of Appeals ☑ Planning Board

4. Action consists of: ☐ New Ordinance ☐ Rezone/Map Change ☐ Ordinance Amendment
☑ Site Plan ☐ Variance ☐ Special Use Permit ☐ Other:

5. Location of Property: ☐ Entire Municipality ☑ Address: 800 + 850 NEW ROAD

5a. S.B.L. of Property: 16.00-2-14.2
16.00-2-14.1

6. Referral required as site is within 500' of: ☐ State or County Property/Institution ☐ Municipal Boundary ☑ Farm Operation located in an Agricultural District
☐ Expressway ☑ County Road ☑ State Highway ☐ Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: *(specify the action, such as the scope of variances or site plans)* PROPOSED TIER III SOLAR ENERGY SYSTEM + SPECIAL USE PERMIT

8. Other remarks: SP-2023-01

9. Submitted by: Thomas Voigt, Assistant Planner **Email:** tvoigt@amherst.ny.us

10. Return Address: Town of Amherst Planning Department, 5583 Main Street, Williamsville, New York 14221

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 1/27/2023**. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.**

1. ☐ **The proposed action is not subject to review under the law.**
2. ☒ **Comment on proposed action is attached hereto.**
3. ☐ **The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.**
4. ☐ **No Recommendation; proposed action has been reviewed and determined to be of local concern.**

By the Division of Planning: Dan M. Hall **Date:** 2/22/2023

ZR1
Revised 5/22

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

February 22, 2023

Mr. Daniel J. Ulatowski, AICP
Assistant Planning Director/ZEO
Town of Amherst
5583 Main Street
Amherst, NY 14221

Re: **SEQR Lead Agency Request and Major Site Plan Review for Proposed Tier III Solar Energy System**

Location: **800-850 New Road, Town of Amherst**
Review No.: **SP-23-112**

Dear Mr. Ulatowski,

Pursuant to New York General Municipal Law Section 239-m and Article 8 of the New York Environmental Conservation Law, the Erie County Department of Environment and Planning (DEP) is in receipt of the above-referenced project received on January 27, 2023, and consents to the Town of Amherst acting as lead agency in the environmental review of this action. DEP offers the following comments based upon its review of the project:

- The majority of the project site is within a Special Flood Hazard Area or 100-year floodplain, while the remainder of the site is within the 500-year floodplain, according to the FEMA Flood Insurance Rate Maps.

- The project occurs within 500 feet of land in agricultural production and Erie County North Agricultural District #1.

- While the Agricultural District program enforces no financial penalty for the conversion of farmland to non-farm use, there is such a penalty associated with the Agricultural Value Assessment program. If these parcels have received such an assessment, the landowner should be aware that payment recapture may be imposed by New York State.

- Nearly half of the project site contains Farmland of Statewide Importance, and more than half of the site is listed as Prime Farmland if Drained according to the USDA NRCS Web Soil Survey. As required in

Section 6-10 of the Town of Amherst Zoning Code, the applicant should provide the Town with an operations and maintenance plan that includes an agricultural soils preservation plan that is in compliance with the New York State Department of Agriculture and Markets Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands.

- The project site is shown as an "Area of Existing/Potential Agricultural Activity" on Map 8 of the Town's Farmland Protection & Agricultural Development Plan. The Town should continue its efforts to preserve the rural and agricultural nature of the northern portion of the town, as recommended in the Bicentennial Comprehensive Plan and the Farmland Protection & Agricultural Development Plan. Protecting this undeveloped land should involve expanding the use of conservation easements and, as stated in both plans, restricting the expansion of sewer service or the existing sewer district beyond its current boundaries.

- The Town is encouraged to continue its practice of working with landowners to incorporate co-location of agricultural uses where feasible on this and future projects in locations identified as appropriate for agricultural use in the Farmland Protection & Agricultural Development Plan.

- Solar projects exempted from local property taxes under Real Property Tax Law Section 487 may be subject to a payment-in-lieu-of-taxes (PILOT) agreement. The developer must notify the Department of Environment and Planning (DEP) of their intent to construct such projects. Within sixty days, DEP will notify the developer if a PILOT agreement will be required. Notices must be mailed to:

  Attn: Sarah Gatti
  Erie County Department and Environment and Planning
  95 Franklin Street, Tenth Floor
  Buffalo, NY 14202

This review pertains to the above referenced project submitted to DEP. This should not be considered sufficient for any County approvals. The applicant and/or its contractors must still obtain any other permits and regulatory approvals applicable to this project.

Sincerely,

David Hall
Planner

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

Carrato, Amy

From: Robinson, Judy A CIV USARMY CELRB (USA) <Judy.A.Robinson@usace.army.mil>
Sent: Tuesday, February 21, 2023 3:56 PM
To: Voigt, Thomas J.
Cc: Carrato, Amy
Subject: FW: LRB-2022-01059- DoD Sage Link 2.14.2023-SP-2023-01, 800 & 520 New Rd.
Attachments: SP-2023-01_USACE_021323.pdf

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Tom,

In reference to the Town's request for comments on the proposed project, please consider the following:

Under Section 404 of the Clean Water Act, the USACE has jurisdiction of the placement of fill or dredged material into a jurisdictional water of the United States.

Under Section 10 of the Rivers and Harbors act, the USACE has jurisdiction of the placement of fill or dredged material, and all work in, over, and under a Section 10 water.

In terms of tree removal - the Corps does not have jurisdiction over tree cutting in a jurisdictional wetland. That said, the manner in which the removal is proposed may require a Department of the Army permit. For instance, if trees are cut to the ground and left in place or winched off the site, this would not likely require a DA permit. If the tree removal, winching, and transporting of trees leaves the site so disturbed that grading uneven areas to prep the site for panel installation - a DA permit would likely be required. If removal of stumps is proposed; this activity would require a DA permit.

My professional suggestion would be to have SOL Source Power submit a permit application (or a request for a "no permit required" letter, that would not necessarily require a permit application) complete with the work proposed in the jurisdictional areas so that the file can be assigned and reviewed by a project manager to evaluate. If the tree removal falls within the non-jurisdictional parameters associated with the activity, SOL Source Power could request a "no permit required" letter, which would be beneficial to them and to the Town for your evaluation as well. Note that the USACE cannot make SOL Source Power submit a permit application if they are moving forward on the premise that their activity would not be regulated. However, it appears that this is something that the Town could require for their purposes.

Note that if the proposal to remove trees IS NOT deemed to require a DA permit, then the project manager is not required to coordinate with the USFWS with regard to bat habitat. The Town may want to require SOL Source Power to gain a response from the USFWS independently should a DA permit not be required.

I hope that these comments are helpful.

Regards,

Judy Robinson

-----Original Message-----
From: Carrato, Amy <acarrato@amherst.ny.us>

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

Sent: Monday, February 13, 2023 4:39 PM
To: LRB.Regulatory.New York Actions <LRB.Regulatory.NewYork_Actions@usace.army.mil>
Cc: Voigt, Thomas J. <tvoigt@amherst.ny.us>
Subject: LRB-2022-01059-Plans Changing a bit-will send docs-Sent DoD Sage Link 2.14.2023-SP-2023-01, 800 & 520 New Rd.

Good afternoon,

Please see the attached regarding:
Major Site Plan Review, SP-2023-01; Proposed Tier III Solar Energy System; property located at 800 & 850 New Road; Sol Source Power, Petitioner.

Digital versions of the site plan materials may be viewed and/or downloaded from:
Blockedhttps://us-east-2.protection.sophos.com?d=amherst.ny.us&u=aHR0cHM6Ly93d3cuYW1oZXJzdC5ueS51cy9jb250ZW50L2RldmVsb3BtZW50X3Byb2plY3RzX3BlbmRpbmcucGhw&i=NWQ1NDQ3ZTFhNzY3NTgxMGE3OGJmYzZk&t=Y082WFExSDFKaXB2elJJbi9xNWFNWEcxTmh3OXVOa2lyTWpwQURvNDZOVT0=&h=8f88a0e660eb450c92f6e822663105e7&s=AVNPUEhUT0NFTkNSWVBUSVYKYh5CwA3I525AKcEpIj5hqNNvtWAEDsxEm0LIyUSy_A

Thank you,

Amy Carrato
Community Development Assistant
Town of Amherst Planning Department
5583 Main Street, Williamsville, NY 14221
716-631-7051

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
700 Delaware Avenue, Buffalo, NY 14209
P: (716) 851-7165 I F: (716) 851-7168
www.dec.ny.gov

February 9, 2023

Thomas Voigt
Town of Amherst Planning Department
5583 Main Street
Williamsville, New York 14221

Dear Thomas Voigt:

SEQR Lead Agency Coordination
800/850 New Road Solar Energy System
800/850 New Road
Town of Amherst, Erie County

This is to acknowledge receipt of your January 26, 2022, submission regarding the above referenced project under the State Environmental Quality Review Act (SEQR). The Department recommends that the Town of Amherst should act as SEQR Lead Agency, since the environmental impacts of the proposal are primarily of local significance. However please be aware of the following:

1. If project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-15-002, as well as the NOI form, is available on the Department's website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the Department's website at www.dec.ny.gov/chemical/8468.html.

   The Town of Amherst is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of a regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principle executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the NOI, to the Department at NOTICE OF INTENT, NYSDEC, Bureau of Water Permits, 625 Broadway, 4th Floor, Albany, New York 12233-3505, telephone: 518/402-8111 to receive Department approval before construction commences.

NEW YORK STATE | Department of Environmental Conservation

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

2. It was noted on the Federal Emergency Management Agency's (FEMA) FIRM Map No. 36029COO78H that the site may be located within a flood hazard area. The proposed project should be designed in accordance with all applicable local municipal laws for flood damage reduction.

3. The site) appears to be within an archaeologically sensitive area based on information obtained through the Cultural Resource Information System (CRIS) on the New York State Office of Parks, Recreation and Historic Preservation's (OPRHP) website at https://cris.parks.ny.gov/. As part of the SEQR process, this concern should be evaluated, unless it can be verified by appropriate documentation that the sites have been significantly disturbed in a way that would destroy potential artifacts. Please recognize that normal agricultural activities, such as plowing, would not constitute such land disturbance. If there are any questions regarding this, contact OPRHP (telephone: 518/237-8643).

4. It appears that the project site may involve work in / near areas identified as federal wetlands. A permit from the U.S. Army Corps of Engineers may be required for this proposal. If a Corps permit is required, Water Quality Certification from this Department may also be necessary.

If you have any other questions, please feel free to contact Bruno DiBella of my staff or me at 716/851-7165.

Sincerely,

David S. Denk

David S. Denk
Regional Permit Administrator

BAD/slr

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

Fadel, Bryan

From: Marshall, Scott
Sent: Thursday, February 2, 2023 11:55 AM
To: Carrato, Amy; Fadel, Bryan
Subject: FW: 2023-RZ445 - T. Amherst - 800 New Road - Sol Source Power development - NYSDOT comments

NYSDOT Review below

Scott A. Marshall, Principal Planner

Town of Amherst
Planning Department
5583 Main Street
Williamsville, New York 14221
Phone: (716) 631-7051 Fax: (716) 631-7153

From: Przepasniak, Justin (DOT) <Justin.Przepasniak@dot.ny.gov>
Sent: Tuesday, January 31, 2023 8:49 AM
To: Marshall, Scott <SMarshall@amherst.ny.us>
Cc: Gordon, Casey (DOT) <Casey.Gordon@dot.ny.gov>
Subject: 2023-RZ445 - T. Amherst - 800 New Road - Sol Source Power development - NYSDOT comments

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Scott,

The New York State Department of Transportation (NYSDOT) has reviewed the documentation provided for 800 New Road - Sol Source Power development and has the following comments:

- NYSDOT concurs with the Town of Amherst acting as Lead Agency.
- Based upon the information provided, the proposed project does not appear to have a significant impact to traffic on the State Highway System

Sincerely,

Justin Przepasniak
Planning and Program Management

New York State Department of Transportation, Region 5
100 Seneca Street
Buffalo, NY 14203
Office (716) 847-3967 | Cell (716) 574-0759 justin.przepasniak@dot.ny.gov
www.dot.ny.gov

NEW YORK STATE OF OPPORTUNITY. Department of Transportation

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

TOWN OF AMHERST

ERIE COUNTY, NEW YORK

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
(716) 631-7030
FAX (716) 631-7101
www.amherst.ny.us

Martin A. Polowy
Town Attorney

Nicole M. Burroughs
Senior Paralegal

Samuel A. Alba
Sr. Deputy Town Attorney

Ann Demopoulos
Deputy Town Attorney

Brittanylee Penberthy
Town Prosecutor

TO: **Scott Marshall, Planning Department**

FROM: **Ann Demopoulos, Deputy Town Attorney** AD|rms
Right-of-Way Review

DATE: **February 1, 2023**

RE: **Proposed Major Site Plan Review**
SP-2023-01
800 &850 New Road
Sol Source Power, Petitioner

This office has reviewed the materials submitted by your correspondence dated January 27, 2023 and have no comments.

AD:rms
Attachment
c: Douglas Gesel, Senior Code Enforcement Officer
Jeffrey S. Burroughs, PE, Town Engineer
Steve Long, Sol Source Power
Marc Kenward, Erdman Anthony Consulting

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

TOWN OF AMHERST
ASSESSOR'S OFFICE

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
PHONE: 716-631-7038

Emily A. Murphy
Assessor
emurphy@amherst.ny.us

MEMORANDUM

TO: Daniel Ulatowski, AICP, Associate Planning Director
Douglas Gesel, Supervising Code Enforcement Officer
Jeff Burroughs, Town Engineer
Scott Marshall, Principle Planner

FROM: Bonnie B. Arnold, Real Property Appraiser

DATE: January 31, 2023

SUBJECT: Major Site Plan Review: **SP-2023-01**
Proposed: **Tier III Solar Energy System**
Property Location: 800 & 850 New Rd
Petitioner: **Sol Source Power**

Site plan Conditionally Approved as submitted. Properties need to be merged.

cc: Steve Long, Sol Source Power, 1 Washington Place, Troy, NY 12180
Marc Kenward, Erdman Anthony Consulting, 145 Culver Rd., Ste. 200, Rochester, NY 14620

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

Carrato, Amy

From: Maria Abraham <[redacted]>
Sent: Thursday, August 17, 2023 4:16 PM
To: Carrato, Amy
Subject: Public Hearing - Proposed Tier III Solar Energy System at 800 & 850 New Rd., File No. SP-2023-01

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Amherst Planning Department:

I reside at 941 New Rd. and my elderly parents reside at 931 New Rd. I feel the above-noted subject will definitely affect my family and since we are not able to attend the public hearing, I would like to submit my comments below. I'm hoping my comments can be heard at the public meeting and they are strongly considered.

Comments:

With all of the properties available in Amherst, NY, why would a residential road be considered for such a project? Solar panel farms are not a pretty sight to view out your front window. My family and I pass one everyday on the 990 and all I can do is shake my head wondering why this was allowed. Now another one planning to be installed so close to the first one? Seems as if the business folks are creating their own convenience and not considering the residents! They are a hideous sight and shouldn't be anywhere near a residential area. Instead of beautifying the area, you are destroying it with what may potentially become an abandoned waste area, which our children and future residents will most likely have to pay for in taxes to clean up the mess. No thank you!

Consider what you are doing to the homeowners on New Rd. You are certainly going to depreciate the value of our homes. We have all worked very hard, spending many years of our lives, time, and money in keeping the value of our homes high. If there is a solar panel farm installed on New Rd., who do you think will want to buy a home on New Rd. and see a solar panel farm either out their front window or having to drive past it day after day? NOBODY! This definitely causes our homes to depreciate in value. Everything we have worked for goes down the tubes.

MY FAMILY AND I AGREE THAT YOU SHOULDN'T GO FORTH WITH THIS PROJECT ACROSS THE STREET FROM OUR HOMES! MY FAMILY AND I ARE COMPLETELY AGAINST IT!

New Rd. residents shot down the Walmart plan not too long ago. In the end, it would have turned into a mess tax payers would have to clean up. This solar panel farm proposed project is really no different.

One question for you: Are you certain, in regards to the safety of our health, the solar panels don't create any kind of harmful field to the residents? Having two farms in such close proximity of each other makes me worry! I would have to insist on REQUIRING scientific proof the solar panels are not going to be harmful to our health over the years. Was any scientific proof given when the solar panel farm was installed alongside the 990?

If, for any reason, this project moves forward, and causes the depreciation of our homes and property, due to greed of business folks, their financial benefit and their convenience, and not the benefit of New Rd. home owners/residents, I STRONGLY suggest it be REQUIRED to have trees covering the solar panel farm so they ARE NOT VISIBLE, AT ALL, TO ANY OF THE NEW RD. RESIDENTS. I would also have to STRONGLY suggest ALL OF THE BUSINESS FOLKS INVOLVED, who will be profiting from this solar panel farm, be the ones who are RESPONSIBLE FOR ANY CLEAN UP down the road and NOT HAVE IT FALL ONT HE SHOULDERS OF THE AMHERST TAX PAYERS!

Thank you for your time in this sensitive matter.
Sincerely,

MARIA ABRAHAM

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

NORMAN ABRAHAM
ROSALIA DOLCE
ANTONINIO DOLCE

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

Carrato, Amy

From: sally blazynski [redacted]
Sent: Wednesday, August 16, 2023 10:09 PM
To: Carrato, Amy
Subject: 800 & 850 New Road Solar Farm

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

We reside at 905 New Road and have lived here for over 30 years.

Wr never recieved notice of first town meeting concerning the New Road Solar Farm Proposal, but will be attending the one on Thursday, August 17th.

Please know from the start that we are opposed to living directly across the street the proposed New Road solar farm or any other power factory, for a multitude of reasons.

First and most importantly the very possible and likely health hazards. Per many sources, including the World Health Organization, houses should never be as close to a Solar Farm as our house would. For new builds, The World Health Organization recommends houses be built no closer than 1.2 miles.

Possible health hazards living as close as our house is to proposed solar farm can include headaches, fatigue, disrupted sleep and more potentially life threatening illnesses.

A solar farm is nothing short of an Open Air Power Factory and our home would be downwind of dangerous air pollutants during constuction and the life of the solar farm.

Environmental activist are concerned about endangered birds and plants being further harmed by solar farms, we are concerned about our family and neighbors quality of life and our health. Living directly across the street is just too close.

Also, I have researched property values being negatively impacted living close to solar farms. Houses living with one that is pretty much in their front yard are most likely to suffer drastic decline in value. Selling a house this close can prove to be almost impossible, many would not live this close to one for free.

I would hope that if the town board is seriously considering approval of this proposal, the board insist that the neighboring home owners on New Road be offered a relocation option. One that would include current market value of comparable house and property. Also any moving expenses that would be incurred.

These are only a few of our many concerns of the proposal before you.

Sincerely,

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

Walter and Sally Blazynski

Attachment: SP-2023-05 TB letter 091823 (RES-2023-775 : Special Use Permit for Tier III Solar Energy System at 800 & 850 New Road)

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

Francina J. Spoth
Town Clerk

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

DOC ID: 28607 **RESOLUTION 2024-116** **ADJOURNED**

Local Law - to Enhance Transparency and Participation in the Town of Amherst Budget Process

AGENDA ITEM : FEBRUARY 26TH, 2024

TO: **Town Board**

FROM: **Nicole M. Burroughs, Senior Paralegal**

DATE: **February 20, 2024**

RE: **A Local Law to Amend the Code of the Town of Amherst To Enhance Transparency and Participation in the Town of Amherst Budget Process**

The above-referenced matter is scheduled for a Public Hearing on February 26, 2024 at 7:00 p.m. In this regard, kindly adopt a resolution authorizing the adoption of the attached Local Law.

Thank you.

NMB:hs
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item - February 26, 2024**)

2/5/2024
Supervisor Kulpa made a motion to adjourn to the February 26th Town Board meeting, seconded by Councilmember Lavin and unanimously approved 5-0.

2/26/2024
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0. The public hearing was opened at 8:26 PM.

Martin Polowy, Town Attorney presented.

The following speakers raised concerns:
Christina Coyle-Lenz, 64 Chateau Ter E
Frank Belliotti, 61 Old Lyme
Don Smith, 201 N Long St
Judy Ferraro, 213 Donna Lea Blvd

Chris Drongosky, Youngs Rd
Jane Cox, 4584 Harlem Rd
Matt Plunkett, 299 Northill Dr
Tom Weisbeck, 48 Drawbridge Ct

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the March 11th Town Board meeting, seconded by Councilmember Lavin and unanimously approved 4-0. The public hearing was closed at 8:52 PM.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 2/26/2024 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Shawn Lavin, Councilmember	
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci	

LOCAL LAW NO. _____-2024

TOWN OF AMHERST
COUNTY OF ERIE, STATE OF NEW YORK

A Local Law Amending Chapter 175 of the Code of the Town of Amherst To Add A New Article, Article XIV, Transparency In Budget Process

Be it enacted by the Town of Amherst as follows:

Section 1. Purpose

The purpose of this law is to enhance transparency, public understanding, and participation in the town's annual budget process. This shall be achieved by:

1.) The creation and distribution of a Citizen's Budget Overview; and
2.) Providing opportunities for public involvement in the budget process.

Section 2. Definitions

For the purposes of this law, the following terms are defined:

"Citizen's Budget Overview" refers to a document summarizing the key components of the annual town budget in a format that can be easily understandable by the general public.

"Property Tax Levy" refers to the total amount of property tax revenue to be raised through rates set by the town board.

"Average Property Owner" refers to a hypothetical residential property owner whose property value is at the median of all taxable properties within the town.

Section 3. Requirements for the Citizen's Budget Overview

The Finance Department shall be responsible for preparing and distributing a Citizen's Budget Overview and ensuring its accuracy. The Citizen's Budget Overview shall include, but not be limited to, the following information:

1.) An overview of the proposed budget, major revenue sources, and expenditure areas.
2.) A detailed account of any proposed changes to the property tax levy, including the reasons for such changes.
3.) An estimate of the impact of the proposed property tax levy changes on the average property owner.

~~Strikethrough~~ = Deleted
Underline = Added

Attachment: LocalLawBudgetFINAL.2.6.24 (RES-2024-116 : Local Law - to Enhance Transparency and Participation in the Town of Amherst

4.) Information on how citizens can participate in the budget process, including dates, times, and locations of public hearings, as well as other means of submitting input or feedback.

Length and Presentation: The Citizen's Budget Overview shall not exceed two pages and be presented in a clear, easily readable format, using plain language and visual aids when beneficial.

Section 4. Distribution and Accessibility

The Citizen's Budget Overview shall be made publicly available at the same time as the proposed annual budget is released. The summary shall be distributed through various means, including publication on the town's official website and posted in print at all Amherst facilities.

Section 5. Public Participation in the Budget Process

The town board shall hold at least three public hearings specifically on the proposed budget, allowing citizens to provide input directly. At least one public hearing being held at the Amherst Senior Center or such other location designated by the town board and at a time convenient for older adults.

Citizens shall also have the opportunity to submit written comments on the budget via postal mail, email, or a designated section on the town's website 20 days after initial budget submission. All public input received shall be reviewed by the Town Board and considered by the Town Board before finalizing the budget.

Section 6. Enforcement

Non-compliance with this law shall be addressed by the town board, with potential measures including a directive to comply.

Section 7. 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 and remain in force until amended or repealed.

Francina J. Spoth, Town Clerk
Town of Amherst
County of Erie, New York

~~Strikethrough~~ = Deleted
Underline = Added

Attachment: LocalLawBudgetFINAL.2.6.24 (RES-2024-116 : Local Law - to Enhance Transparency and Participation in the Town of Amherst

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 28600 **RESOLUTION 2024-117** **ADJOURNED**

Designation of the Property at 22 Chateau Terrace as a Local Historic Landmark

WHEREAS, The Town of Amherst has many significant historic, architectural and cultural landmarks within its borders; and

WHEREAS, On June 6, 2023 the Town of Amherst Historic Preservation Commission Chair submitted a landmark designation application for the entire property located at 22 Chateau Terrace; and

WHEREAS, The Amherst Historic Preservation Commission held a public hearing on August 8, 2023 on the designation of 22 Chateau Terrace as a Town historic landmark; and

WHEREAS, The Amherst Historic Preservation Commission voted to recommend the local landmark nomination to the Town Board at their regular meeting held on September 12th 2023; and

WHEREAS, Finding that the application addresses the following criteria for designation of a Local Landmark (I) is associated with rapid suburban growth in Amherst, (ii) embodies the distinctive characteristics of the Craftsman-style residence circa 1940; and (v) represents an established and familiar visual feature of the neighborhood; and

WHEREAS, On February 5th of 2024 the Town Board held a public hearing regarding the designation; now therefore be it

RESOLVED, The Amherst Town Board designates 22 Chateau Terrace as a Town historic landmark.

2/5/2024
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0. The public hearing was opened at 7:07 PM.

Brian Swartz, Chairman of the Historic Preservation Commission and James Quinn, Assistant Planner, presented.

The following speakers addressed the Board:
Samantha Smith, 60 Fruehauf Ave
Jessica Black, 79 Fruehauf Ave
Lisa & Bob Drdul, 92 Chateau Ter
Michael Kozelsky, 60 Fruehauf Ave
Jane Cox, 4584 Harlem Rd
John Casali, 23 Fruehauf Ave
Christina Coyle-Lenz, 64 Chateau Ter E

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn and keep the public hearing open, seconded by Councilmember Berger and unanimously approved 5-0.

2/26/2024

A motion to reopen the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0. The public hearing was opened at 7:15 PM.

The following speakers addressed the Board:
Samantha Smith, 60 Fruehauf Ave
Michael Kozelsky, 60 Fruehauf Ave
Eric Anson, 57 Fruehauf
John Casali, 23 Fruehauf Ave
Mary Beth Glose, 20 Chateau Ter S
Lisa & Bob Drdul, 92 Chateau Ter
Dennis Hoban, 216 California Dr
Dianne Gordon, 42 Chateau Ter S
Christina Coyle-Lenz, 64 Chateau Ter E
Timothy Druzbik, 70 Fruehauf Ave
Judy Ferraro, 213 Donna Lea Blvd
Jane Cox, 4584 Harlem Rd
Jessica Black, 79 Fruehauf Ave
Paul Cercone, 52 Chateau Ter
Shelly Schratz, 1952 Kensington Ave
Don Smith, 201 N Long St
Tom Weisbeck, 48 Drawbridge Ct

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Councilmember Berger and unanimously approved 4-0. The public hearing was closed at 8:26 PM.

A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

FINANCIAL IMPACT:

This action will have no impact on the Town operating budget or on the tax rate.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 2/26/2024 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Jacqualine Berger, Councilmember	
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci	

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel Ulatowski, AI
Assistant Planning Dire

MEMORANDUM January 31, 2024

Town Board Agenda February 5, 2024

TO: Town Board Members

FROM: Brian Swartz, Chair, Historic Preservation Commission

SUBJECT: Proposed Designation of **22 Chateau Terrace** as a Local Historic Landmark

At the February 5, 2024 Town Board meeting, there is a scheduled public hearing to consider the historic designation of property located 22 Chateau Terrace as a local landmark. The following is a summary of the application process to date.

Location and surrounding area: The property being considered for designation is a single family home and detached garage located at 22 Chateau Terrace and described by SBL number 68.17-6-19. The property is zoned Traditional Infill (TI-2.5).

Application for Landmark Designation: The application was filed by the Amherst Historic Preservation Commission on February 2, 2023 by a neighborhood resident. At its June 6, 2023 meeting, the HPC voted unanimously that the application was worthy of consideration and to set a public hearing date of August 8, 2023.

Notice of Proposed Designation and Public Hearings: Following the Town's Local Law *Establishing Regulations for Historic Preservation in the Town of Amherst* [Section 6(e)(g)], all listed Town departments were sent a Notice of Proposed Designation and the notice was also published in the Amherst Bee on July 19th, 2023.

The HPC public hearing took place in Amherst Town Hall on August 8, 2023. The HPC Chair presented the application, noting the designation criteria under which the property was being presented.

The public hearing was closed and adjourned to the September 12th 2023 regular meeting where the HPC voted 5-1 to recommend designation of the property to the Town Board.

Attachment: 22 Chateau Terr_TB letter_020524 (RES-2024-117 : Landmark Designation 22 Chateau Terrace)

Honorable Town Board

Local Historic Landmark Designation;
property located at 22 Chateau Terrace
Agenda of February 5, 2024

Recommendation:

The Amherst Historic Preservation Commission voted to recommend designation of the subject property based on Criteria (i), (ii), and (v) of the local historic preservation ordinance [Section 6(a)]. Only one criterion is necessary for designation. These criteria are as follows:

i. **Is associated with the lives of individuals, or of people, or of events significant in the national, state or local history.** 22 Chateau Terrace is part of the College Hill – Chateau Terrace development, a 20th century residential subdivision accessed via Main Street in Snyder, a hamlet of Amherst.

ii. **Embodies the distinctive characteristics of a type, a period, or a method of construction.** The residence at 22 Chateau embodies the distinctive characteristics of the Craftsman-style residence in the c. 1920 – 1940's. Common features of the Craftsman style include low-pitched gable (triangular) roofs, overhanging eaves with exposed rafters and beams, patterned window panes and a covered or enclosed front porch.

v. **Represents an established and familiar visual feature of the neighborhood.** 22 Chateau Terrace is identified as lot #2 on the original Sub Division Map for the College Hill - Chateau Terraces for the developers Suor and Suor. Lot #2, with dimensions of 80' x 80', was the first of three regularly sized residential properties after the larger Main Street/ Chateau Terrace parcel. These properties served as a gateway to the Chateau Terrace neighborhood.

The Commission seeks the Town Board's approval for designation of the 22 Chateau Terrace as a Local Landmark. A draft resolution is attached for your consideration.

Thank you for your consideration of this designation request.

JQ/ac
Enclosures
X:\Special_Projects\Historic Preservation\PROPERTY FILES\Harlem Road Community Center\Landmark Designation\Town Board PH\TBLtr_DesignationRecommendation12.20.22.docx
cc: Francina J. Spoth, Town Clerk
Martin C. Polowy, Esq., Town Attorney
Mark Berke P.E., Building Commissioner
HPC Members

Attachment: 22 Chateau Terr_TB letter_020524 (RES-2024-117 : Landmark Designation 22 Chateau Terrace)

Honorable Town Board

Local Historic Landmark Designation;
property located at 22 Chateau Terrace
Agenda of February 5, 2024

Attachment: 22 Chateau Terr_TB letter_020524 (RES-2024-117 : Landmark Designation 22 Chateau Terrace)

Town of Amherst
Historic Preservation Commission

Town Board Meeting Public Hearing
February 5, 2024

Attachment: TB_PH_Presentation020524 (RES-2024-117 : Landmark Designation 22

PUBLIC HEARING – 22 Chateau Terrace

Local Landmark Designation

Address: 22 Chateau Terrace

S.B.L.: 68.17-6-19

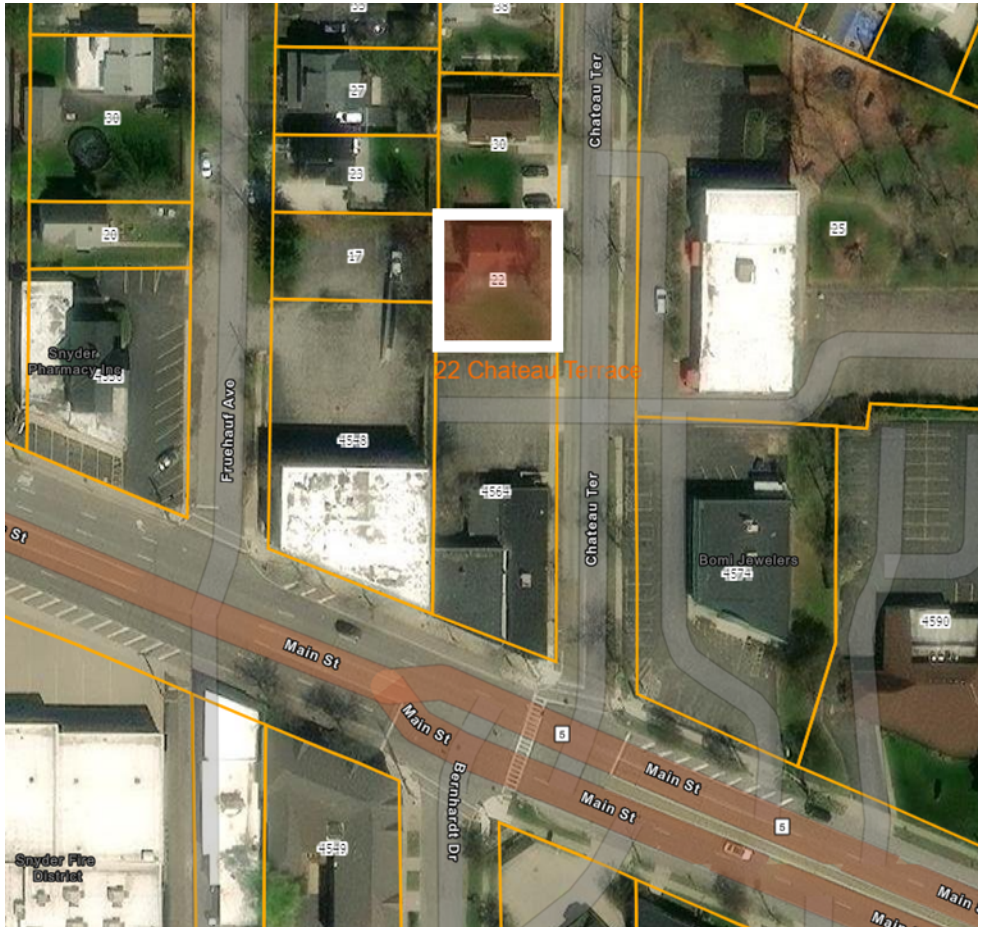
Petitioner: Historic Preservation Commission

Attachment: TB_PH_Presentation020524 (RES-2024-117 : Landmark Designation 22

PUBLIC HEARING – 22 Chateau Terrace

Landmark Designation - 22 Chateau Terrace

22 Chateau Terr – Neighborhood Arial



Attachment: TB_PH_Presentation020524 (RES-2024-117 : Landmark Designation 22

PUBLIC HEARING – 22 Chateau Terrace

121-5 Amherst Town Code

- Establishes a Historic Preservation Commission with various powers including recommending designation of historic landmarks, sites and districts to the Town Board for its consideration

121-6 Amherst Town Code

- Establishes the criteria for designation of historic landmarks, sites and districts

Attachment: TB_PH_Presentation020524 (RES-2024-117 : Landmark Designation 22

PUBLIC HEARING – 22 Chateau Terrace

121-6A Amherst Town Code

➢ The Commission may recommend designation of an individual property as a landmark, subject to Town Board approval, if it:

1) Is associated with the lives of individuals or of people or of events significant in the national, state or local history.

2) Embodies the distinctive characteristics of a type, a period or a method of construction.

3) Represents the work of a master architect or designer or possesses high artistic values.

4) Represents a significant or distinguished entity whose components may lack individual or special distinction.

5) Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.

Attachment: TB_PH_Presentation020524 (RES-2024-117 : Landmark Designation 22

PUBLIC HEARING – 22 Chateau Terrace

- The Historic Preservation Commission held a public hearing on August 8th, 2023 and collected interdepartmental and public comments

- The Historic Preservation Commission voted 5-1 to recommend designation to the Town Board at their regular meeting of September 12th, 2023

Attachment: TB_PH_Presentation020524 (RES-2024-117 : Landmark Designation 22

PUBLIC HEARING – 22 Chateau Terrace

Applicable Criteria identified by the Historic Preservation Commission for local landmark nomination:

1) Is associated with the lives of individuals or of people or of events significant in the national, state or local history.
2) Embodies the distinctive characteristics of a type, a period or a method of construction.
5) Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.

Attachment: TB_PH_Presentation020524 (RES-2024-117 : Landmark Designation 22

PUBLIC HEARING – 22 Chateau Terrace

121-6A(1): *Is associated with the lives of individuals or of people or of events significant in the national, state or local history.*

- 22 Chateau Terrace is part of the College Hill – Chateau Terrace development, a 20th century residential subdivision accessed via Main Street in Snyder, a hamlet of Amherst.

Attachment: TB_PH_Presentation020524 (RES-2024-117 : Landmark Designation 22

PUBLIC HEARING – 22 Chateau Terrace

121-6A(2): *Embodies the distinctive characteristics of a type, a period, or a method of construction.*

- The residence at 22 Chateau embodies a distinctive characteristics of the Craftsman-style residence in the c. 1920 – 1940's. Common features of the Craftsman style include low-pitched gable (triangular) roofs, overhanging eaves with exposed rafters and beams, patterned window panes and a covered or enclosed front porch.

Attachment: TB_PH_Presentation020524 (RES-2024-117 : Landmark Designation 22

PUBLIC HEARING – 22 Chateau Terrace

121-6A(5): *Represents an established and familiar visual feature of the neighborhood.*

- 22 Chateau Terrace is identified as lot #2 on the original Sub Division Map for the College Hill - Chateau Terraces for the developers Suor and Suor. Lot #2, with dimensions of 80’ x 80’, was the first of three regularly sized residential properties after the larger Main Street/ Chateau Terrace parcel. These properties served as a gateway to the Chateau Terrace neighborhood.

Attachment: TB_PH_Presentation020524 (RES-2024-117 : Landmark Designation 22

PUBLIC HEARING – 22 Chateau Terrace

Thank you for considering the nomination for local landmark designation of

22 Chateau Terrace

Attachment: TB_PH_Presentation020524 (RES-2024-117 : Landmark Designation 22

TOWN OF AMHERST

ERIE COUNTY, NEW YORK

HISTORIC PRESERVATION COMMISSION

DEBORAH BRUCH BUCKI, RN, PhD
Councilmember & Liaison

SUSAN M. PALMER, CHAIR
CATHERINE WATERMAN-KULPA, VICE CHAIR
JENNIFER KENSY
BRIAN SWARTZ
NORMAN J. HIRSCHEY, P.E.
MARY LOU MANCUSO

Attachment: NominationHPCLetter_091323 (RES-2024-117 : Landmark Designation 22 Chateau Terrace)

MEMORANDUM September 12, 2023

TO: Town Board
Francina J. Spoth., Town Clerk
Mark Berke P.E., Building Commissioner
Martin A. Polowy., Town Attorney

FROM: Catherine Waterman-Kulpa, Historic Preservation Commission Vice Chair

SUBJECT: LOCAL LANDMARK NOMINATION RECOMMENDATION TO TOWN BOARD, **22 CHATEAU TERRACE, AMHERST, NY 14226**

Dear Amherst Town Board members,

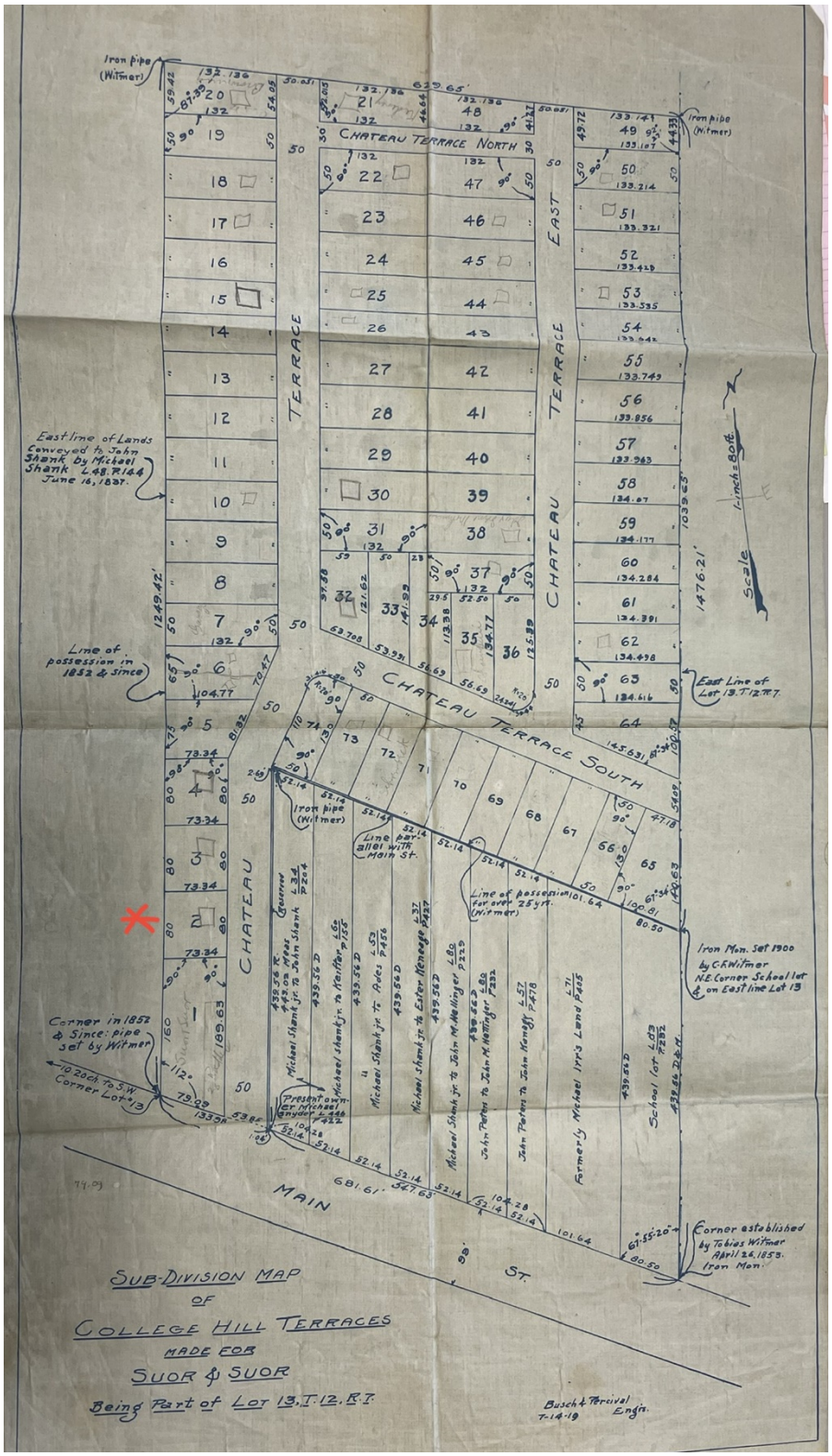
The consideration before the Town Board is the nomination of 22 Chateau Terrace as a local landmark. Three separate Amherst Town Code criteria for local landmarking per § 121-6 "Designation of historic landmarks, sites and districts" have been identified by the Historic Preservation Commission.

Criteria A5:

22 Chateau Terrace is identified as lot #2 on the original Sub Division Map for the College Hill - Chateau Terraces for the developers Suor and Suor. Lot #2, with dimensions of 80' x 80', was the first of three regularly sized residential properties after the larger Main Street/Chateau Terrace parcel. These properties served as a gateway to the Chateau Terrace neighborhood. As the first residential property, 22 Chateau represents an **established and familiar visual feature of the neighborhood**. Local landmarking is a tool the Town has to preserve properties which meet the criteria in the Town of Amherst code for local landmarking. In this case, 22 Chateau Terrace meets the minimum threshold for criteria A5. You may be confused by the conclusion of the Commonwealth Heritage Group's June 2022 report prepared for Benderson Development

(attached.) This was submitted by the owner (Benderson Development) as part of the information collection part of the local landmarking process for 22 Chateau Terrace. The document states the property does not seem to meet the criteria for State and National Register landmarking. That is not the issue before you. The issue before you is local landmarking. The State and National Register of Historic Places has different standards and criteria to evaluate a property or group of properties' historical significance as it pertains to statewide or national history. This is exactly why Historic Preservation Commissions were created at the local government level. These Historic Preservation Commissions were given criteria by the state government and the ability as a Certified Local Government to locally list historic landmarks for protection from inappropriate modifications or demolition. 22 Chateau Terrace meets the Town's codified criteria A5 as a stand-alone landmark, "Because of a unique or singular physical characteristic, represents an established and familiar visual feature of the neighborhood." As previously stated, 22 Chateau Terrace is the first residential lot in the subdivision. As the first house, it has prominence. Locally, to this neighborhood of Amherst, this property is held to a higher regard that properties deep within the neighborhood. You might say, well the Bornhava development already impacted the Chateau neighborhood boundary. It did not. It did not due to the geographical boundaries of the subdivision; the Bonhava properties were not included in the Sour and Sour sub division for Chateau Terrace. But what one could say is the Bornhava development actually enhanced the importance of 22 Chateau Terrace because it created a distinction between residential and commercial properties along Chateau Terrace. The Bornhava development, by joining previously narrower parcels, which then allowed for larger development, shows the importance of maintaining the character of the Chateau neighborhood starting at the first residential parcel with the regular 80' x 80' parcels. The original map shows the lots where Bornhava is (and beyond moving east) were roughly 52' x 439'. The residential neighborhood did not include those deep lots to the east along Main Street. Likewise, Lot #1 of the subdivision was an intentionally larger parcel for commercial use along Main Street; identifying the importance of commercial properties along Main Street in this area of Snyder. (See attached map.)

Attachment: NominationHPCLetter_091323 (RES-2024-117 : Landmark Designation 22 Chateau Terrace)



Sub Division Map for the College Hill – Chateau Terraces for developers Suor and Suor.

Attachment: NominationHPCLetter_091323 (RES-2024-117 : Landmark Designation 22 Chateau Terrace)

Criteria A2:
22 Chateau Terrace is identified as meeting the threshold of criteria A2 as well. Criteria A2 states a property must "**Embodies the distinctive characteristics of a type, a period or a method of construction**." The residence at 22 Chateau embodies the distinctive characteristics of the Craftsman-style residence in the c. 1920 – 1940's. Common features of the Craftsman style include low-pitched gable (triangular) roofs, overhanging eaves with exposed rafters and beams, patterned window panes and a covered or enclosed front porch. There is no doubt 22 Chateau Terrace is a Craftsman house.

22 Chateau Terrace

You may say, we have a lot of these houses in Amherst. Do we? This housing type is a present in a very small area of Amherst. If you took all the structures in Amherst – maybe 110,000 and looked at the percentage of Craftsman home – maybe 200 (mostly in Snyder and a quarter in this neighborhood), you would see that less than 0.18% of the properties are Craftsman type. Now take those that have been modified and are no longer significant examples of the style. Most of the Craftsman are not stucco examples. In the Chateau neighborhood, this is the only example of a stucco faced Craftsman house. The number of houses similar to this one in the Town is less than 0.0072% of the building stock if there are 8 stucco Craftsman houses in Amherst. This one example of a Craftsman home is an important and rare one for the Town.

Attachment: NominationHPCLetter_091323 (RES-2024-117 : Landmark Designation 22 Chateau Terrace)

Criteria A1:
22 Chateau Terrace also meet the Town's criteria A1 for local landmarking which states a property is "**Is associated with the lives of individuals or of people or of events significant in the national, state or local history**." As mentioned, 22 Chateau Terrace is part of the College Hill – Chateau Terrace development, a 20th century residential subdivision accessed via Main Street in Snyder, a hamlet of Amherst. How the town was laid out is important to the Town's history. Parts of Amherst are known for being agricultural. Some parts are known for being commercial. Some are known for having post war housing developments, while others housing development from different eras were located in other parts of the Town. The Chateau Terrace part of Amherst is a dense residential area along Main Street which is a "straight" shot to City of Batavia in the north and City of Buffalo to the south. The early 20th century development was made possible by the normalization of the automobile to residential life; allowing work, live, and play aspects of life to be located farther away from one another.

You could say, this property is one in 70 properties in the Chateau Terrace neighborhood. Why designate just this one? Why is it that important to Amherst's local history? This one singular property is important because it is a gateway to the Chateau Terrace neighborhood. This neighborhood's development is important to Amherst's development. The subdivisions of the early 20th century laid out much of Snyder taking it from farmland to the largest collection of old homes in the Town of Amherst outside of the village.

Please feel free to reach out to the Commission with any questions you have pertaining to the historic significance of 22 Chateau Terrace, the local landmarking process, or any other questions you may have.

Sincerely,
Kate Waterman-Kulpa, RA
Vice Chair, Amherst Historic Preservation Commission

Attachment: NominationHPCLetter_091323 (RES-2024-117 : Landmark Designation 22 Chateau Terrace)

TOWN OF AMHERST
HISTORIC PRESERVATION COMMISSION

RESOLUTION NO. ___ OF 2023

Re: Recommendation for local landmark designation of 22 Chateau Terrace

WHEREAS, the Town of Amherst has many significant historic, architectural and cultural landmarks within its borders; and

WHEREAS, 22 Chateau Terrace meets Local Landmark Criterion A(i): Is associated with the lives of individuals or of people or of events significant in the national, state or local history (ii): embodies the distinctive characteristics of the Craftsman-style residence; and (v): represents an established and familiar visual feature of the neighborhood and

WHEREAS, Built ca. 1920, this property is also associated with the history of suburban development in the Town of Amherst; and

WHEREAS, It retains a moderate level of integrity of design, materials, craftsmanship and settings; and

WHEREAS, It represents an established and familiar visual feature of the neighborhood as the first residential structure for the gateway of the Chateau Terrace neighborhood; and

WHEREAS, The proposed nomination is further described in the attached documents; now therefore be it

RESOLVED, Pursuant Amherst Code Section 121-6 of the duties of designation by the Historic Preservation Commission, the Commission would like to recommend for designation the property at 22 Chateau Terrace, in Amherst New York as a local landmark under Local Landmark Criterion A(i), A(ii), and A(v).

The foregoing resolution was adopted by the Town of Amherst Historic Preservation Commission, September 12, 2023; moved by – Waterman-Kulpa ; seconded by - Mancuso; ayes 5, noes 1 (Palmer), Absent (0).

Susan Palmer _____ Sept 12, 2023

Susan Palmer, Chair Date

Attachment: HPC_RES_SignedRecommendtoTB (RES-2024-117 : Landmark Designation 22 Chateau Terrace)

LANDMARK DESIGNATION APPLICATON FORM
TOWN OF AMHERST, NEW YORK

FOR USE OF BLDG. DEPT. ONLY

REC'D BY _____
DATE _____
TIME _____

Town of Amherst Historic Preservation Commission
Town of Amherst Planning Department – (716) 631-7051

Your name: Jessica Black Telephone: (716) 713-4047 Date: _____

Your address: 79 Fruehauf Avenue Amherst NY 14226

Organization (if any): _____

A. PROPERTY IDENTIFICATION

1. Building's common or current name: 22 Chateau Terrace

2. Building's historic name, if known: _____

3. Street location: 22 Chateau Terrace SBL# 68.17-6-19

4. Present owner & address: [list all owners of record and their addresses – use additional sheet if necessary]
570 DAB 3 LLC Benderson Development
7978 COOPER CREEK BOULEVARD C/O JOSEPH P. KEIFFER
UNIVERSITY PARK FL 34201

B. DESCRIPTION OF CRITERIA FOR DESIGNATION OF HISTORIC LANDMARK, SITE, OR DISTRICT

Applicants must clearly and thoroughly identify the criteria which is the basis for designation of a historic landmark, site or district. Applications will not be considered by the Commission unless completed with all information deemed necessary by the Commission.

Applicants must:

- Indicate the criteria which is the basis of this application with a check box below
- Provide a supporting written narrative explaining how this property meets EACH criteria indicated.
- Attach supporting documentation for each criteria
- Provide such additional documentation required by the Commission

Attachment: Landmark Application - Copy (RES-2024-117 : Landmark Designation 22 Chateau Terrace)

The HPC may recommend designation of an individual property as a HISTORIC LANDMARK if it:

_____1. Is associated with the lives of individuals, or of people, or of events significant in the national, state or local history.

_☑_2. Embodies the distinctive characteristics of a type. a period, or a method of construction.

_____3. Represents the work of a master architect or designer, or possesses high artistic values.

_____4. Represents a significant or distinguished entity whose components may lack individual or special distinction.

_____5. Because of a unique location or singular physical characteristic. it represents an established and familiar visual feature of the neighborhood.

The HPC may recommend designation of a property or a group of properties as a HISTORIC SITE if it/they:

_____1. Contain(s) significant historical or cultural sites where buildings or structures no longer exist such as a battlefield, cemetery, or former transportation facility; or sites which may yield information important to area history or prehistory.

The HPC may recommend designation of a group of properties as an HISTORIC DISTRICT if they:

_____1. Contain properties which meet one or more of the criteria for designation as a landmark; or

_☑_2. Are an area that represents several periods or styles of architecture typical of different areas of history; or

_____3. Are an area that has several buildings of the same architectural period or style, and thus constitute unified architectural streetscape consistency, or a significant community uniformity of style; or

_____4. Are an area connected with significant events or cultural happenings or developments involving ethnic, religious groups, or other groups of special historical interest; and

_____5. By reason of possessing such qualities, they constitute a distinct section of the Town of Amherst.

Attachment: Landmark Application - Copy (RES-2024-117 : Landmark Designation 22 Chateau Terrace)

C. PROPERTY DESCRIPTION

5. **Building material(s):**
___ clapboard ☑ stone ☑ stucco
___ shingles ___ cobblestone ___ board and batten
___ brick ___ logs ___ other: _____

6. **Structural system:** (if known)
___ wood frame: heavy timber ___ plank
___ wood frame: light members ___ metal (explain): _____
___ masonry load-bearing walls _____
___ log ___ other: _____

7. **Condition/ Integrity:**
___ excellent ___ deteriorated Check one: Check one:
◎ good ___ ruins ◎ unaltered ◎ original site
___ fair ___ unexposed ___ altered ___ moved
date: _____

List major alterations and dates (if known):_____
Exterior alterations include a few replacement windows, a replacement wood rail on the front stoop, and asphalt roofing shingles.

Source of this information: Commonwealth Heritage Group Documentation Report, June 2022

8. **Threats to building:**
___ none known ☑ development ___ deterioration
___ zoning ___ roads ___ fire
___ other/comments: _____

9. **Related outbuildings and property:**
___ barn ___ carriage house ___ shop ___ well
☑ garage ___ greenhouse ___ gardens ___ other
___ shed ___ privy ___ stables _____
Landscape feature:_____
Other:_____

10. **Surroundings:** (check all that apply)
___ open land ___ densely build-up ☑ residential
___ woodland ___ commercial ___ other:_____
___ scattered buildings ___ industrial _____

11. Interrelationship of building and surroundings:_____

Attachment: Landmark Application - Copy (RES-2024-117 : Landmark Designation 22 Chateau Terrace)

12. Other notable features of building and site (i.e. style, details, interior features if known):

Description of Exterior.

The residence at 22 Chateau Terrace is a frame, two-story Craftsman-style building with a front-gabled roof with asphalt shingles, stucco exterior, wood belt course, and stone foundation. It has a rectangular plan and measures approximately 24.20 ft wide by 40.66 ft deep. Window openings are single, paired, and triple groupings. These openings feature simple molded wood surrounds and wood double-hung sash (1/1 and 9/1). Original basement windows have two lights. The east façade has an enclosed entry porch with a wood stoop in the north bay, a one-story sunroom with a low-pitched gabled roof, and a triple window grouping with bracketed pent. The entrance door features six lights over two lights and two panels. It is flanked by sidelights of four over one, a wood panel, and a single corner pilaster. Six lights over one light windows are on the north side of the entry porch. Stylistic details include wide overhanging eaves with single triangular ...

Signed at:
2023-02-02 11:45:44

02/02/2023

Signature of Applicant **Date**

Print Name

Two (2) copies of this form and all supporting documents must arrive by 4:00 pm (end of day) two weeks prior to the monthly Historic Preservation Commission meeting. Upon submission of the complete application, one complete PDF shall be emailed to the Town of Amherst. Email address shall be provided at the time of submission.

Attachment: Landmark Application - Copy (RES-2024-117 : Landmark Designation 22 Chateau Terrace)

DO NOT WRITE BELOW THIS LINE

The Town of Amherst Historic Preservation Commission action taken:

Motion:

_____

Chairpersons Signature_____

Date_____

CRITERIA NARRATIVES AND SUPPORTING DOCUMENTS MUST BE ATTACHED

Attachment: Landmark Application - Copy (RES-2024-117 : Landmark Designation 22 Chateau Terrace)

Amherst

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

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AIC
Assistant Planning Direct

TRANSMITTAL OF LANDMARK DESIGNATION June 20, 2023

TO:

- ☐ Francine Spoth, Town Clerk
- ☐ Timothy Koller, Deputy Town Clerk
- ☐ Daniel Ulatowski, Principal Planner
- ☐ Emily Murphy, Town Assessor
- ☐ Mark Berke, Commissioner of Building
- ☐ Jeffrey Burroughs, Town Engineer
- ☐ Patrick Lucey, Sup. of Highway
- ☐ Mary-Diana Pouli., Executive Director, Youth & Recreation
- ☐ Bryan Parnell, Fire Chiefs' Association
- ☐ Martin Polowy, Town Attorney (Local Law Only)
- ☐ Ann Demopoulos, Deputy Town Attorney,
- ☐ Integrated Review Coordinator, ECDEP
- ☐ Ronald Hayes, SEQR Review Coordinator, NYSDOT

FROM: James Quinn, Assistant Planner
E: jquinn@amherst.ny.us
P: (716) 631-7104

SUBJECT: PUBLIC HEARING TO DESIGNATE 22 Chateau Terrace Amherst NY, 14226; S.B.L. 68.17-6-19

REVIEW: (to be completed by each reviewing department/agency)

- ☐ No concerns with request
- ☑ Request is not reviewable
- ☐ Additional information is required to complete review

Project is not reviewable because: SEE ATTACHED MEMO

Please provide additional information including: _____

Please provide comments by **August 7, 2023,** so that they may be taken into consideration by the Historic Preservation Commission at their meeting of **August 8, 2023**.

Please call the Planning Department contact above if additional information is required (631-7051).

Reviewed By: _____ **Date:** 8.4.23

JQ/
cc:

Attachment: MBerke_DeptResponse (RES-2024-117 : Landmark Designation 22 Chateau Terrace)

TOWN OF AMHERST
BUILDING DEPARTMENT

INTER-DEPARTMENTAL CORRESPONDENCE

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080
FAX: (716) 631-7192

Mark S. Berke, P.E.
Commissioner of Building

Attachment: MBerke_DeptResponse (RES-2024-117 : Landmark Designation 22 Chateau Terrace)

Memorandum

DATE: August 7, 2023

TO: James Quinn, Assistant Planner

FROM: Mark Berke, P.E., Commissioner of Building, Amherst Building Department

RE: Comments: Public Hearing to Landmark designate 22 Chateau Terrace Amherst, NY 14226

After a recent inspection of the detached garage at 22 Chateau Terrace, I have determined in accordance with Section 151-56A of the Property Maintenance Code of the Town of Amherst, the structure has become so out of repair as to be dangerous and unsafe for any use. Additionally, I have determined that in accordance with Section 151-56A of the Property Maintenance Code of the Town of Amherst that it is unreasonable to repair the structure and that the detached garage should be demolished.

Therefore, the request to review the potential landmark designation of 22 Chateau Terrace must not include the detached garage.

Mark S. Berke, P.E.

Commissioner of Building
Town of Amherst Building Department

Amherst

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

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

RECEIVED
JUN 26 2023
TOWN OF AMHERST
PLANNING DEPT.

TRANSMITTAL OF LANDMARK DESIGNATION

June 20, 2023

TO:

- ☐ Francine Spoth, Town Clerk
- ☐ Timothy Koller, Deputy Town Clerk
- ☐ Daniel Ulatowski, Principal Planner
- ☐ Emily Murphy, Town Assessor
- ☐ Mark Berke, Commissioner of Building
- ☐ Jeffrey Burroughs, Town Engineer
- ☐ Patrick Lucey, Sup. of Highway
- ☑ Mary-Diana Pouli., Executive Director, Youth & Recreation
- ☐ Bryan Parnell, Fire Chiefs' Association
- ☐ Martin Polowy, Town Attorney (Local Law Only)
- ☐ Ann Demopoulos, Deputy Town Attorney,
- ☐ Integrated Review Coordinator, ECDEP
- ☐ Ronald Hayes, SEQR Review Coordinator, NYSDOT

FROM: James Quinn, Assistant Planner
E: jquinn@amherst.ny.us
P: (716) 631-7104

SUBJECT: PUBLIC HEARING TO DESIGNATE 22 Chateau Terrace Amherst NY, 14226; S.B.L. 68.17-6-19

REVIEW: (to be completed by each reviewing department/agency)

- ☑ No concerns with request
- ☐ Request is not reviewable
- ☐ Additional information is required to complete review

Project is not reviewable because: _____

_____

Please provide additional information including: _____

_____

Please provide comments by **August 7, 2023,** so that they may be taken into consideration by the Historic Preservation Commission at their meeting of **August 8, 2023**.

Please call the Planning Department contact above if additional information is required (631-7051).

Reviewed By: Mary Diana Pouli **Date:** 6/24/23

JQ/
cc:

Attachment: 22_Chateau_Youth-Rec_062623 (RES-2024-117 : Landmark Designation 22 Chateau Terrace)

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

Francina J. Spoth
Town Clerk

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

DOC ID: 27749 **RESOLUTION 2023-623** **ADJOURNED**

1350 Eggert Road Rezoning

Request to rezone 1350 Eggert Road from OB-TNB-1 to TI-2.5.

7/24/2023
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was opened at 8:14 PM.

Sean Hopkins, Esq. presented.

The following speakers spoke in opposition:
Ray Volpe, 302 Crosby Blvd
Dan Dolloff, 278 Crosby Blvd
Susan Aureli, 312 Crosby Blvd
Pamela & John Sander, 34 Olney Dr
Kristen Lane, 37 Olney Dr
Janice Colvin, 49 Olney Dr
Jessica Kerr, 22 Olney Dr

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn the hearing until August 21st, seconded by Councilmember Lavin and unanimously approved 5-0.

8/21/2023
Supervisor Kulpa made a motion to adjourn the hearing until September 18th at the earliest, for the petitioner to submit information regarding a storm water mitigation plan, a traffic analysis and to hold a meeting with the residents within the 600 ft. radius, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

12/4/2023
A motion to adjourn was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

12/18/2023
A motion to adjourn was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

2/5/2023
A motion to adjourn was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

RESULT:	**ADJOURNED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard, A
Planning Directo

Daniel J. Ulatowski, A
Assistant Planning Di

July 14, 2023

Town Board Agenda of July 24, 2023

The Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Subject: Request to rezone 3.61± acres of land from Office Building-Traditional Neighborhood Business District 1 (OB-TNB-1) to Traditional Infill 2.5 District (TI-2.5); property located at 1350 Eggert Road, 1097 Group LLC, Petitioner. (Z-2023-03).

Honorable Members:

The subject property is a 3.61 ± acre rectangular parcel located on the southwest corner of the intersection of Eggert Road and Crosby Boulevard approximately 500 feet north of the intersection of Main Street and Eggert Road.

The site is currently developed as a mixed-use building with the associated parking. The existing building includes 38 apartments and first floor office space. The building ranges from single-story at the south end to 3-story at the north end due to significant grade change on the site. A semi-circular parking and drop-off/pick-up area is located adjacent to the front building entrance with the majority of the development's parking to the rear of the existing building. A 20 ft. wide easement runs near the north property line of the parcel and provides access to the adjacent property at 289 Crosby Boulevard, currently used as a group home.

For information on the surrounding zoning and land use, please refer to the attached sketch.

The purpose of this request is to utilize a zoning district that allows for a ground floor residential use to introduce new residential buildings to an existing developed site. Based on a concept plan, the proposed development project proposes two, eight-unit residential buildings that are located on the western portion of the site. Additionally, approximately 5,130 square feet of vacant commercial space within the former school building will be converted into three apartment units.

The subject site was zoned Community Facilities (CF) district with the adoption of the Town wide Zoning Map & Ordinance on January 19, 1976.

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Honorable Town Board

Rezone land from OB-TNB-1 to TI-2.5;
Property located at 1350 Eggert Road
Agenda of July 24, 2023

Z-2010-07: The subject site at 1350 Eggert Road was included in a request to rezone 26.56± acres of land for the establishment of the Traditional Neighborhood Business (TNB) overlay district. The intent of establishing the overlay district was to advance planning objectives in the Main & Eggert area to encourage investment and improve aesthetic design. The request was adopted by the Town Board on May 17, 2010

Z-2013-16: Request to rezone 3.61± acres of land from CF-TNB-1 to OB-TNB-1 to permit the redevelopment of the former Cantalician Center school site as a mixed-use project to include 38 apartment units and 5,130± sq. ft. of office space.

It should be noted that each parcel proposed to be located within a Traditional Infill District (those listed in §5A-1 of the Zoning Ordinance) is required to have a "frontage type" assigned. The frontage types (§5A-2 of the Zoning Ordinance) function as a supplemental overlay that provides additional design requirements in order to provide a desired character and form. As part of the subject rezoning request, the Planning Board has recommended approval with the condition that the "Residential" frontage type be assigned to this property. A "Residential" frontage type allows for buildings that are closer in mass and scale to large traditional houses. This is accomplished through dimensional requirements for a larger front setback (10'-30'), smaller building massing (40' width maximum) and a pitched roof design. These elements along with other dimensional standards facilitate an architectural form that is consistent with a typical residential building. The Planning Board, in recognition of the character of the surrounding neighborhood deemed this frontage type as the most appropriate for the future proposed development of the subject parcel and recommends the Town Board assign "Residential" frontage type as a condition of the rezoning.

The Planning Board offers the following findings consistent with Section 8-3 of the Zoning Ordinance.

INTENT AND OBJECTIVES OF THE COMPREHENSIVE PLAN

Figure 6A in the Bicentennial Comprehensive Plan illustrates the subject site as appropriate for commercial-mixed use. Further, Figure 6A highlights the appropriate zoning district as Traditional Infill. The Traditional Infill areas are characterized by walkable, pedestrian scaled development that services the surrounding neighborhood. Smaller scale development with attention to architectural design creates a sense of place while preserving the character of the existing community. The subject request if assigned a residential frontage as permitted by the traditional infill zoning district will be consistent with goals and objectives of the Comprehensive Plan. As noted, the petitioner's proposed concept plan and building form must be revised to be consistent with the surrounding residential scale and building form.

INTENT AND OBJECTIVES OF THE ZONING ORDINANCE

The rezoning request is consistent with Section 1-2-2K of the Zoning Ordinance which seeks to guide the future development of the Town so as to bring about the gradual conformity of land and building uses in accordance with the objectives of the Comprehensive Plan. The Petitioner's concept plan should be consistent with the residential frontage standards pursuant to section 5A-2-6 of the Zoning Ordinance.

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Honorable Town Board

Rezone land from OB-TNB-1 to TI-2.5;
Property located at 1350 Eggert Road
Agenda of July 24, 2023

CONSISTENCY/COMPATIBILITY WITH SURROUNDING DEVELOPMENT/ZONING

The proposed development faces to the north to a neighborhood park and single family houses. The rezoning request and introduction of a residential land use is compatible with the surrounding land uses which are single family residential to the north and west, zoned Residential District 3 (R-3). Multi-family residential to the northeast, zoned Residential District 4 (R-4), a place of worship to the southeast, zoned Community Facilities with the Traditional Neighborhood Business District overlay (CF-TNB-1), and a commercial office to the south, zoned Office Building with the Traditional Neighborhood Business District overlay (OB-TNB-1).

ADEQUATE SERVICES AND UTILITIES

All services and utilities necessary for the proposed rezoning are available and adequate at the subject location. This is an Unlisted Action, and an environmental assessment consistent with SEQR has been prepared for the subject proposal. Pursuant to Local Law #3-82, as amended, the requirements of SEQR are complete and the proposal is not expected to have a significant adverse effect on the environment.

RECOMMENDATION

The Planning Department requests that if the Town Board desires to act on the rezoning request, that a decision date be established after the public hearing so that the Planning Department can prepare a determination of environmental significance pursuant to SEQR, and prepare a resolution for the Town Board's consideration.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/TV/ac
Att.
X:\Current_Planning\Files\Rezonings\2023\Z-2023-03_(1350_Eggert_Rd)_2023\Z-2023-03_TB_Letter.doc
cc: Martin Polowy, Town Attorney

Planning Board Approval May 18, 2023
Ayes 6, Noes 0, Absent 1 (Chmiel)

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2023-03

PETITIONER

1097 Group LLC
Hopkins Sorgi & McCarthy
5500 Main St., Suite 343
Williamsville, NY 14221

PROPERTY LOCATION

1350 Eggert Road

'23 MAY 26 AM9:1

WHEREAS the Town of Amherst Planning Board on Thursday, May 18, 2023 held a public hearing on the proposed rezoning of land from Office Building- Traditional Neighborhood Business District 1(OB-TNB-1) to Traditional Infill District 2.5 (TI-2.5) , 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 if revised can be consistent with the policies of the Comprehensive Plan and the Zoning Ordinance.

B. There are adequate services and utilities available or proposed to be made available in the construction of the development.

C. The proposed zoning is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.

D. The subject property is suitable for uses permitted by the current versus the proposed district.

E. The proposed change does tend to improve the balance of uses, or meets a specific demand in the Town.

F. Review by the US Army Corps of Engineers under Section 404 of the Clean Water Act may be waived since hydric/potentially hydric soils have not been identified on the parcel.

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: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2023-03

PETITIONER

1097 Group LLC

PROPERTY LOCATION

1350 Eggert Road

'23 MAY 26 AM9:1

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 subject to:

1. A residential frontage be assigned to the parcel pursuant to Section 5A-2-1 of the Zoning Ordinance, and as extended along Crosby Boulevard.

2. That the use of the subject property as an ambulance service be prohibited and that a deed restriction prohibiting same on the property be filed with the Erie County Clerk's office.

The foregoing resolution was adopted by the Town of Amherst Planning Board, May 18, 2023; moved by Giuliani; seconded by Kahn; ayes 6; noes 0; absent 1 (Chmiel).

Robert J. Gilmour, Planning Board Chair

5/25/23
Date

TV/ac
X:\Current_Planning\Files\Rezonings\2023\Z-2023-03_(1350_Eggert_Rd)_2023\Z-2023-03_resolution_051823.docx
cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator
Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Rezoning Application & Supporting Documentation - Rezoning of 1350 Eggert Road from OB-TNB-1 to TI-2.5 Applicant: 1097 Group LLC c/oSean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC

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

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning Review and, if required Comprehensive Plan Amendment

For Official Use

File #: Z-2023-03 Acreage 3.61 Fee $ 1765

Address Verified by Assessor's Office _____ VERIFIED BY DATE

Materials Accepted by Town Clerk & Fee Paid _____ ACCEPTED BY DATE

Materials Checked by Building Dept. _____ RECEIVED BY DATE

Materials Received by Planning Dept. 2/21/2023 RECEIVED BY DATE

RECEIVED FEB 21 2023 TOWN OF AMHERST PLANNING DEPT.

		Fill In Applicable Fees
2 ACRES OR LESS	**$1,250**	$1,250.00
2 – 20 ACRES $1,250 + $250/acres or fraction thereof over 2 acres		$500.00
20 – 30 ACRES $5,700 + $150/acre or fraction thereof over 20 acres		____
OVER 30 ACRES $6,900 +$75/acre or fraction thereof over 30 acres		____
Request for Relief of/Change to Conditions of Zoning Approval	**$ 1,200**	____
AFFIDAVIT FEE FOR PUBLIC HEARING	**$ 15.00**	$15.00
TOTAL FEE:	~~$1,265.00~~ 1,765.00	1,765.00

[Note: A completed Part 1 of the Full Environmental Assessment Form along with Page 5[a] and Attachment "A" is attached as Exhibit "1".]

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

TO BE COMPLETED BY APPLICANT

1. **Petitioner:** Name: 1097 Group LLC

Address: c/o Sean Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, New York 14221
City State Zip Code

Phone: 510-4338 Fax:

E Mail shopkins@hsmlegal.com

2. **The undersigned hereby petitions the Honorable Town Board to rezone the following described property**

From: OB-TNB-1 District

To: TI-2.5 District

3. **Street address of land to be rezoned:** (must be verified by Town Assessor's Office)

1350 Eggert Road

SBL #: SBL No. 67.82-3-9.11

4. **Area of land to be rezoned** (in acres): Approximately 3.61 acres

5. **Owner of Land:**

Name: 1097 Group LLC c/o Sean Hopkins, Esq.

Address: 5500 Main Street, Suite 343 - Williamsville, NY 14221

Telephone: 716.510-4338

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

Name: Sean W. Hopkins, Esq.

Address: 5500 Main Street, Suite 343
Williamsville, New York 14221
Tel: 716.510-4338 - E-mail: shopkins@hsmlegal.com
City State Zip Code

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

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)

Not Applicable.

9. **Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor.** Legal description of the property to be rezoned from OB-TNB-1 to TI-2.5 attached as Exhibit "2" and the survey of the Project Site attached as Exhibit "3".

10. **Said property has the following deed restrictions or Covenants:** (attach copy) Not Applicable.

Liber _____ Page _____

11. **Information on proposed project:**

A. Description of the character of the proposed development:

See Exhibit 4.

B. Rationale for rezoning request:

1. Why was this site chosen?

See Exhibit 4

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

2. Why cannot land be used with the existing zoning?

See Exhibit 4.

3. How will this rezoning impact surrounding properties?

See Exhibit 4.

4. How will this rezoning impact the school system?

See Exhibit 4.

12. Quantitative Data:

A. Total # of dwelling units: 9 proposed two-story attached townhome units

B. Distribution of dwelling units by type: Apartments

C. Gross Residential Density per acre: 13 units per acre

D. Total amount of Open Space: Not Applicable

E. Proposed Non-Residential Floor Area: Not Applicable

[Note: A reduced size copy of the Site Plan for the proposed project is provided at Exhibit "6".]

13. Development Schedule:

Start: Summer 2023

Finish: 2024

Stages (# of): 1

14. If any portion of the proposed development is planned to be sold or leased, please describe:

The apartments will be leased.

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

15. Open Space ownership and maintenance provisions (if applicable):

Greenspace and landscaping will be privately owned and maintained.

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 Exhibit 5.

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 Town Board adopted the 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, map, and / or figures that must be amended to support the proposed zoning at this location (attach pages as necessary) and provide detailed suggested amendments.

See Exhibit 5.

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

3. State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

See Exhibit 5.

B. Adequate Services and Utilities are available or are proposed to be made available with the construction of the development:

1. Sanitary Sewer
   Yes.
2. Storm Sewer/Drainage
   Yes.
3. Water
   Yes.
4. Other Yes.

C. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:

See Exhibit 5.

D. Suitability of the subject property for uses permitted by the current versus the proposed district:

See Exhibit 5.

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

E. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:

See Exhibit 5.

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.

Signature of Petitioner

Subscribed and sworn to before me this 21st day of Feb., 2023

Notary Public, Erie County, New York

NOREEN A. ZIMMERMAN
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires Aug. 31, 20

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.

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

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.

P/CurrPlan/Applications2007/Rezoning & Comp Plan Amend App.
10/08

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

EXHIBIT 1

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

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: Rezoning of 1350 Eggert Road from OB-TNB-1 to TI-2.5		
Project Location (describe, and attach a general location map): 1350 Eggert Road - Town of Amherst - Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed project ("action") consists of a two-story town home building consisting of nine units and related site improvements to be located on a portion of 1350 Eggert Road ("Project Site"). The proposed action has been defined broadly to include all required discretionary approvals and permits as well as all proposed site improvements including an amendment of the zoning classification of the Project Site from OB-TNB-1 to TI-2.5 by the Town of Amherst Town Board. The project purpose is to develop a portion of the Project Site for residential purposes per the recommended land use in Figure 6-A of the Town's adopted Comprehensive Plan. The proposed project which represents an expansion of the previously approved redevelopment of the Project Site is an Unlisted Action and will not result in any potentially significant adverse environmental impacts. There were previous multiple negative declarations issued by the Town of Amherst municipal boards in connection with the environmental reviews of the existing project.		
Name of Applicant/Sponsor: 1097 Group LLC c/o Sean Hopkins, Esq.	Telephone: 716.510-4338 E-Mail: shopkins@hsmlegal.com	
Address: 5500 Main Street, Suite 343		
City/PO: Williamsville	State: NY	Zip Code: 14221
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

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 of Amherst Town Board - Rezoning	January 2023
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Town of Planning Board - Site Plan Amendment	To be Determined
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☐Yes ☑No		
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: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

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?
OB-TNB-1

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? TI-2.5

C.4. Existing community services.

a. In what school district is the project site located? Amherst 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

d. What parks serve the project site?
Various parks including public park contiguous to the project site

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential consisting of two-story attached townhomes for lease.

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? .5 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)? % 23.6% [38 existing units] Units: 9

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: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

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				9
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? (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): _____

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

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: 900 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 Consolidated 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:

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: 1,800 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
- 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

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

- 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 .4 acres (impervious surface)

_____ Square feet or 3.3 acres (parcel size)

ii. Describe types of new point sources. Runoff from impervious surfaces

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)?

Municipal system.

- 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)

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

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: 7:00 to 7:00
- Saturday: 7:00 to 5:00
- Sunday: Not Applicable
- Holidays: Not Applicable

ii. During Operations:

- Monday - Friday: Not Applicable
- 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 ☐ 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 on building will comply with the stringent lighting standard 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: _____

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

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): Park

ii. If mix of uses, generally describe:

Mixture of uses and zoning classifications.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	1.8	2.2	.4
• 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: Greenspace/Landscaping	1.5	1.1	(.4)

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

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):

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

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:

Farmington channery loam [FaB]	95.9 %
Ovid silt loam [OvA]	3.2 %
Urban land-Wassaic complex [Ux]	.9 %

d. What is the average depth to the water table on the project site? Average: >5 feet

e. Drainage status of project site soils:
☐ Well Drained: _____% of site
☑ Moderately Well Drained: .9 % of site
☑ Poorly Drained 99.1 % 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 _____ 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: _____

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

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:

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

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: Eligible property:School 13 - Eggert Rd Elementary School, Eligible property:St. Benedicts Roman Catholic Church Complex

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 1097 Group LLC Date February 21, 2023

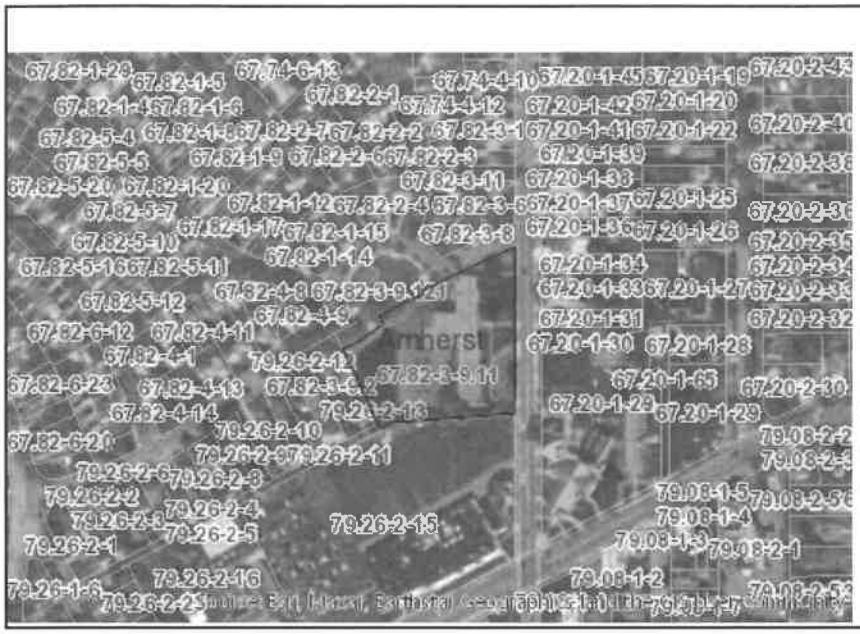
Signature Title Attorney for Project Sponsor

PRINT FORM

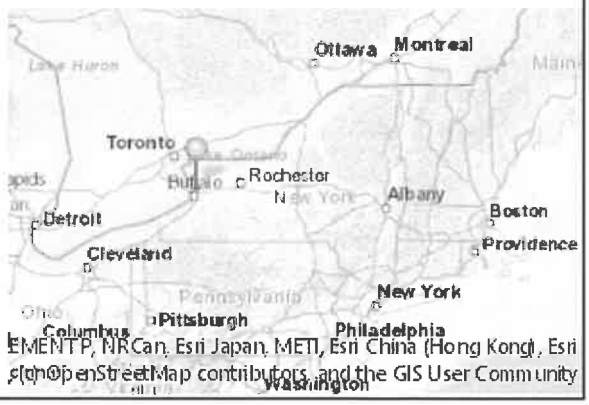
Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

EAF Mapper Summary Report

Monday, February 20, 2023 12:59 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]	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

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

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]	Eligible property:School 13 - Eggert Rd Elementary School, Eligible property:St. Benedicts Roman Catholic Church Complex
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Rezoning of 1350 Eggert Road from OB-TNB-1 to TI-2.5

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
Farmington Channery Loam	Severe	Severe	Severe	Severe	Moderate
Ovid Silt Loam	Severe	Severe	Severe	Severe	Severe
Urban Land-Wassaic Complex	Moderate	Moderate	Moderate	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).

   _x_ Geotechnical report attached _____ Not applicable

   [Note: Three copies of the Geotechnical Report prepared by Terracon Consultants - NY, Inc. dated July 28, 2022 have been submitted to the Planning Department].

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:

   Not Applicable.

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: Not Applicable.

   (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 7 [Weekday A.M. Peak]
   Source: ITE Trip Generation Report

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:
    1,800 average flow 7,200 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: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

EXHIBIT 2

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

EXHIBIT 2 OF REZONING APPLICATION

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM OB-TNB-1 TO TI-2.5

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 18, Township 12, Range 7 of the Holland Land Company's Survey and known as part of lands shown on map filed in Erie County Clerk's Office under Cover No. 1492, bounded and described as follows:

BEGINNING at the intersection of the center line of Eggert Road with southeast line of Crosby Boulevard as shown on said map cover extended northeasterly; Thence southwesterly along the southeast line of Crosby Boulevard, 311.95 feet; Thence southeasterly at an exterior angle of 88°37'34", a distance of 10.25 feet to a point; Thence southwesterly at an exterior angle of 89°30'14", a distance of 32.04 feet to a point; Thence continuing southwesterly at an interior angle of 175°08'50", a distance of 95.35 feet to a point; Thence southeasterly at an interior angle of 92°40'17", a distance of 22.57 feet to a point on the northwesterly line of a 20' wide right of way for ingress and egress granted to Mother of Divine Grace Housing Development Fund Company Inc. and recorded in Erie County Clerk's Office in Liber 10219 of Deeds at page 613; Thence southwesterly at an exterior angle of 99°29'49" along said northwesterly easement line, a distance of 75.13 feet to a point; Thence continuing southwesterly at an exterior angle of 170°43'40" along said northwesterly easement line, a distance of 49.19 feet to a point, said point being on the northeasterly line of premises conveyed to Mother of Divine Grace Housing Development Fund Company, Inc. by Warranty Deed dated September 27, 1990 and recorded in the Erie County Clerk's Office on September 27, 1990 in Liber 10219 of Deeds at page 613; Thence southeasterly at right angles along the northeasterly line of said premises conveyed to Mother of Divine Grace Housing and along an extension of said northeasterly line, a distance of 233.32 feet to the southwest corner of lands conveyed to School District No. 13 by deed recorded in the Erie County Clerk's Office in Liber 1693 of Deeds at page 292; Thence northeasterly along the southeast line of said school lands, a distance of 39.70 feet to the southwest corner of lands conveyed to School District No. 13 by deed recorded in Liber 2504 of Deeds at page 268; Thence easterly along the south line of said school lands, a distance of 355.91 feet to a point on the center line of Eggert Road; Thence northerly along the center line of said road, a distance of 448.69 feet to the point of beginning.

Said parcel containing an area of 3.61 acres, more or less.

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

EXHIBIT 3

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

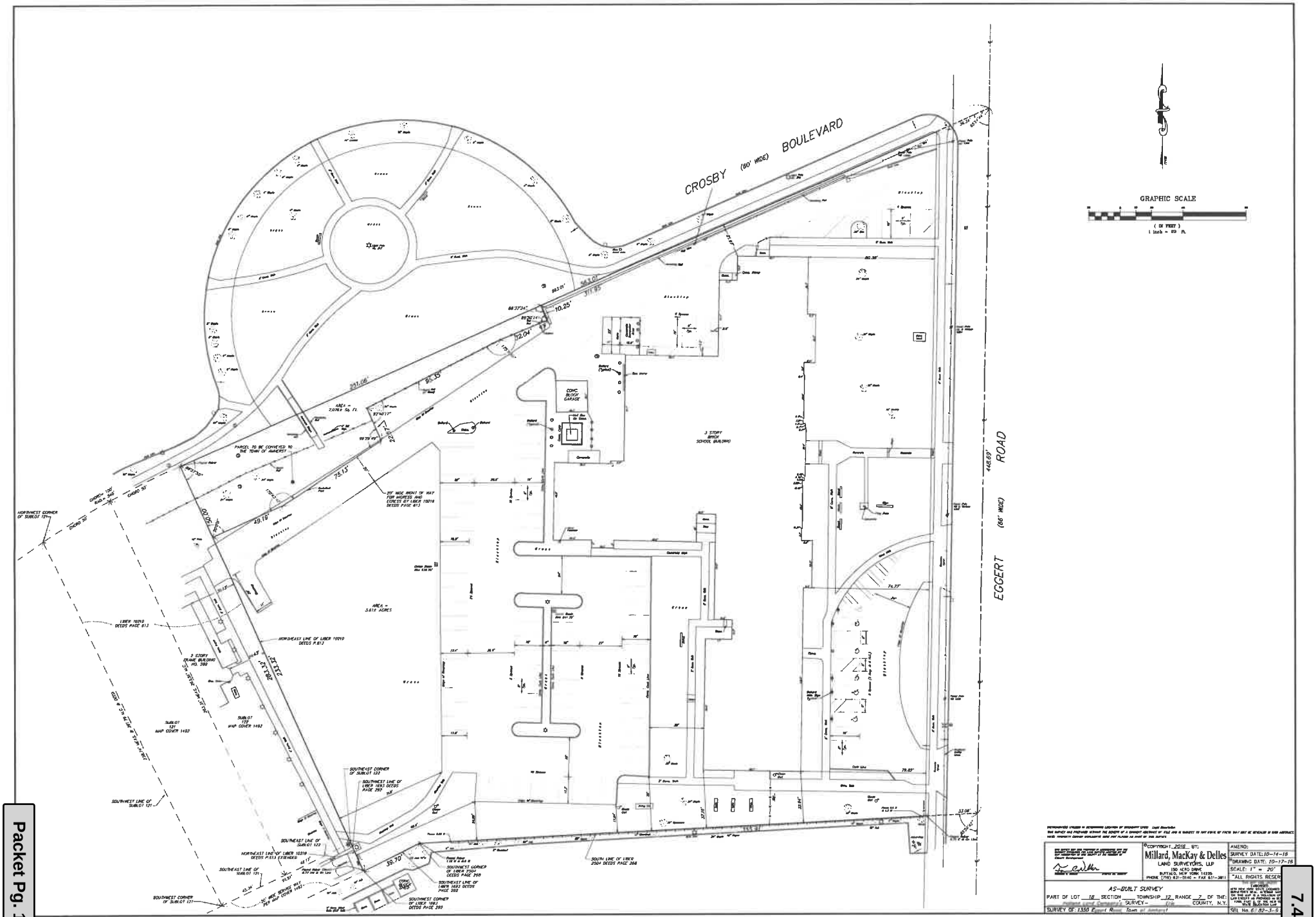

CROSBY (60' WIDE) BOULEVARD
EGGERT ROAD (66' WIDE)
GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.
AREA = 3.619 ACRES
3 STORY BRICK SCHOOL BUILDING
CONC. BLOCK GARAGE
3 STORY FRAME BUILDING NO. 380
PARCEL TO BE CONVEYED TO THE TOWN OF AMHERST
20' WIDE RIGHT OF WAY FOR INGRESS AND EGRESS BY LIBER 10218 DEEDS PAGE 813
LIBER 10218 DEEDS PAGE 813
NORTHEAST LINE OF LIBER 10218 DEEDS P.813
SOUTHEAST CORNER OF SUBLOT 132
SOUTHEAST LINE OF LIBER 1693 DEEDS PAGE 299
SOUTHEAST LINE OF SUBLOT 122
NORTHEAST LINE OF LIBER 10218 DEEDS P.813 (CERTAIN)
SOUTHEAST LINE OF SUBLOT 121
SOUTHWEST CORNER OF SUBLOT 121
SOUTHWEST LINE OF SUBLOT 121
SOUTHEAST CORNER OF LIBER 7200 DEEDS PAGE 368
SOUTHEAST LINE OF LIBER 1693 DEEDS PAGE 299
SOUTHWEST CORNER OF LIBER 1693 DEEDS PAGE 299
SOUTH LINE OF LIBER 7200 DEEDS PAGE 368
NORTHWEST CORNER OF SUBLOT 121
SUBLOT 121 MAP COVER 1492
SUBLOT 122 MAP COVER 1492
251.06'
95.35'
75.13'
49.19'
202.55'
284.34'
233.32'
311.95'
10.25'
12.04'
39.70'
446.69'
74.73'
79.83'
AREA = 7,016.5 Sq. Ft.
AREA = 0.161 ACRES
CHORD 15' N 45° 47' 38" W
CHORD 50'
CHORD 50'
CHORD 50'
N 55° 47' 38" W
N 55° 47' 38" W
N 55° 47' 38" W

EXHIBIT 4

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

EXHIBIT 4

REZONING OF 1350 EGGERT ROAD FROM OB-TNB-1 TO TI-2.5

Question 11(A): Description of the character of the proposed development:

Response to Question 11(A): The proposed project consists of the development of a portion of the property at 1350 Eggert Road ("Project Site") as a two-story townhome building consisting of nine units with attached garages. A full-size copy of the Site Plan [Drawing C-100] depicting the proposed project is attached is attached and a reduced-size copy of the Site Plan is also attached as **Exhibit "6"**. A copy of the Conceptual Elevation Plan for the proposed two-story townhome building is attached as **Exhibit "7".**

Question 11(B)(1): Rationale for rezoning request: 1. What was this site chosen?

Response to Question 11(B)(1): The Project Site is an appropriate location for the requested rezoning from OB-TNB-1 to TI-2.5 since the requested zoning classification is consistent with Figure 6-A of the Comprehensive Plan that designates the property on the west side of Eggert Road in the vicinity of Main Street and Eggert Road as a "Traditional Area" [Designation Area No. 32 on Figure 6-A]. A color copy of Figure 6-A of the Comprehensive Plan is attached as **Exhibit "8"**.

Question 11(B)(2): Why cannot land be used with the existing zoning?

Response to Question 11(B)(2): The Project Site is currently being utilized in accordance with its existing zoning classification but the existing OB-TNB-1 zoning classification does not allow the proposed two-story townhome building consisting exclusively of residential units for lease as permitted principal use.

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Question 11(B)(3): How will this rezoning impact surrounding properties?

Response to Question 11(B)(3): The requested rezoning of the Project Site from R-3 and OB to DC-5 to accommodate the proposed two-story townhome building consisting of nine units will not result in any potentially significant adverse impacts on surrounding properties. A completed Part 1 of the Full Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act ("SEQRA") is provided at **Exhibit "1"** of this Rezoning Application.

Question 11(B)(4): How will this rezoning impact the school system?

Response to Question 11(B)(4): The proposed project will have positive impacts on the school district since it generate property taxes. The proposed townhome project will potentially generate some demand for educational services provided by the school district but it is anticipated will have overall positive fiscal impacts since the annual school taxes will be higher than the cost of educational services for school age children of the future residents of the townhomes.

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

EXHIBIT 5

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

EXHIBIT 5

REZONING OF 1350 EGGERT ROAD FROM OB-TNB-1 TO TI-2.5

Question 16(A)(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.**

Response to Question 16(A)(1): The Town of Amherst adopted the Bicentennial Comprehensive Plan in January of 2007 after completing a lengthy planning process that included numerous public meetings and public hearings involving the Comprehensive Plan Advisory Committee, the Planning Board and the Town Board.[1] On December 14, 2020, the Town Board most recently adopted amendments to the Bicentennial Comprehensive Plan. The proposed townhome project is consistent with the Comprehensive Plan including Figure 6-A that designates the Project Site as a "Traditional Area".

Question 16(A)(2): **Cite all text, map, and/or figures that must be amended to support the proposed zoning at this location and provide detailed suggested amendments.**

Response to Question 16(A)(2): The proposed project is consistent with the Comprehensive Plan and such there is not a need to amend the Comprehensive Plan to accommodate the proposed project.

Question 16(A)(3): **State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:**

Response to Question 16(A)(3): Section 1-2-1 of the Zoning Code is titled "Purpose" and it states as follows:

---

[1] A copy of the resolution adopted by the Town Board for the purpose of adopting the Bicentennial Comprehensive Plan pursuant to Town Law Section 272-a is included at the beginning of the Comprehensive Plan. This resolution recites the lengthy planning history that incorporated numerous opportunities for public input as well as a coordinated environmental review pursuant to SEQRA that involved the preparation a Generic EIS and the issuance of a Findings Statement.

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

> *"The purpose of this Zoning Ordinance and the intent of the legislative authority in its adoption is to promote the environment of the town and its public health, safety, convenience, comfort, prosperity and the general welfare by regulating the use of buildings, other structures and land for residences, open space, public facilities, business, services, industry or other purposes; by regulating and restricting the bulk, height, design, building coverage and location of structures; by regulating and limiting population density; and for the aforesaid purposes, to divide the land within the limits of the town into districts of such number and dimensions generally consistent with the policies of the Comprehensive Plan and to provide procedures for the administration and amendment of said Zoning Ordinance."*

The proposed rezoning of the Project Site to accommodate the proposed townhome project on a portion of the Project Site is consistent with the "Purpose" of the Zoning Code. Section 1-2-2 of the Zoning Code sets forth the objectives of the Zoning Code. This section of the Zoning Code lists thirteen objectives that are discussed below as follows:

A. To protect the character and values of residential, institutional and public uses, business, commercial and manufacturing uses and to insure their orderly and beneficial development;

Response: The proposed rezoning of the Project Site will be consistent with the objective of protecting the character and value of existing land uses. The proposed rezoning will allow a portion of the Project Site to be redeveloped as a 2-story townhome building consisting of nine units with attached garages, which represents orderly and beneficial development.

B. To provide adequate open spaces for light, air and outdoor uses to include public, common and private open space areas;

Response: The proposed rezoning of the Project Site will not be inconsistent with this objective.

C. To prevent overcrowding of land;

Response: The proposed project will not result in the overcrowding of land. The project is consistent with the type of development designated as appropriate for the Project Site per the adopted Comprehensive Plan.

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

D. To prevent excessive concentration of population and to prevent spare and uncoordinated development;

Response: The proposed rezoning of the Project Site will not result in excessive concentration of population and the residential project represents an example of coordinated development.

E. To regulate and control the location and spacing of buildings on the lot and in relation to the surrounding property generally consistent with the policies of the Comprehensive Plan.

Response: The responses to the Questions in Section 16 provided above sets forth the reasons the proposed rezoning is consistent with the policies of the Comprehensive Plan.

F. To protect persons and property from damage and injury due to fire or flood;

Response: The Site Plan Application review process will trigger the need for an Engineer's Report to be prepared by a licensed engineer to be prepared for review and approval by the Town's Engineering Department. The project will not increase the likelihood of damage and injury due to fire and flood. The proposed multifamily building will be constructed per the stringent requirements of the NYS Building Code including the fire safety standards contained therein.

G. To preserve and protect significant natural features and vegetation, thereby preventing ecological damage and visual blight which occur when those features or vegetation are eliminated or substantially altered to serve development purposes only.

Response: The proposed rezoning and the proposed project will not be inconsistent with this objective. There are not significant natural features located on the Project Site.

H. To assure that structure and land use arrangements are aesthetically harmonious with nearby areas and structures.

Response: The development of the Project Site in a manner consistent with the Site Plan [Drawing C-100] will be aesthetically harmonious with nearby areas and structures.

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

I. To regulate the location of buildings and intensity of uses in relation to streets according to plans so as to cause the least interference with and be damaged least by traffic movements and hence result in lessened street congestion and improved public safety.

Response: The proposed project will have vehicular access to Eggert Road via the existing driveway connection. No new curb cuts onto the streets in the vicinity of the Project Site are proposed.

J. To establish zoning patterns that insure economical extensions for sewers, water supply waste disposal and other public utilities, as well as development of recreation, schools and other public facilities;

Response: The Project Site has access to sanitary sewer and water lines as well as necessary public utilities to service the proposed project.

K. To guide the future development of the town so as to being the gradual conformity of land, structures and uses generally consistent with the policies of the Comprehensive Plan.

Response: The proposed rezoning of the Project Site is consistent with this objective since the proposed use is consistent with the policies contained in the Comprehensive Plan.

L. To accomplish the specific intents and goals set forth in the introduction to the respective sections.

Response: The proposed rezoning of the Project Site is consistent with this objective.

M. To protect the community from visual pollution resulting from the unregulated use of signs and other advertising devices.

Response: The proposed rezoning and the proposed project will not be inconsistent with this objective.

Question 16(C): Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:

Response to Question 16(C): The proposed rezoning of the Project Site is compatible with the present zoning and conforming uses of nearby properties and the character of the neighborhood which includes a mixture of use including commercial and residential uses.

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Question 16(D): **Suitability of the subject property for uses permitted by the current versus the proposed district:**

Response to Question 16(D): The Project Site is suitable for uses permitted by the existing OB-TNB-1 zoning classification and the proposed TI-2.5 zoning classification of the Project Site.

Question 16(E): **Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:**

Response to Question 16(D): The proposed change in the zoning classification of the Project Site from OB-TNB-1 to TI-2.5 to accommodate the proposed project will have positive impacts on the balance of uses in the Town by providing residential units for lease within a portion of the Town that has been designated as appropriate for this use by the Town Board.

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

EXHIBIT 6

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

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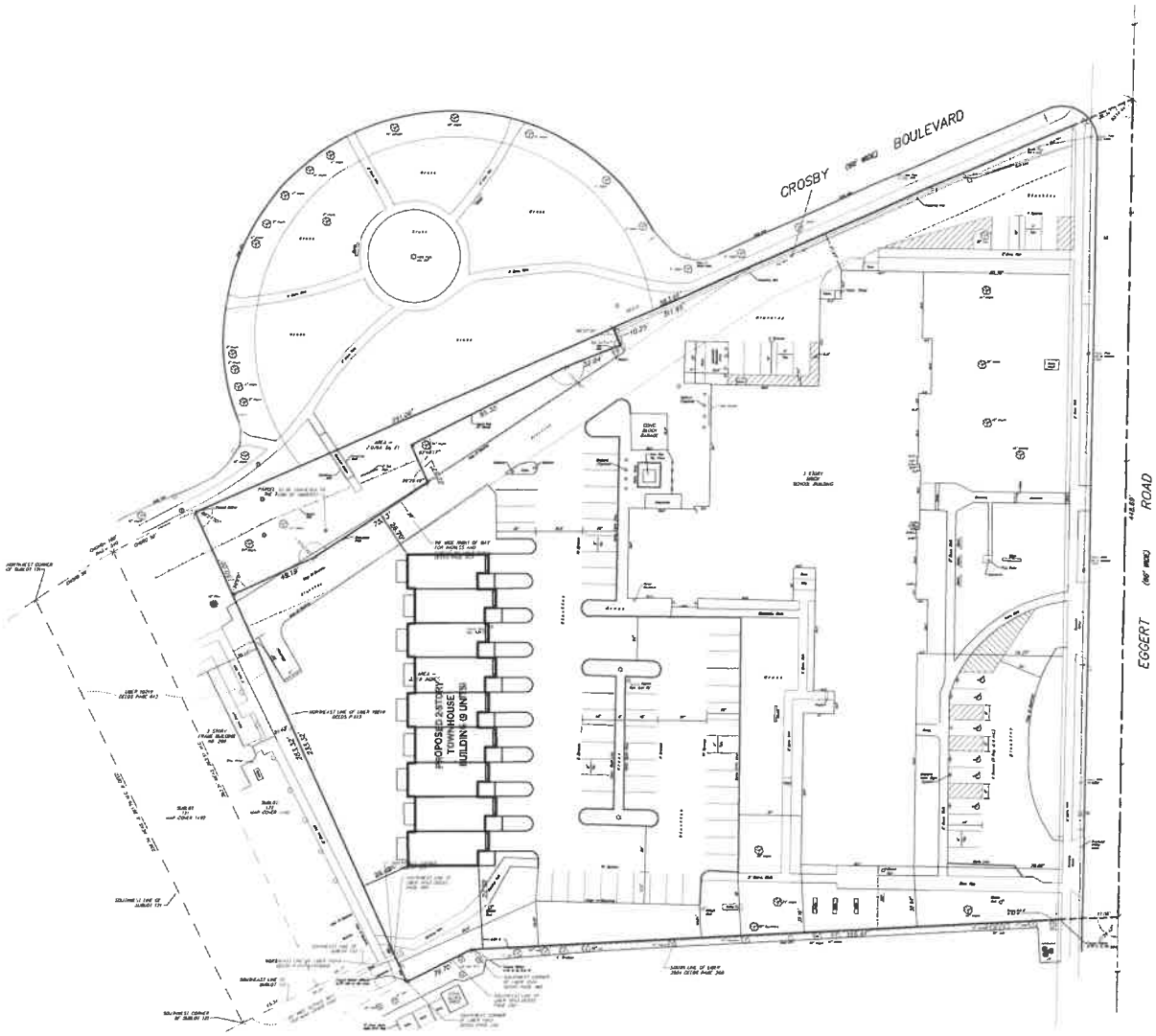


N

SITE PLAN

SCALE: 1"=30'

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS, CARMINA WOOD MORRIS, D.P.C. ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

30' 30 0 30 60Ft.

Carmina Wood Morris DPC
487 Main Street - Suite 500
Buffalo, New York 14203
P 716.842.3186
F 716.842.0263

PRELIMINARY
NOT FOR CONSTRUCTION

REVISIONS:

No.	Description	Date

PROJECT NAME:

New Construction for:

Multi-family Development

1350 Eggert Road
Amherst, New York

Issued for Construction:
Date: 12/2/21
Drawn by: C. Wood
Scale: As Noted

DRAWING NAME:

Concept Site Plan

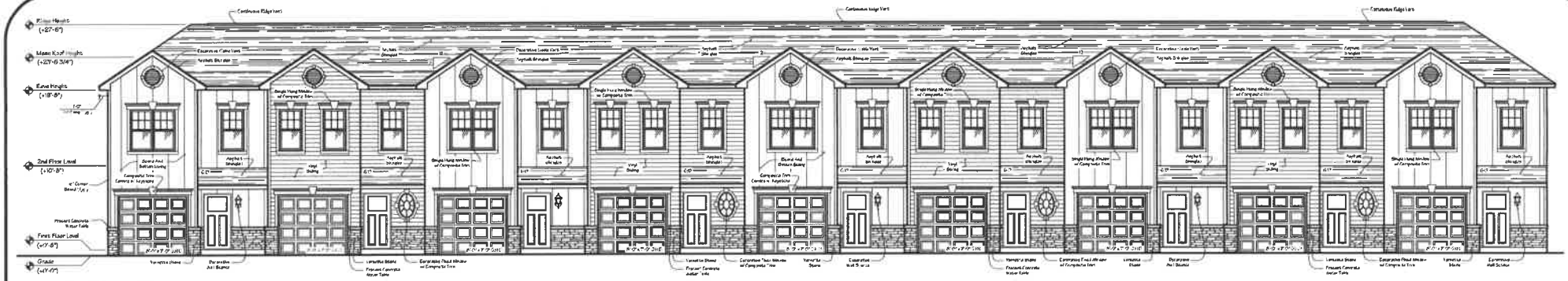
DRAWING NO.

C-100

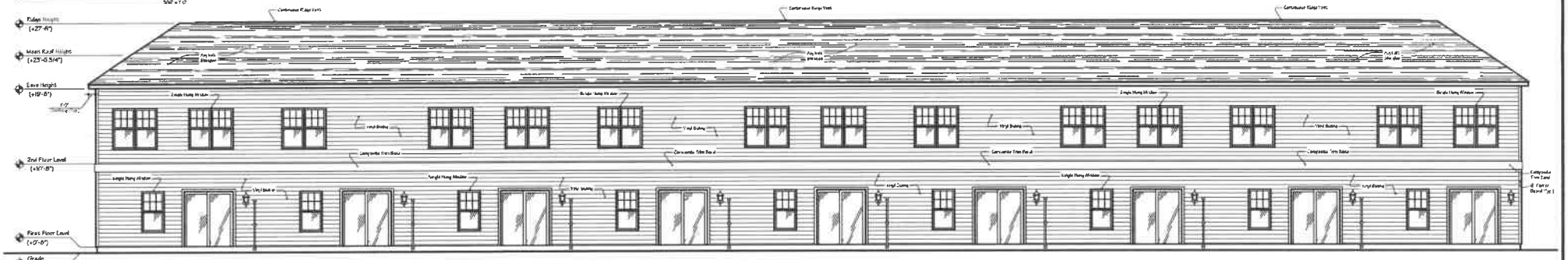
Project no.: 21.xxx

EXHIBIT 7

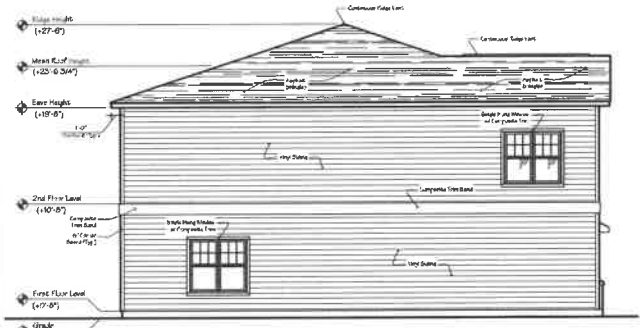
Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)



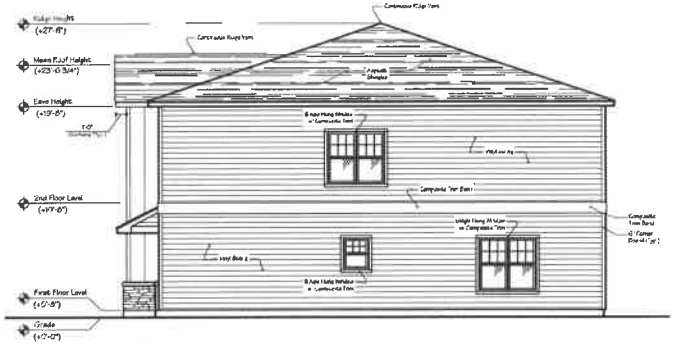
Concept East Elevation



Concept West Elevation



Concept North Elevation



Concept South Elevation

ELLICOTT DEVELOPMENT

Concept Elevations For:
9 Unit Townhouse Building

1350 Eggerst Road Amherst, NY
8/8/22

SUTTON architecture
"Design 2 Build"

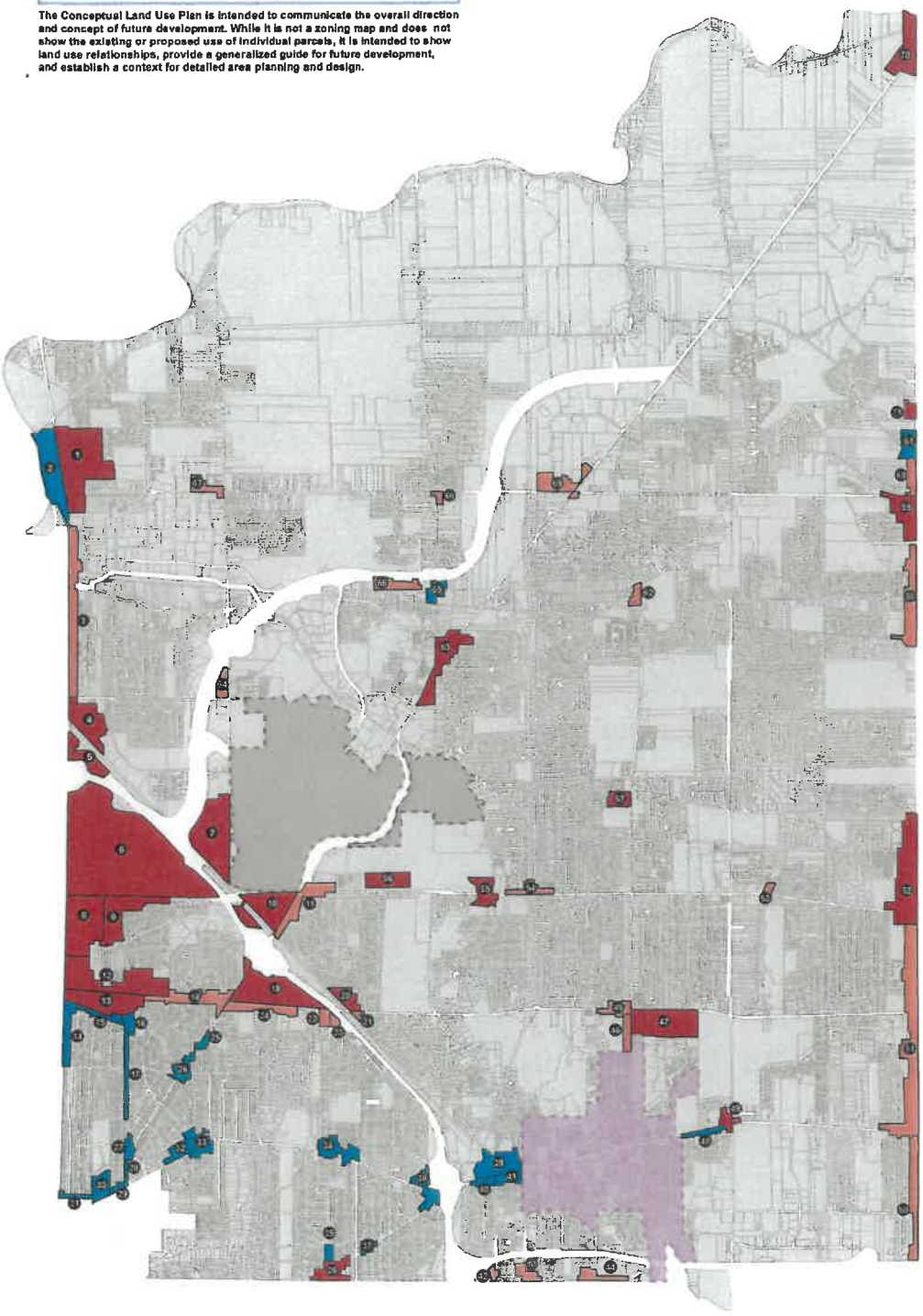
Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

EXHIBIT 8

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Town of Amherst Bicentennial Comprehensive Plan

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.



1. Wegmans (NFB)
2. Walgreens (NFB)
3. NFB / Ellicott Creek Strip
4. Home Depot (NFB)
5. Innkeepers Lane
6. Consumer Square / Ridge Lea
7. University Place
8. Boulevard Mall
9. Wegmans (Alberta)
10. Golden Triangle
11. Maple / Amherst Manor
12. Walmart (Sheridan)
13. Northtown Plaza
14. NFB Strip
15. Eggert Strip
16. Eggert / Bailey
17. Bailey Strip
18. Sheridan / Millersport Strip
19. Northtown Auto (Sheridan)
20. Sheridan / Sunrise - North Side
21. Sheridan / Sunrise - South Side
22. Sheridan / Harlem - West Side
23. Sheridan / Harlem - East Side
24. Sheridan / Getzville Strip
25. Millersport / Arcade
26. Six Corners
27. Bailey / Grover Cleveland
28. Bailey Live-Work
29. Main / Bailey
30. University Plaza
31. Kenmore Avenue
32. Eggertsville (Main / Eggert - West Side)
33. Eggertsville (Main / Eggert - East Side)
34. Snyder (Main / Harlem)
35. Harlem Strip
36. Harlem / Kensington
37. Kensington / Saratoga
38. Main / Kensington
39. West of Village - North of Main
40. West of Village - South of Main (West Side)
41. West of Village - South of Main (East Side)
42. Wehrle / South Forest
43. Wehrle / South Union
44. Wehrle / Cayuga
45. Sheridan / Hopkins
46. Evans Strip
47. Williamsville Place
48. Main Strip
49. Main / Youngs
50. Transit / Wehrle
51. Transit from Main to Maple
52. Transit / Maple
53. Maple / Ayer
54. Maple Strip
55. Maple / North Forest
56. Gun Club
57. Clearfield Plaza
58. Transit / Casey
59. Transit / North French
60. Transit / Dodge
61. Swormville
62. Hopkins / Dodge
63. Getzville Plaza
64. Sweet Home / Skinnersville
65. Campbell / Dodge
66. Dodge Strip
67. Sweet Home / North French
68. Campbell / North French
69. Crosspointe
70. Transit / Millersport
71. Transit Strip

Commercial and Mixed-Use Designations

- Suburban Center
- Suburban Corridor
- Traditional Areas
- Village of Williamsville
- University at Buffalo

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: December 2020

N

0 0.2 0.4 0.6 0.8 1 Miles

FIGURE 6-A

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Z-2023-03

Request to Rezone 3.61± AC of Land from OB-TNB-1 to TI-2.5
Property Located at 1350 Eggert Road
1097 Group LLC, Petitioner

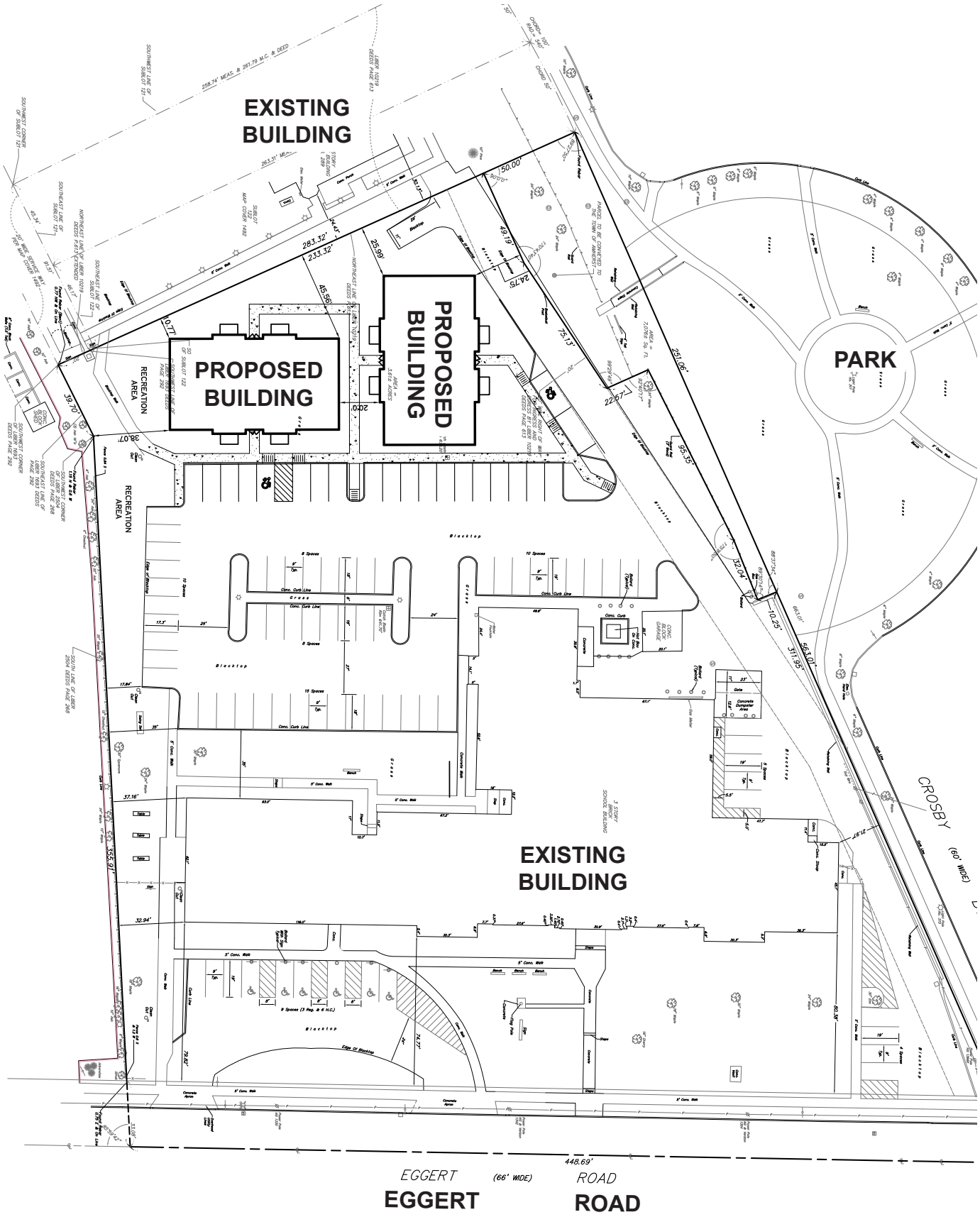
May 18, 2023

1350 Eggert Road

Recreation & Open Space

Prepared by the Town of Amherst Planning Department

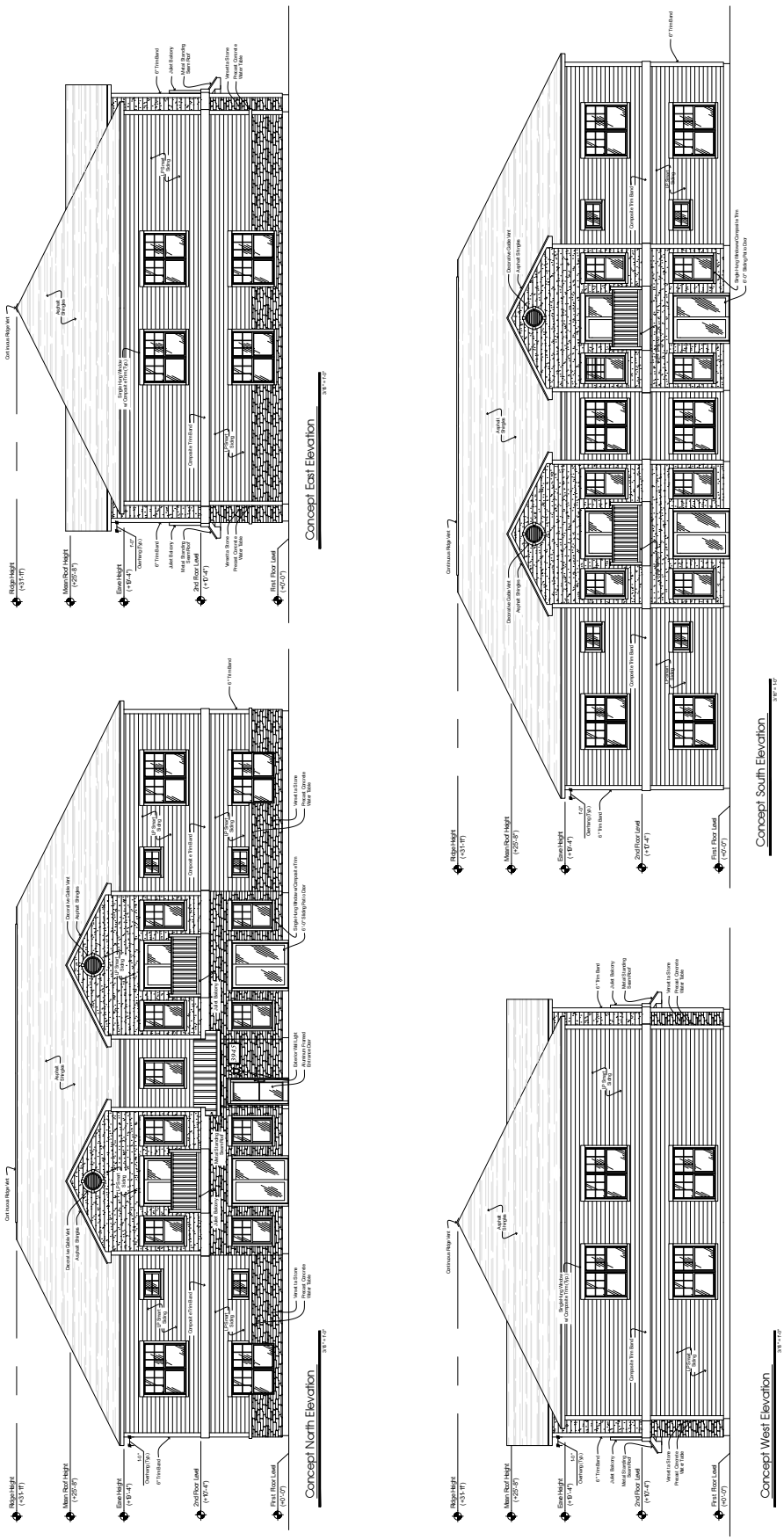
Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)



CONCEPT PLAN

Z-2023-03
1350 Eggert Road

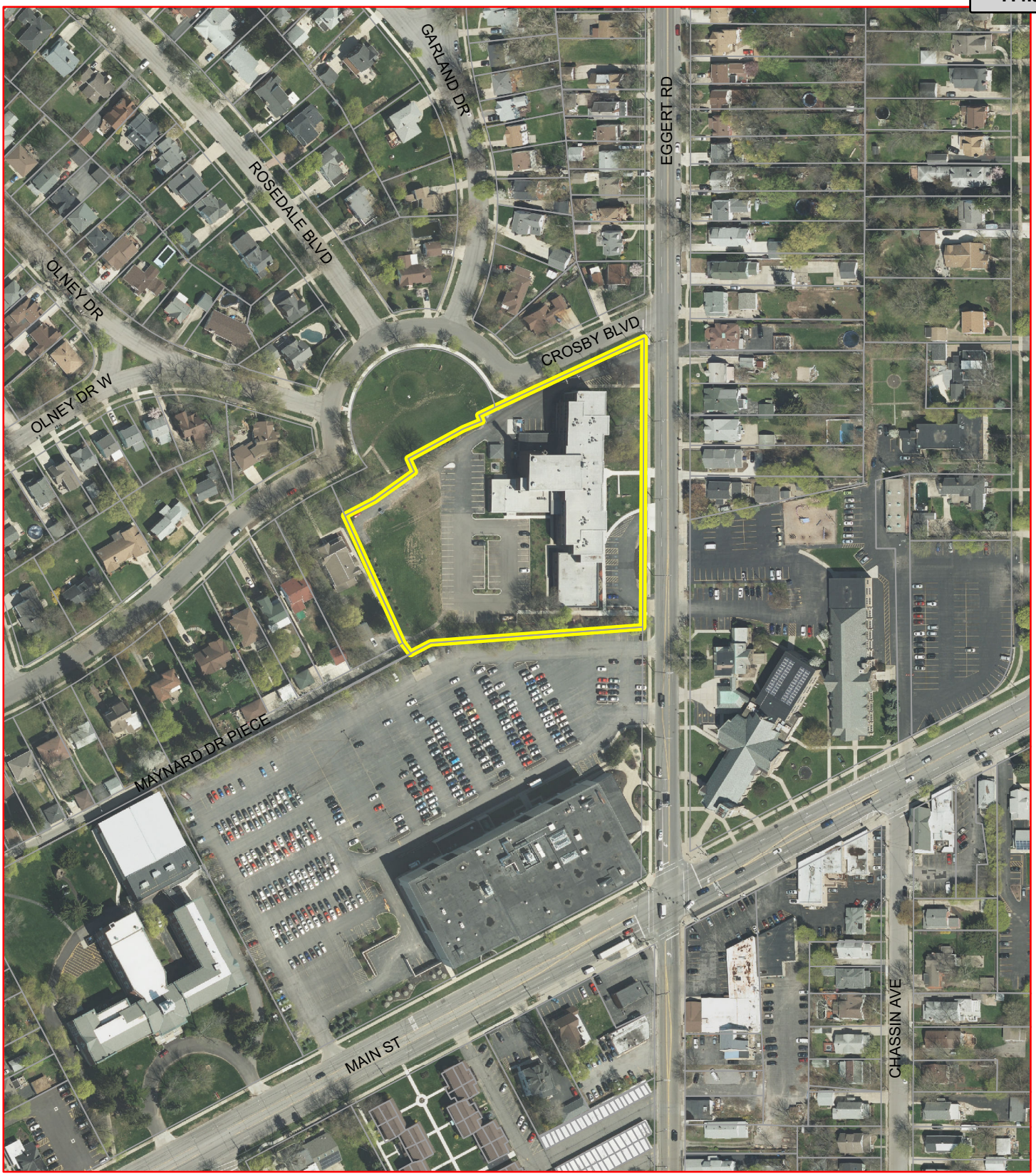
Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)



ELEVATION

Z-2023-03
1350 Eggert Road

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)



Z-2023-03

Request to Rezone 3.61± AC of Land from OB-TNB-1 to TI-2.5
Property Located at 1350 Eggert Road
1097 Group LLC, Petitioner

May 18, 2023

1350 Eggert Road

Prepared by the Town of Amherst Planning Department

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Amherst
Town of Amherst Planning Department
Erie County, New York

Brian J. Kulpa
Supervisor
Daniel C. Howard, AI
Planning Director
Daniel J. Ulatowski, A
Assistant Planning Dire

2014.027

TOWN OF AMHERST
ENGINEERING
DEPARTMENT
2023 APR 26 P 1:14

MEMORANDUM

April 24, 2023

TO: Daniel Ulatowski, Principal Planner
Douglas Gesel, Supervising Code Enforcement Officer, Building Departme
Vaishali Reberhold, Assistant Town Engineer
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Krista Halt, Senior Fire Inspector (c/o Bldg)

RECEIVED
MAY 01 2023
TOWN OF AMHERST
PLANNING DEPT.

FROM: Scott Marshall, Principal Planner TV

SUBJECT: REQUEST TO REZONE 3.61± ACRES OF LAND FROM **OB-TNB-1** TO **TI-2.5, Z-2023-03**; PROPERTY LOCATED AT **1350 EGGERT ROAD**. 1097 GROUP LLC, PETITIONER.

REVISED CONCEPT PLAN & CONCEPTUAL ELEVATION:
Received April 24, 2023

REVIEW:

Do you agree with all statements made? YES

If you do not, briefly state why: _____

General comments relative to your agency interests: _____

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 4/28/23

C. Schregel

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-03_(1350_Eggert_Rd)_2023\Z-2023-03_Rev_Plan_Transmittal_042423.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Amherst

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

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

April 27, 2023

1097 Group, LLC
c/o Sean Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, New York 14221

SUBJECT:	Rezoning Application Review	**Z-2023-03**
	Proposed:	Rezoning of 3.61± ac. from OB-TNB-1 to TI-2.5
	Property located at:	**3150 Eggert Road**
	Revised application materials received:	April 24, 2023
	Representative:	Sean Hopkins, Esq.

Dear Mr. Hopkins,

Please consider the following comments:

1. The following items on the Environmental Assessment Form should be corrected or completed:
   - Item D2 c. *i.* – should at a minimum equal the total wastewater generated enumerated in item D2 d *i.*
2. The subject site is located within an archaeologically sensitive area. An archaeological assessment will be required prior to the Planning Board offering a recommendation on SEQR.

This is a review only and does not constitute approval of the Rezoning Request. Should you have questions regarding this correspondence, please contact Scott A. Marshall, Principal Planner at smarshall@amherst.ny.us.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/SM/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-03_(1350_Eggert_Rd)_2023\Z-2023-03_Pln_Dpt_Rvw_04272023.docc:
cc: Carmina Wood Design, 487 Main St., Suite 500, Buffalo, NY 14203
Sutton Architecture PLLC, 5409 Main St., Williamsville, NY 14221

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Amherst

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

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

RECEIVED
APR 11 2023
TOWN OF AMHERST
PLANNING DEPT.

MEMORANDUM March 2, 2023

RECEIVED
MAR 03 2023
TOWN ATTORN

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Martin Polowy, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Amherst Central School District

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 3.61± ACRES OF LAND FROM **OB-TNB-1** TO **TI-2.5**, **Z-2023-03**; PROPERTY LOCATED AT **1350 EGGERT ROAD**. 1097 GROUP LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? No objection to Local Law.

If you do not, briefly state why: _____

General comments relative to your agency interests: _____

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 3/24/23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-03_(1350_Eggert_Rd)_2023\Z-2023-03_Transmittal_030223.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y. AND REPLY TO MUNICIPALITY

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE
Case No.: ZR-23-162
Postmark/Delivery Date: 3/3/23

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 l - nn
A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: Town of Amherst, New York

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.
If the county fails to reply within such period, the referring body may take final action.
However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)
The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: Date April 20, 2023 Time 6:30 pm Location 5583 Main Street, Williamsville, New York 14221

3. Action is before: ☐ Legislative Body ☐ Board of Appeals ☑ Planning Board

4. Action consists of: ☐ New Ordinance ☑ Rezone/Map Change ☐ Ordinance Amendment
☐ Site Plan ☐ Variance ☐ Special Use Permit ☐ Other:

5. Location of Property: ☐ Entire Municipality ☑ Address: 1350 Eggert Road

5a. S.B.L. of Property: 67.82-3-9.11

6. Referral required as site is within 500' of: ☐ State or County Property/Institution ☐ Municipal Boundary ☐ Farm Operation located in an Agricultural District
☐ Expressway ☑ County Road ☐ State Highway ☐ Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: *(specify the action, such as the scope of variances or site plans)* Request to Rezone 3.61± acres from OB-TNB-1 to T1-2.5

8. Other remarks: Z-2023-03

9. Submitted by: Thomas Voigt, Assistant Planner (M) **Email:** tvoigt@amherst.ny.us

10. Return Address: Town of Amherst Planning Department, 5583 Main Street, Williamsville, New York 14221

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 3/3/23. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ **The proposed action is not subject to review under the law.**
2. ☐ **Comment on proposed action is attached hereto.**
3. ☐ **The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.**
4. ☒ **No Recommendation; proposed action has been reviewed and determined to be of local concern.**

By the Division of Planning: [signature] **Date:** 3/14/23

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Amherst

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

Brian J. Kulpa
Supervisor
Daniel C. Howard, AIC
Planning Director
Daniel J. Ulatowski, AI
Assistant Planning Direc

MEMORANDUM March 2, 2023

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Martin Polowy, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Amherst Central School District

RECEIVED
MAR 09 2023
TOWN OF AMHERST
PLANNING DEPT.

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 3.61± ACRES OF LAND FROM **OB-TNB-1** TO **TI-2.5, Z-2023-03**; PROPERTY LOCATED AT **1350 EGGERT ROAD**. 1097 GROUP LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? Yes

If you do not, briefly state why: _____

General comments relative to your agency interests: none at this time

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: Doug Gesel **Date:** 3-8-23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-03_(1350_Eggert_Rd)_2023\Z-2023-03_Transmittal_030223.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

RECEIVED
MAR 03 2023
TOWN OF AMHERST
BUILDING DEPT

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Amherst
Town of Amherst Planning Department
Erie County, New York

Brian J. Kulpa
Supervisor
Daniel C. Howard, AIC
Planning Director
Daniel J. Ulatowski, AI
Assistant Planning Direc

2014.027

TOWN OF AMHERST
ENGINEERING
DEPARTMENT

2023 MAR -3 A 11:50

MEMORANDUM

March 2, 2023

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
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Martin Polowy, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Amherst Central School District

RECEIVED
MAR 07 2023
TOWN OF AMHERST
PLANNING DEPT.

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director TV

SUBJECT: REQUEST TO REZONE 3.61± ACRES OF LAND FROM **OB-TNB-1** TO **TI-2.5, Z-2023-03**; PROPERTY LOCATED AT **1350 EGGERT ROAD**. 1097 GROUP LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? YES.

If you do not, briefly state why: _____.

General comments relative to your agency interests: NONE.

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 3/6/23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-03_(1350_Eggert_Rd)_2023\Z-2023-03_Transmittal_030223.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Amherst

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

RECEIVED
MAR 07 2023
TOWN OF AMHERST
PLANNING DEPT.

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

MEMORANDUM

March 2, 2023

RECEIVED
MAR 03 2023
TOWN ATTORNEY

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
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Amherst Central School District

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 3.61± ACRES OF LAND FROM **OB-TNB-1** TO **TI-2.5, Z-2023-03**; PROPERTY LOCATED AT **1350 EGGERT ROAD**. 1097 GROUP LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? Agree with all statements made

If you do not, briefly state why: N/A

General comments relative to your agency interests: N/A

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) N/A

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 3/3/23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-03_(1350_Eggert_Rd)_2023\Z-2023-03_Transmittal_030223.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Carrato, Amy

From: Cerra, Dawn
Sent: Tuesday, May 23, 2023 3:29 PM
To: Carrato, Amy
Subject: **RE: **FW: Feedback via the Town Boards and Committees [#240]

Thanks.

Thank you kindly,

Dawn
Clerk's Office
Municipal Building
5583 Main Street
Williamsville, NY 14221
Website: www.amherst.ny.us
Office: 716-631-7047
Amherst: Ambitious Citizens, Amazing Community, Ample Opportunities

---

From: Carrato, Amy
Sent: Tuesday, May 23, 2023 3:26 PM
To: Cerra, Dawn ; Uthman, Vianne ; Fadel, Bryan
Subject: RE: **FW: Feedback via the Town Boards and Committees [#240]

Hi Dawn,
The Planning Board has already voted on this matter. It will go to the Town Board.
Please forward to the Town Board, Engineering, Highway and Building.

From: Cerra, Dawn <dcerra@amherst.ny.us>
Sent: Tuesday, May 23, 2023 3:24 PM
To: Uthman, Vianne <vuthman@amherst.ny.us>; Carrato, Amy <acarrato@amherst.ny.us>; Fadel, Bryan <bfadel@amherst.ny.us>
Subject: **FW: Feedback via the Town Boards and Committees [#240]

Not sure if this should be ZBA or Planning Board.

Thank you kindly,

Dawn
Clerk's Office
Municipal Building
5583 Main Street
Williamsville, NY 14221
Website: www.amherst.ny.us
Office: 716-631-7047
Amherst: Ambitious Citizens, Amazing Community, Ample Opportunities

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

From: burst@emailmeform.com <burst@emailmeform.com>
Sent: Monday, May 22, 2023 4:48 PM
To: Cerra, Dawn <dcerra@amherst.ny.us>
Subject: Feedback via the Town Boards and Committees [#240]

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

For best security and privacy of your information, we recommend viewing this entry in the Data Manager

View Entry

Name*:	Ray Volpe
Address:	302 Crosby Blvd. Buffalo, NY 14226-3318
Phone*:	716-834-9254
Email:	LibertaT37@gmail.com
Please select the Board or Committee you wish to contact*:	Planning Board
Comment/Question/Etc.:	Last Thursday, May 18th a Town Hall public hearing was held entertaining a variance request File# Z-2023-03 to rezone the land above the EKO playground. If approved, the developer would be adding additional buildings to the site overlooking the park. The buildings would be located on land originally designated as a catch basin to prevent flooding of the EKO park area below. Currently, it's a grassy area separating the parking area from the group home. I have reviewed a video transcript of the Planning Board meeting and the flooding issue was never discussed. I have a video showing water cascading down the steps from the proposed bldg site into the park below during a heavy rainfall. Portions of the playground area and Crosby Blvd were flooded. I'm concerned that the park is already subject to flooding and that the proposed development plan will further threaten the playground. I am asking for assistance in getting this information to the Planning Board.

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Carrato, Amy

From: Ray Volpe <libertat37@gmail.com>
Sent: Monday, May 22, 2023 2:45 PM
To: Daniel & Mary Dolloff; Tracie Cloutier; Sheree Singer Lamendola; Sue & Bob Aurelli; Paul Wischerath; bifrost3@roadrunner.com; johnsander7819@outlook.com; sanderpamela88@gmail.com; Carrato, Amy
Cc: Judy Adams-Volpe
Subject: Posting to Olney Facebook page

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

I've contacted (left msgs) with 4 town council members asking for their help in getting flooding information to the planning board reviewing variance request File# Z-2023-03.
I've also posted a letter to EKO park neighbors subscribing to the Olney Facebook group. It reads:

Dear EKO Park Neighbor,

Last Thursday, May 18th a Town Hall public hearing was held entertaining a variance request to rezone the land above the EKO playground. If approved, the developer would be adding additional buildings to the site overlooking the park. The buildings would be located on land originally designated as a catch basin to prevent flooding of the EKO park area below. Currently, it's a grassy area separating the parking area from the group home.

I have reviewed a video transcript of the Planning Board meeting[1] and the flooding issue was never discussed. I also have a video[2] showing water cascading down the steps from the parking area into the park during a heavy rainfall. Portions of the playground area below the steps and Crosby Blvd are flooded. I have left phone msgs with Town Council Members (see below) asking for assistance in getting this information to the Planning Board.

Obviously I'm concerned that the park is already subject to flooding and that the proposed development plans will further threaten the playground.

Anyone wishing to assist in insuring a full review of the variance request can express their concerns to our council members:

Jacqualine G. Berger (716) 631-7014

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Deborah Bruch Bucki RN, Phd (716) 631-7018

Shawn A. Lavin, (716) 631-7015

Michael Szukala, (716) 63107016

Any and all help in this effort would be appreciated.

Ray Volpe

302 Crosby Blvd

(716) 834-9254

LibertaT37@gmail.com

1A link to the video transcript was provided by Mary and Dan Dolloff

2The video was provided by Tracy Cloutier

--

Please forgive any typos, autocorrect & other mobile multitask-induced errors. Please delete my name and email address before forwarding.
Use Bcc: when sending to multiple addresses. This helps eliminate spam lists.

Attachment: TB letter packet 072423 (RES-2023-623 : 1350 Eggert Road Rezoning)

Town of Amherst, NY
Office of the Assessor
Emily A. Murphy Assessor

5583 Main Street
Williamsville, New York 14221
Phone: (716) 631-7038
www.amherst.ny.us
emurphy@amherst.ny.us

Memorandum

August 15, 2023

To: Francina Spoth, Town Clerk
Timothy Koller, Deputy Town Clerk
Re: Petition – 1350 Eggert Rd

The protest petition for 1350 Eggert Rd has been signed by the required property owners as stated in one of Town Law §265 (1) paragraphs (a) (b) or (c). The signatures satisfied test (c). The Super Majority calculations are based on three tests:

(a) The owners of twenty percent or more of the area of land included in such proposed change; or
(b) The owners of twenty percent or more of the area of land immediately adjacent to that land included in such proposed change, extending 100 feet therefrom; or
(c) The owners of twenty percent or more of the area of land directly opposite thereto, extending one hundred feet from the street frontage of such opposite land.

Therefore a super majority vote will be required to enact the change in zoning, as it relates to 1350 Eggert Rd.

Should you have questions, please feel free to contact me.

Sincerely,

Jeffrey E. Hennard
Senior Real Property Appraiser

cc: Emily A. Murphy
Assessor

Attachment: protest petition 1350 Eggert (RES-2023-623 : 1350 Eggert Road Rezoning)

TOWN OF AMHERST

TOWN CLERK'S OFFICE

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

Francina J. Spoth
Town Clerk

Timothy Koller
Deputy Town Clerk

August 14, 2023

MEMO TO: Emily Murphy, Town Assessor

FROM: Francina Spoth, Town Clerk FJS

RE: Petition

The attached petition, in connection with the parcel located at 1350 Eggert Road was received in my office. Will you kindly check if the protest has been signed by the owners of 20% or more, either of the area of the land included in such proposed change, or of the immediately adjacent extending 100 ft. therefrom, or of that directly opposite thereto, extending 100 ft. from the street frontage of such opposite land, as provided by Town Law §265 (1) paragraph's (a) (b) or (c).

Attachment
cc: Town Board
Town Attorney

Attachment: protest petition 1350 Eggert (RES-2023-623 : 1350 Eggert Road Rezoning)

Attachment: protest petition 1350 Eggert (RES-2023-623 : 1350 Eggert Road Rezoning)

Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11)

Petition Summary & Background	Ellicott Development Company seeks to rezone the lot above ECO Park to allow for the construction of two 8-unit apartment buildings. The units would remove the remaining green space between the group home and the existing 1350 Eggert apartment building (the old Cantalician Center).
Action Petitioned For	We, the undersigned, are **against** the request to Amend Land Use Classification for 1350 Eggert Road from OB-TNB-1 (Office Building-Traditional Neighborhood Business Overlay District 1) to T1-2.5 (Traditional Infill 2.5).

	Printed Name	Signature	Address	Date
1	MARY DOLLOFF	Mary Dolloff	278 CROSBY BLVD AMHERST NY	8-9-23
2	William Chiaro	WC	262 Crosby Blvd Amherst NY	8-9-23
3	Christina Quinn	C Quinn	252 Crosby Blvd Amherst NY	8-9-23
4	NICOLE HOLLER	Nicole Holler	9 ENDICOTT DR. AMHERST, NY	8-9-23
5	Donna Ciminelli	D Ciminelli	89 maynard Dr Amherst 14226	8-9-23
6	Beth Baumgartner	Beth Baumgartner	57 Garden Ct Amherst 14226	8/9/23
7	HEATHER LUCE	Heather Luce	223 CROSBY BLVD AMHERST 14226	8/9/23
8	CHAUNZOM IBRAHIM	C Ibrahim	223 CROSBY BLVD AMHERST 14226	8/9/23
9	Jody Snyder	J Snyder	215 Crosby Blvd 14226	8/9/23
10	Rank Bliss	R Bliss	227 Crosby Blvd 14226	8/9/23
11	Rachel Murszewski	R Murszewski	233 Crosby Blvd 14226	8/9/23

'23 AUG 14 AM 11:32

Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11)

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	Printed Name	Signature	Address	Date
1	Charles Collard	Charles Collard	237 Crosby amherst	8-9-23
2	Douglas Killian	Douglas Killian	1363 EGGERT RD.	8-9-23
3	Clayton Johnson	Clayton Johnson	257 Crosby Blvd.	8/09/23
4	Steven Miller	Steven Miller	265 Crosby	8-9-23
5	James Goodman	James Goodman II	289 crosby	8.9.23
6	michele Alagna	Michele Alagna	389 maynard	8/9/23
7	Jennifer Marino	Jennifer Marino	249 Maynard Dr.	8/9/23
8	Steve Aureli	Steve Aureli	312 Crosby Blvd.	8/9/23
9	Brenna Hennessy	Brenna Hennessy	312 Crosby Blvd	8/9/23
10	Dexter Cloutier	Dexter Cloutier	324 Crosby Blvd	8/9/23
11	Jackie	Jackie Wochiak	338 Crosby Blvd	8/9/23

Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11)

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	Printed Name	Signature	Address	Date
1	Victoria Hazel	Victoria Hazel	1421 Eggert Rd, Amherst, NY	8/10/23
2	Gail L. Reuther	Gail L Reuther	1433 Eggert Rd. Amherst N.Y. 14226	8/10/23
3	Shauntya Stepney	Shauntya Stepney	1437 Eggert Rd. Amherst NY 14226	8/10/23
4	Deanna Diakos	Deanna Diakos	1449 Eggert Rd	8/10/23
5	JAMES BYRON	James M. Byron	1453 ELLERT RD	8/10/23
6	DOLORES BYRON	Dolores Byron	1453 EGGERT RD	8/10/23
7	ANNE GARNER	Anne Garner	1457 Eggert Rd.	8/10/23
8	Fahmida Ahmed	Fa	1440 Eggert Rd.	8/10/23
9	Patricia Webster	Patricia Webster	1420 Eggert Rd Amherst 14226	8/10/23
10	Nancy Roessler	Nancy Roessler	1404 Eggert Rd. Amherst, 14226	8/10/23
11	Mushaarat Sani	Sani	1396 Eggert Rd, Amherst	8/10/23

Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11)

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	Printed Name	Signature	Address	Date
1	Elizabeth Windrigge	Elizabeth Windrigge	360 Crosby	8.10.23
2	ELIZABETH LEVY	Elizabeth Levy	1367 Eggert Rd	8/10/23
3	Leonard N. Swiat	Leonard N. Swiat	1357 Eggert Rd.	8/10/23
4	Joyce C. Sachs	Joyce Sachs	1353 Eggert	8/10/23
5	PAULA STANISKI	Paula Staniski	1345 EGGERT	8/10/23
6	MICHAEL SACHS	Michael Sachs	1345 EGGERT	8/10/23
7	Danielle Biondo	Danielle Biondo	1383 Eggert	
8	Deborah Abrams	Deborah Abrams	1387 Eggert	8/10/23
9	Steven Yeh		1391 Eggert	8/10/23
10	Patricia Klump		1399 Eggert Rd.	8/10/23
11	John JARVIS	John Jarvis	1418 eggert RD	8/10/23

Form RDV0001

Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11)

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	Printed Name	Signature	Address	Date
1	James Mills		1388 Eggert rd Amherst NY 14226	8-10-23
2	Jody Snyder		215 Crosby Amh 14226	8/10/23
3	Genevieve Federick		271 Crosby Blvd Amherst 14226	8/12/23
4	Jonathan Federick		271 Crosby Blvd. Amherst 14226	8/12/23
5	Meg A. Donnelly		277 Crosby Blvd Amherst NY 14226	8/13/23
6	Ryan Donnelly		277 Crosby Blvd Amherst NY 14226	8/15/23
7				
8				
9				
10				
11				

Attachment: protest petition 1350 Eggert (RES-2023-623 : 1350 Eggert Road Rezoning)

Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11)

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	Printed Name	Signature	Address	Date
1	John Scirio		391 Grover Cleveland Hwy Amherst, NY 14226	8/11/23
2	Mark Cillis	M. Cillis	198 Hendricks Blvd, Amherst NY 14226	8/11/23
3	Judith Adams-Volpe	Judith Adams-Volpe	302 Crosby Blvd., Amherst NY 14226	8/14/23
4				
5				
6				
7				
8				
9				
10				
11				

Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11)

Petition Summary & Background	Ellicott Development Company seeks to rezone the lot above ECO Park to allow for the construction of two 8-unit apartment buildings. The units would remove the remaining green space between the group home and the existing 1350 Eggert apartment building (the old Cantalician Center). As a community, our concerns are (1) the addition of more runoff to our already overtaxed sewer system; (2) the increased traffic entering and exiting a very dangerous section of Eggert Road (i.e., from Main Street to Crosby Blvd); (3) potential damage to ECO Park, a very popular recreation area used by young families from many neighborhoods; and (4) the appearance of the apartments/townhouses would not be consistent with the existing character of the neighborhood.
Action Petitioned For	We, the undersigned, are **against** the request to Amend Land Use Classification for 1350 Eggert Road from OB-TNB-1 (Office Building-Traditional Neighborhood Business Overlay District 1) to T1-2.5 (Traditional Infill 2.5).

Printed Name	Signature	Address	Date
Sean Driscoll	Sean Driscoll	12 Rosedale Blvd, Amherst	8/7/23
David Cristantello	David A. Cristantello	19 Rosedale, Amherst	8-7-23
Gail Chotenk	Gail Chotenk	19 Rosedale Amherst 14226	8.7.23
Mark Lawrence	Mark Lawrence	25 Rosedale Blvd Amherst 14226	8-7-23
Amy Walters	Amy P Walters	30 Rosedale Blvd Amherst 14226	8-7-23
Kathy DeSpirt	Kathy DeSpirt	33 Rosedale Blvd Amherst 14226	8/7-23
Robert Lally	Robert Lally	36 Rosedale Blvd Amherst NY	8/7/23
Patti Lally	Patti Lally	36 Rosedale Blvd Amherst NY	8/7/23

Attachment: protest petition 1350 Eggert (RES-2023-623 : 1350 Eggert Road Rezoning)

'23 AUG 14 AM11:32

Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11) (continued)

Printed Name	Signature	Address	Date
Daniel Schiebe	Daniel Schiebe	40 Rosedale Blvd	8-7-23
EVELYN MALONE	Evelyn Malone	41 Rosedale Blvd, Amherst	8-7-23
Godwin Mensah	Godwin Mensah	83 Rosedale Blvd.	8-7-23
Jessica McCarthy	Jessica McCarthy	55 Rosedale Blvd.	8/7/23
Nicole Kaz	Nicole Kaz	890 Garland Drive	8/8/23
YVONNE ISAAC	Yvonne Isaac	334 Crosby Blv	8/8/23
William Johnson	William Johnson	15 Garland Dr., Amherst, NY	8/8/23
Esther Shkolnik	Esther Shkolnik	27 Garland Dr. Amherst, NY	8/8/23
JONATHAN NASCA	Jonathan Nasca	39 GARLAND DR.	8/8
RICK JANKOWSKI	Rick Jankowski	45 GARLAND DR.	8/8/23
Eric Beback	Eric Beback	88 Garland Dr.	8/8/23
DAnn Keller	DAnn Keller	96 Garland Dr.	8-8-23

Attachment: protest petition 1350 Eggert (RES-2023-623 : 1350 Eggert Road Rezoning)

Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11) (continued)

Printed Name	Signature	Address	Date
Susan Stoll	Susan Stoll	21 Morton Dr.	8/8
~~Chris Goutier~~			
Chris	Goutier	30 MAGNARD Dr	8/12
JOHN		" " "	8/12
Tracie Clarke		324 Crosby Blvd	8/13

Attachment: protest petition 1350 Eggert (RES-2023-623 : 1350 Eggert Road Rezoning)

Attachment: protest petition 1350 Eggert (RES-2023-623 : 1350 Eggert Road Rezoning)

Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11)

Petition Summary & Background	Ellicott Development Company seeks to rezone the lot above ECO Park to allow for the construction of two 8-unit apartment buildings. The units would remove the remaining green space between the group home and the existing 1350 Eggert apartment building (the old Cantalician Center). As a community, our concerns are (1) the addition of more runoff to our already overtaxed sewer system; (2) the increased traffic entering and exiting a very dangerous section of Eggert Road (i.e., from Main Street to Crosby Blvd); (3) potential damage to ECO Park, a very popular recreation area used by young families from many neighborhoods; and (4) the appearance of the apartments/townhouses would not be consistent with the existing character of the neighborhood.
Action Petitioned For	We, the undersigned, are **against** the request to Amend Land Use Classification for 1350 Eggert Road from OB-TNB-1 (Office Building-Traditional Neighborhood Business Overlay District 1) to T1-2.5 (Traditional Infill 2.5).

Printed Name	Signature	Address	Date
Pamela B Buyer	Pamela B Buyer	31 Olney Drive West, Amherst NY 14226	8/8/2023
Jeff Walker	Jeff Walker	23 OLNEY DR West Amherst NY 14226	8/8/2023
Judy Walker	Judy Walker	23 OLNEY DR West Amherst NY 14226	8/8/2023
Pam Sander	Pam Sander	34 Olney Dr. 14226	8/8/2023
Ray Volpe	Raymond Volpe	302 Crosby Blvd	8/8/2023
Gretchen Bell	Gretchen Bell	84 Olney Dr. Amherst	8/8/2023
Carl J. Kogler	Carl J. Kogler	46 Olney Dr. Bflo. 14226	8/8/2023
8 Emily Kogler	Emily Kogler	46 Olney Dr. Bflo. 14226	8/8/2023

'23 AUG 14 AM 11:32

Attachment: protest petition 1350 Eggert (RES-2023-623 : 1350 Eggert Road Rezoning)

Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11) (continued)

Printed Name	Signature	Address	Date
JOHN COLVIN	John J. Colvin	27 Olney West	8.8.23
Andrew Lane		37 Olney Dr.	8/8/23
ROSEMARIE BURGHOLZER	Rosemarie	81 Olney Dr.	8/8/23
John Burgholzer		81 OLney Dr	8/8/23
BRYAN CRISPIN		62 OLNEY DR	8-8-23
JAMES UNITAS		56 OLNEY DR	8-8-23
Elizabeth Burgio		46 Olney Dr.	8/8/23
April O'Donnell		12 Olney Dr. West	8/8/23
Jim O'Donnell		12 Olney Dr. West	8/8/23
Amanda Morlock		55 Endicott Dr	8/9/23
ZACK MORLOCK		55 ENDICOTT DR.	8/9/23
ALYSSA KIPA		75 OLNEY DR.	8/9/23

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Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11) (continued)

Printed Name	Signature	Address	Date
DAWN WILKES	Dawn Wilkes	71 Olney Dr. Amherst NY 14226	8/9/23
Janice Colvin	Janice Colvin	49 Olney Dr. Amherst, NY 14226	8/9/23
Mara Szymkowiak	Mara Szymkowiak	41 Olney Drive Amherst NY 14226	8/9/23
Xiaojun Liu	Xiaojun Liu	66 Olney Dr. Amherst NY 14226	8/9/23
Xiaobing Liu	Xiaobing Liu	66 Olney Dr. Amherst NY 14226	8/9/23
Camilla Greene	Camilla Greene	50 Olney Dr. Amherst NY 14226	8/9/23
Donna Anderson	Donna Anderson	45 Olney Dr Amherst, NY 14226	8/9/23
Robert Anderson	Robert Anderson	45 Olney Dr. Amherst NY 14226	8/10/23
John Sander	John M Sander	34 Olney Drive Amherst, NY 14226	8/10/23
~~HEATHER UNETAS~~ ~~Heather Unetas~~	~~Heather Unetas~~	~~36 Olney Dr.~~	8/10/23
~~ROBERT SHEA~~	~~33 OLNEY DR.~~		
ROBERT SHEA	Robert Shea	33 OLNEY DRIVE, AMHERST, NY 14226	8/11/23

31

Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11)

Petition Summary & Background	Ellicott Development Company seeks to rezone the lot above ECO Park to allow for the construction of two 8-unit apartment buildings. The units would remove the remaining green space between the group home and the existing 1350 Eggert apartment building (the old Cantalician Center). As a community, our concerns are (1) the addition of more runoff to our already overtaxed sewer system; (2) the increased traffic entering and exiting a very dangerous section of Eggert Road (i.e., from Main Street to Crosby Blvd); (3) potential damage to ECO Park, a very popular recreation area used by young families from many neighborhoods; and (4) the appearance of the apartments/townhouses would not be consistent with the existing character of the neighborhood.
Action Petitioned For	We, the undersigned, are **against** the request to Amend Land Use Classification for 1350 Eggert Road from OB-TNB-1 (Office Building-Traditional Neighborhood Business Overlay District 1) to T1-2.5 (Traditional Infill 2.5).

Printed Name	Signature	Address	Date
Jill Malone	Jill a Malone	19 Olney Drive Amherst, NY 14226	8/9/2023
JOHN LIS		63 Olney Dr Amherst, N.Y. 14226	8/11/2023
Scott Biersbach		03 Olney Dr. West Amherst NY 14226	8/11/2023
Anne Lally		59 Endicott Dr Amherst, NY 14226	8/12/2023
Kathryn O'Connor		216 Hendricks blvd Amherst, NY 14226	8/13/23
Reva Wolski		85 Olney Dr Amherst NY 14226	8/13/23
Patrick Wirth		219 Olney Dr. Amherst NY 14226	8/13/23

Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11) (continued)

Printed Name	Signature	Address	Date
Steven Malave	Steven Malave	1350 Eggert Rd, Buffalo, NY 14226	8/13/2023
Jonathan Riley		1350 Eggert Rd Buffalo, NY 14226	8/13/2023
John Sanders		132 Floradale Ave Tonawanda NY 148	8/13/2023
Steve Szymkowski		41 Olney Dr. Amherst, NY 14226	8/13/2023
Julie Colvin	Julie Colvin	49 Olney Dr. Amherst NY 14226	8/13/2023 43

Attachment: protest petition 1350 Eggert (RES-2023-623 : 1350 Eggert Road Rezoning)

Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11)

Petition Summary & Background	Ellicott Development Company seeks to rezone the lot above ECO Park to allow for the construction of two 8-unit apartment buildings. The units would remove the remaining green space between the group home and the existing 1350 Eggert apartment building (the old Cantalician Center). As a community, our concerns are (1) the addition of more runoff to our already overtaxed sewer system; (2) the increased traffic entering and exiting a very dangerous section of Eggert Road (i.e., from Main Street to Crosby Blvd); (3) potential damage to ECO Park, a very popular recreation area used by young families from many neighborhoods; and (4) the appearance of the apartments/townhouses would not be consistent with the existing character of the neighborhood.
Action Petitioned For	We, the undersigned, are **against** the request to Amend Land Use Classification for 1350 Eggert Road from OB-TNB-1 (Office Building-Traditional Neighborhood Business Overlay District 1) to T1-2.5 (Traditional Infill 2.5).

Printed Name	Signature	Address	Date
John Pinzone		285 Hendricks Blvd	8-9-23
Gwen Pinzone		285 Hendricks Blvd	8/9/23
Janelle Dimartino		355 Hendricks Blvd	8/9/23
Gary Fells		361 Hendricks Blvd	8/9/23
Matthew Donner		396 Hendricks Blvd	8/9/23
Mike Birnie		386 Hendricks Blvd.	8/9/23
Matt Bauman		372 Hendricks Blvd	8/9/23
Mary Williams		356 Hendricks Blvd	8/9/23

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Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11) (continued)

Printed Name	Signature	Address	Date
Christine Williams	C. Williams	476 Campbell Dr.	8/9/23
James T. Haubrich		352 HENDRICKS	8/9/23
STEVEN SNYDER		336 HENDRICKS	8/8/23
Michael O'Connor		216 Hendricks	8/10/23
Erica Lillis	E. Lillis	~~198~~ 198 Hendricks Blvd	8/10/23
Patrick Johnson		162 Hendricks	8/10/23
Samantha Dispenza	Sam Dz	148 Hendricks	8/10/23
Spencer Cassalberry		148 Hendricks	8/10/23
Jason Jones		140 Hendricks Blvd	8/10/23
MARY THOMAS	Mary Thomas	132 HENDRICKS	8/10/23
Mark Saviola	MARK SAVIOLA	89 HENDRICKS BLVD	8-10-23
Marlene Saviola	Marlene Saviola	89 Hendricks Blvd	8-10-23

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Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11) (continued)

Printed Name	Signature	Address	Date
Ben Aldeson		93 Hendricks Blvd, Amherst NY 14226	8/10/2023
Emma Gagliano	Emma Gagliano	117 Hendricks Blvd	8/10/23
Joe Gagliano		117 Hendricks Blvd	8/10/23
Mike Hall		143 Hendricks Blvd	8/10/23
Sean Hanley		256 Hendricks Blvd.	8/10/23
Sam Hanley	Sam Hanley	256 Hendricks Blvd.	8/10/23
Mark Michelle		290 Hendricks Blvd	8/11/23
Ramona Happ		310 Hendricks Blvd	8/11/23
Patrick Cahill		314 Hendricks Blvd	8/11/23
Kara Galvin		314 Hendricks Blvd	8/11/23
Teddie Roy		51 ENDICOTT DR	8/11/22
Melinda LaMarca		62 Endicott Drive	8/12/23

Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11) (continued)

Printed Name	Signature	Address	Date

Accidentally skipped a page.

Petition To Deny the Variance for 1350 Eggert Road (SBL #67.82-3-9.11) (continued)

Printed Name	Signature	Address	Date
~~Jon~~ Dusche	Jon Dusche	294 Hendricks Blvd, Amherst	8/12
Greta Doscher	Greta Doscher	294 Hendricks Blvd Amherst	8/12
Kristen Lane	Kristen Lane	37 Olney Drive 14226	8/14

35

CARMINAWOOD
DESIGN

August 16, 2023

Daniel Howard, AICP, Planning Director
Town of Amherst Planning Department
5583 Main Street
Williamsville, NY 14221

Re: Rezoning of 1350 Eggert Road from OB-TNB-1 to TI-2.5 [Z-2023-03]
Petitioner: 1097 Group LLC c/o Ellicott Development Company

Dear Mr. Howard:

During the public hearing held by the Town Board on Jul 24th, a concern was raised by an individual who spoke regarding existing drainage conditions on the property at 1350 Eggert Road ("Project Site").

The runoff from the pavement behind the existing building currently sheet drains northwest and during large rain events it flows down the set of stairs to the Crosby Boulevard below per the photos submitted during the public hearing held on July 24th since currently there are not any drainage structures located on the northern portion of the Project Site to pick up this runoff.

As part of the proposed redevelopment project, catch basins and piping will be installed to collect this runoff before it can make its way to the existing stairs. The new system will connect to the existing storm manhole located on the Project Site which discharges to the system on Crosby Boulevard.

The proposed project will require Site Plan Approval from the Planning Board and the engineered plans and supporting technical documentation will be submitted with the Site Plan Application will provide detailed information regarding the drainage related improvements that will be made in connection with the proposed project in accordance with the applicable Town of Amherst stormwater management standards.

If you have any questions regarding the above information, please contact me at 716-550-3342. Thank You.

Sincerely,
Carmina Wood Design
Christopher Wood, P.E.

Attachment: Wood-Ltr-Howard-08-16-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

cc: Town of Amherst Town Board
Timothy J. Koller, Town Clerk's Office
Tom Fox, Ellicott Development
Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC

Attachment: Wood-Ltr-Howard-08-16-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

HSM

November 7, 2023

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

Re: Rezoning of 1350 Eggert Road from OB-TNB-1 to TI-2.5 [Z-2023-03]
Applicant/Project Sponsor: 1097 Group LLC c/o Ellicott Development Company
File No. 10173.13

Dear Supervisor Kulpa and Councilmembers:

This letter is being submitted on behalf of 1097 Group LLC ("Project Sponsor") to provide an update regarding the pending request to amend the zoning classification of 1350 Eggert Road ("Project Site") from OB-TNB-1 to TI-2.5.

During its meeting held on Monday, August 21st, the Town Board adjourned the continuation of the public hearing held on July 24th pending the submission of a storm mitigation plan, a traffic analysis and the holding of an informational meeting with property owners within 600 ft. of the Project Site. A copy of Resolution No. 2023-623 as adopted by the Town Board on August 21st is attached as **Exhibit "A"**.

The requirement to be submit a traffic analysis was satisfied on October 10th via my letter to Daniel Howard of the Planning Department for the purpose of submitting four (4) copies of the Traffic Assessment Report prepared by David Kruse of Passero Associates dated October 9th that contained a traffic analysis demonstrating the proposed redevelopment project not result in any potentially significant adverse traffic impacts. A copy of my letter to Daniel Howard dated October 10th is provided at **Exhibit "B"**.

A stormwater analysis summary letter prepared by Christoper Wood, P.E. dated today with updated project plans providing information regarding the extensive stormwater management improvements to be installed on the Project Site was submitted to the Planning Department today and will be distributed to the Engineering Department for review and comments. A copy of the stormwater analysis summary letter is provided at **Exhibit "C"**.

The final requirement per the resolution adopted by the Town Board on August 21st was for the Project Sponsor to hold an informational meeting with residents within 600 ft. of the Project Site. Attached as **Exhibit "D"** is a copy of the invite letter prepared by Tom Fox of Ellicott Development that was mailed to the owners of property within 600 ft. of the Project Site on October 23rd. The informational meeting held at the Harlem Road Community Center on Thursday, November 2nd was well attended and very productive from the perspective of the project team. Attached as **Exhibit "E"** is a copy of the PowerPoint presentation given during the informational meeting and attached as **Exhibit "F"** is the sign-in sheet from the informational meeting.

HOPKINS SORGI & MCCARTHY PLLC
Attorneys at Law
5500 Main Street, Suite 343 • Williamsville, New York 14221
Direct: 716-510-4338 • E-mail: shopkins@hsmlegal.com • www.hsmlegal.com

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

If you have any questions regarding this letter or the attached project documentation, please feel free to contact me at 510-4338 or via e-mail at shopkins@hsmlegal.com.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

Enc.

cc: Deborah Bruch Bucki RN PhD, Deputy Supervisor
Jacqualine Berger, Councilmember
Shawn Lavin, Councilmember
Michael Szukala, Councilmember
Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Daniel Howard, Planning Director, Planning Department
Thomas Voigt, Assistant Planner, Planning Department
Thomas M. Fox, Director of Development, Ellicott Development Company [Via mail]
Bill Paladino, Chief Executive Officer, Ellicott Development Company [Via e-mail]
Christopher Wood, P.E., Carmina Wood Design [Via e-mail]
David Sutton, Sutton Architecture PLLC [Via e-mail]

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

EXHIBIT A

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

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

Francina J. Spoth
Town Clerk

Meeting: 08/21/23 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 27749 **RESOLUTION 2023-623** **ADJOURNED**

1350 Eggert Road Rezoning

Request to rezone 1350 Eggert Road from OB-TNB-1 to TI-2.5.

7/24/2023
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was opened at 8:14 PM.

Sean Hopkins, Esq. presented.

The following speakers spoke in opposition:
Ray Volpe, 302 Crosby Blvd
Dan Dolloff, 278 Crosby Blvd
Susan Aureli, 312 Crosby Blvd
Pamela & John Sander, 34 Olney Dr
Kristen Lane, 37 Olney Dr
Janice Colvin, 49 Olney Dr
Jessica Kerr, 22 Olney Dr

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn the hearing until August 21st, seconded by Councilmember Lavin and unanimously approved 5-0.

8/21/2023
Supervisor Kulpa made a motion to adjourn the hearing until September 18th at the earliest, for the petitioner to submit information regarding a storm water mitigation plan, a traffic analysis and to hold a meeting with the residents within the 600 ft. radius, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 9/18/2023 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor	
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala	

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

EXHIBIT B

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

HSM

October 10, 2023

Daniel C. Howard, Planning Director
Town of Amherst Planning Department
5583 Main Street
Williamsville, NY 14221

Re: Rezoning of 1350 Eggert Road from OB-TNB-1 to TI-2.5 [Z-2023-03]
Applicant/Project Sponsor: 1097 Group LLC c/o Ellicott Development Company
File No. 10173.13

Dear Mr. Howard:

Enclosed are four (4) copies of the Traffic Assessment Report prepared by David Kruse of Passero Associates dated October 9th that was prepared at the request of the Town Board during it meeting held on Monday, August 21st.

The traffic analysis contained in the Traffic Assessment Report demonstrates that the proposed redevelopment project consisting of sixteen apartments for lease will not result in any potentially significant adverse traffic impacts.

If you have any questions regarding the enclosed project documentation or the status of the proposed multifamily project, please feel free to contact me at 716.510-4338 or via e-mail at shopkins@hsmlegal.com.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

Enc.

cc: Brian J. Kulpa, Supervisor
Jacqualine Berger, Councilmember
Deborah Bruch Bucki RN PhD, Councilmember
Shawn Lavin, Councilmember
Michael Szukala, Councilmember
Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Christopher Schregel, Traffic Safety Coordinator
Jeremy P. Wassel, Ellicott Development Company [Via e-mail]
Thomas M. Fox, Director of Development, Ellicott Development Company [Via mail]
Bill Paladino, Chief Executive Officer, Ellicott Development Company [Via e-mail]
David Kruse, AICP, Sr. Transportation Planner, Passero Associates [Via e-mail]

HOPKINS SORGI & MCCARTHY PLLC
Attorneys at Law
5500 Main Street, Suite 343 • Williamsville, New York 14221
Direct: 716-510-4338 • E-mail: shopkins@hsmlegal.com • www.hsmlegal.com

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

Christopher Wood, P.E., Carmina Wood Design [Via e-mail]
David Sutton, R.A., Sutton Architecture PLLC [Via e-mail]

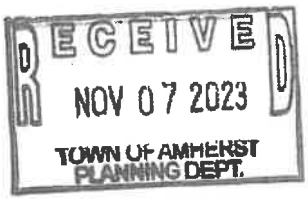
Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

EXHIBIT C

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

CARMINAWOOD
DESIGN

November 7, 2023



Daniel C. Howard, AICP, Planning Director
Town of Amherst Planning Department
5583 Main Street
Williamsville, NY 14221

Re: Proposed Multifamily Project
1350 Eggert Road
Town of Amherst

Dear Mr. Howard and Members of the Town Board:

This letter has been prepared for the purpose of providing the Town Board with the requested summary of the manner by which runoff from impervious surfaces on the Project Site will be properly handled. Enclosed are four-full size copies of the following updated plans dated October 9, 2023:

- Site Plan [Drawing C-100];
- Grading Plan [Drawing C-200]; and
- Storm Drainage Plan [Drawing C-300];

Reduced-size copies of the above referenced plans are also attached as Exhibit "1". In connection with the review of the proposed multifamily project, questions have been raised regarding potential stormwater impacts. As a result of the need to install an on-site stormwater management complying with the stringent applicable standards, the proposed redevelopment project to be located at 1350 Eggert Road ("Project Site") will not result in any potentially significant adverse stormwater impacts. Please note that the disturbance for the proposed project will be less than 1 acre, therefore NYSDEC SPDES requirements do not apply.

In connection with the Town Board's evaluation of potential stormwater runoff impacts, it is important to mention that the Engineer's Report to be prepared by our firm in connection with the future Site Plan Application review process will provide calculations that confirm that the storm water management system to be constructed as part of the project will comply with the applicable stringent stormwater quantity standards of the Town of Amherst. The fully engineered plans and Engineer's Report will need to be reviewed and approved by the Town of Amherst Engineering Department in connection with the future Site Plan

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

Application review process prior to the commencement of any on-site construction activities.

The following sections of this letter provide a summary of the manner by which runoff from the impervious surfaces within the redevelopment project will be handled.

I. **Storm Water Design Narrative:**

A storm water collection system is proposed for parking area which will collect water from the parking lot, greenspaces and building. This system will consist of catch basins placed in the parking lot to catch the water and the roof downspouts from the building will be piped to these catch basins. This water will be conveyed to a storm water management system and discharge to the existing Town of Amherst storm water system for Crosby Boulevard. The storm water management area will consist of underground storage consisting of Stormtech chambers and will be designed in accordance with the Town of Amherst requirements. The outlet will be designed to allow a discharge which does not exceed the pre-construction peak runoff.

The existing drainage path of the Project Site runoff under existing conditions is generally north towards Crosby Boulevard. On site there is current catch basins in the existing parking lot behind the existing apartment building. These catch basins currently connect to the Town of Amherst storm manhole located in the Crosby Boulevard Right-of-Way. In the developed condition, the existing 8" connection will be reused and underground detention will be provided upstream to accommodate an increase in runoff. The existing parking lot and the proposed buildings will be directed through the underground detention system which will provide a dramatic improvement with regards to runoff compared to existing conditions. Currently a portion of the driveway and greenspace sheet flow north and off site (down and existing set of stairs) to Crosby Boulevard. This condition will be eliminated with the proposed stormwater improvements which will prevent water from the developed areas of the Project Site from sheet draining offsite uncontrolled. The discharge from the storm water management area will be controlled by the existing 8" outlet pipe and will not exceed the current existing rate of runoff.

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

Detention System:

The proposed storm water management area will consist of underground detention which will provide volume attenuation in accordance with Town of Amherst requirements.

Design Criteria:

Storm pipes: 10-year storm

Detention: Designed to contain the 1-year, 10-year, 25-year, 50-year and the 100-year 24-hour design storms for the post-development peak rates of runoff, while restricting the outflow rate equal to the 1-year, 10-year, 25-year, 50-year and the 100-year 24-hour design storms for the pre-development peak rates of runoff respectively.

As demonstrated by the above overview, the proposed project will include storm water management improvements per the applicable stringent standards of the Town of Amherst. This will ensure that the project will not result in any potentially significant drainage or flooding impacts.

II. Conclusion:

As outlined in detail above, the installation of an on-site stormwater management system complying with the applicable stringent stormwater quantity standards as described above, ensures the proposed project will not result in any potentially significant adverse drainage impacts for purpose of the environmental review of the redevelopment project being conducted by the Town Board pursuant to the State Environmental Quality Review Act ("SEQRA").

The fully engineered plans and Engineer's Report will need to be reviewed by the Town Engineering Department and involved agencies to confirm compliance with the applicable stormwater quantity standards during the future Site Plan Application review process.

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

Please contact me at 716-550-3342 with any questions regarding this letter or the proposed project.

Sincerely,

Carmina Wood Design

R. Christopher Wood, P.E.

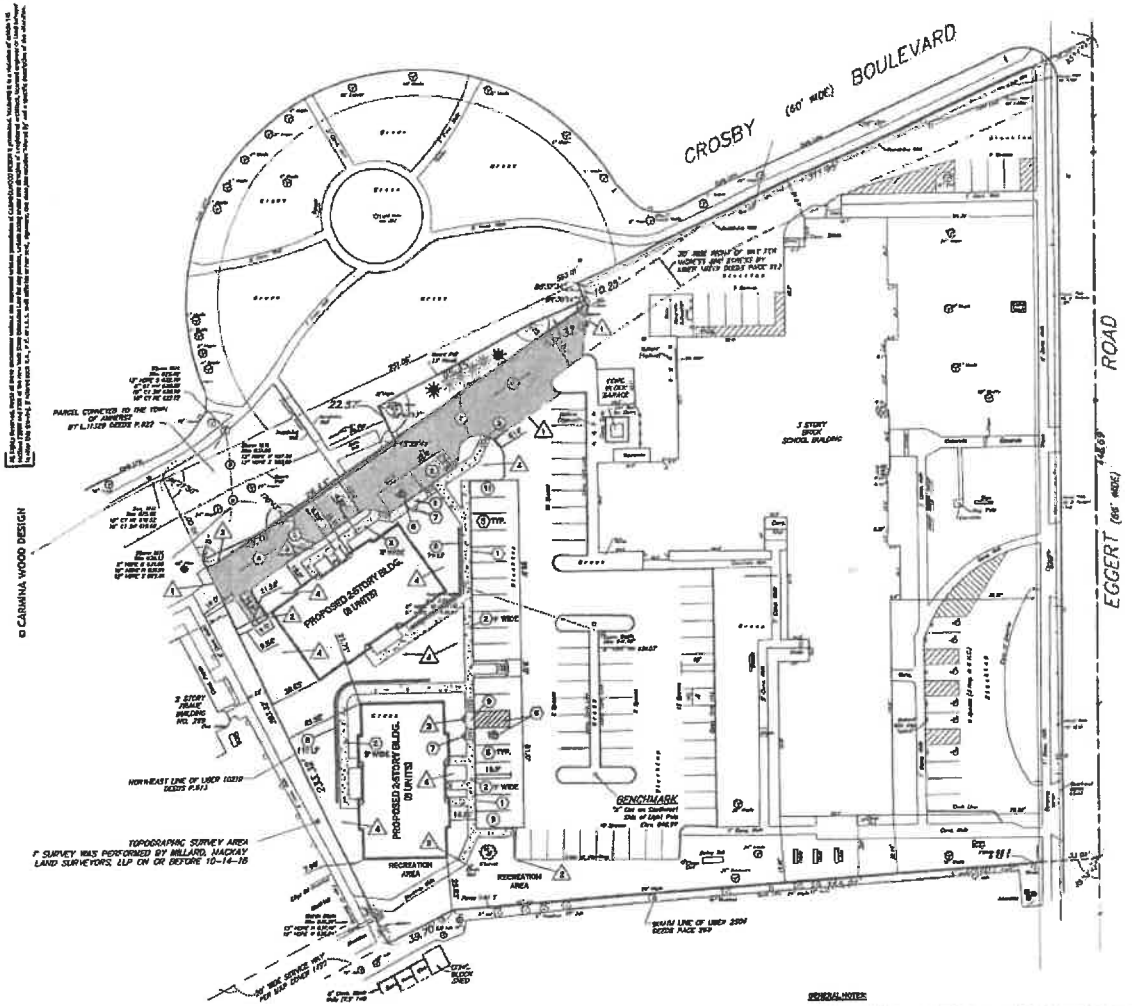
Enc.

cc: Brian J. Kulpa, Supervisor
Deborah Bruch Bucki RN PhD, Deputy Supervisor
Jacqualine Berger, Councilmember
Shawn Lavin, Councilmember
Michael Szukala, Councilmember
Francina J. Spoth, Town Clerk
Thomas M. Fox, Director of Development, Ellicott Development Company
Bill Paladino, Chief Executive Officer, Ellicott Development Company
Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

Exhibit 1 - Reduced-Size Copies of Updated Plans as Prepared by Christopher Wood, P.E. of Carmina Wood Design

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)



N

SITE PLAN

SCALE: 1"=30'.

DETAIL LEGEND SEE SITE DETAIL SHEET

1. TYPE "A" CONCRETE CURB
2. CONCRETE SIDEWALK
3. SIDEWALK CURB RAMP
4. STANDARD DUTY ASPHALT
5. 90° PARKING STALL
6. HANDICAPPED PAVEMENT MARKINGS
7. HANDICAPPED PARKING SIGN
8. RETAINING WALL W/FENCE
9. HANDICAPPED PAVEMENT RAMP

NOTE LEGEND

1. SAWCUT LINE, MATCH EXISTING EDGE OF PAVEMENT
2. RUNOUT CURB (N-2' OR MATCH EXISTING CURB
3. INSTALL "NO PARKING" SIGN, M.U.T.C.D. SIGN NO. P1-1C
4. LANDSCAPED AREA -SEE LANDSCAPE PLAN, IF NO PLANTINGS, INSTALL TOPSOIL & SEED
5. MATCH EX. SIDEWALK

SITE DATA

SITE AREA = 6.3 AC

ZONED: RESIDENCE TO 11-2.3

USE: PROPOSED (2) 2-STORY 8 UNIT APT BUILDING = 16 UNITS

	REQUIRED	PROVIDED
SETBACK - BUILDING		
FRONT	10' MIN./30' MAX.	> 10' & < 30' *
SIDE	0' MIN.	33.0' MIN.
REAR	0' MIN.	7.08' MIN.
SETBACK - PARKING		
FRONT	20' MIN.	> 20 FT
SIDE	0' MIN.	> 0' MIN.
REAR	0' MIN.	> 0' MIN.
TOTAL VEHICLE SPACES	16	37
BICYCLE	8	8
ELECTRIC VEHICLE STATION	1	1
GREENSPACE		
INTERIOR PARKING GREENSPACE	5% (1,123 SF)	33% (1,123 SF)
MAX. BUILDING HEIGHT	2.5 STORIES / 35'	2 STORIES / < 35'
OUTDOOR AMENITY SPACE	8% (0.17 AC)	8.7% (0.19 AC)

* VARIANCE REQUIRED

PARKING CALCULATION PER SECTION 5A-9-1-6

APARTMENTS/TOWNHOUSES

RES.(2): 1 SPACE PER 2-bedroom unit or 1 or 0 bdrms = 16 SPACES

TOTAL PARKING SPACES REQUIRED = 16 SPACES

BICYCLE CALCULATION PER SECTION 5A-9-14

RESIDENTIAL:

RES(2): 0.5 PER UNIT OR HALF

RES(1) = 0.5 X 16 = 8 SPACES REQ'D.

TOTAL BICYCLE SPACES REQUIRED = 8 SPACES

ELECTRIC VEHICLE CALCULATION PER SECTION 5A-9-1-13

1% OF TOTAL PARKING = 24 X 0.01 = 1 SPACES REQ'D.

SITE LEGEND

- PROPERTY LINE
- PROPOSED CONCRETE CURB
- PROPOSED SIDEWALK / CONCRETE PAD
- NUMBER OF PARKING SPACES (37)
- PROPOSED SIGN
- PROPOSED STANDARD DUTY ASPHALT PAVEMENT
- PROPOSED LIGHT POLE
- PROPOSED WALL MOUNTED LIGHT

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.

DEMOLITION:

1. CONTRACTOR SHALL OBTAIN AND PAY FOR ALL REQUIRED PERMITS NECESSARY TO PERFORM THE WORK.
2. ALL REASONABLE MEASURES SHALL BE TAKEN TO PROTECT EXISTING TREES WHICH ARE TO BE PRESERVED INCLUDING [illegible] (NO LIMIT) INCLUDING BUT NOT LIMITED TO,
3. [illegible] OR TOPSOIL DURING EXCAVATION TO TREE ROOTS.
4. ALL DIMENSIONS FROM PROPERTY LINES SHALL BE MEASURED PERPENDICULAR TO THE PROPERTY LINE.
5. CENTER ENTRANCE SIDEWALKS ON DOOR OPENINGS.
6. BUILDING DIMENSIONS ARE APPROXIMATE. REFER TO ARCHITECTURAL DRAWINGS FOR LAYOUT DIMENSIONS.

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

30' 0 30' 60' FT.

CARMINA WOOD DESIGN

511 Ellicott Street, Suite 320
Buffalo, New York 14203
Phone: (716) 842-1155

427 Amherst Street, Suite 320
Buffalo, New York 14207
Phone: (716) 362-1155

Multi-family Development

1350 Eggert Road
Amherst, New York

NO.	DESCRIPTION	DATE

DRAWING NAME:
Site Plan

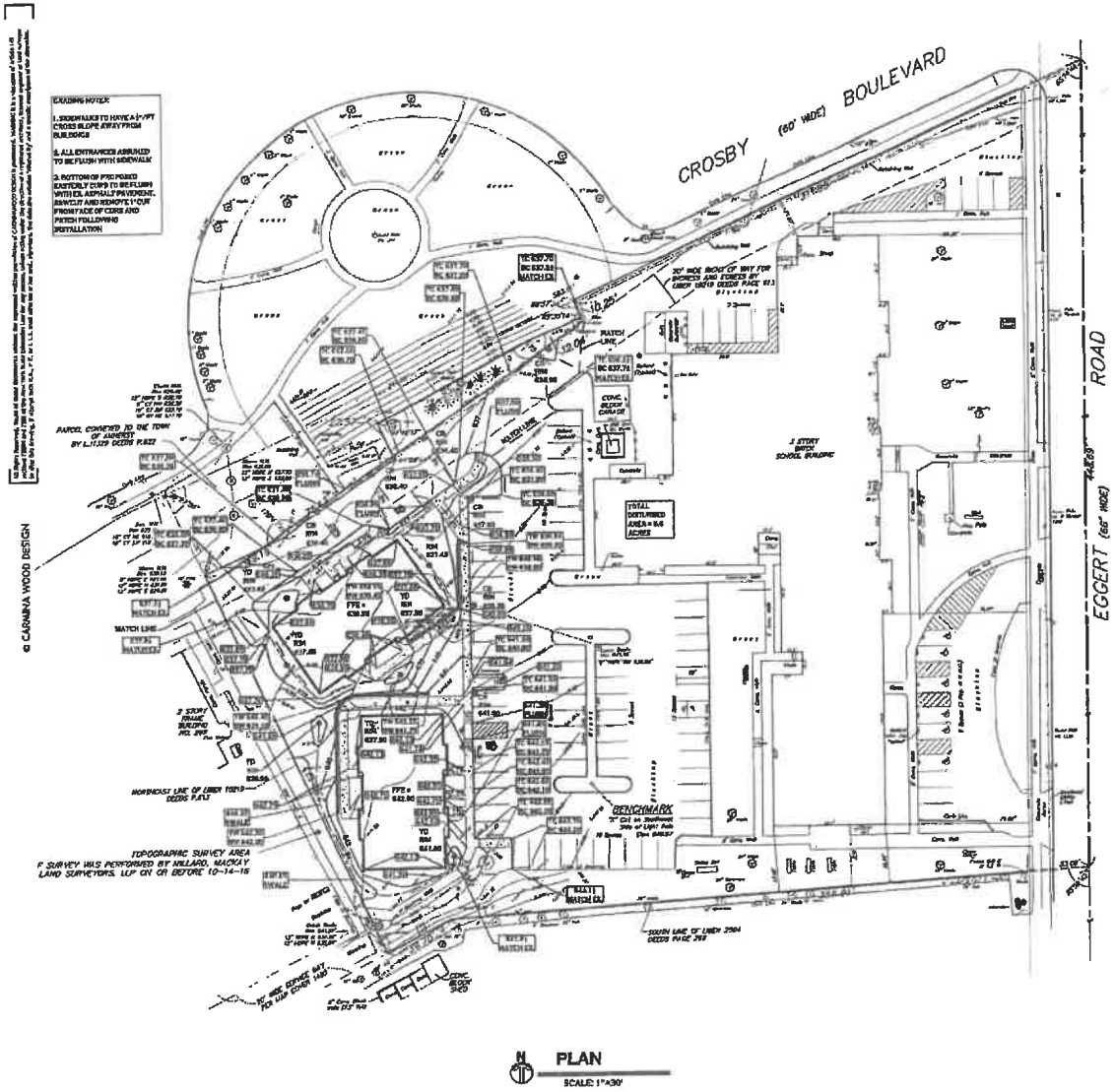
Date: 10.09.23
Drawn By: C. Wood
Scale: As Noted

DRAWING NO.
C-100

Project No: 22.XXX

Packet Pg. 256

7.4.d



PLAN
SCALE: 1"=30'

PROPOSED GRADING LEGEND

PROPOSED CONTOUR	101
PROPOSED SPOT ELEVATION	100.50
PROPOSED TOP/BOTTOM OF CURB ELEV.	TC 100.50 BC 100.00
PROPOSED CATCH BASIN	CB
PAVEMENT/GROUND SLOPE	
PROPOSED YARD DRAIN	YD
PROPOSED MANHOLE	MH

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

30' 0 30' 60' FT.

CARMINA WOOD DESIGN
[illegible] Main Street, Suite 100
Buffalo, New York 14203
Phone: (716) 541-7115

Multi-family Development
1350 Eggert Road
Amherst, New York

REVISIONS: No.	Description	Date

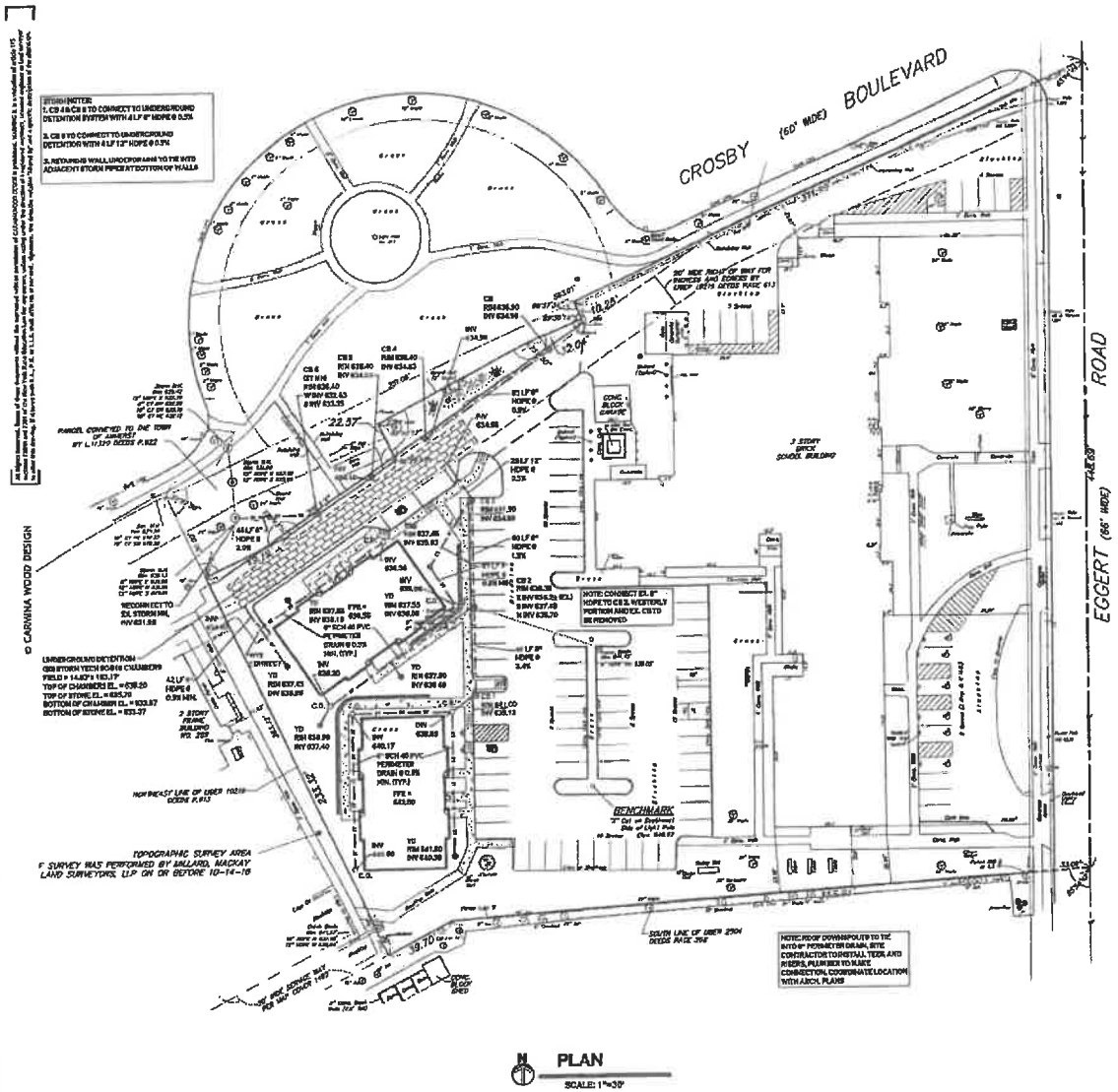
DRAWING NAME:
Grading Plan

Date: 10.09.23
Drawn By: C. Wood
Scales: As Noted

DRAWING NO.
C-200

Project No: 22.XXX

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)



PROPOSED UTILITY LEGEND

PROPOSED STORM SEWER	— ST —
PROPOSED SANITARY SEWER	— 6" SA —
PROPOSED WATERLINE	— 1" W —
PROPOSED CATCH BASIN	■ CB
PROPOSED TAXI DRAIN	● TD
PROPOSED MANHOLE	● MH
PROPOSED HYDRANT ASSEMBLY	
PROPOSED GATE VALVE	⊗ GV

NOTE: FOR PROPOSED VALVE BOXES, CLEANOUTS, ETC., INSTALL A 2,000 PSI CONCRETE COLLAR AROUND THE ITEM AT GRADE. THE COLLAR SHALL BE A MINIMUM OF 8" WIDER, ON ALL SIDES, THAN THE BOX, CLEANOUT, ETC. THE COLLAR SHALL BE A MINIMUM OF 6" THICK.

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

30' 0 30' 60FT.

CARMINA WOOD DESIGN

Multi-family Development
1350 Eggert Road
Amherst, New York

REVISIONS:
No. Description Date

DRAWING NAME:
Storm Drainage Plan

Date: 10.09.23
Drawn By: C. Wood
Scale: As Noted

DRAWING NO.
C-300

Project No: 22.XXX

© CARMINA WOOD DESIGN

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

EXHIBIT D

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

ELLICOTT DEVELOPMENT

ELLICOTT SQUARE BUILDING
295 MAIN STREET, SUITE 700
BUFFALO, NY 14203-2219

TEL: 716.854.0060
FAX: 716.852.2829
EllicottDevelopment.com

To: **Residents**

From: **Thomas M. Fox, Ellicott Development Company**

Re: **Invitation of Community Meeting regarding:**
Proposed Multi-Family Residential Construction at 1350 Eggert Road

Date: **October 23, 2023**

Ellicott Development Company is proposing the construction of two (2) 2-story apartment buildings in the rear of 1350 Eggert Road to include a total of 16 residential units (8 units per building).

You are invited to attend an informational meeting to be held per the information below regarding the proposed development plans with representatives of the development team. Your attendance is welcome for any questions and input you would like the project team to consider.

If you are not available to attend the informational meeting, please feel free to contact me at (716) 854-0060 or via e-mail at tfox@ellicottdevelopment.com with any questions.

Meeting details:

Date: **Thursday, November 2nd, 2023 from 6:30 PM – 7:30 PM**

Location: **Harlem Road Community Center Auditorium**
4255 Harlem Rd, Amherst, NY 14226

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

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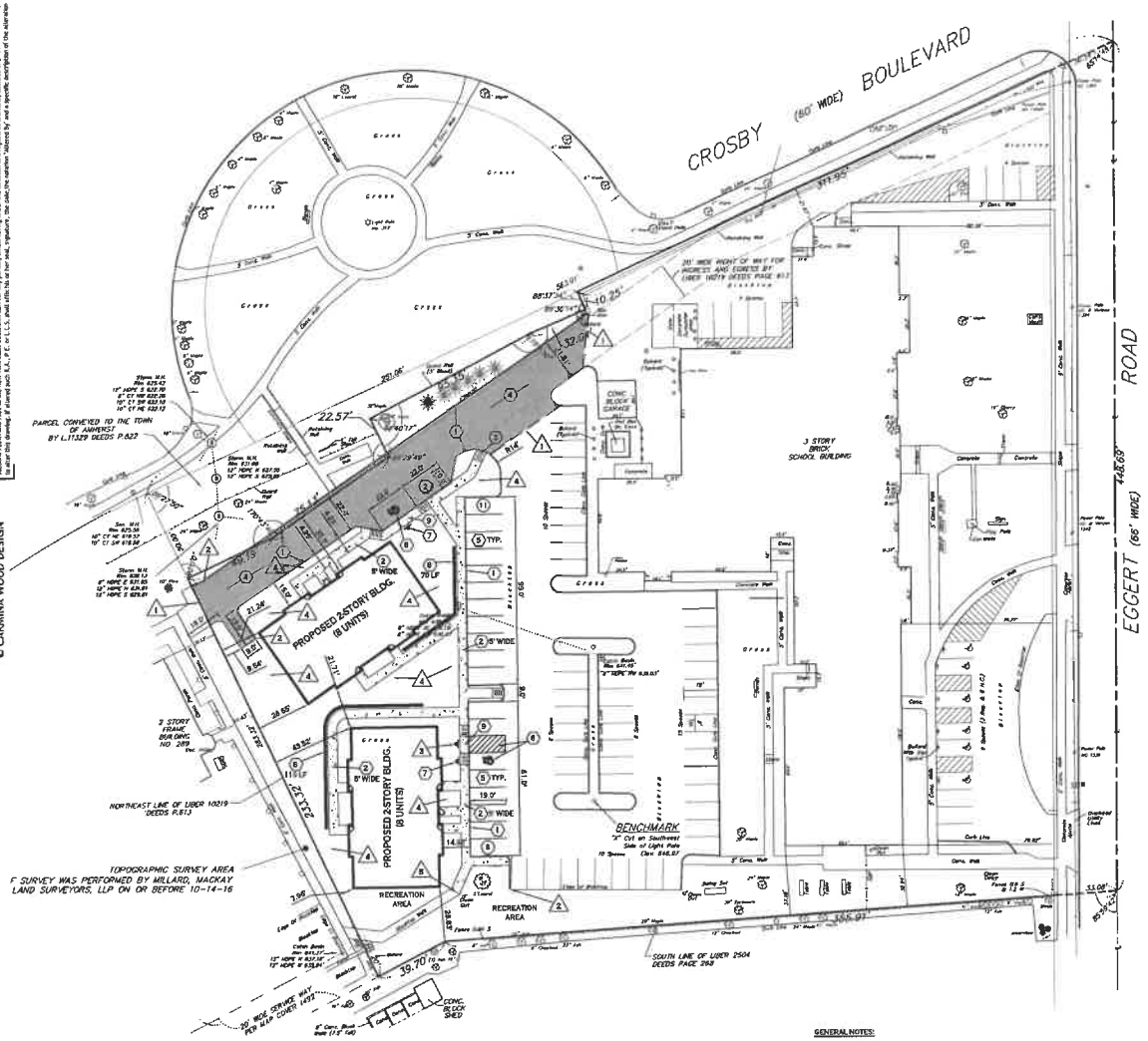

CROSBY (60' WIDE) BOULEVARD
EGGERT (66' WIDE) ROAD
PARCEL CONVEYED TO THE TOWN OF AMHERST BY L.11329 DEEDS P.822
3 STORY BRICK SCHOOL BUILDING
PROPOSED 2-STORY BLDG. (8 UNITS)
PROPOSED 2-STORY BLDG. (8 UNITS)
3 STORY FRAME BUILDING NO. 2019
NORTHEAST LINE OF LIBER 10219 DEEDS P.813
TOPOGRAPHIC SURVEY AREA SURVEY WAS PERFORMED BY MILLARD, MACKAY LAND SURVEYORS, LLP ON OR BEFORE 10-14-16
BENCHMARK
"X" Cut on Southwest Side of Light Pole
RECREATION AREA
RECREATION AREA
SOUTH LINE OF LIBER 2504 DEEDS PAGE 268
CONC. BLOCK SHED
70' WIDE SERVICE WAY PER MAP COMET 1472
20' WIDE RIGHT OF WAY FOR ACCESS AND EGRESS BY LIBER 10219 DEEDS PAGE 813
CONC. BLOCK GARAGE
371.95'
486.68'
165.97'
22.57'
22.57'
39.70'
10.25'
52.01'
88°13'
N 01°47'
S 88°13'
S 01°47'
N 88°13'
S 01°47'
N 88°13'
S 01°47'
N

EXHIBIT E

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

Informational Meeting
November 2, 2023

Request to Rezone 1350 Eggert Road from OB-TNB-1 to TI-2.5

Petitioner: 1097 Group LLC c/o Ellicott Development Company

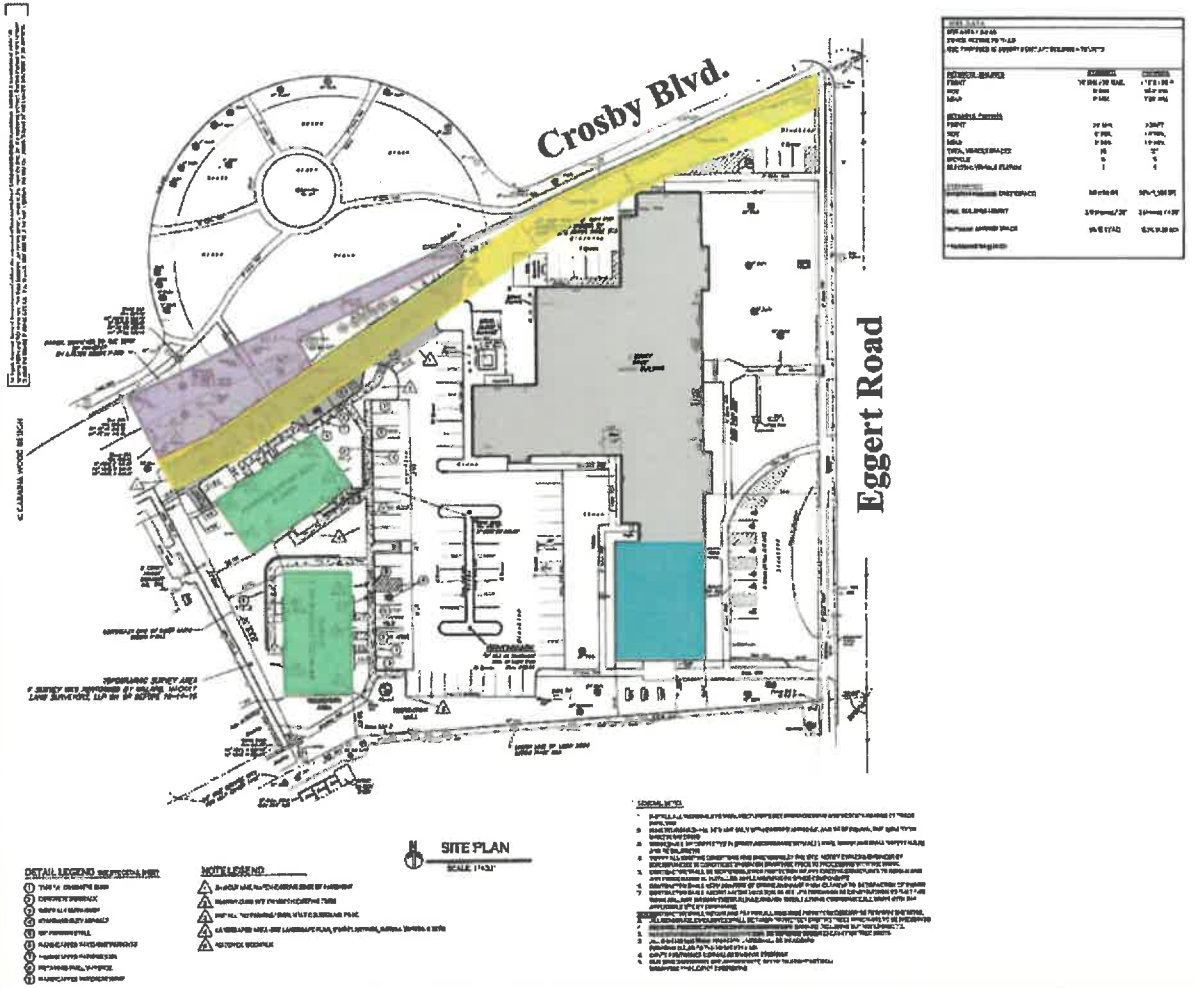
Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

Project History:

- Size of Project Site: 3.61 acres
- Former Cantalitian School property purchased in 2013
- Project Site rezoned from CF-TNB-1 to OB-TNB-1 on April 28, 2014
- Site Plan for redevelopment of the 3-story former school building as 38 apartments and 5,130 sq. ft. of 1st floor commercial space approved by the Planning Board on June 19, 2014
- Negative Declarations issued by the Town Board, Planning Board and Zoning Board of Appeals
- A portion of property along the hill south of Eco Park was previously donated to the Town of Amherst as an extension of park space
- Redevelopment completed in 2015

Site Plan:

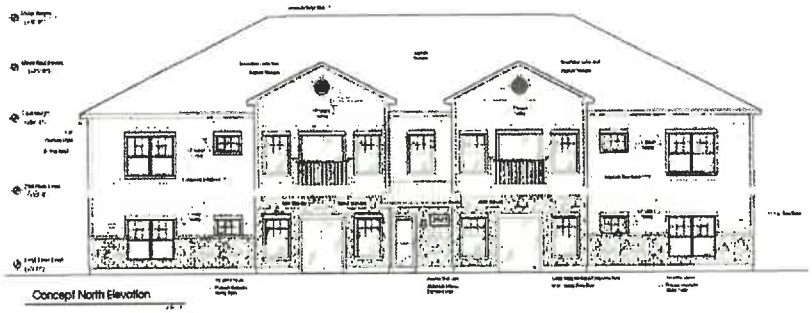
- **PURPLE:** Property previously donated to the Town of Amherst as park space at top of hill
- **YELLOW:** Existing 20' Access Easement for Group Home at 289 Crosby Boulevard
- **GREEN:** Proposed infill development behind/west of the existing parking area
  - Two 2-story buildings consisting of 8 residential units per building, 16 total
  - Northern building oriented along the 20' internal access driveway
- **BLUE:** Rezoning from OB-TNB-1 to TI-2.5 will accommodate the conversion of approximately 5k sq. ft. of vacant space in the southern portion of existing building into 3 residential units
- Project will require Site Plan Approval from the Planning Board and review and recommendation from the Design Advisory Board

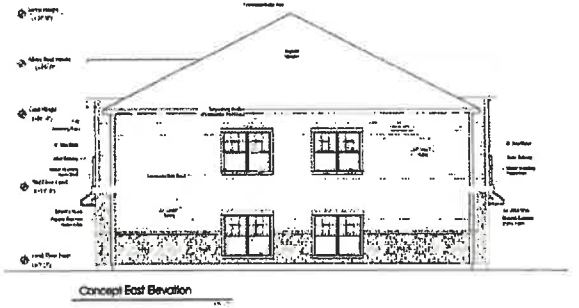


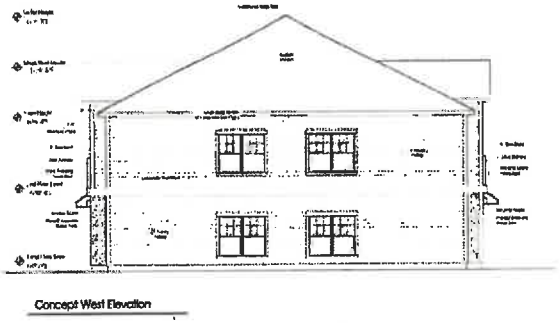
Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

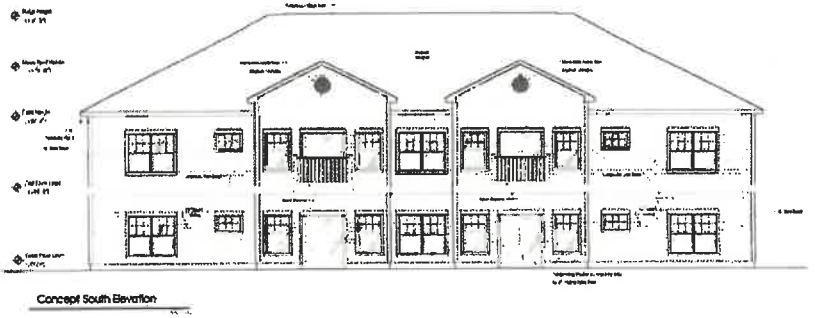
Previous Conceptual Elevation Plan:

- Two 2-story buildings comprised of 8 residential units
- Materials include:
  - Cultured stone
  - Clapboard siding
  - Asphalt shingled hip roof and metal roof accent at main entry









ELLICOTT DEVELOPMENT

Concept First Floor Plan For:
8 Unit Multi Family Building

1350 Eggert Road Amherst, NY
4/18/23

SUTTON architecture
"Design & Build"

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

Alternative Concept Plan prepared by Code Studio on behalf of the Amherst Planning Department, dated July 21st:

- Rowhouse Style Buildings
- Better frames the park/public realm
- Adds greater visual articulation through separate entrance features

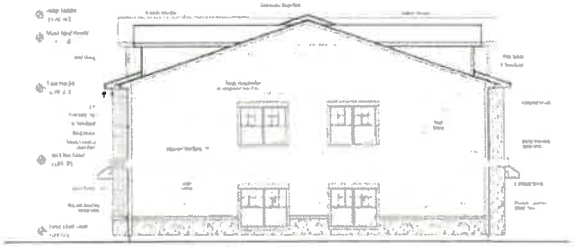
Alternate Concept: Plan View

California Drive development as precedent: front view

Updated Conceptual Elevation Plan:

- Rowhouse Style Buildings based on Code Studio and Planning Department input
- Elevated mix of materials and architectural features
- Mean Roof Height of less than 26' and peak height slightly more than 28'
  - Equal to and less than height of all homes on Crosby to the west
- Project will require Site Plan Approval from the Planning Board and review and recommendation from the Design Advisory Board

Concept North Elevation



Concept East Elevation

Concept West Elevation

Concept South Elevation

ELLICOTT DEVELOPMENT

Concept First Floor Plan For:
8 Unit Multi Family Building

1350 Eggert Road Amherst, NY
8/18/23

SUTTON architecture
"Design & Build"

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

PLANNING BOARD'S FAVORABLE RECOMMENDATION AND CONSISTENCY WITH THE ADOPTED COMPREHENSIVE PLAN:

- The Planning Board held a public hearing on May 18th, 2023 and adopted a resolution by a unanimous vote recommending issuance of a negative declaration pursuant to SEQRA and the Town Board's approval of the amending of the zoning classification of 1350 Eggert Road from OB-TNB-1 to TI-2.5
- Planning Board's findings included that the rezoning is consistent with the adopted Comprehensive Plan – The Planning Board's findings included the following:
  - **A.** The proposed rezoning and development plan if revised can be consistent with policies of the Comprehensive Plan and the Zoning Ordinance.
  - **B.** There are adequate services and utilities available or proposed to be made available in the construction of the development.
  - **C.** The proposal is compatible with the uses of nearby property and with the character of the neighborhood.
  - **D.** The proposed change does tend to improve the balance of uses or meets a specific demand in the Town.

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

COMMENTS DURING PUBLIC HEARING HELD BY THE TOWN BOARD ON JULY 24, 2023:

- Residential Units for Lease
- Existing Drainage Conditions:
  - Stormwater management improvements to be included in connection with the proposed redevelopment project
  - Preliminary Drainage Plans prepared by Christopher Wood, P.E. of Carmina Wood Design
- Traffic Impacts:
  - Total peak A.M and P.M. weekday projected traffic volume for 16 units of Multifamily Housing (Low-Rise) is 15 vehicular trips per day per the Traffic Assessment Report prepared by Passero Associates dated October 9, 2023
- Greenspace:
  - Parkland was donated to the Town previously as requested
  - Extensive new landscaping will be required in connection with the residential redevelopment project
  - Landscape Plan prepared by a licensed Landscape Architect will be required in connection with the Site Plan Application review process

CARMINAWOOD
DESIGN

August 16, 2023

Daniel Howard, AICP, Planning Director
Town of Amherst Planning Department
5583 Main Street
Williamsville, NY 14221

Re: Rezoning of 1350 Eggert Road from OB-TNB-1 to TI-2.5 [Z-2023-03]
Petitioner: 1097 Group LLC c/o Ellicott Development Company

Dear Mr. Howard:

During the public hearing held by the Town Board on Jul 24th, a concern was raised by an individual who spoke regarding existing drainage conditions on the property at 1350 Eggert Road ("Project Site").

The runoff from the pavement behind the existing building currently sheet drains northwest and during large rain events it flows down the set of stairs to the Crosby Boulevard below per the photos submitted during the public hearing held on July 24th since currently there are not any drainage structures located on the northern portion of the Project Site to pick up this runoff.

As part of the proposed redevelopment project, catch basins and piping will be installed to collect this runoff before it can make its way to the existing stairs. The new system will connect to the existing storm manhole located on the Project Site which discharges to the system on Crosby Boulevard.

The proposed project will require Site Plan Approval from the Planning Board and the engineered plans and supporting technical documentation will be submitted with the Site Plan Application will provide detailed information regarding the drainage related improvements that will be made in connection with the proposed project in accordance with the applicable Town of Amherst stormwater management standards.

If you have any questions regarding the above information, please contact me at 716-550-3342. Thank You.

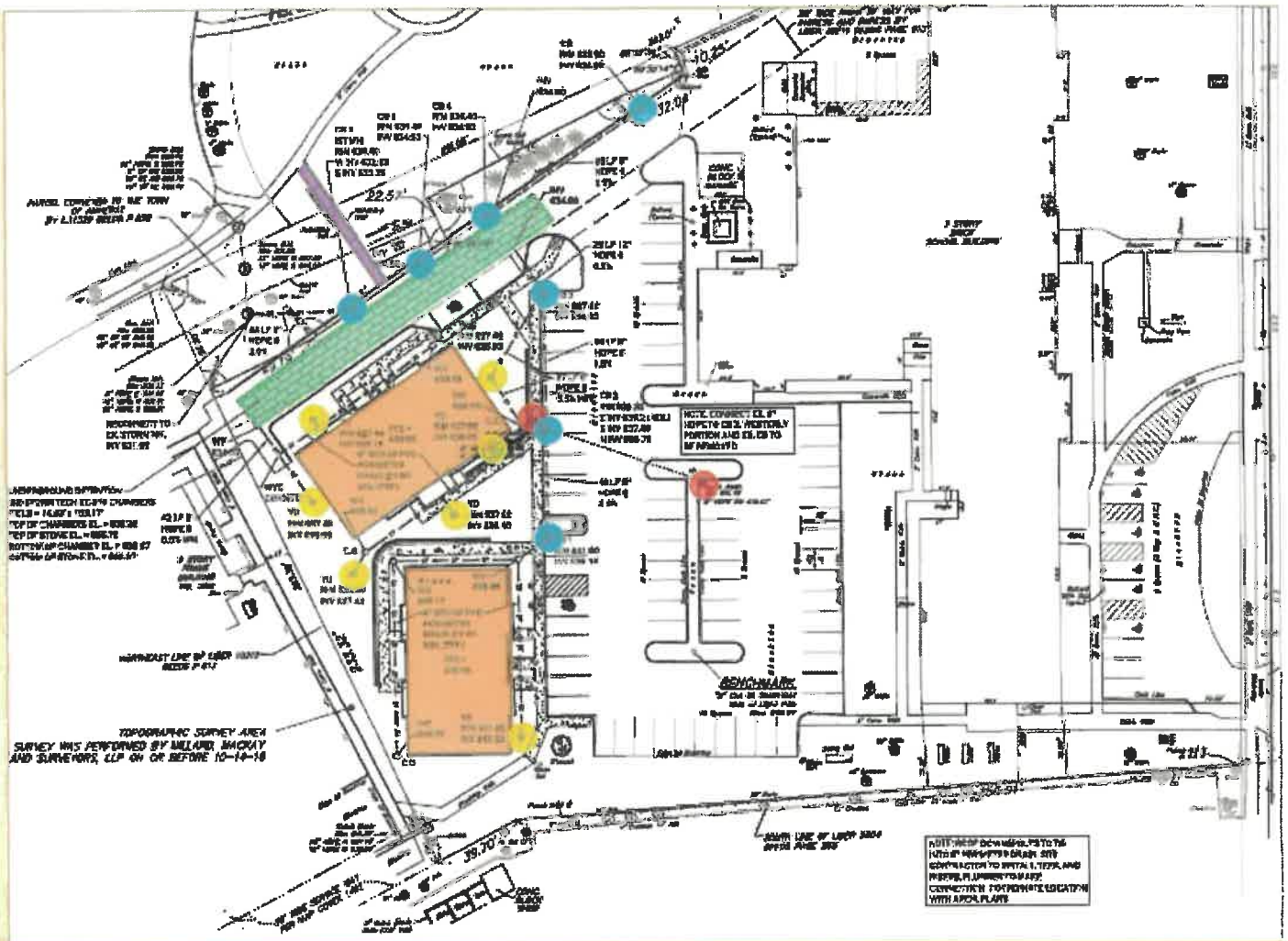
Sincerely,
Carmina Wood Design
Christopher Wood, P.E.

carminawooddesign.com
Buffalo 487 Main Street, Suite 500, Buffalo, NY 14203 716.842.3165
Greensboro 111 Bain Street, Suite 332, Greensboro, NC 27408 336.937.9009

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

Storm Drainage Plan Prepared by Christopher Wood, P.E. of Carmina Wood Design:

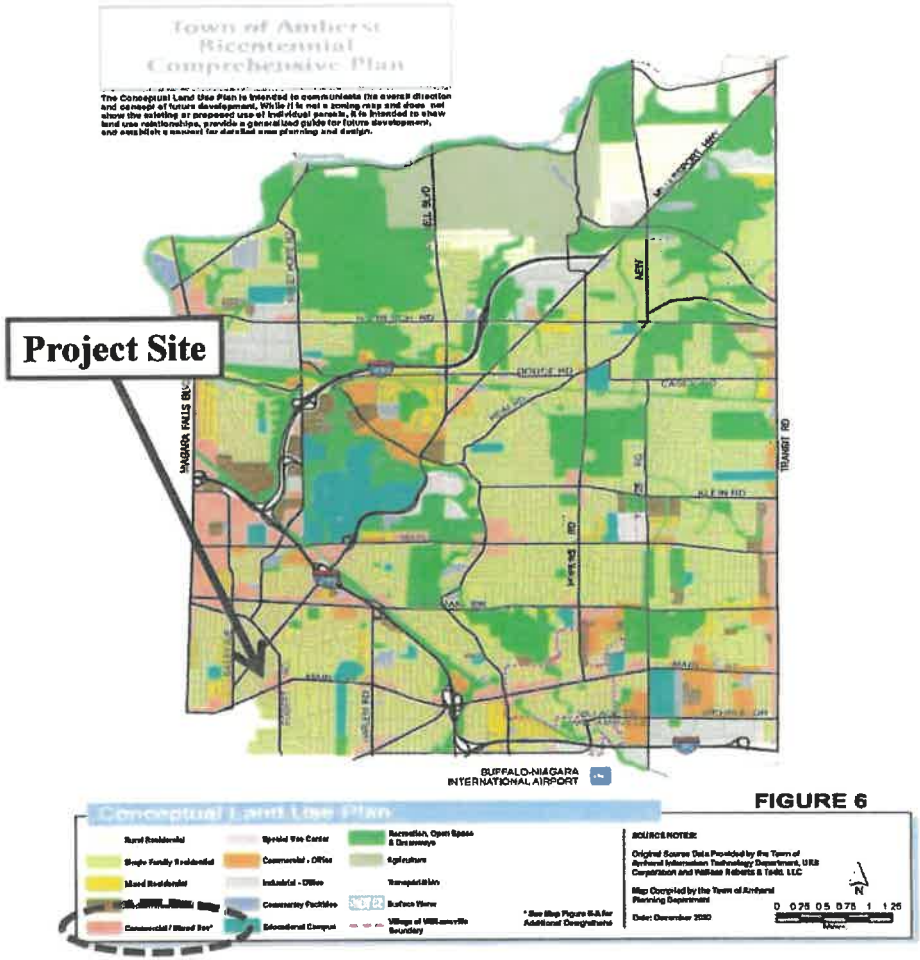
- **PURPLE:** Existing path and stair to Eco Park
- **RED:** 2 existing Catch Basins
- **YELLOW:** 7 new Yard Drains in greenspace around the proposed development
- **BLUE:** 7 new Catch Basins in hardscape
- **GREEN:** Proposed Underground Stormwater Detention System under existing driveway



Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

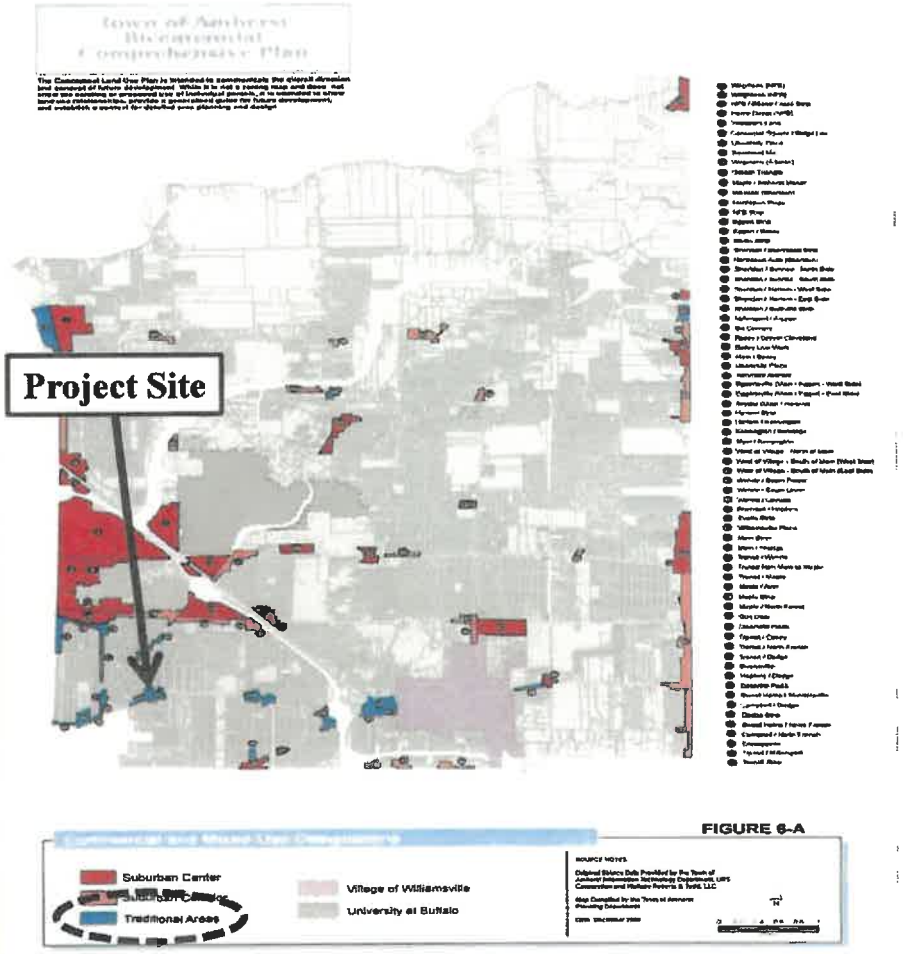
Consistency with Comprehensive Plan:

- Project Site is designated as appropriate for Commercial/Mixed-Use per Figure 6 of the Comprehensive Plan



Consistency with Comprehensive Plan:

- The Project Site is designated as appropriate for Traditional Area per Figure 6-A of the Comprehensive Plan
- Requested rezoning of the Project Site from OB-TNB-1 to TI-2.5 will accommodate infill redevelopment of a portion of the Project Site
- Traditional Areas described on Pages 3-34 to 3-36 of the Comprehensive Plan
- These areas are likely to experience infill and adaptive reuse of existing structures on developed parcels with a more compact building pattern.



Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

Q&A

EXHIBIT F

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

Sign - In Sheet

Please Print

11/2/23

		Name	Address	Email
1.	*	Ray + Judy Volpe	302 CROSBY BLVD	LIBERTAI37@gmai
		Sheila Neff	80 Rosedale Blvd.	misdog@hotmai
		Kathy DeSpirt	33 Rosedale Blvd	Kdespirt@verizon
		Charlie + Donna Collins	237 Crosby Blvd	dcollins@hotmail
		Doug Harbison	101 Garden Court	dougeharbison@msn.com
		Jessica Kerr	22 Olney drive	Jessicamkerr@yah
		ROB LALLY	36 ROSEDALE BLVD	RPLALLY@GMAIL.C
		April & Robert Kohles	249 Crosby Blvd	arkohles@peoplepc.com
		Cynthia Young	1405 Edgar	cyoung1405@
		Janice Colvin	49 Olney Dr.	Janicecolvin@gmail.com
		Patrick Wirth	49 Olney Dr.	Patrickewirth@gmail.com
		Julie Colvin	49 Olney Dr	Julie Colvin a gmail.
		Tracie + Chris Cloutier	324 Crosby Blvd	chris.cloutier8@8
		Katy Duggan	62 Garland Dr	kduggan haas@gma

* Copy of Need drawings, ~~HUNTER~~ + TRAFFIC STUDIES

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

Sign - In Sheet

Please print

Name	Address	Email
Pam Sander	34 Olney Dr.	sanderpamela88@gmail.
John Sander	34 OLNEY Dr	John Sander 7819@outlook.
Jeff Walker	23 OLNEY DR Vet	JSWALKMNN@AOL.com

Attachment: Kulpa-Ltr-Project Update-Date-11-07-23 (RES-2023-623 : 1350 Eggert Road Rezoning)

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 28534 **RESOLUTION 2024-59** **ADOPTED**

SEQR Determination (800 & 850 New Road, SP-2023-01)

RESOLVED, that pursuant to 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Town Code Chapter 104, as amended, the Town Board is deemed the Lead Agency for those actions which it has sole discretionary power, including but not limited to rezoning decisions and adoptions of local laws, and be it further

RESOLVED, that this Town Board as SEQR Lead Agency has reviewed a request for a Special Use Permit at 800 & 850 New Road and has identified the areas of environmental concern, thoroughly analyzed them for significant adverse impact, including any concerns and/or recommendations from other agencies, and be it further

RESOLVED, that the Planning Board at their meeting of August 17, 2023 held a public hearing on the site plan application for the proposed use and issued a Determination of Significance by adopting a Negative Declaration pursuant to 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Town Code Chapter 104, as amended, and be it further

RESOLVED, that the requirements of SEQR are now complete therefore this Town Board issues the attached Negative Declaration as its determination of environmental significance, for the subject action.

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

2/5/2024
Supervisor Kulpa made a motion to approve, seconded by Councilmember Berger and unanimously approved 5-0.

FINANCIAL IMPACT:

None

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Attachment: SP-2023-01_TB_Neg Dec 091823 (RES-2024-59 : SEQR Determination - 800 & 850 New Road)

D R A F T (January 22, 2024)

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency: Town of Amherst
Town Board

Project: SP-2023-01

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

Date: January 22, 2024

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

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

Title of Action: Special Use Permit

SEQR Status: Type 1 Action

Description of Action: The construction of a Tier III Solar Energy System (5Mw of power) that includes a solar array, an access road and associated equipment pads interior to the site. The array will be located on 27.52 ± acres of the total 51.98 ± acres of land and a fence will surround the entire project site. Work will include the site improvements not specifically stated above, including, stormwater, utilities, grading, lighting, paving, and landscaping.

Location: 800 & 850 New Road, Amherst, Erie County

Petitioner: Sol Source Power, LLC

REASONS SUPPORTING THIS DETERMINATION

Based on information submitted by the applicant including a Full Environmental Assessment Form (EAF) - Part I, (as amended) and a complete site plan application, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that this action will not have a significant impact on the environment, as follows:

1. The Engineering Department on April 18, 2023 reviewed the Grading, Drainage and Utility, and Erosion Control Plans submitted on April 14, 2023**.** A Custom Soil Resource Report for the subject site was prepared by the United States Department of Agriculture with the National Resources Conservation Services and submitted to the Planning Department on January 23, 2023. 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 Stormwater Pollution Prevention Plan (SWPPP) submitted on July 20, 2023 was also reviewed. Based on its review of these documents, the Stormwater Management Officer has determined that the project has or will have met all applicable requirements and has no objection to its approval.

2. The Planning Department reviewed a Landscape Plan submitted on July 18, 2023 and determined that it meets or exceeds Zoning Ordinance requirements for greenspace. The Landscape Plan has or will have met all Zoning Ordinance and Town requirements for landscaping.

   A Forestry Assessment Report prepared by Keister Consulting Inc., stated that the removal of tress on the subject site is justified due to the lack of significant trees both in size and health. It was further stated that many of the existing trees are being negatively impacted by insects and that the existing groundcover would prohibit the growth of new trees.

   Further, a Habitat Assessment Report was prepared by Earth Dimensions Inc., concluded that the subject site contains a potentially suitable habitat for the Monarch Butterfly and the Northern long-eared Bat. In response, the petitioner has agreed to use a wildflower seed mix to mitigate for the potential impacts to the Monarch Butterfly' habitat. The New York State Department of Environmental Conservation (NYSDEC) in their letter dated May 23, 2023, states that there is "no records of rare or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity".

   Therefore, 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.

Attachment: SP-2023-01_TB_Neg Dec 091823 (RES-2024-59 : SEQR Determination - 800 & 850 New Road)

3. The project is not expected to create any substantive conflict with the Town Comprehensive Plan. The Planning Department in their review of August 1, 2023 has reviewed the application documents and Building Department in their review of April 19, 2023 has reviewed the application documents and determined that the subject project has or will have met all International Building Code – 2015 and Zoning Ordinance regulations.

4. The project is within an area identified by the State as having potential archaeological or historical significance. A Phase 1 Archeological Investigation was prepared by Hartgen Archeological Resources and received by the Planning Department on July 18, 2023 concluded that the project will not have a significant impact on historical or cultural resources. The NYS Office of Parks, Recreation and Historic Preservation has reviewed the project and, as stated in their letter of June 13, 2023, determined that there will be no impact on these resources.

5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The project is located in the Suburban Agriculture (SA) zoning district; neighboring uses are single family residential on the east, west, and south zoned SA, vacant land to the north zoned SA, and vacant land to the east and south zoned Traditional Neighborhood Development District (TND); therefore, the project is consistent with surrounding land use and zoning designations.

6. The proposed subject development will include the construction of a Tier III Solar Energy System which will not cause a major change in the use of either the quantity or type of energy.

7. The project will not create any hazard to human health. The Fire Chief's Association on April 21, 2023, has reviewed the project and has no objection to the approval of the site plan, as all requirements of this agency has or will have been met.

8. The project will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The use of sheep, goats, lambs or practices such as Apiculture is required to be incorporated into the project to maintain an agricultural use of that land. Further, a vegetative management plan has been submitted and reviewed by the Town's Landscape Architect that includes the preservation of existing vegetation and soils. The construction of a Tier III Solar Energy System on approximately 53% of the subject site (27.52 out of 51.98 acres) will be consistent with the scale of surrounding land uses.

9. The function of the proposed construction of a Tier III Solar Energy System will not significantly increase the number of people using the site over its previous level of use.

Attachment: SP-2023-01_TB_Neg Dec 091823 (RES-2024-59 : SEQR Determination - 800 & 850 New Road)

10. Review by the Town Traffic/Safety Board dated April 20, 2023, and NYSDOT dated February 2, 2023, indicates that significant negative traffic impacts are not expected to result from the proposed project.

11. A coordinated review of the project has been undertaken by Town Departments, in addition to those mentioned above, Highway on March 27, 2023, Assessor on February 2, 2023, , and Right-of-Way Agent on February 2, 2023 along with outside agencies including the Erie County Department of Environment and Planning on February 22, 2023, New York State Department of Transportation on February 2, 2023, New York State Department of Environmental Conservation on February 9, 2023, and the New York State Office of Parks, Recreation and Historic Preservation on June 13, 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 cause significant negative environmental impacts.

_____ _____
Thomas Voigt date

_____ _____
Brian J. Kulpa, Supervisor date

TV/ac
X:\Current_Planning\Files\Site Plans\2023\SP-2023-01_(800_&_850_New_Road)_2023\SP-2023-01_TB_Neg Dec 091823.docx
cc: Amherst Town Clerk
Amherst Building Department
ECDEP
NYSDEC (type 1's)
Steve Long, Sol Source Power, 1 Washington Place, Troy, NY 12180
Marc Kenward, Erdman Anthony Consulting, 145 Culver Rd., Ste. 200, Rochester, NY 14620

Attachment: SP-2023-01_TB_Neg Dec 091823 (RES-2024-59 : SEQR Determination - 800 & 850 New Road)

Attachment: SP-2023-01_TB_Neg Dec 091823 (RES-2024-59 : SEQR Determination - 800 & 850 New Road)

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 28535 **RESOLUTION 2024-60** **ADOPTED AS AMENDED**

Adoption of a Special Use Permit for Solar Energy Project (800 & 850 New Road; SP-2023-01)

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 August 17, 2023 that the proposed solar energy development to be located at 800 & 850 New Road is consistent with the adopted Bicentennial Comprehensive Plan and §8-6-7 of the Zoning Ordinance as follows:

1. Will be generally consistent with the policies of the Comprehensive Plan;
2. Meets any specific criteria set forth in this Ordinance;
3. Will be compatible with existing uses adjacent to and near the property;
4. Will be in harmony with the general purpose of this Ordinance;
5. Will not tend to depreciate the value of adjacent property;
6. Will not create a hazard to health, safety or the general welfare;
7. Will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents; and
8. Will not otherwise be detrimental to the public convenience and welfare.

as amended, and be it further

RESOLVED, that in accordance with Section 6-10-7B(3)(d) of the Zoning Ordinance, the Planning Board recommended to the Town Board approval of the Special Use Permit for the proposed solar development as stated in their resolution of August 17, 2023; and be it further

RESOLVED, that pursuant with Section 8-6-6 of the Zoning Ordinance, the Town Board **approves** said Special Use Permit subject to the following conditions:

1. That the AIDA Project Agreement and Community Benefit Agreement be finalized, and that a copy of the signed agreements be provided to the Planning Department prior to the issuance of final site plan drawings.

2. That the petitioner provide a wetland habitat restoration plan for the 2.18± acres of tree removal that are proposed within jurisdictional wetland 2.

3. The petitioner work with Erie County Department of Public Works to clean and grade the existing drainage ditch along New Road as it affects the subject property.

4. The petitioner provide post construction monitoring of the site and correct any drainage related impacts as a result of the improvements made, based on legitimate complaints received and/or initiated from the Town Engineer and /or the Building Commissioner. Such post construction monitoring shall be

based on an assessment of existing potential drainage deficiencies occurring on the project site.

5. Where possible additional tree plantings shall be part of the habitat restoration plan indicated in condition number 2 above.

6. The contract for the required agricultural component chosen by the petitioner (animal grazing vegetation management) be reviewed by the Planning Department before it is executed between the petitioner and the subcontractor.

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

2/5/2024
A motion to approve was made by Supervisor Kulpa and seconded by Councilmember Berger. A motion to amend was made by Supervisor Kulpa, seconded by Councilmember Marinucci 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.

FINANCIAL IMPACT:

None

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

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 28560 **RESOLUTION 2024-118** **ADOPTED**

SEQR Determination (2280 Wehrle Drive, BCPA-2023-03)

RESOLVED, that pursuant to 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Town Code Chapter 104, as amended, the Town Board is deemed the Lead Agency for those actions which it has sole discretionary power, including but not limited to rezoning decisions and adoptions of local laws, and be it further

RESOLVED, that this Town Board as SEQR Lead Agency has reviewed a request for a Bicentennial Comprehensive Plan amendment at 2280 Wehrle Drive and has identified the areas of environmental concern, thoroughly analyzed them for significant adverse impact, including any concerns and/or recommendations from other agencies, and be it further

RESOLVED, that the requirements of SEQR are now complete therefore this Town Board issues the attached Negative Declaration as its determination of environmental significance, for the subject action.

2/5/2024
Supervisor Kulpa made a motion to approve, seconded by Councilmember Berger and unanimously approved 5-0.

FINANCIAL IMPACT:

None

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Attachment: BCPA-2023-03_TB_SEQR_Neg_Dec (RES-2024-118 : SEQR Determination - 2280 Wehrle Drive, BCPA-2023-03)

DRAFT
(February 5, 2024)

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Town Board	**Project**:	BCPA-2023-03
Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	**Date**:	

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: Bicentennial Comprehensive Plan Amendment.

SEQR Status: Unlisted action.

Description of Action: Request to amend the Bicentennial Comprehensive Plan for 0.42± acres of land from Commercial-Office to Mixed Residential to allow for the potential rezoning and construction of a four (4) unit, two (2) story apartment building.

Location: 2280 Wehrle Drive, Town of Amherst, Erie County, New York

Petitioner: Michael Keller

Reasons Supporting This Determination

Based on information submitted by the applicant, including a Short Environmental Assessment Form (EAF) - Part 1, a complete Bicentennial Comprehensive Plan Amendment 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 change in land use designation of 0.42± acres of land from Commercial-Office to Mixed Residential to allow for the potential rezoning and construction of a four (4) unit, two (2) story apartment building will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Town Engineering Department on September 29, 2023 reviewed the application and EAF submitted on September 26, 2023 and has no concerns with the Bicentennial Comprehensive Plan Amendment request and comments that downstream sewer capacity analysis will be required at the time of site plan review.

2. The change in future land use designation to Mixed Residential 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 are not anticipated. Any potential impacts will be mitigated for during an evaluation of a specific site project when a petition is filed, including the opportunity for preservation of existing vegetation.

3. The action is an amendment to the Town's Comprehensive Plan to permit the inclusion of lands beyond those that the current plan Figure 6 designates from Commercial-Office to Mixed Residential. The Town's Comprehensive Plan, Section 3.3.2 requires a plan amendment process to permit the expansion or change of use areas beyond what is currently designated on Figure 6. Therefore, the action is consistent with such comprehensive plan requirement.

4. The geographic area of the plan amendment includes an area identified by the State as having potential archaeological or historical significance. However, the site has been previously disturbed, therefore, the project will not impair the character or quality of important historical resources**.** The NYS Office of Parks Recreation and Historic Preservation will be consulted at rezoning/site plan application submission.

5. The change in the future land use plan designation from Commercial-Office to Mixed Residential will not impair the character or quality of important aesthetic resources or of the existing community or neighborhood character. During an evaluation of a specific site project when a rezoning request and site plan application are filed, impacts to community character will be evaluated and mitigated for, including overall scale of buildings, building height, building design and compatibility with neighborhood character.

Attachment: BCPA-2023-03_TB_SEQR_Neg_Dec (RES-2024-118 : SEQR Determination - 2280 Wehrle Drive, BCPA-2023-03)

6. The change in the future land use plan designation from Commercial-Office to Mixed Residential will not cause a change in the use of either the quantity or type of energy.

7. The change in the future land use plan designation will not cause a hazard to human health.

8. The change in the land use designation from Commercial-Office to Mixed Residential will not cause a substantial change in the use, or future intensity of use, of land within the subject geographic area of the Town.

9. The change in the land use designation from Commercial-Office to Mixed Residential will not significantly increase the number of people using the site over its previous level of use.

10. Coordinated reviews of the project have been undertaken by Town Departments including Building on October 2, 2023, Engineering on September 29, 2023, Town Attorney on October 16, 2023, Traffic/Safety Board on October 3, 2023, Assessor on September 29, 2023, Fire Chiefs' Association on October 17, 2023, Planning Department on October 11, 2023, and Right-of-Way Agent on October 17, 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.

11. 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.

_____ _____
Scott Marshall, Principal Planner date

_____ _____
Brian J. Kulpa, Supervisor date

SM /ac
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\2023\BCPA-2023-03_(2280_Wehrle_Dr)\BCPA-2023-03_TB_SEQR_Resolution_&_Neg_Dec.docx
cc: Amherst Town Clerk
Amherst Building Department
ECDEP
Michael Keller, 5391 Thompson Rd., Clarence, NY 14031
Jeffery D. Palumbo, Esq., Block, Longo, LaMarca & Brzezinski, PC, 9276 Main St., Clarence, NY 14031

Attachment: BCPA-2023-03_TB_SEQR_Neg_Dec (RES-2024-118 : SEQR Determination - 2280 Wehrle Drive, BCPA-2023-03)

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

Francina J. Spoth
Town Clerk

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

DOC ID: 28496 **RESOLUTION 2024-58** **ADOPTED**

Adoption of Resolution to Amend the Bicentennial Comprehensive Plan 2280 Wehrle Drive (BCPA-2023-03)

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Chapter 104 of Amherst Town Code, 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 November 16, 2023 that the proposed change in land use designation from Commercial-Office to Mixed Residential at 2280 Wehrle Drive is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that in accordance with NYS Town Law Sec. 272-a, the Town Board amends the Bicentennial Comprehensive Plan for 0.42 acres of land from Commercial-Office to Mixed Residential at 2280 Wehrle Drive.

1/22/2024
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was opened at 7:18 PM.

Attorney Jeff Palumbo presented.

Dennis Hoban, 216 California Dr - asked about the size of the townhomes

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the February 5th Town Board meeting, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was closed at 7:25 PM.

2/5/2024
Supervisor Kulpa made a motion to approve, seconded by Councilmember Berger and unanimously approved 5-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Amherst
Town of Amherst Planning Department
Erie County, New York

Brian J. Kulpa
Supervisor

Daniel C. Howard, A
Planning Directo

Daniel J. Ulatowski, A
Assistant Planning Dir

Town Board Agenda of January 22, 2024

January 17, 2024

The Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Subject: Request to Amend the Bicentennial Comprehensive Plan for 0.42± acres of land from Commercial-Office to Mixed Residential, BCPA-2023-03; property located at 2280 Wehrle Drive. (BCPA-2023-03)

Honorable Members:

This request is to amend the Bicentennial Comprehensive Plan to change the land use designation on Figure 6 from "Commercial-Office" to "Mixed Residential" to allow for the potential rezoning and construction of a four (4) unit, two (2) story apartment building.

The subject property is a 0.42± acre rectangular shaped parcel located at the northwest corner of Wehrle Drive and Ridge Court South. Wehrle Drive is an Erie County highway, designated as a minor arterial on Figure 9 of the Bicentennial Comprehensive Plan. The subject site is currently vacant, undeveloped land and is located within the noise contour and approach path for primary runway 5-23 at the Buffalo Niagara International Airport.

For additional information on the surrounding zoning and land use, please refer to the attached sketch.

History of previous rezoning requests:

The subject parcel was zoned Residential District Three (R-3) with the adoption of the Town wide Zoning Map and Ordinance on January 19, 1976.

The Planning Board offers the following findings in accordance with New York State Town Law §272-a.

INTENT AND OBJECTIVES OF THE COMPREHENSIVE PLAN

Based upon the Planning Department Staff memorandum dated June 29, 2023 (attached) and public input from the hearing held on November 16, 2023 by the Planning Board, the Planning Board finds that:

The proposed request is generally consistent with the following sections of the Comprehensive Plan:

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

- Chapter 2, Plan Concept: Section 2.2 "Vision Statement" and 2.3 "Key Initiatives".
- Chapter 3, Land Use and Development; Section 3.3.1 "Residential Uses".
- Chapter 5, Economic Development.
- Chapter 8, Housing and Neighborhoods, Section 8-3 "Encourage higher density residential uses in mixed-use developments and other appropriate locations".

INTENT AND OBJECTIVES OF THE ZONING ORDINANCE

The four unit apartment building as illustrated on the concept plan is inconsistent with the allowable uses in the R-3 zoning district. Any future development on the parcel will need to comply with the applicable regulations in the Zoning Ordinance.

CONSISTENCY/COMPATIBILITY WITH SURROUNDING DEVELOPMENT/ZONING

A small mixed residential use at the subject location would be consistent with the scale and character of the existing single-family homes and small-scale commercial-office development that surround the site.

ADEQUATE SERVICES AND UTILITIES

All services and utilities necessary for the proposed rezoning are available and adequate at the subject location.

RECOMMENDATION

The Planning Board at their meeting of November 16, 2023 held a public hearing on the subject Plan amendment and recommended that in accordance with New York State Town Law §272-a Subsection 4, the request to amend the Bicentennial Comprehensive Plan be approved. The Planning Department requests that if the Town Board desires to act on the Plan amendment, that a decision date be established after the public hearing so that the Planning Department can prepare a determination of environmental significance pursuant to SEQR, and a resolution for the Town Board's consideration.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/SM/ac
Att.
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\2023\BCPA-2023-03_(2280_Wehrle_Dr)\BCPA-2023-03_TB_Letter_01172024.docx
cc: Martin Polowy, Town Attorney

Planning Board Approval November 16, 2023
Ayes 7; Noes 0

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

TOWN OF AMHERST
PLANNING BOARD
COMPREHENSIVE PLAN AMENDMENT
BCPA-2023-03

PETITIONER

Michael Keller
5391 Thompson Road
Clarence, NY 14031

PROPERTY LOCATION

2280 Wehrle Drive

NOV 20 2023 AM

WHEREAS the Town of Amherst Planning Board on Thursday, November 16, 2023 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 consistent with the Zoning Ordinance and with the following sections of the Comprehensive Plan:
- Chapter 2, Plan Concept: Section 2.2 "Vision Statement" and 2.3 "Key Initiatives".
- Chapter 3, Land Use and Development; Section 3.3.1 "Residential Uses".
- Chapter 5, Economic Development.
- Chapter 8, Housing and Neighborhoods, Section 8-3 "Encourage higher density residential uses in mixed-use developments and other appropriate locations".

B. The subject property is suitable for uses permitted by the current versus the proposed land use designation.

C. The proposed change improves the balance of land uses, and meets a specific demand in the Town.

D. The land surrounding the subject request is comprised of single-family housing to the north, office buildings to the east and west and industrial uses to the south across a minor-arterial roadway developed according to the requirements of the R-3, OB and RD zoning districts.

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

TOWN OF AMHERST
PLANNING BOARD
COMPREHENSIVE PLAN AMENDMENT
BCPA-2023-03

PETITIONER

Michael Keller

PROPERTY LOCATION

2280 Wehrle Drive

NOV 20 2023

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 approved.

The foregoing resolution was adopted by the Town of Amherst Planning Board, November 16, 2023; moved by Penberthy; seconded by Gill; ayes 7; noes 0.

Robert J. Gilmour, Planning Board Chair

11-18-2023
Date

SM/ac
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\2023\BCPA-2023-03_(2280_Wehrle_Dr)\BCPA-2023-03_resolution_111623.doc-

cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator
Michael Keller, 5391 Thompson Road, Clarence, NY 14031
Jeffery Palumbo, Block, Longo, LaMarca & Brzezinski, PC, 9276 Main Street, Clarence, NY 14031

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

TOWN OF AMHERST PLANNING DEPARTMENT

Request for Bicentennial Comprehensive Plan Amendment

For Official Use

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

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: $___

TO BE COMPLETED BY APPLICANT

Petitioner:

Name: Michael Keller

Address: 5391 Thompson Road

Clarence (City) NY (State) 14031 (Zip Code\)

Phone: 716-566-8853 Fax _____

Email: michael55mk@gmail.com

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

Owner of Land (if different than above):

Name: James O'Connell

Address: 81 Oakwood Drive

Amherst (City) NY (State) 14221 (Zip Code)

Phone: 716-310-1100 Fax

E Mail: jodhvac@gmail.com

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

Name: Jeffery D. Palumbo

Address: 9276 Main Street

Clarence (City) NY (State) 14031 (Zip Code)

Phone: 716-308-7211 Fax

E Mail: jpalumbo@blockandlongo.com

Petitioner's interest in property

- ☐ Option to purchase
- ☐ Owner
- ☑ Other (explain) Contingent Contract

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:

2280 Wehrle Drive

SBL #(s): 81.12-3-16

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-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

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-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

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 25 *day of* SEPTEMBER, 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.

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

Comprehensive Plan Amendment Analysis 2280 Wehrle Drive

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) townhomes, each two (2) story in height.

B. Rationale for Request of Amendment:

1. How will the requested amendment be consistent with Section 2.2 (Vision Statement)

Petitioner's Response: The requested amendment to allow four (4) townhouse units provides a diversity of choice of property units in the area. The Wehrle Drive corridor from Transit to Youngs is characterized by a combination of medical and other office buildings, commercial development, recreation facilities, and a sprinkling of residential development. In addition, it will serve to enhance the community character by investing in the revitalization of an area that has not seen new housing in some time. Finally, this is consistent with the Shared Direction as set forth in Section 2.2 as it enhances the diverse economy of the Town, strengthening the tax base and using infill development as set forth as a goal in the comprehensive plan.

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 development 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 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. The current commercial-office designation on the land use map is

unworkable in today's environment. There are a multitude of empty offices in the immediate area. 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 and Transit Road corridors. This will allow the residents to visit nearby businesses, restaurants, movie theaters, etc.

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

Progress Drawings - Not For Construction

SUTTON architecture "Design is Guilt"

5405 Main Street (Second Floor) Williamsville, NY 14221 (716) 632-7126 Fax 632-7979

Job Number 23-000

Proposed Project For:

Mike Keller

2280 Wehrle Drive Amherst, NY

Copyright Sutton Architecture® 2023

No.	Description	Date

WARNING: Unauthorized alteration or addition to these plans is a violation of section 7209 of the New York State Education Law.

Site Plan

Drawn By: Jonathan M.
Date: 9-25-23
Checked: D. Sutton
As Noted

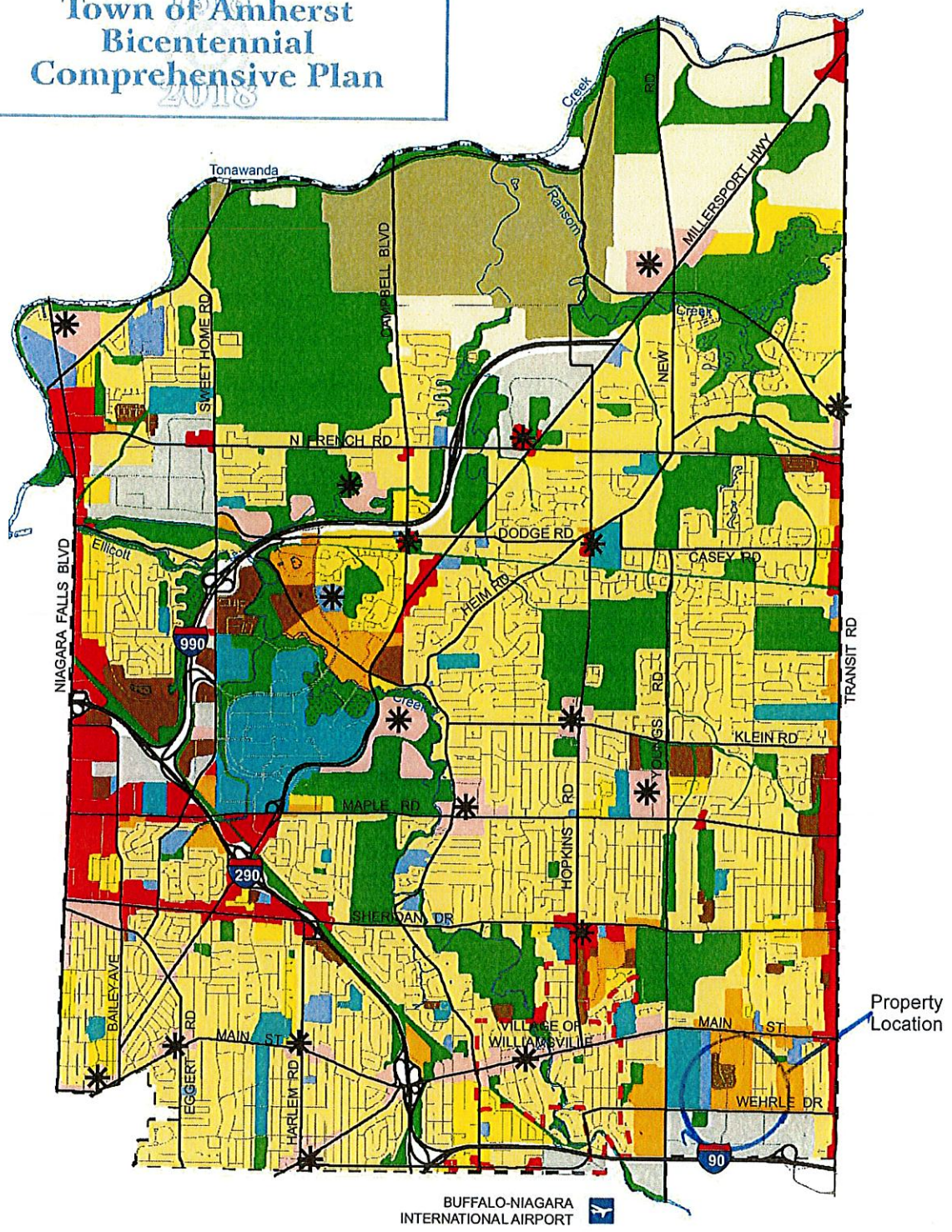
Sheet No.: A-1

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

Map Graphic
depicting requested Comprehensive Plan Change

Town of Amherst Bicentennial Comprehensive Plan

1818 2018



Requested Classification

Conceptual Land Use Plan

FIGURE 6

- Rural Residential
- Single Family Residential
- Mixed Residential
- Medium Residential
- Commercial - Retail
- Commercial - Office
- Industrial - Office
- Mixed Use
- Community Facilities
- Educational Campus
- Recreation, Open Space & Greenways
- Agriculture
- Transportation
- Surface Water
- Mixed Use / Activity Centers
- Municipal Boundary
- Village of Williamsville Boundary

SOURCE NOTES:

Original Source Data Provided by the Town of Amherst Information Technology Department, URS Corporation and Wallace Roberts & Todd, LLC

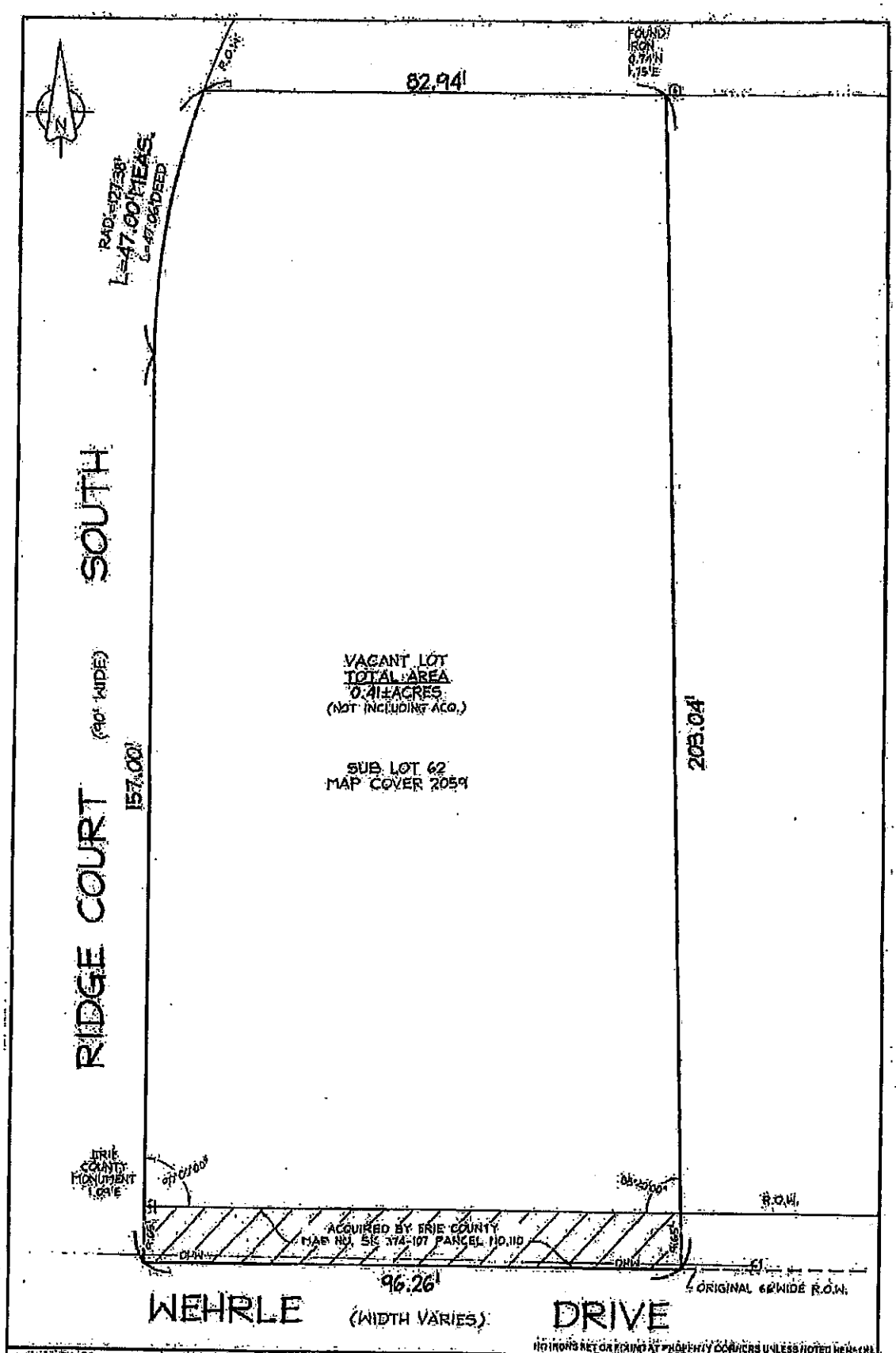
Map Compiled by the Town of Amherst Planning Department

Date: March, 2009

N

0 0.25 0.5 0.75 1 1.25 Miles

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)



NO IRONS SET ON KNOWN AT PROPERTY CORNERS UNLESS NOTED HEREON

3556 Lake Shore Road, Suite 500, Buffalo, NY 14219.
p (716) 827-8000 f (716) 270-6091 www.nussclarke.com

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 such.

Unauthorized alteration or addition to any survey, bearing a certification, plan or report is a violation of section 7209, subdivision 2 of the New York State Education Law.

NUSSBAUMER & CLARKE, INC. ENGINEERS AND SURVEYORS EST. 1933

BOUNDARY SURVEY
2280 WEHRLE DRIVE
Part of Lot 105, Township 12, Range 7
Holland Land Company's Survey
Town of Amherst
County of Erie, State of New York

Date of Survey: 08/25/2020 Project No.: 20010-1152

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

Suggested Legal Description:

All That Tract or Parcel of Land, situate in the Town of Amherst, County of Erie, State of New York, being part of Lot No. 105, Township 12, Range 7 of the Holland Land Company's Survey, and according to a map filed in the Erie County Clerk's Office under Map Cover number 2059 is known as subdivision Lot number 62.

EXCEPTING lands conveyed to the County of Erie for highway purposes filed in the Erie County Clerk's office in Liber 6414 at Page 25.

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

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

2280 Wehrle Drive - Michael Keller

Name of Action or Project:
2280 Wehrle Drive Townhomes

Project Location (describe, and attach a location map):
2280 Wehrle Drive - Corner of Ridge Court South

Brief Description of Proposed Action:
Four - 2 Story Townhomes

Name of Applicant or Sponsor:	Telephone: (716) 566-8853
Michael Keller	E-Mail: michael55@gmail.com

Address:
5391 Thompson Road

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: Site plan approval - Planning Board - Town Board Rezoning Approval	☐	☑

3. a. Total acreage of the site of the proposed action? .41 acres
   b. Total acreage to be physically disturbed? .41 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .41 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: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

	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?	☐	☑

	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?	☑	☐
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?	☐	☑

	NO	YES
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?	☑	☐
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?	☑	☐

	NO	YES
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: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

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: Directed to existing storm sewers.		
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: Jeffery D. Palumbo - As Attorney Date: 09/25/2023

Signature: Title: Attorney

PRINT FORM

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

JUSTIN S. WHITE
ATTORNEY AT LAW
5662 MAIN STREET
WILLIAMSVILLE, NY 14221

Tel: (716) 631-9100
Fax: (716) 631-7546

e-mail: jsw@sbwattorneys.com

August 20, 2023

TO WHOM IT MAY CONCERN

Re: REZONING APPLICATION 2280 Wehrle Drive, Amherst, NY

Dear Sir/Madam:

On behalf of my client, Mr. James O'Donnell, Mr. Michael Keller is authorized to submit a rezoning application relative to the above property.

Mr. O'Donnell's address is 81 Oakwood Drive. Williamsville, NY. His telephone # is (716) 310-1100..

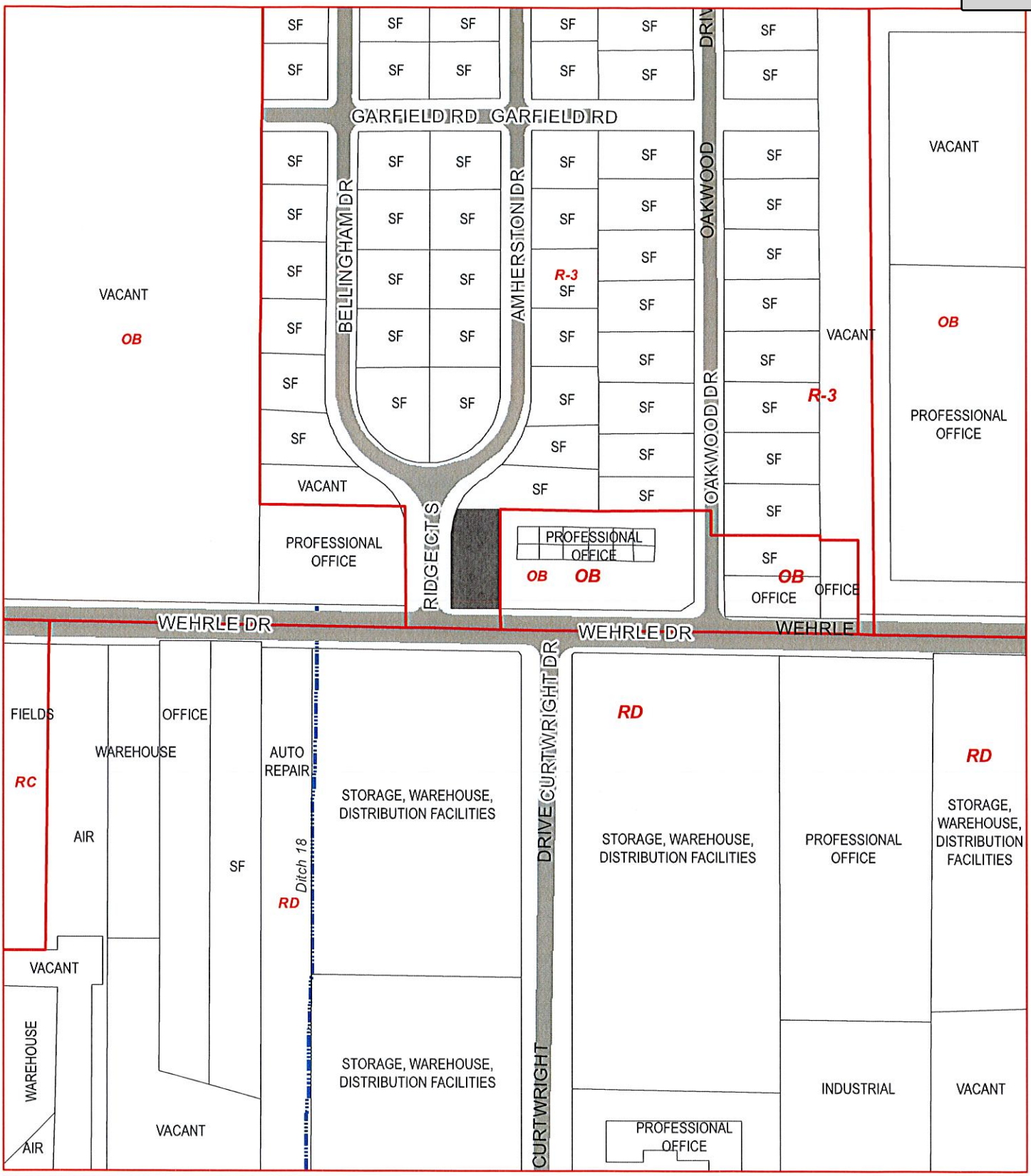
Thank you for your attention to this matter.

Very truly yours,

Justin S. White

JSW/ams
enclosure

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)



BCPA-2023-03

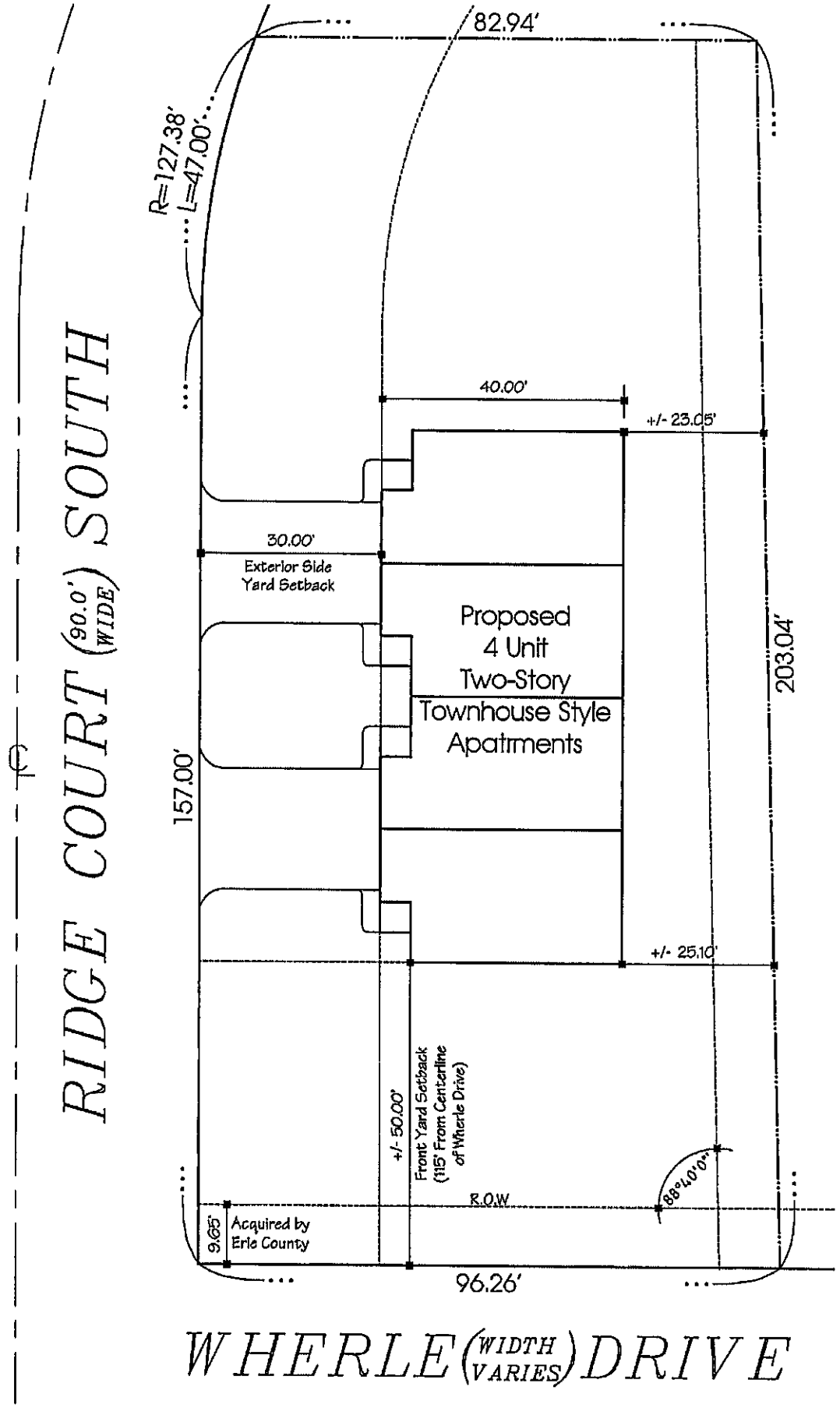
Request to Amend the Bicentennial Comprehensive Plan
from Commercial to Mixed Residential
Property Located at 2280 Wehrle Drive

Michael Keller, Petitioner
November 16, 2023

2280 Wehrle Drive

Prepared by the Town of Amherst Planning Department

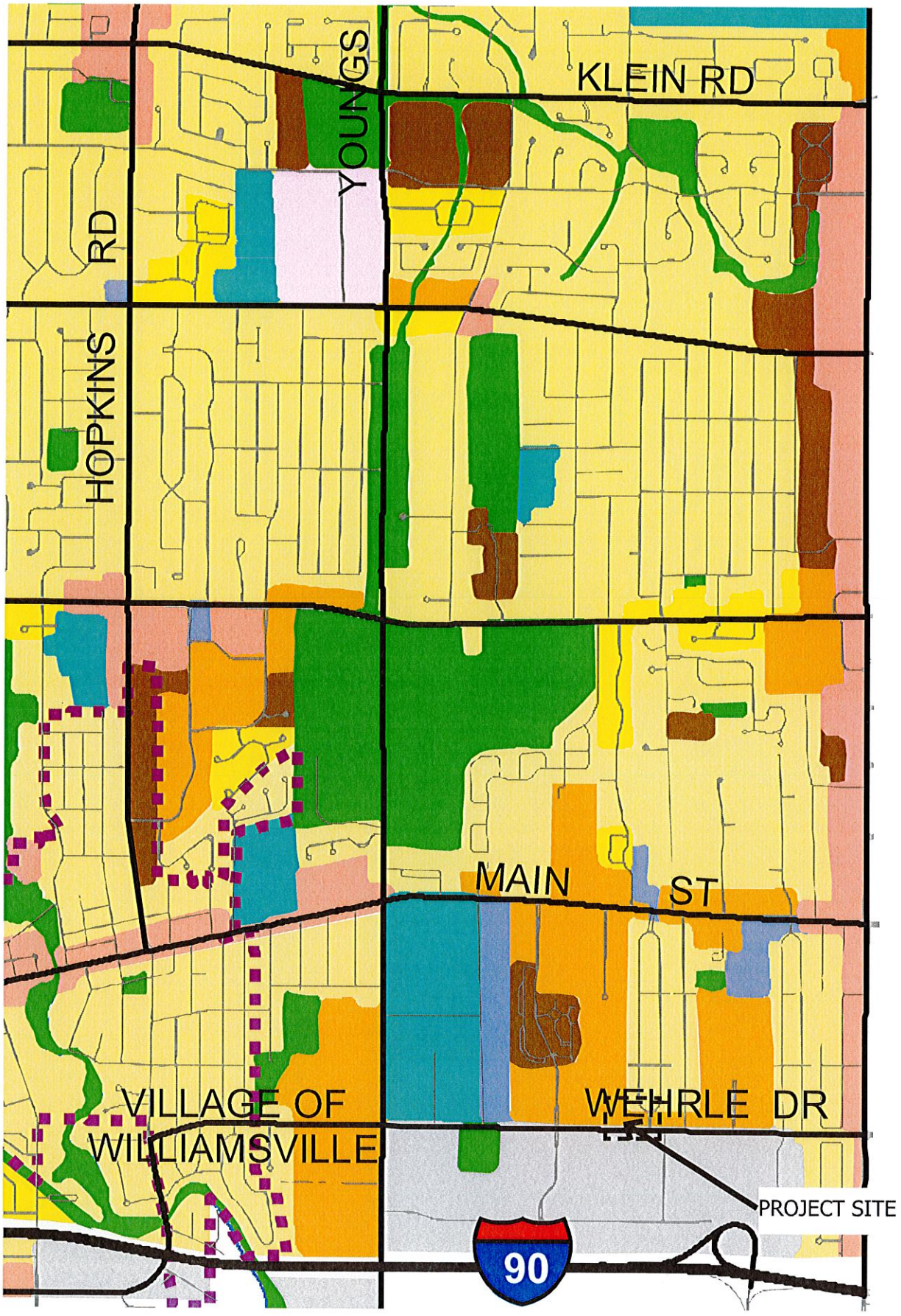
Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)



CONCEPT PLAN

BCPA_03
2280 Wehrle Drive

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)



COMPREHENSIVE PLAN
FIGURE 6

BCPA_03
2280 Wehrle Drive

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

BCPA-2023-03

Request to Amend the Bicentennial Comprehensive Plan
from Commercial to Mixed Residential
Property Located at 2280 Wehrle Drive

Michael Keller, Petitioner
November 16, 2023

2280 Wehrle Drive

Prepared by the Town of Amherst Planning Department

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

Amherst

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

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel Ulatowski, AICP
Assistant Planning Director

MEMORANDUM

TO: Scott Marshall, Principal Planner
FROM: Roberta Rappoccio, Associate Planner
DATE: October 11, 2023

RE: BCPA-2023-03 Bicentennial Comprehensive Plan Amendment Review

Proposed:	Amend Comprehensive Plan to change land from Commercial-Office to Mixed Residential
Property located at:	2280 Wehrle Drive
Plans received:	September 26, 2023

The subject request has been reviewed by staff with the following findings:

2.0 Vision Statement – "Characteristics of Community"
Staff concurs with the petitioner's response that the proposed use "will serve to enhance the community character by investing in the revitalization of an area that has not seen new housing in some time."

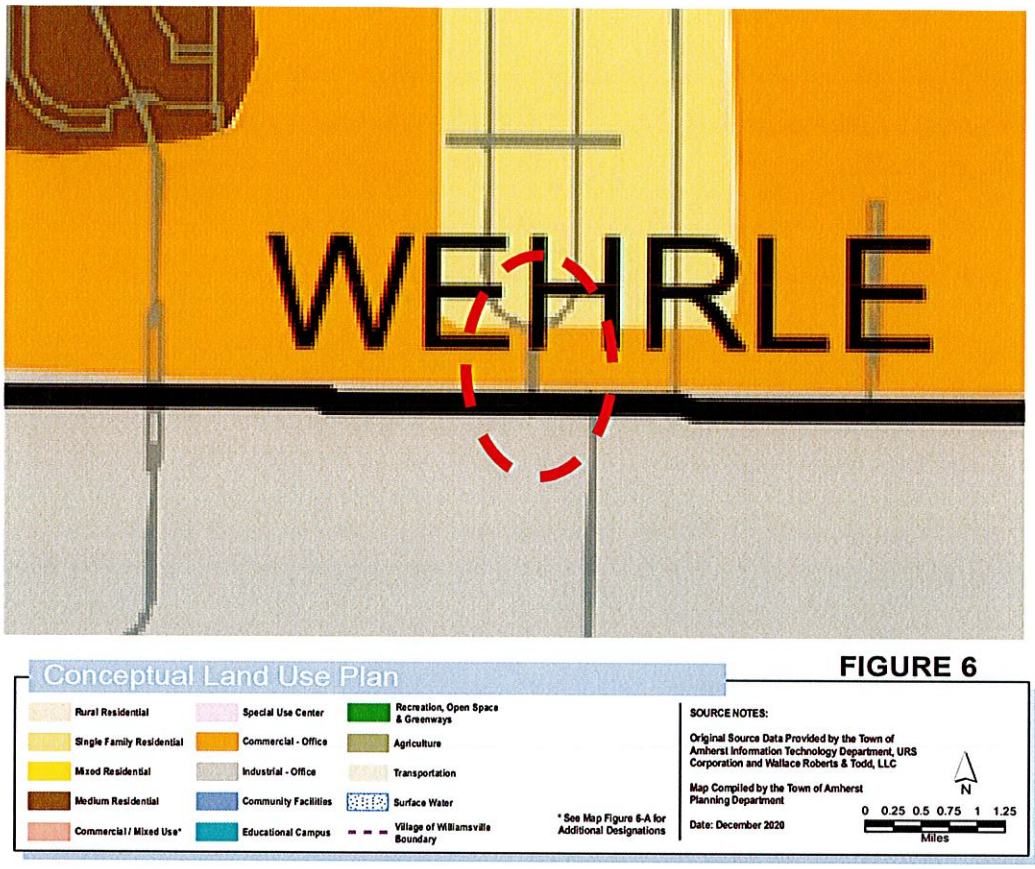
The Conceptual Land Use Plan (Figure 6) in the Town's Comprehensive Plan identifies this area as Commercial - Office (orange). In Figure 6 (below), the neighborhood directly north of the proposed site is an established single-family residential neighborhood that extends north to Main Street and then east to the east side of Oakwood Drive. The two adjacent properties along Wehrle Drive are small-scale single-story office developments.

2.3 Key Initiatives – "Aesthetic/Community Character" and "Revitalization"
Staff concurs with the petitioner's response that the use will result in providing a new housing opportunity for empty nesters, young professionals and others seeking limited maintenance obligations.

A higher housing density than is currently present in this area, with a potential of up to 12 units per acre, would be a good transition between the stable office and commercial developments along Wehrle Drive and the stable adjacent single-family residential development to the north of the proposed project. The proposed parcel is 0.41 acres that would accommodate approximately 3-4 attached units depending on the multi-family residential zoning district.

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

FIGURE 6



3.0 Land Use and Development

3.3.1 Residential Uses - Mixed Residential (4- 12 residential units per acre)

The proposed site is an opportunity for infill development. Such development should be consistent with the scale and character of the existing the single-family homes and small-scale commercial-office development that surround the site. The proposed parcel is approximately 0.41 acres and would accommodate a reasonable sized multi-family development. However, neither single-family residential nor office use would be viable investments at this time in this location. A mixed residential use would be a viable investment in the corridor as a transitional development amongst the existing uses.

While the densities of Mixed Residential use are higher than the adjacent single-family residential neighborhood to the north, the existing mix of office buildings and residential uses along Wehrle Drive suggests that a mixed residential development would be a suitable infill development and transition between these uses.

With this petition, consideration should also be given to the potential transition of the adjacent sites to the east (2288 Wehrle Drive) and to the west (2250 Wehrle Drive) from Commercial – Office use to Mixed Residential use if the opportunity presented itself in the future. Given the increasing vacancy rates for office developments in Amherst and the results of the Town's recent RKG Economic Study showing the decline in demand for these traditional office developments, transitioning existing office developments into other uses would be in keeping with the future demand for additional housing options.

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

4.0 Natural and Cultural Resources
The subject request has no future implications on important natural or cultural resources in the area.

5.0 Economic Development
Staff concurs with the petitioner's response that introducing new housing meets the Town objective of maintaining a strong tax base; and will respect the character and quality of life in the area.

6.0 Transportation
Staff concurs with the petitioner's response that the proposed townhome development would not significantly alter traffic patterns in the area.

Consideration should be given to a shared access driveway for the proposed multi-dwelling development off Ridge Ct S.

7.0 Infrastructure
Staff concurs with the petitioner's response that the proposed amendment would not stress existing storm or waste water services. Other utilities such as water, electric and gas are available on site.

8.0 Housing and Neighborhoods
8-3 Encourage higher density residential uses in mixed-use developments and other appropriate locations. The staff concurs with the petitioner's response that "Higher density housing will contribute to achieving a number of Comprehensive Plan objectives including *increasing housing diversity* and affordability, decreasing automobile dependency and reducing consumption of open space through more compact development patterns."

Housing in this area consists mainly of single-family homes on individual lots. The existing established neighborhood to the north of the proposed site is comprised of modest sized homes on medium-sized, individual lots. The neighborhood is adjacent to office developments and connects to a minor arterial roadway. A higher density infill development would fit into the location given that the proposed parcel is small and could accommodate a reasonable density that would act as a transitional development for the neighborhood.

9.0 Community Facilities and Services
Staff concurs with the petitioner's response that the location of the proposed development nearby the Main Street and Transit Road corridors gives residents access to the businesses, services, and restaurants located along these corridors.

Note: The concept plan provided with the application is being used for informational purposes only. This department review is not to be construed as endorsement or approval of the concept plan or that it complies with the requirements of Section 203 or Section 204 of Town Code.

Should you have questions regarding this correspondence, please contact Roberta Rappoccio, Associate Planner at rrappoccio@amherst.ny.us or Kim Amplement, Senior Planner at kamplement@amherst.ny.us.

5583 Main Street • Williamsville • New York • 14221 • (716) 631-7051 • Fax (716) 631-7153

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

DH/RR/KA
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\2023\BCPA-2023-03_(2280_Wehrle_Dr)\DRAFT_BCPA-2023-03_LongRange_100223.doc
cc: Jeff Palumbo, Block, Longo, LaMarca & Brzezinski, 9276 Main Street, Clarence, NY 14031

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

TOWN OF AMHERST
ASSESSOR'S OFFICE

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
PHONE: 716-631-7038
FAX 716-631-7144

Emily A. Murphy
Assessor
emurphy@amherst.ny.us

MEMORANDUM

TO: Daniel Ulatowski, AICP, Associate Planning Director
Douglas Gesel, Supervising Code Enforcement Officer
Jeff Burroughs, Town Engineer
Scott Marshall, Principle Planner

FROM: Bonnie B. Arnold, Real Property Appraiser

DATE: September 29, 2023

SUBJECT: Request to Amend the Bicentennial Comprehensive Plan for 0.42±Acres of Land from **Commercial-Office to Mixed Residential**
BCPA-2023-03
Property Location: **2280 Wehrle Drive**
Petitioner: **Michael Keller**

Assessor's Office agrees with request

cc: Jeff Palumbo, 9276 Main Street, Suite 3, Clarence, NY 14031

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

Amherst

Town of Amherst Planning Department

RECEIVED

SEP 27 2023

TOWN OF AMHERST
PLANNING DEPT

Erie County, New York

Brian J. Kulp
Supervisor
Daniel C. Howard,
Planning Direct
Daniel J. Ulatowski,
Assistant Planning D

September 26, 2023

TO: Timothy Koller, Deputy Town Clerk
Roberta Rappoccio, Associate Planner (Planning copy)
Emily Murphy, Town Assessor
Douglas Gesel, Supervising CEO, Bldg. Dept.
Vaishali Reberholt, Assistant Town Engineer
Patrick Lucey, Supt. of Hwys/ Eric Blocher, General Crew Chief
Chris Schregel, Traffic/Safety Coordinator
Brian Barnes, Senior GIS Analyst (letter only)
Bryan Parnell, Fire Chiefs' Association
Martin Polowy, Town Attorney (Local Law Only) (Attorney copy)
Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
ECDPW
NYSOPRHP

RECEIVED
OCT 02 2023
TOWN OF AMHERST
PLANNING DEPT.

FROM: Scott Marshall, Principal Planner TV

SUBJECT: REQUEST TO AMEND THE BICENTENNIAL COMPREHENSIVE PLAN – FOR 0.42± ACRES OF LAND FROM COMMERCIAL-OFFICE TO MIXED RESIDENTIAL; **BCPA-2023-03**; PROPERTY LOCATED AT **2280 WEHRLE DRIVE.** MICHAEL KELLER, PETITIONER.

REVIEW:

☒ No concerns with request

☐ The following additional information is required to complete review: _____

_____

☐ Request is not reviewable because: _____

_____

☐ General comments relative to your agency's interests: _____

_____

Please provide comments by _____, 2023

Please call the Planning Department contact above if additional information is required (631-7051).

Reviewed By: Doug Gesel **Date:** 10/2/23

DU/TV/bf
X:\Current_Planning\Files\Bicentennial Comp Plan Amends\Forms\BCPA_Transmittal_Updated_032322.doc

cc: Jeffrey Burroughs, Town Engineer
Jeffery Palumbo, 9276 Main Street, Clarence, NY 14031

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

Amherst

Town of Amherst Planning Department

9900691F

Erie County, New York

RECEIVED
OCT 18 2023
TOWN OF AMHERST
PLANNING DEPT.

Brian J. Kulpa
Supervisor
Daniel C. Howard, AI
Planning Director
Daniel J. Ulatowski, A
Assistant Planning Dir

September 26, 2023

TO: Timothy Koller, Deputy Town Clerk
Roberta Rappoccio, Associate Planner (Planning copy)
Emily Murphy, Town Assessor
Douglas Gesel, Supervising CEO, Bldg. Dept.
Vaishali Reberholt, Assistant Town Engineer
Patrick Lucey, Supt. of Hwys/ Eric Blocher, General Crew Chief
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Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
ECDPW
NYSOPRHP

FROM: Scott Marshall, Principal Planner TV

SUBJECT: REQUEST TO AMEND THE BICENTENNIAL COMPREHENSIVE PLAN – FOR 0.42± ACRES OF LAND FROM COMMERCIAL-OFFICE TO MIXED RESIDENTIAL; **BCPA-2023-03**; PROPERTY LOCATED AT **2280 WEHRLE DRIVE.** MICHAEL KELLER, PETITIONER.

REVIEW:

☑ No concerns with request

☐ The following additional information is required to complete review: _____

☐ Request is not reviewable because: _____

☑ General comments relative to your agency's interests: DSCA will be required at the time of Site Plan review

Please provide comments by _____, **2023**

Please call the Planning Department contact above if additional information is required (631-7051).

Reviewed By: _____ **Date:** 9/29/23

DU/TV/bf
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\Forms\BCPA_Transmittal_Updated_032322.doc

cc: Jeffrey Burroughs, Town Engineer
Jeffery Palumbo, 9276 Main Street, Clarence, NY 14031

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

Amherst

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

RECEIVED
SEP 27 2023
TOWN OF AMHERST
BUILDING DEPT

Brian J. Kulpa
Supervisor
Daniel C. Howard, Al
Planning Director
Daniel J. Ulatowski, A
Assistant Planning Dir

September 26, 2023

RECEIVED
OCT 26 2023
TOWN OF AMHERST
PLANNING DEPT.

TO: Timothy Koller, Deputy Town Clerk
Roberta Rappoccio, Associate Planner (Planning copy)
Emily Murphy, Town Assessor
Douglas Gesel, Supervising CEO, Bldg. Dept.
Vaishali Reberholt, Assistant Town Engineer
Patrick Lucey, Supt. of Hwys/ Eric Blocher, General Crew Chief
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Martin Polowy, Town Attorney (Local Law Only) (Attorney copy)
Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
ECDPW
NYSOPRHP

FROM: Scott Marshall, Principal Planner TV

SUBJECT: REQUEST TO AMEND THE BICENTENNIAL COMPREHENSIVE PLAN – FOR 0.42± ACRES OF LAND FROM COMMERCIAL-OFFICE TO MIXED RESIDENTIAL; **BCPA-2023-03**; PROPERTY LOCATED AT **2280 WEHRLE DRIVE.** MICHAEL KELLER, PETITIONER.

REVIEW:

☑ No concerns with request

☐ The following additional information is required to complete review: _____

_____

☐ Request is not reviewable because: _____

_____

☐ General comments relative to your agency's interests: _____

_____.

Please provide comments by _____, 2023

Please call the Planning Department contact above if additional information is required (631-7051).

Reviewed By: Kristen Blalock **Date:** 10/17/23

DU/TV/bf
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\Forms\BCPA_Transmittal_Updated_032322.doc

cc: Jeffrey Burroughs, Town Engineer
Jeffery Palumbo, 9276 Main Street, Clarence, NY 14031

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

Amherst

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

Brian J. Kulpa
Supervisor
Daniel C. Howard, AI
Planning Director
Daniel J. Ulatowski, A
Assistant Planning Dir

RECEIVED
OCT 1 2023
TOWN OF AMHERST
PLANNING DEPT.

September 26, 2023

TO: Timothy Koller, Deputy Town Clerk
Roberta Rappoccio, Associate Planner (Planning copy)
Emily Murphy, Town Assessor
Douglas Gesel, Supervising CEO, Bldg. Dept.
Vaishali Reberholt, Assistant Town Engineer
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SUBJECT: REQUEST TO AMEND THE BICENTENNIAL COMPREHENSIVE PLAN – FOR 0.42± ACRES OF LAND FROM COMMERCIAL-OFFICE TO MIXED RESIDENTIAL; **BCPA-2023-03**; PROPERTY LOCATED AT **2280 WEHRLE DRIVE.** MICHAEL KELLER, PETITIONER.

REVIEW:

☑ No concerns with request

☐ The following additional information is required to complete review: _____

_____

☐ Request is not reviewable because: _____

_____

☐ General comments relative to your agency's interests: _____

_____.

Please provide comments by _____, **2023**

Please call the Planning Department contact above if additional information is required (631-7051).

Reviewed By: NBRobshaw **Date:** 10/17/23

DU/TV/bf
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\Forms\BCPA_Transmittal_Updated_032322.doc

cc: Jeffrey Burroughs, Town Engineer
Jeffery Palumbo, 9276 Main Street, Clarence, NY 14031

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

Amherst

Town of Amherst Planning Department

9900697

Erie County, New York

RECEIVED
OCT 04 2023
TOWN OF AMHERST
PLANNING DEPT.

Brian J. Kulpa
Supervisor
Daniel C. Howard, A
Planning Director
Daniel J. Ulatowski, A
Assistant Planning Dir

September 26, 2023

TO: Timothy Koller, Deputy Town Clerk
Roberta Rappoccio, Associate Planner (Planning copy)
Emily Murphy, Town Assessor
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NYSOPRHP

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SUBJECT: REQUEST TO AMEND THE BICENTENNIAL COMPREHENSIVE PLAN – FOR 0.42± ACRES OF LAND FROM COMMERCIAL-OFFICE TO MIXED RESIDENTIAL; **BCPA-2023-03**; PROPERTY LOCATED AT **2280 WEHRLE DRIVE.** MICHAEL KELLER, PETITIONER.

REVIEW:

☑ No concerns with request

☐ The following additional information is required to complete review: _____

_____

☐ Request is not reviewable because: _____

_____

☐ General comments relative to your agency's interests: _____

_____.

Please provide comments by _____, 2023

Please call the Planning Department contact above if additional information is required (631-7051).

Reviewed By: C. Schregel Date: 10/3/23

DU/TV/bf
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\Forms\BCPA_Transmittal_Updated_032322.doc

cc: Jeffrey Burroughs, Town Engineer
Jeffery Palumbo, 9276 Main Street, Clarence, NY 14031

Attachment: BCPA-2023-03 TB letter packet 012224 (RES-2024-58 : Adoption of Resolution to Amend the Bicentennial Comprehensive Plan)

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 28568 **RESOLUTION 2024-119** **ADOPTED**

SEQR Determination 4774 & 4780 Sheridan Drive, Z-2023-07

RESOLVED, that pursuant to 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Town Code Chapter 104, as amended, the Town Board is deemed the Lead Agency for those actions which it has sole discretionary power, including but not limited to rezoning decisions and adoptions of local laws, and be it further

RESOLVED, that this Town Board as SEQR Lead Agency has reviewed a request for a rezoning at 4774 & 4780 Sheridan Drive and has identified the areas of environmental concern, thoroughly analyzed them for significant adverse impact, including any concerns and/or recommendations from other agencies, and be it further

RESOLVED, that the requirements of SEQR are now complete therefore this Town Board issues the attached Negative Declaration as its determination of environmental significance, for the subject action.

2/5/2024
Supervisor Kulpa made a motion to approve, seconded by Councilmember Berger and unanimously approved 5-0.

FINANCIAL IMPACT:

None

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Attachment: Z-2023-07_draft TB SEQR neg dec 020524 (RES-2024-119 : SEQR Determination - 4774 & 4780 Sheridan Drive, Z-2023-07)

D R A F T (date)

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

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

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

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

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

Reasons Supporting This Determination

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

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

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

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

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

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

Attachment: Z-2023-07_draft TB SEQR neg dec 020524 (RES-2024-119 : SEQR Determination - 4774 & 4780 Sheridan Drive, Z-2023-07)

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

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

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

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

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

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

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

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

Attachment: Z-2023-07_draft TB SEQR neg dec 020524 (RES-2024-119 : SEQR Determination - 4774 & 4780 Sheridan Drive, Z-2023-07)

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

_____ _____
Thomas J. Voigt, Assistant Planner date

_____ _____
Brian J. Kulpa, Supervisor date

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

Attachment: Z-2023-07_draft TB SEQR neg dec 020524 (RES-2024-119 : SEQR Determination - 4774 & 4780 Sheridan Drive, Z-2023-07)

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

Francina J. Spoth
Town Clerk

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

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

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

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR are complete, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of October 19, 2023 that the proposed Residential District 4 zoning at 4774 & 4780 Sheridan Drive is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

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

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

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

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

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

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

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

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

Sean Hopkins, Esq., presented.

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

Alicia Schreier, 79 Tristan Ln

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

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

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

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

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

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard, A
Planning Directo

Daniel J. Ulatowski, A
Assistant Planning Dir

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Town Board Agenda of December 4, 2023

November 28, 2023

The Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Subject: Request to Rezone 5.03± Acres of Land From R-3 to R-4, Z-2023-07; Property Located at 4774 & 4780 Sheridan Drive. RAS Development Company LLC Petitioner. (Z-2023-07).

Honorable Members:

The subject property is a 5± acre "L-shaped" parcel located on the north side of Sheridan Drive, 4,677± feet west of Hopkins Road. The subject site contains two adjacent parcels, each with its own curb cut. The lot at 4774 Sheridan Drive has a single-family home with associated accessory structures; 4780 Sheridan Drive contains the former Gleason's Nursery business and several associated structures.

The developer is seeking entry into the NYSDEC Brownfield Cleanup Program for a "Track 4 Restricted Residential Cleanup". A requirement of this program is that the site remain in common ownership for ease of monitoring and reporting. A description of the program and requirements has been provided by Roux Environmental Engineering & Geology, DPC dated September 28, 2023.

For information on the surrounding zoning and land use, please refer to the attached sketch.

The purpose of this rezoning request is to allow for the potential future development of the subject site as attached single-family residential homes as required for the petitioner's entry into the NYSDEC Brownfield Cleanup Program to remediate hazardous materials on the subject sites. (For further information please refer to the letter from Roux Environmental Engineering & Geology, DPC to the Planning Director dated September 28, 2023.)

The subject site was zoned Residential District 3 (R-3) with the adoption of the Town wide Zoning Map & Ordinance on January 19, 1976.

Honorable Town Board

Rezone land from R-3 to R-4;
property located at 4774 & 4780 Sheridan Drive.
Agenda of December 4, 2023

SUB-2018-03:
On August 15, 2019, the Planning Board considered petitioner Morgan Homes' request for a 14-lot subdivision with a public road. The Planning Board approved the proposed subdivision; however, the contamination level of the site was too great for the NYSDEC to allow the development of the site for single family homes on individual lots. Therefore, the petitioner was not able to develop the site as approved.

The Planning Board offers the following findings on the current rezoning request, consistent with Section 8-3 of the Zoning Ordinance.

INTENT AND OBJECTIVES OF THE COMPREHENSIVE PLAN
The proposed rezoning is generally consistent with Figure 6 of the Comprehensive Plan which depicts a single-family residential land use in this area with a density of 2-4 units/acre. The concept plan illustrates the future potential development of 22 residential units on 5.03± acres of land. The proposed density based on the concept plan is approximately 4.3 units/acre which is slightly denser than intended by the Comprehensive Plan. A reduction of 2 units would make this proposal fully consistent with the intent of the single-family land use category of the Comprehensive Plan.

INTENT AND OBJECTIVES OF THE ZONING ORDINANCE
The intent of the Residential 4 District (R-4) is to provide for the development of attached or detached dwelling units within a single structure. Based on the concept plan provided, the intent of the R-4 district is met. A full consistency review for all applicable zoning regulations will take place during site plan review.

CONSISTENCY/COMPATIBILITY WITH SURROUNDING DEVELOPMENT/ZONING
The surrounding properties to the north, south, east and west are zoned Residential District 3 and are made up of single-family homes on individual lots. The R-4 District allows for a different form of housing (attached) than the adjacent zoning district however, the proposed use of the structures remain single-family residential therefore the proposed rezoning would be consistent with the surrounding development/zoning.

ADEQUATE SERVICES AND UTILITIES
All services and utilities necessary for the proposed rezoning are available and adequate at the subject location. This is an Unlisted action pursuant to 6 NYCCR §617.7 of the SEQR regulations.

RECOMMENDATION
The Planning Board at their meeting of October 19, 2023 held a public hearing on the subject rezoning request and recommended that the Town Board find that pursuant to Local Law #3-82, as amended, the requirements of SEQR have been completed and that the subject request will not have a significant adverse effect on the environment. The Planning Board also recommended that the subject rezoning request be approved.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Honorable Town Board

Rezone land from R-3 to R-4;
property located at 4774 & 4780 Sheridan Drive.
Agenda of December 4, 2023

The Planning Department requests that if the Town Board desires to act on the rezoning request, that a decision date be established after the close of the public hearing so that the Planning Department can prepare a determination of environmental significance pursuant to SEQR, and prepare a resolution for the Town Board's consideration.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/TV/ac
Att.
X:\Current_Planning\Files\Rezonings\2023\Z-2023-07_(4774_&_4780_Sheridan_Dr)_2023\Z-2023-07_TB_letter_120423.docx
cc: Martin Polowy, Town Attorney

Planning Board Approval: October 19, 2023
Ayes 4, Noes 2; Absent 1

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2023-07

PETITIONER

RAS Development Company LLC
c/o Sean Hopkins, Esq.
Hopkins Sorgi & McCarthy
5500 Main Street, Suite 343
Williamsville, New York 14221

PROPERTY LOCATION

4774 & 4780 Sheridan Drive

WHEREAS the Town of Amherst Planning Board on Thursday, October 19, 2023 held a public hearing on the proposed rezoning of land from Residential District Three (R-3) to Residential District Four (R-4), 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 "Single-Family Residential" land use in this area of the Town.

B. There are adequate services and utilities available or proposed to be made available in the construction of the development.

C. The proposal is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.

D. The subject property is suitable for uses permitted by the current versus the proposed district.

E. The proposed change tends to improve the balance of uses, and meets a specific demand in the Town.

F. Review by the US Army Corps of Engineers under Section 404 of the Clean Water Act may be waived because the parcel is developed.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2023-07

PETITIONER

RAS Development Company LLC

PROPERTY LOCATION

4774 & 4780 Sheridan Drive

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.

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 subject to the following conditions:

1. That the density of the project site shall not exceed 4.3 units per acre.
2. That the use of the project site to be rezoned from R-3 to R-4 shall be limited to two (2) unit-attached townhomes only.
3. That the maximum allowable height of any residential building on the project site as measured from finished grade shall be thirty-five (35) feet.
4. That the project site's contaminated soil be remediated to residential standards under the purview of, and in accordance with the NYSDEC Brownfield Cleanup Program.
5. That the conditions stated above shall be memorialized via the recording of a Declaration of Restrictions at the Erie County Clerk's Office.

The foregoing resolution was adopted by the Town of Amherst Planning Board, October 19, 2023; moved by Chmiel; seconded by Kahn; ayes 4, noes 2 (Gill, Penberthy); absent 1 (Raffaele).

Robert J. Gilmour, Planning Board Chair

10-26-2023
Date

TV/ac
X:\Current_Planning\Files\Rezonings\2023\Z-2023-07_(4774_&_4780_Sheridan_Dr)_2023\Z-2023-07_resolution_101923.doc
cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator
RAS Development Company, c/o Sean Hopkins, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Rezoning Application & Supporting Documentation - Rezoning of 4774 & 4780 Sheridan Drive from R-3 to R-4
Applicant: Savarino Development Corp. I c/o Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC

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

RECEIVED
JUL 17 2023
TOWN OF AMHERST
PLANNING DEPT.

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning Review and, if required Comprehensive Plan Amendment

For Official Use

File #: Z-2023-07 Acreage 5.03 Fee $ 2,265

Address Verified by Assessor's Office _____ VERIFIED BY DATE

Materials Accepted by Town Clerk & Fee Paid _____ ACCEPTED BY DATE

Materials Checked by Building Dept. _____ RECEIVED BY DATE

Materials Received by Planning Dept. 7.17.23 RECEIVED BY DATE

		Fill In Applicable Fees
2 ACRES OR LESS	**$1,250**	$1,250.00
2 – 20 ACRES **$1,250 + $250/acres or fraction thereof over 2 acres**		$1,000.00
20 – 30 ACRES **$5,700 + $150/acre or fraction thereof over 20 acres**		_____
OVER 30 ACRES **$6,900 +$75/acre or fraction thereof over 30 acres**		_____
Request for Relief of/Change to Conditions of Zoning Approval	**$ 1,200**	_____
AFFIDAVIT FEE FOR PUBLIC HEARING	**$ 15.00**	$15.00
	TOTAL FEE:	$ 2,265.00

[Note: A completed Part 1 of the Full Environmental Assessment Form along with Page 5[a] and Attachment "A" is attached as Exhibit "1".]

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

TO BE COMPLETED BY APPLICANT

1. **Petitioner:** Name: Savarino Development Corp. I

Address: c/o Sean Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, New York 14221
City State Zip Code

Phone: 510-4338 Fax:

E Mail shopkins@hsmlegal.com

2. **The undersigned hereby petitions the Honorable Town Board to rezone the following described property**

From: R-3 District

To: R-4 District

3. **Street address of land to be rezoned:** (must be verified by Town Assessor's Office)

4774 and 4780 Sheridan Drive

SBL #: SBL Nos. 68.12-1-10 and 68.12-1-11

4. **Area of land to be rezoned** (in acres): Approximately 5.029 Acres

5. **Owner of Land:**

Name: Estate of Edith Fruehauf, Rudolph Gleason and Greta Gleason

Address: 4780 Sheridan Drive - Williamsville, NY 14221

Telephone:

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

Name: Sean W. Hopkins, Esq.

Address: 5500 Main Street, Suite 343
Williamsville, New York 14221
Tel: 716.510-4338 - E-mail: shopkins@hsmlegal.com
City State Zip Code

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

7. **Petitioner's interest in property**

_____Option to purchase

_____Owner

__X_____Other (explain) [Authorization Letter of Property Owner Attached]

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)

Not Applicable.

9. **Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor.** Legal description of the property to be rezoned from R-3 to R-4 attached as Exhibit "2" and Survey of the Project Site attached as Exhibit "3".

10. **Said property has the following deed restrictions or Covenants:** (attach copy) Not Applicable.

Liber _____ Page _____

11. **Information on proposed project:**

A. Description of the character of the proposed development:

See Exhibit 4.

B. Rationale for rezoning request:

1. Why was this site chosen?

See Exhibit 4.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

2. Why cannot land be used with the existing zoning?

See Exhibit 4.

3. How will this rezoning impact surrounding properties?

See Exhibit 4.

4. How will this rezoning impact the school system?

See Exhibit 4.

12. Quantitative Data:

A. Total # of dwelling units: 22 units

B. Distribution of dwelling units by type: Attached residential units for sale

C. Gross Residential Density per acre: 4.4 units per acre

D. Total amount of Open Space: Not Applicable

E. Proposed Non-Residential Floor Area: Not Applicable.

[Note: A reduced size copy of the Concept Site Plan for the proposed project is provided at Exhibit "6".]

13. Development Schedule:

Start: 2024

Finish: 2025

Stages (# of): 1 stage for infrastructure and site improvements

14. If any portion of the proposed development is planned to be sold or leased, please describe:

The apartments will be leased.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

15. Open Space ownership and maintenance provisions (if applicable):

Greenspace and landscaping will be privately owned and maintained.

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 Exhibit 5.

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 Town Board adopted the 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, map, and / or figures that must be amended to support the proposed zoning at this location (attach pages as necessary) and provide detailed suggested amendments.

See Exhibit 5.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

3. State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

See Exhibit 5.

B. Adequate Services and Utilities are available or are proposed to be made available with the construction of the development:

1. Sanitary Sewer
   Yes.
2. Storm Sewer/Drainage
   Yes.
3. Water
   Yes.
4. Other Yes.

C. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:

See Exhibit 5.

D. Suitability of the subject property for uses permitted by the current versus the proposed district:

See Exhibit 5.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

E. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:

See Exhibit 5.

17. The petitioner encloses herewith the sum of $ 2,265.00 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.

Signature of Petitioner

Subscribed and sworn to before me this 15th day of July, 2023

Notary Public, Erie County, New York

MARIANNE BRAUTLACHT
Notary Public, State of New Yor
Qualified in Erie County
My Commission Expires 01/14/20

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.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

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.

P:\Cur\Plan\Applications2007\Rezoning & Comp Plan Amend App.
10/08

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

AUTHORIZATION

Estate of Edith Fruehauf, Rudolph Gleason and Greta Gleason, as the owners of property located at 4774 and 4780 Sheridan Drive in the Town of Amherst ("Project Site"), hereby authorizes Savarino Development Corp. I, Hopkins Sorgi & McCarthy PLLC, Carmina Wood Design and its other consultants to seek an amendment of the zoning classification of the Project Site from R-3 to MFR-4A, as well as all other required approvals from the Town of Amherst municipal boards and all other governmental agencies in connection with the development of the Project Site as a residential project.

Date: June 9, 2023

ESTATE OF EDITH FRUEHAUF

Signature: Diane Wolf POA Fo
Print Name: Diane Wolf Rudolph

Signature: Diane Wolf POA Gleas
Print Name: Greta Gleason Exec

Signature: Diane Wolf POA Ed
Print Name: Rudolph Gleason Est

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

EXHIBIT 1

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Full Environmental Assessment Form
Part 1 - Project and Setting

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

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Proposed Residential Project		
Project Location (describe, and attach a general location map): 4774 and 4780 Sheridan Drive - Town of Amherst - Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed project ("action") consists of the development of the parcels at 4774 and 4780 Sheridan Drive ("Project Site") as a residential project consists of eleven two-story building each comprised of two homes for sale [22 total units]. The proposed action has been defined broadly to include all all proposed site improvements as well as all required discretionary approvals and permits as well as including an amendment of the zoning classification of the Project Site from R-3 to R-4 by the Town of Amherst Town Board and approvals and permits needed from involved agencies including entry into the NYSDEC Brownfield Cleanup Program. The project purpose is to develop the Project Site for low density residential purposes per the recommended land use in Figure 6 of the Town's adopted Comprehensive Plan. The proposed project is an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") and will not result in any potentially significant adverse environmental impacts.		
Name of Applicant/Sponsor: Savarino Development Corp. I c/o Sean Hopkins, Esq.	Telephone: 716.510-4338 E-Mail: shopkins@hsmlegal.com	
Address: 5500 Main Street, Suite 343		
City/PO: Williamsville	State: NY	Zip Code: 14221
Project Contact (if not same as sponsor; give name and title/role): Same as above.	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Estate of Edith Fruehauf, Rudolph Gleason and Greta Gleason	Telephone: E-Mail:	
Address: 4780 Sheridan Drive		
City/PO: Williamsville	State: NY	Zip Code: 14221

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

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 - Rezoning	July 17, 2023
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Planning Board - Site Plan Approval	To be Determined
c. City, Town or Village Zoning Board of Appeals ☑Yes ☐No	Zoning Board of Appeals - Area Variances	To be Determined
d. Other local agencies ☐Yes ☑No		
e. County agencies ☑Yes ☐No	ECDOH - Sewer and ECWA - Water	To be Determined
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	NYSDOT - Highway Work Permit , NYSDEC - Brownfield Cleanup, SPDES Permit and DSCA	To be Determined
h. Federal agencies ☐Yes ☑No		

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

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

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

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):
NYS Heritage Areas:West Erie Canal Corridor

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

If Yes, identify the plan(s):

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Residential District Four (R-3)

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? Residential District Four (R-4)

C.4. Existing community services.

a. In what school district is the project site located? Amherst Central Schools

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

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

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

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Low density residential consisting of two-unit homes for sale.

b. a. Total acreage of the site of the proposed action? 5.03 acres
b. Total acreage to be physically disturbed? 5.03 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 5.03 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☑ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

f. Does the project include new residential uses? ☑Yes ☐No
If Yes, show numbers of units proposed.

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

g. Does the proposed action include new non-residential construction (including expansions)? ☐Yes ☑No
If Yes,
i. Total number of structures _____
ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length
iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☑Yes ☐No
If Yes,
i. Purpose of the impoundment: stormwater management area
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☑Other specify: Stormwater runoff
iii. If other than water, identify the type of impounded/contained liquids and their source.
Not applicable.
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: 0.25 acres
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
Earth Fill - The stormwater management area does not constitute a dam regulated by the NYSDEC.

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (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: 5,080 gallons/day

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

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

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

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

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

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

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

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

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

i. Total anticipated liquid waste generation per day: 4,600 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 Facility
- Name of district: Town of Amherst
- Does the existing wastewater treatment plant have capacity to serve the project? ☑Yes ☐No
- Is the project site in the existing district? ☑Yes ☐No
- Is expansion of the district needed? ☐Yes ☑No

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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 2.20 acres (impervious surface)

_____ Square feet or 5.03 acres (parcel size)

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

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

On-site stormwater management facility

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

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

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

If Yes, identify:

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

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

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

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

If Yes:

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

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

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

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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):

local grid

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

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

i. During Construction:

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

ii. During Operations:

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

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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:

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

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

Describe: _____

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

If yes:

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

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

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

Describe: _____

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

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

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

If Yes:

i. Product(s) to be stored _____

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

iii. Generally, describe the proposed storage facilities: _____

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

If Yes:

i. Describe proposed treatment(s):

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

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

If Yes:

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

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

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

- Construction: _____
- Operation: _____

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

- Construction: _____
- Operation: _____

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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): Golf course

ii. If mix of uses, generally describe:

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

b. Land uses and covertypes on the project site.

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

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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:
There is contamination on the project site resulting from its historical use as a nursery (herbicides and pesticides).
_____

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

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

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

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

_____
_____

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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? > 40 feet

b. Are there bedrock outcroppings on the project site? ☐Yes ☑No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site:

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

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

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

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

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site? [There are any wetlands subject to the jurisdiction of either the USACE or NYSDEC located on the Project Site.] ☑Yes ☐No
If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑Yes ☐No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes ☑No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐Yes ☑No

j. Is the project site in the 100-year Floodplain? ☐Yes ☑No

k. Is the project site in the 500-year Floodplain? ☐Yes ☑No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐Yes ☑No
If Yes:

i. Name of aquifer: _____

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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: Amherst State Park, Glen Park, Audubon Town Park

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

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

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

If Yes:

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

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

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name Savarino Development Corp. I Date July 17, 2023

Signature _____ Title Attorney for Project Sponsor

PRINT FORM

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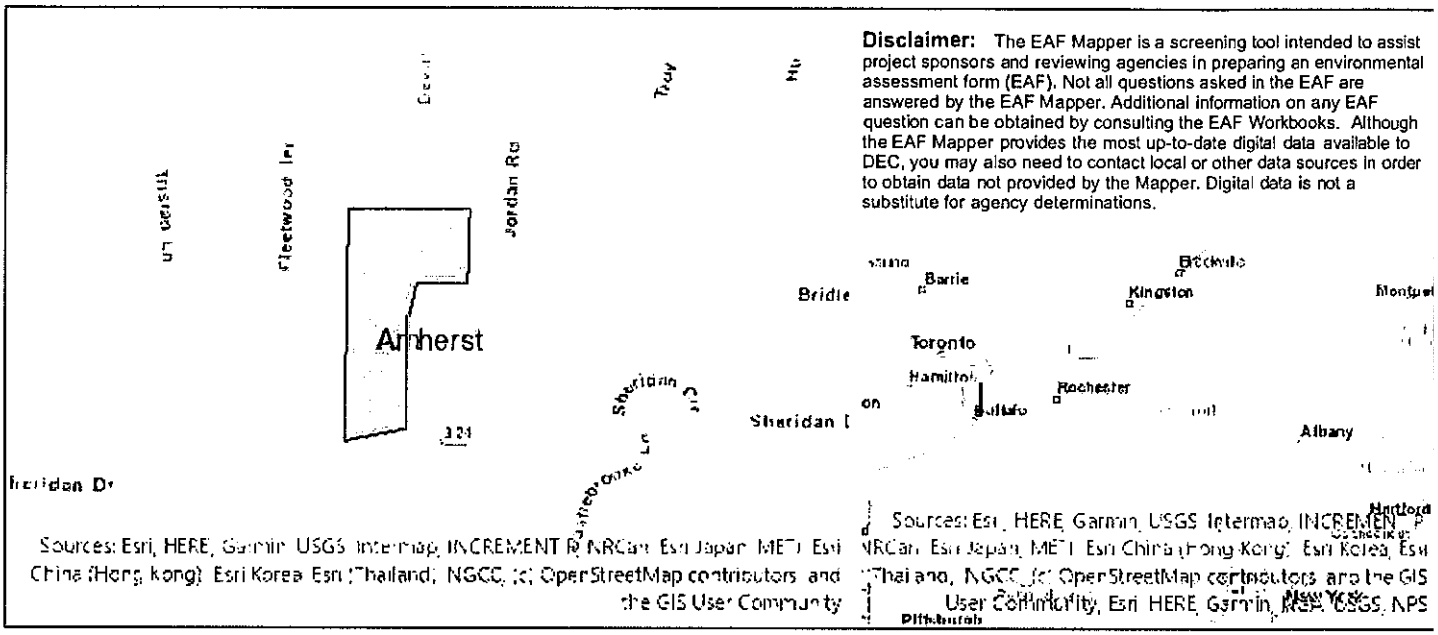
EAF Mapper Summary Report

Friday, June 16, 2023 10:58 AM



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

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

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

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: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

TOWN OF AMHERST ATTACHMENT
State Environmental Quality Review
ENVIRONMENTAL ASSESSMENT FORM
Proposed Residential Project - 4774 & 4780 Sheridan Drive

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
Schoharie silt loam	✓		✓		✓
Urban Land Odessa complex	✓		✓		✓

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

   ✓ Geotechnical report attached _____ Not applicable

   [Three copies of the Geotechnical Report prepared by Ray Teeter dated November 16, 2018 have been submitted.]

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

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

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

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

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

   Describe_____

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

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

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

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

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

    4,400 average flow 17,600 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: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

EXHIBIT 2

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

EXHIBIT 2 OF REZONING APPLICATION

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM R-3 TO 4-4

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, 60, Township 12, and Range 7 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at a point in the center line of Sheridan Drive, distant 214.37 feet west of the east line of lands conveyed to Michael Trenz and Elsie Trenz, his wife by deed recorded in the Erie County Clerk's Office in Liber 3381 of Deeds at page 411;

thence northerly along the west line of lands per deed filed in the Erie County Clerk's Office in Liber 5022 Deeds page 430, at an interior angle of 101°11', a distance 50.97 feet to a point in the south line of said Sheridan Drive being the True Point and Place of Beginning;

thence westerly along the said south line of Sheridan Drive 215.35 feet to a point in the west line of said Michael Trenz and Elsie Trenz in Liber 3381 of Deeds at page 411;

thence northerly at an interior angle of 78°47' and along the west line of said Trenz, 789.86 feet to a point;

thence east at an interior angle of 90°59', a distance of 422.64 feet to a point in the east line of said Michael Trenz and Elsie Trenz in Liber 3381 of Deeds at page 411;

thence south at an interior angle of 88°38'9" and along the east line of said Trenz, 257.10 feet to a point, being the northeast corner of lands conveyed to Edward Roessel and Jennie Roessel, his wife by deed recorded in said Erie County Clerk's Office in Liber 4296 of Deeds at page 180;

thence westerly at right angles along said Roessel's north line, 178.00 feet to the northwest corner thereof;

thence southerly along said Roessel's west line, 101.72 feet to an angle point therein;

thence continuing along said Roessel's west line and parallel with the east line of Lot No. 60, 18.00 feet to a point;

thence westerly at right angles to the east line of said Lot No. 60, 8.29 feet to the northwest corner of lands conveyed to John J. Julian and Frances J. Julian, his wife by deed recorded in said Erie County Clerk's Office in Liber 5022 of Deeds at page 430;

thence southerly at right angles and along the west line of said lands so conveyed to said John J. Julian and Frances J. Julian, 144.32 feet to an angle point therein;

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

thence continuing southerly at an exterior angle of 178°21'05", 237.22 feet to the True Point and Place of Beginning.

This parcel containing 5.029 acres of land more or less.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

EXHIBIT 3

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

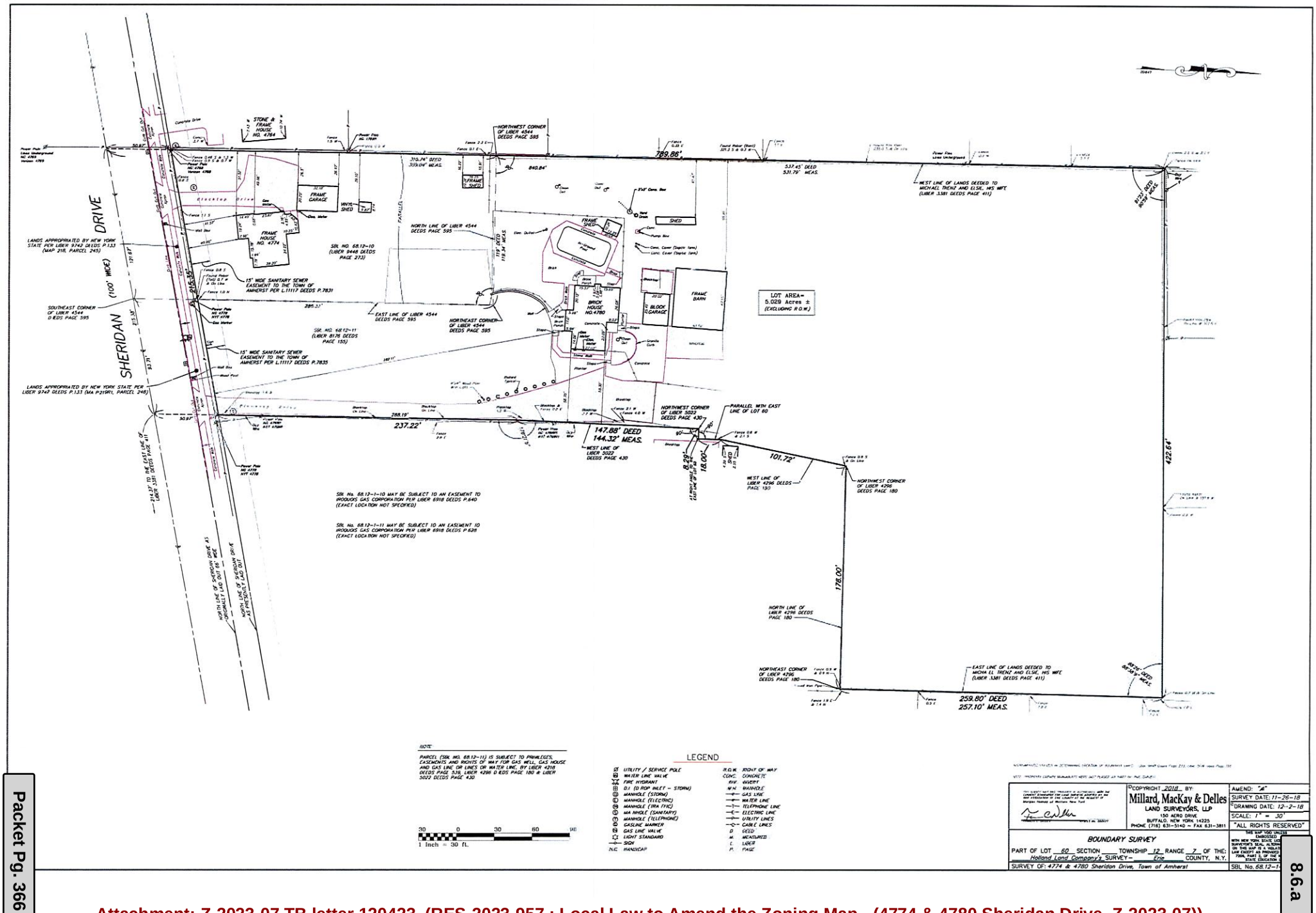

SHERIDAN DRIVE
(100' WIDE)
LANDS APPROPRIATED BY NEW YORK STATE PER LIBER 9743 DEEDS P.133 (MAP 218, PARCEL 245)
LANDS APPROPRIATED BY NEW YORK STATE PER LIBER 9743 DEEDS P.133 (MA P219R1, PARCEL 248)
SOUTHEAST CORNER OF LIBER 4544 DEEDS PAGE 595
FRAME HOUSE NO. 4774
FRAME GARAGE
VINYL SHED
STONE & FRAME HOUSE NO. 4764
SBL NO. 68.12-1-10 (LIBER 8448 DEEDS PAGE 273)
SBL NO. 68.12-1-11 (LIBER 8176 DEEDS PAGE 155)
15' WIDE SANITARY SEWER EASEMENT TO THE TOWN OF AMHERST PER L.11117 DEEDS P.7831
15' WIDE SANITARY SEWER EASEMENT TO THE TOWN OF AMHERST PER L.11117 DEEDS P.7835
NORTHWEST CORNER OF LIBER 4544 DEEDS PAGE 595
NORTH LINE OF LIBER 4544 DEEDS PAGE 595
EAST LINE OF LIBER 4544 DEEDS PAGE 595
NORTHEAST CORNER OF LIBER 4544 DEEDS PAGE 595
310.74' DEED 309.04' MEAS.
840.84'
789.86'
537.45' DEED 531.79' MEAS.
WEST LINE OF LANDS DEEDED TO MICHAEL TRENZ AND ELSIE, HIS WIFE (LIBER 3381 DEEDS PAGE 411)
872' DEED 905.39' MEAS.
FRAME SHED
SHED
BRICK HOUSE NO. 4780
4 BLOCK GARAGE
FRAME BARN
LOT AREA= 5.029 Acres ± (EXCLUDING R.O.W.)
NORTHWEST CORNER OF LIBER 5022 DEEDS PAGE 430
PARALLEL WITH EAST LINE OF LOT 60
147.88' DEED 144.32' MEAS.
WEST LINE OF LIBER 5022 DEEDS PAGE 430
237.22'
288.19'
101.72'
WEST LINE OF LIBER 4296 DEEDS PAGE 180
NORTHWEST CORNER OF LIBER 4296 DEEDS PAGE 180
422.64'
178.00'
NORTH LINE OF LIBER 4296 DEEDS PAGE 180
NORTHEAST CORNER OF LIBER 4296 DEEDS PAGE 180
EAST LINE OF LANDS DEEDED TO MICHA EL TRENZ AND ELSIE, HIS WIFE (LIBER 3381 DEEDS PAGE 411)
872' DEED 905.39' MEAS.
259.80' DEED 257.10' MEAS.
SBL No. 68.12-1-10 MAY BE SUBJECT TO AN EASEMENT TO IROQUOIS GAS CORPORATION PER LIBER 6918 DEEDS P.640 (EXACT LOCATION NOT SPECIFIED)
SBL No. 68.12-1-11 MAY BE SUBJECT TO AN EASEMENT TO IROQUOIS GAS CORPORATION PER LIBER 6918 DEEDS P.628 (EXACT LOCATION NOT SPECIFIED)
NORTH LINE OF SHERIDAN DRIVE AS ORIGINALLY LAID OUT 66' WIDE
NORTH LINE OF SHERIDAN DRIVE AS NOW OCCUPIED AND LAID OUT
NOTE:
PARCEL (SBL NO. 68.12-1-11) IS SUBJECT TO PRIVILEGES, EASEMENTS AND RIGHTS OF WAY FOR GAS WELL, GAS HOUSE AND GAS LINE OR LINES OR WATER LINE, BY LIBER 4218 DEEDS PAGE 339, LIBER 4296 DEEDS PAGE 180 & LIBER 5022 DEEDS PAGE 430
LEGEND
UTILITY / SERVICE POLE
WATER LINE VALVE
FIRE HYDRANT
D.I. (D ROP INLET - STORM)
MANHOLE (STORM)
MANHOLE (ELECTRIC)
MANHOLE (TRAFFIC)
MA NHOLE (SANITARY)
MANHOLE (TELEPHONE)
GASLINE MARKER
GAS LINE VALVE
LIGHT STANDARD
SIGN
HANDICAP
R.O.W. RIGHT OF WAY
CONC. CONCRETE
INV. INVERT
M.H. MANHOLE
GAS LINE
WATER LINE
TELEPHONE LINE
ELECTRIC LINE
UTILITY LINES
CABLE LINES
D DEED
M MEASUREMENTS
L LIBER
P. PAGE
30 0 30 60
1 Inch = 30 ft.
©COPYRIGHT 2018 BY:
Millard, MacKay & Delles
LAND SURVEYORS, LLP
150 AERO DRIVE
BUFFALO, NEW YORK 14225
PHONE (716) 631-5140 ~ FAX 631-3811
AMEND: "A"
SURVEY DATE: 11-26-18
DRAWING DATE: 12-2-18
SCALE: 1" = 30'
"ALL RIGHTS RESERVED"
BOUNDARY SURVEY
PART OF LOT 60 SECTION TOWNSHIP 12 RANGE 7 OF THE: Holland Land Company's SURVEY ~ Erie COUNTY, N.Y.
SURVEY OF: 4774 & 4780 Sheridan Drive, Town of Amherst
SBL No. 68.12-1-

EXHIBIT 4

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

EXHIBIT 4

REZONING OF 4774 & 4780 SHERIDAN DRIVE FROM R-3 TO R-4

Question 11(A): Description of the character of the proposed development:

Response to Question 11(A): The proposed project consists of the development of 4774 and 4780 Sheridan Drive (the "Project Site") as eleven (11) residential buildings each consisting of two residential units for sale [22 total units].[1] Each of the residential units will have an attached garage and the project will result in the clean-up of the contamination located on the parcel at 4780 Sheridan Drive resulting from former use as a nursery [Gleason Nursery] via entry into the NYSDEC Brownfield Program. A full-size copy of the Concept Site Plan [Drawing C-100] prepared by Carmina Wood Design depicting the layout of the proposed project is attached is attached and a reduced-size copy of the Concept Site Plan is also attached as **Exhibit "6"**.

Question 11(B)(1): Rationale for rezoning request: 1. What was this site chosen?

Response to Question 11(B)(1): The Project Site is an appropriate location for the requested rezoning from R-3 to R-4 to accommodate the proposed residential project since the requested R-4 zoning classification is consistent with Figure 6 of the adopted Comprehensive Plan that designates the Project Site as appropriate for low intensity residential uses. A color copy of Figure 6 of the Comprehensive Plan is attached as **Exhibit "7"**. A color excerpt of the Town of Amherst Zoning Map is attached as Exhibit "8" and an aerial photograph of the Project Site and surrounding vicinity is attached as Exhibit "9".

Question 11(B)(2): Why cannot land be used with the existing zoning?

---

[1] A legal description of the Project is attached as **Exhibit "2"** and a full-size copy of the Survey of the Project Site is attached to this Rezoning Application. A reduced-size copy of the Survey of the Project Site is also attached as **Exhibit "3"**.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Response to Question 11(B)(2): The Project Site cannot be developed as single-family homes on individual lots per the existing R-3 zoning classification since this would prevent the project from being eligible for entry into the NYSDEC Brownfield Cleanup Program. A residential subdivision was previously approved for the Project Site by the Planning Board but the project was unable to move forward due to the contamination resulting from the former use of 4780 Sheridan Drive as a nursery.

Question 11(B)(3): How will this rezoning impact surrounding properties?

Response to Question 11(B)(3): The requested rezoning of the Project Site from R-3 and R-4 to accommodate the proposed residential project consisting of upscale attached residential units for sale will not result in any potentially significant adverse impacts on surrounding properties. A completed Part 1 of the Full Environmental Assessment Form with attached Page 5[a] as prepared pursuant to the State Environmental Quality Review Act ("SEQRA") is provided at **Exhibit "1"** of this Rezoning Application. It is important to mention that the project will allow the contaminated portion of the Project Site to be remediated via the requirements of the NYSDEC Brownfield Cleanup Program. The proposed project will also require site plan approval from the Planning Board which will ensure compliance with the applicable standards for landscaping, lighting, stormwater management, etc.

Question 11(B)(4): How will this rezoning impact the school system?

Response to Question 11(B)(4): The proposed residential project will have positive impacts on the school district since it will generate annual property taxes. The target market for the proposed upscale residential units consists of empty nesters and seniors. The proposed project will potentially

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

generate some demand for educational services provided by the school district but it is anticipated the project will have overall positive fiscal impacts since it is anticipated that the annual school taxes will be higher than the cost of educational services for school age children of the future residents of the project.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

EXHIBIT 5

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

EXHIBIT 5

REZONING OF 4774 & 4780 SHERIDAN DRIVE FROM R-3 TO R-4

Question 16(A)(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.**

Response to Question 16(A)(1): The Town of Amherst adopted the Bicentennial Comprehensive Plan in January of 2007 after completing a lengthy planning process that included numerous public meetings and public hearings involving the Comprehensive Plan Advisory Committee, the Planning Board and the Town Board.[1] On December 14, 2020, the Town Board most recently adopted amendments to the Bicentennial Comprehensive Plan. The proposed residential project consisting of two-family buildings comprised of upscale residential units for sale is consistent with the adopted Comprehensive Plan and the land uses in the vicinity of the Project Site that includes various zoning classifications including R-3, R-4, MFR-5, MFR-6 and RC. A color excerpt of the Town of Amherst Zoning Map is attached as **Exhibit "8"**.

Question 16(A)(2): **Cite all text, map, and/or figures that must be amended to support the proposed zoning at this location and provide detailed suggested amendments.**

Response to Question 16(A)(2): The proposed project is consistent with the Comprehensive Plan and such there is not a need to amend the Comprehensive Plan to accommodate the proposed residential project consisting of two-story units with attached garages for sale.

---

[1] A copy of the resolution adopted by the Town Board for the purpose of adopting the Bicentennial Comprehensive Plan pursuant to Town Law Section 272-a is included at the beginning of the Comprehensive Plan. This resolution recites the lengthy planning history that incorporated numerous opportunities for public input as well as a coordinated environmental review pursuant to SEQRA that involved the preparation a Generic EIS and the issuance of a Findings Statement.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Question 16(A)(3): State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

Response to Question 16(A)(3): Section 1-2-1 of the Zoning Code is titled "Purpose" and it states as follows:

> *"The purpose of this Zoning Ordinance and the intent of the legislative authority in its adoption is to promote the environment of the town and its public health, safety, convenience, comfort, prosperity and the general welfare by regulating the use of buildings, other structures and land for residences, open space, public facilities, business, services, industry or other purposes; by regulating and restricting the bulk, height, design, building coverage and location of structures; by regulating and limiting population density; and for the aforesaid purposes, to divide the land within the limits of the town into districts of such number and dimensions generally consistent with the policies of the Comprehensive Plan and to provide procedures for the administration and amendment of said Zoning Ordinance."*

The requested rezoning of the Project Site from R-3 to R-4 to accommodate the proposed residential project consisting of units for sale on the Project Site is consistent with the "Purpose" of the Zoning Code. Section 1-2-2 of the Zoning Code sets forth the objectives of the Zoning Code. This section of the Zoning Code lists thirteen objectives that are discussed below as follows:

A. To protect the character and values of residential, institutional and public uses, business, commercial and manufacturing uses and to insure their orderly and beneficial development;

Response: The proposed rezoning of the Project Site will be consistent with the objective of protecting the character and value of existing land uses. The proposed rezoning will allow the contaminated Project Site to be developed as a 2-story buildings consisting of two units each [22 total units] with attached garages, which represents orderly and beneficial development.

B. To provide adequate open spaces for light, air and outdoor uses to include public, common and private open space areas;

Response: The proposed rezoning of the Project Site will not be inconsistent with this objective.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

C. To prevent overcrowding of land;

Response: The proposed project will not result in the overcrowding of land. The project is consistent with the type of development designated as appropriate for the Project Site per the adopted Comprehensive Plan.

D. To prevent excessive concentration of population and to prevent spare and uncoordinated development;

Response: The proposed rezoning of the Project Site will not result in excessive concentration of population and the residential project represents an example of coordinated development.

E. To regulate and control the location and spacing of buildings on the lot and in relation to the surrounding property generally consistent with the policies of the Comprehensive Plan.

Response: The responses to the Questions in Section 16 provided above sets forth the reasons the proposed rezoning is consistent with the policies of the Comprehensive Plan.

F. To protect persons and property from damage and injury due to fire or flood;

Response: The Project Site is not located in a regulated floodway or 100 yr. floodplain. The Site Plan Application review process will trigger the need for an Engineer's Report to be prepared by a licensed engineer to be prepared for review and approval by the Town's Engineering Department. The project will not increase the likelihood of damage and injury due to fire and flood. The proposed upscale residential buildings will be constructed per the stringent requirements of the NYS Building Code including the fire safety standards contained therein.

G. To preserve and protect significant natural features and vegetation, thereby preventing ecological damage and visual blight which occur when those features or vegetation are eliminated or substantially altered to serve development purposes only.

Response: The proposed rezoning and the proposed project will not be inconsistent with this objective. There are not significant natural features located on the Project Site.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

H. To assure that structure and land use arrangements are aesthetically harmonious with nearby areas and structures.

Response: The development of the Project Site in a manner consistent with the Concept Site Plan [Drawing C-100] prepared by Carmina Wood Design submitted with this Rezoning Application will be aesthetically harmonious with nearby areas and structures.[2]

I. To regulate the location of buildings and intensity of uses in relation to streets according to plans so as to cause the least interference with and be damaged least by traffic movements and hence result in lessened street congestion and improved public safety.

Response: The proposed project will have a driveway connection to Sheridan Drive. There are currently three curb cuts from the Project Site onto Sheridan Drive.

J. To establish zoning patterns that insure economical extensions for sewers, water supply waste disposal and other public utilities, as well as development of recreation, schools and other public facilities;

Response: The Project Site has access to sanitary sewer and water lines as well as necessary public utilities to service the proposed residential project.

K. To guide the future development of the town so as to being the gradual conformity of land, structures and uses generally consistent with the policies of the Comprehensive Plan.

Response: The proposed rezoning of the Project Site is consistent with this objective since the proposed use is consistent with the policies contained in the Comprehensive Plan.

L. To accomplish the specific intents and goals set forth in the introduction to the respective sections.

Response: The proposed rezoning of the Project Site is consistent with this objective.

---

[2] A reduced-size copy of the Concept Site Plan [Drawing C-100] is attached as **Exhibit "6"**.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

M. To protect the community from visual pollution resulting from the unregulated use of signs and other advertising devices.

Response: The proposed rezoning and the proposed project will not be inconsistent with this objective.

Question 16(C): Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:

Response to Question 16(C): The proposed rezoning of the Project Site is compatible with the present zoning and conforming uses of nearby properties and the character of the neighborhood which includes a mixture of uses and zoning classifications.

Question 16(D): Suitability of the subject property for uses permitted by the current versus the proposed district:

Response to Question 16(D): The Project Site is not suitable for uses permitted by the existing R-3 zoning classification since the development of the Project Site as single-family homes for sale on individual lots is a project type that would enable remediation of the existing contamination per the standards of the NYSDEC Brownfield Cleanup Program. The proposed project to be developed as permitted by the R-4 zoning classification represent a suitable use of the Project Site.

Question 16(E): Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:

Response to Question 16(D): The proposed change in the zoning classification of the Project Site from R-R-3 to R-4 to accommodate the proposed project will have positive impacts on the balance of uses in the Town by providing two-unit buildings consisting of upscale residential uses for sale, which will be attractive to empty nesters and seniors. This project type is uncommon in the Town of

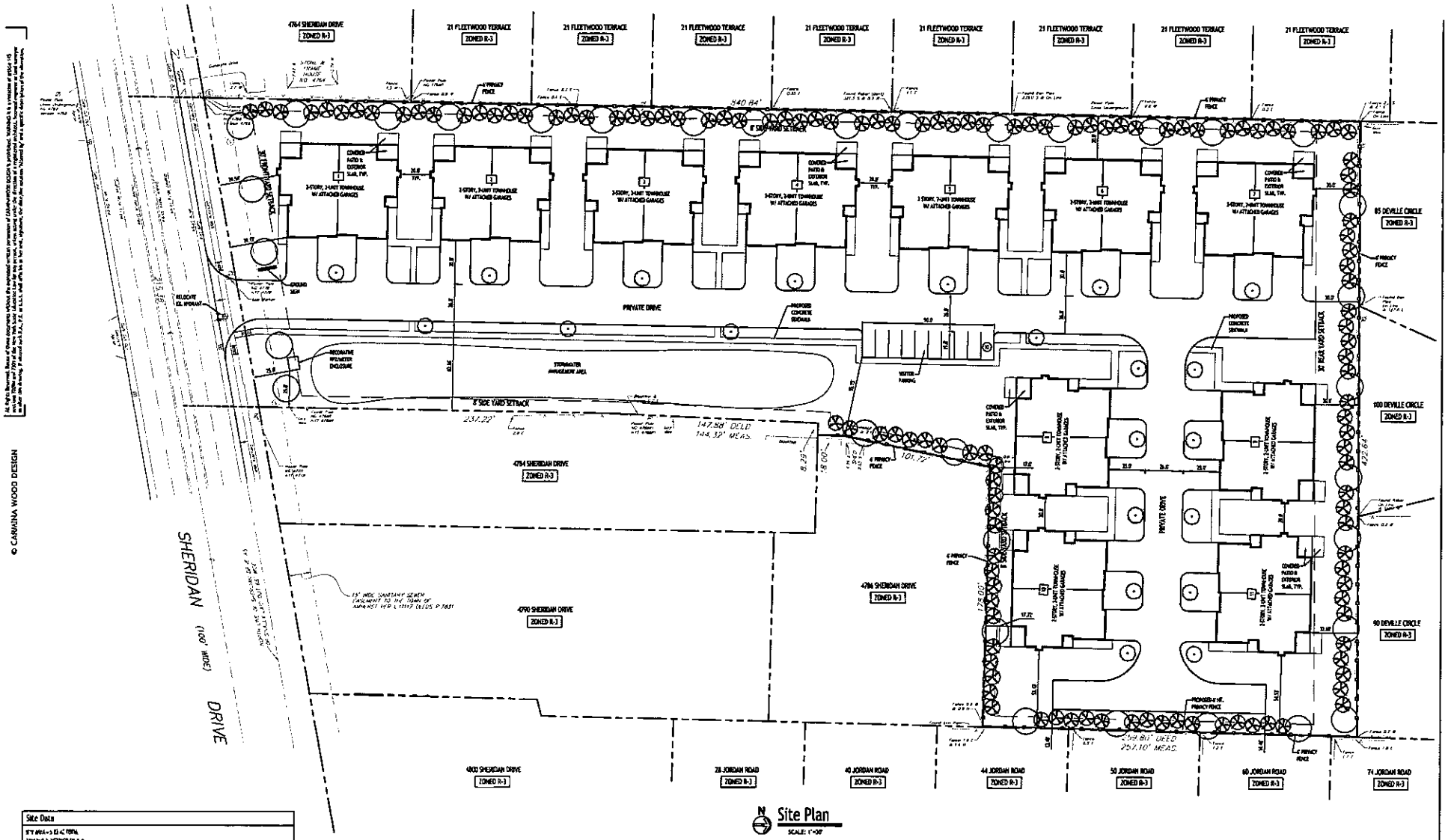
Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Amherst and the adopted Comprehensive Plan recognizes the need for a diverse range of residential housing choices including those that are attractive to seniors.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

EXHIBIT 6

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))



Site Plan
SCALE: 1"=50'

Site Data		
SITE AREA = ± 15 AC TOTAL		
ZONED: R-3 (ATTACHED TO R-4)		
PROPOSED USE: 3-UNIT RESIDENTIAL TOWNHOUSE BUILDINGS WITH ATTACHED GARAGES (77 UNITS TOTAL)		
SETBACKS (BLDG)	REQUIRED	PROVIDED
FRONT	30 FT.	36.13 FT. (MIN.)
SIDE	8 FT. / 30 FT. (COMBINED)	12 FT. MIN. / ± 30 FT. (COMBINED)
REAR	30 FT.	30 FT. MIN.
BUILDING DENSITY:	77	77
[illegible] AREA (3-STORY):	MAX 5K	± 960 SF
[illegible] COVERAGE:	35% (5.25 AC)	1.54 AC (10.3%)
[illegible] HEIGHT:	35 FT.	± 25 FT.
PARKING:	154	54 SURFACE + 44 GARAGE SPACES = 98 TOTAL
[illegible]:	± 35 AC (75%)	± 75%

PARKING CALCULATION:
"MULTI-FAMILY"
1 SPACES PER UNIT
77 UNITS x 2 = 154 SPACES REQD. (Per TB)

BUILDING DENSITY REQUIREMENTS:
PER R-4 ZONING REQUIREMENTS
1,850 SF / DWELLING
5.63 AC = 41,560 SF = 239,100 SF / 2,000 SF = 77.5
77 UNITS ALLOWED

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

CARMINAWOOD DESIGN
Buffalo | Utica | Greensboro

Proposed Multi-Family
4774 & 4780 Sheridan Drive
Amherst, NY

REVISIONS:
No. Description Date

PRELIMINARY
NOT FOR CONSTRUCTION

DRAWING NAME:
Site Plan
Concept

Date: 7/1
Drawn By: P. St
Scale: As n

DRAWING NO.
C-1

Project No:

© CARMINA WOOD DESIGN

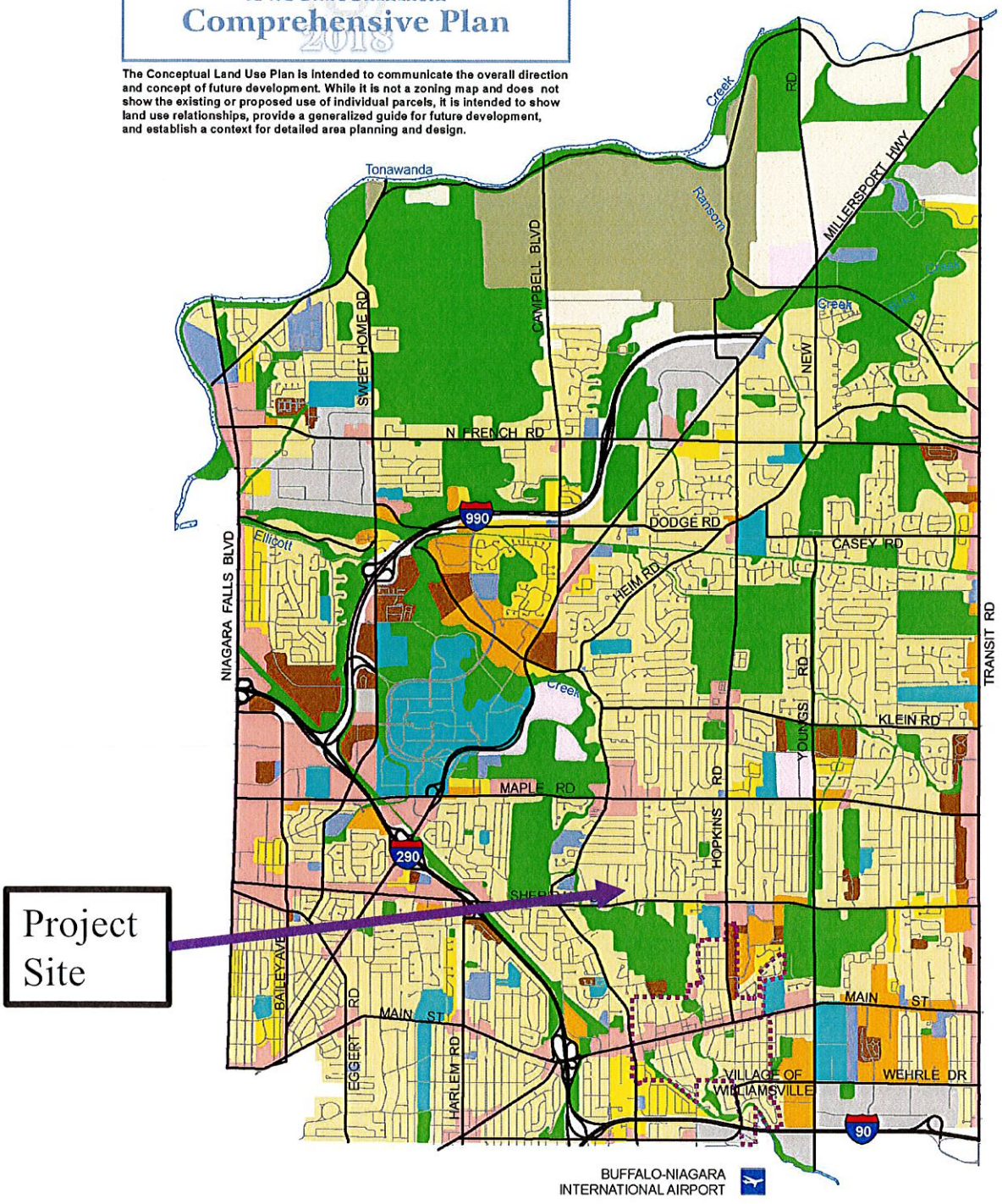
EXHIBIT 7

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

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.



Conceptual Land Use Plan

FIGURE 6

- 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
- Surface Water
- 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: December 2020

N

0 0.25 0.5 0.75 1 1.25

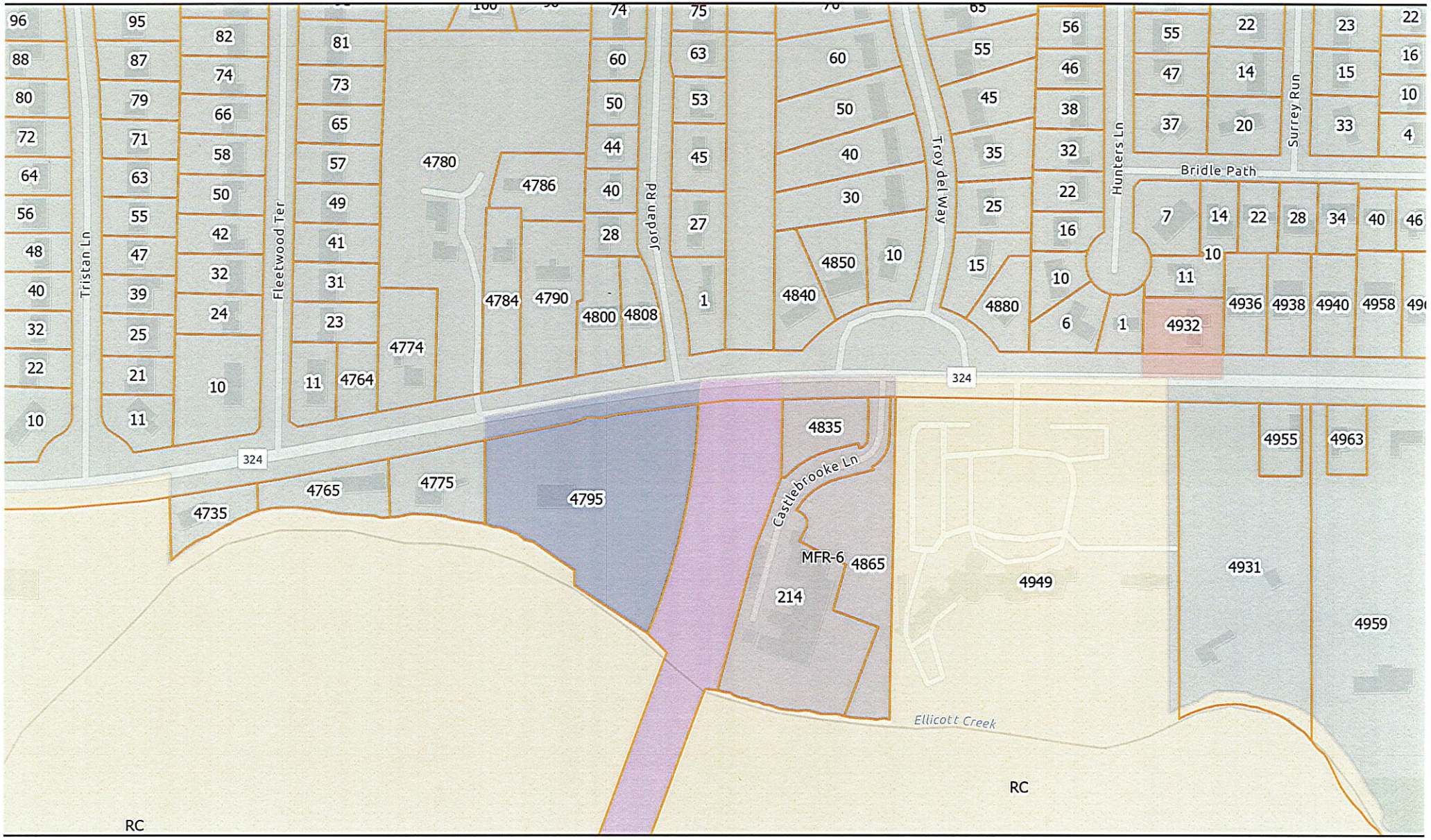
Miles

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

EXHIBIT 8

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

ArcGIS Web Map



Esri Community Maps Contributors, Province of Ontario, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA | NYS GIS Clearinghouse -https://gis.ny.gov/ | Federal Emergency Management Age

EXHIBIT 9

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

ArcGIS Web Map

/18/2023, 12:04:03 AM

Parcels

Town Boundary

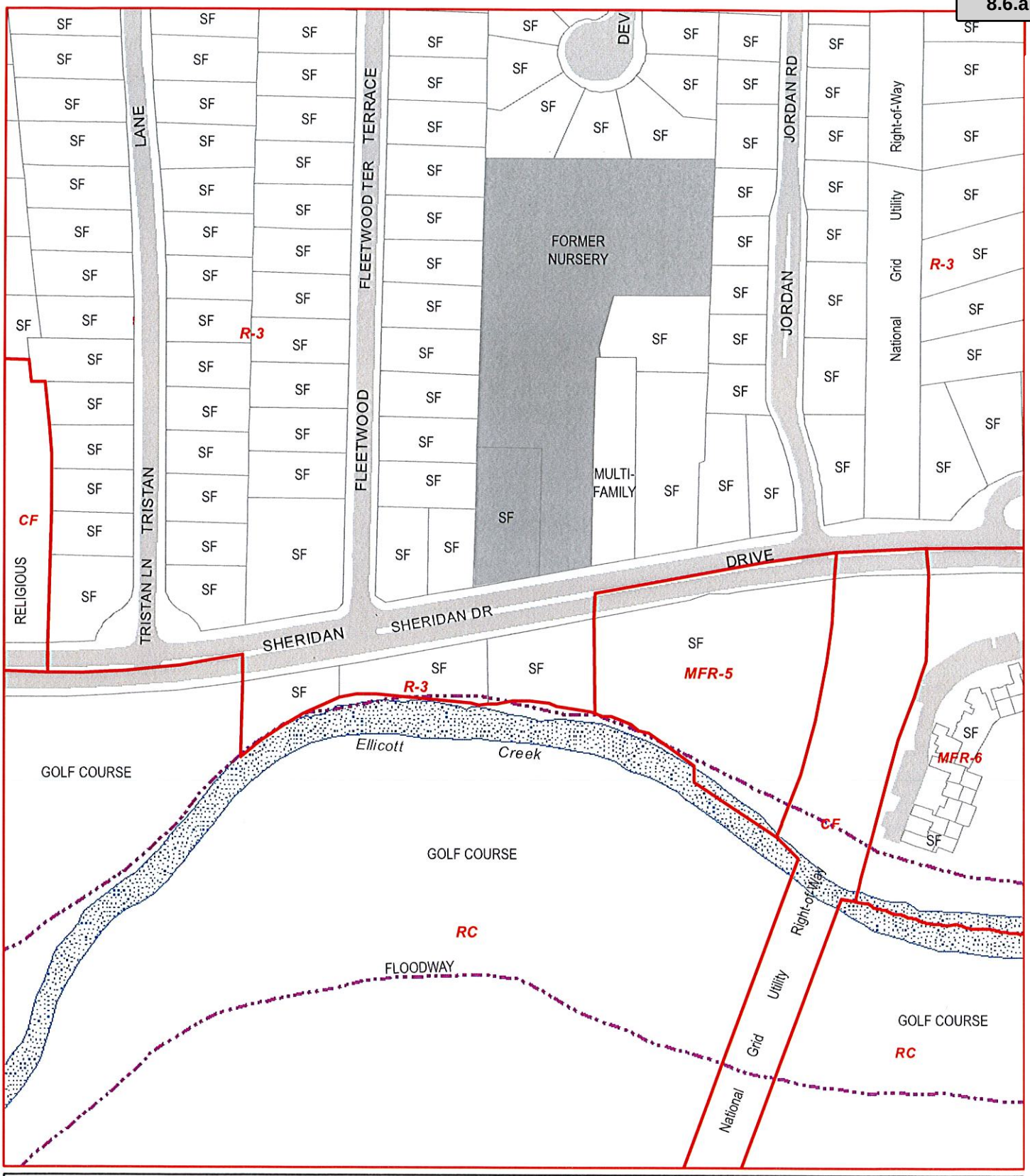
1:4,514

0 0.03 0.06 0.11 mi

0 0.04 0.09 0.17 km

Maxar

NYS GIS Clearinghouse | https://gis.ny.gov | Federal Emergency Management Agency (FEMA) - https://www.fema.gov/node/404233 | Federal Emergency Management Agency (FEMA) - https://www.fema.gov/flood-maps | Erie County GIS | Maxar



Z-2023-07

Request for Rezone 5.03± Acres of Land from R-3 to R-4
Property Located at 4774-4780 Sheridan Drive

Savarino Development Corp., Petitioner

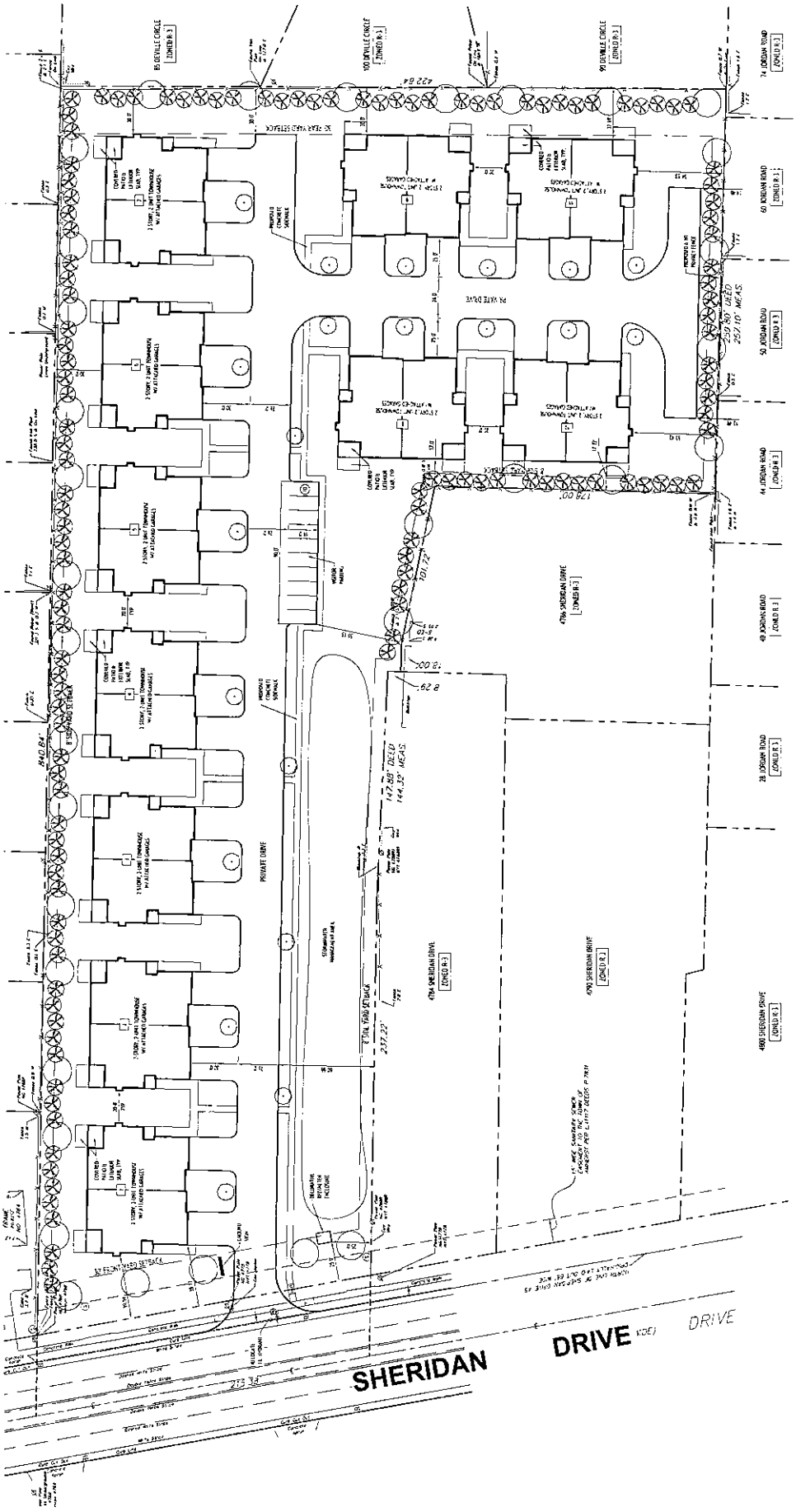
October 19, 2023

4774-4780 Sheridan Drive

Floodway Boundary

Prepared by the Town of Amherst Planning Department

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))



CONCEPT PLAN

Z-2023-07
4774-4780 Sheridan Drive

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Z-2023-07

Request for Rezone 5.03± Acres of Land from R-3 to R-4
Property Located at 4774-4780 Sheridan Drive

Savarino Development Corp., Petitioner

October 19, 2023

4774-4780 Sheridan Drive

Floodway Boundary

Prepared by the Town of Amherst Planning Department

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Amherst

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

Brian J. Kulpa
Supervisor
Daniel C. Howard, A
Planning Director
Daniel J. Ulatowski, A
Assistant Planning Dir

MEMORANDUM

October 27, 2023

TO: Tim Koller, Deputy Town Clerk
Daniel Ulatowski, Principal Planner (Planning copy)
Douglas Gesel, Supervising Code Enforcement Officer, Building Department

FROM: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO REZONE 5.03± ACRES OF LAND FROM **R-3** TO **R-4**, **Z-2023-07**; PROPERTY LOCATED AT **4774 & 4780 SHERIDAN DRIVE**. RAS DEVELOPMENT COMPANY LLC., PETITIONER.

ENVIRONMENTAL SITE ASSESSMENT:
Received October 27, 2023

This information is for your records. A review is not required at this time.

Please call the Planning Department if additional information is required (631-7051).

Signature: Doug Gesel **Date:** Nov. 8, 2023

DU/SM/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-07_(4774_&_4780_Sheridan_Dr)_2023\Z-2023-07_Rev_Transmittal_102723.doc
cc: Jeff Burroughs, Town Engineer

RECEIVED
OCT 30 2023
TOWN OF AMHERST
BUILDING DEPT

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Town of Amherst, NY
Office of the Assessor
Emily A. Murphy Assessor

5583 Main Street
Williamsville, New York 14221
Phone: (716) 631-7038
www.amherst.ny.us
dmarrano@amherst.ny.us

Memorandum

November 6, 2023

To: Francina Spoth, Town Clerk
Re: Petition – 4774 & 4780 Sheridan Dr

The protest petition for 4774 & 4780 Sheridan Dr has been signed by the required property owners as stated in Town Law §265 (1) paragraph's (a) (b) or (c). The Super Majority calculations are based on three tests:

(a) The owners of 20% or more of the area of land included in such proposed change; or
(b) The owners of 20% or more of the area of land immediately adjacent to that land included in such proposed change, extending 100 feet therefrom; or
(c) The owners of 20% or more of the area of land directly opposite thereto, extending 100 feet from the street frontage of such opposite land.

Therefore a super majority vote will be required to enact the change in zoning, as it relates to 4774 & 4780 Sheridan Dr.

Should you have questions, please feel free to contact me.

Emily Murphy
Assessor

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
700 Delaware Avenue, Buffalo, NY 14209
P: (716) 851-7165 I F: (716) 851-7168
www.dec.ny.gov

October 19, 2023

Thomas Voigt
Town of Amherst Planning Department
5583 Main Street
Williamsville, New York 14221

Dear Thomas Voigt:

SEQR Lead Agency Coordination
4774/4780 Sheridan Drive Residential Project
Town of Amherst, Erie County

This is to acknowledge receipt of your October 10, 2023, submission regarding the above referenced project under the State Environmental Quality Review Act (SEQR). The Department recommends that the Town of Amherst should act as SEQR Lead Agency, since the environmental impacts of the proposal are primarily of local significance. However please be aware of the following:

1. Information contained in the materials submitted this office indicate that there may be contamination on the project site and the project sponsor may be considering entry into the Brownfield Cleanup Program (BCP). It is recommended that the project sponsor contact Andrea Caprio, NYSDEC Division of Environmental Remediation, to discuss BCP requirements. Andrea Caprio may be reached at: 716-851-7220 or andrea.caprio@dec.ny.gov.

2. The site appears to be within an archaeologically sensitive area based on information obtained through the Cultural Resource Information System (CRIS) on the New York State Office of Parks, Recreation and Historic Preservation's (OPRHP) website at https://cris.parks.ny.gov/. As part of the SEQR process, this concern should be evaluated, unless it can be verified by appropriate documentation that the sites have been significantly disturbed in a way that would destroy potential artifacts. Please recognize that normal agricultural activities, such as plowing, would not constitute such land disturbance. If there are any questions regarding this, contact OPRHP (telephone: 518/237-8643).

3. This proposed project is a Sanitary Sewer Extension or requires a sanitary sewer connection that is designed to convey 2,500 gallons/day or more of municipal sewage that is defined as a Sanitary Sewer Extension, and therefore requires sewer extension approval by the Erie County Health Department, which acts as our agent.

NEW YORK STATE | Department of Environmental Conservation

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

A detailed Downstream Sewer Capacity Analysis must be performed and submitted for this project as part of the Project's Engineering Report. Recent wet weather flow monitoring data and proposed new development flow should be analyzed relative to theoretical capacity at key nodes in the downstream sewer system and at pump stations (if any) to determine if capacity exists.

Recent wet weather system flow data can consist of:

- Comprehensive information from recent Sanitary Sewer System Evaluation Studies, or
- Wet weather data collected at (minimum of 3) key downstream nodes specified by the municipality.
    - This dated information can consist of instantaneous flow measurements or continuous flow or sewer depth measurements obtained during significant wet weather events, preferably during high groundwater conditions. Peak sewer flow recording methods are an acceptable method to collect this information.
    - Depth or flow measurements should continue until a significant wet weather event occurs, but would not have to extend beyond three months. A significant wet weather event is considered to be a daily rainfall amount of ½" or greater.

The Downstream Sewer Capacity Analysis must also contain a narrative and a detailed map showing the downstream routing of sewers from the proposed project site to the Wastewater Treatment Plant. Line sizes, theoretical capacity and pump stations must be identified and included in the analysis.

This Downstream Sewer Capacity Analysis, as well as any required infiltration and inflow (I/I) rehabilitation offset work at a 4:1 ratio, should be part of the Project's Engineering Report. These items must be received as part of a complete sanitary sewer extension plan submission from the municipality (sewer owner) that signs the "Application for Approval of Plans" form. If adequate capacity is not available, the sewer extension will not be approved until an acceptable remediation plan is developed.

4. Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). This General Permit requires the project sponsor, owner, or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on this General Permit, as well as the NOI form, is available on the Department's

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the Department's website at www.dec.ny.gov/chemical/8468.html.

The Town of Amherst is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of a regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principle executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the NOI, to the Department at NOTICE OF INTENT, NYSDEC, Bureau of Water Permits, 625 Broadway, 4th Floor, Albany, New York 12233-3505, telephone: 518/402-8111 to receive Department approval before construction commences.

If you have any other questions, please feel free to contact Bruno DiBella of my staff or me at 716/851-7165.

Sincerely,

David S. Denk

David S. Denk
Regional Permit Administrator

BAD/slr

Ecc: Andrea Caprio, NYSDEC Region 9
Savarino Development (c/o Sean Hopkins)

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Amherst

2018.054

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

Brian J. Kulpa
Supervisor
Daniel C. Howard, AIC
Planning Director
Daniel J. Ulatowski, AIC
Assistant Planning Direct

RECEIVED
OCT 19 2023
TOWN OF AMHERST
PLANNING DEPT.

MEMORANDUM

July 19, 2023

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Emily Murphy, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberholt, Assistant Town Engineer
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Krista Halt, Senior Fire Inspector (c/o Bldg)
Martin Polowy, Town Attorney (Local Law Only)
Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
SEQR Review Coordinator, NYSDOT
Williamsville School District

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 5.03± ACRES OF LAND FROM **R-3** TO **R-4, Z-2023-07**; PROPERTY LOCATED AT **4774 & 4780 SHERIDAN DRIVE**. SAVARINO DEVELOPMENT CORP., PETITIONER.

REVIEW:

Do you agree with all statements made? Yes

If you do not, briefly state why: _____

General comments relative to your agency interests: _____

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)
DSCA will be required

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 10/18/23

DU/GP/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-07_(4774&4780_Sheridan)_2023\Z-2023-07_Transmittal_071923.doc
cc: Savarino Development Corp., c/o Sean Hopkins, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Amherst

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

Brian J. Kulpa
Supervisor
Daniel C. Howard, AIC
Planning Director
Daniel J. Ulatowski, AI
Assistant Planning Direc

RECEIVED
AUG 18 2023
TOWN OF AMHERST
PLANNING DEPT.

MEMORANDUM

July 19, 2023

RECEIVED
OCT 10 2023
TOWN OF AMHERST
PLANNING DEPT.

RECEIVED
JUL 19 2023
TOWN OF AMHERST
BUILDING DEPT

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Emily Murphy, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberholt, Assistant Town Engineer
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Martin Polowy, Town Attorney (Local Law Only)
Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
SEQR Review Coordinator, NYSDOT
Williamsville School District

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 5.03± ACRES OF LAND FROM **R-3** TO **R-4, Z-2023-07**; PROPERTY LOCATED AT **4774 & 4780 SHERIDAN DRIVE**. SAVARINO DEVELOPMENT CORP., PETITIONER.

REVIEW:

Do you agree with all statements made? No objections

If you do not, briefly state why: _____

General comments relative to your agency interests: _____

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: Krista L Halt **Date:** 8/18/23

DU/GP/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-07_(4774&4780_Sheridan)_2023\Z-2023-07_Transmittal_071923.doc
cc: Savarino Development Corp., c/o Sean Hopkins, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Amherst

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

RECEIVED
JUL 28 2023
TOWN OF AMHERST
PLANNING DEPT.

Brian J. Kulpa
Supervisor
Daniel C. Howard, AIC
Planning Director
Daniel J. Ulatowski, AI
Assistant Planning Direc

MEMORANDUM

July 19, 2023

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Emily Murphy, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberholt, Assistant Town Engineer
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Krista Halt, Senior Fire Inspector (c/o Bldg)
Martin Polowy, Town Attorney (Local Law Only)
Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
SEQR Review Coordinator, NYSDOT
Williamsville School District

RECEIVED
Williamsville Central School District
JUL 24 2023
Asst Superintendent for
Finance & Management Services

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 5.03± ACRES OF LAND FROM **R-3** TO **R-4**, **Z-2023-07**; PROPERTY LOCATED AT **4774 & 4780 SHERIDAN DRIVE**. SAVARINO DEVELOPMENT CORP., PETITIONER.

REVIEW:

Do you agree with all statements made? No comment.

If you do not, briefly state why: _____

General comments relative to your agency interests: This is to provide advisement and Notice that the Williamsville CSD does not provide bus service on privat roa

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: T Koller Matuski **Date:** 7/25/23

DU/GP/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-07_(4774&4780_Sheridan)_2023\Z-2023-07_Transmittal_071923.doc
cc: Savarino Development Corp., c/o Sean Hopkins, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Amherst

2018.054

Town of Amherst Planning Department

Erie County, New York

Brian J. Kulpa
Supervisor
Daniel C. Howard, AIC
Planning Director
Daniel J. Ulatowski, AIC
Assistant Planning Direc

MEMORANDUM

July 19, 2023

RECEIVED
AUG 08 2023
TOWN OF AMHERST
PLANNING DEPT.

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Emily Murphy, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberholt, Assistant Town Engineer
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
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Martin Polowy, Town Attorney (Local Law Only)
Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
SEQR Review Coordinator, NYSDOT
Williamsville School District

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 5.03± ACRES OF LAND FROM **R-3** TO **R-4, Z-2023-07**; PROPERTY LOCATED AT **4774 & 4780 SHERIDAN DRIVE**. SAVARINO DEVELOPMENT CORP., PETITIONER.

REVIEW:

Do you agree with all statements made? YES

If you do not, briefly state why: _____

General comments relative to your agency interests: None @ this time

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 8/8/23

DU/GP/bf c. SCHaegel
X:\Current_Planning\Files\Rezonings\2023\Z-2023-07_(4774&4780_Sheridan)_2023\Z-2023-07_Transmittal_071923.doc
cc: Savarino Development Corp., c/o Sean Hopkins, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Amherst

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

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

August 7, 2023

Savarino Development Corp. I
c/o Sean Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, New York 14221

SUBJECT:	Rezoning Application Review	**Z-2023-07**
	Request:	Rezone 5.03 acres of land from R-3 to R-4
	Property located at:	**4744 & 4780 Sheridan Drive**
	Application received:	July 17, 2023

Dear Mr. Hopkins,

Please consider the following comments:

1. Please clarify if the units will be for sale or lease and correct the applicable document(s). The response to item#14 in the rezoning application (to be leased) conflicts with the project description in Part 1 A of the EAF (for sale).

2. Provide a survey that shows the meets and bounds indicated in the proposed area to be rezoned or add the information to the boundary and topographic survey so that we can accurately compare the two documents to insure that area and property to be rezoned are one in the same. Angles are missing.

3. The following items on the Environmental Assessment Form should be corrected or completed:
   - Item **C.4.a** Sites are located in the Williamsville Central School District, not Amherst Central School District.
   - Item **C.4.c** Sites are located in the Williamsville Fire Protection District, which Hutchinson Hose is part.
   - Item **E.2.h.ii** Clarify the response to wetlands on the site.

2. Note that any other SEQR-related issues raised during the review process for this rezoning must be addressed prior to action by the Planning Board.

3. The subject site is located within an archaeologically sensitive area. An archaeological assessment will be required prior to the Planning Board making a SEQR determination.

4. Provide an 8½ " x 11" reduction of any revised concept plan **and an electronic version** of any revised plans or information submitted for review.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

This is a review only and does not constitute approval of the Rezoning Request. Should you have questions regarding this correspondence, please contact Scott A. Marshall, Principal Planner at smarshall@amherst.ny.us.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/SM/ac
X:\Current_Planning\Files\Rezonings\2023\Z-2023-07_(4774_&_4780_Sheridan_Dr)_2023\Z-2023-07_Pln_Dpt_Rvw_8042023.doccc:

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Amherst

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

Brian J. Kulpa
Supervisor
Daniel C. Howard, AIC
Planning Director
Daniel J. Ulatowski, AIC
Assistant Planning Direc

MEMORANDUM

July 19, 2023

RECEIVED
JUL 26 2023
TOWN OF AMHERST
PLANNING DEPT.

RECEIVED
JUL 19 2023
TOWN ATTORNE

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Emily Murphy, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberholt, Assistant Town Engineer
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Krista Halt, Senior Fire Inspector (c/o Bldg)
Martin Polowy, Town Attorney (Local Law Only)
Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
SEQR Review Coordinator, NYSDOT
Williamsville School District

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 5.03± ACRES OF LAND FROM **R-3** TO **R-4**, **Z-2023-07**; PROPERTY LOCATED AT **4774 & 4780 SHERIDAN DRIVE**. SAVARINO DEVELOPMENT CORP., PETITIONER.

REVIEW:

Do you agree with all statements made? Yes

If you do not, briefly state why: –

General comments relative to your agency interests: –

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) –

Please call the Planning Department if additional information is required (631-7051).

Signature: Nora B Robshaw **Date:** 7/24/23

DU/GP/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-07_(4774&4780_Sheridan)_2023\Z-2023-07_Transmittal_071923.doc
cc: Savarino Development Corp., c/o Sean Hopkins, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Amherst

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

RECEIVED
JUL 21 2023
TOWN OF AMHERST
PLANNING DEPT.

Brian J. Kulpa
Supervisor
Daniel C. Howard, AIC
Planning Director
Daniel J. Ulatowski, AI
Assistant Planning Direc

MEMORANDUM

July 19, 2023

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Emily Murphy, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberholt, Assistant Town Engineer
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
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Martin Polowy, Town Attorney (Local Law Only)
Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
SEQR Review Coordinator, NYSDOT
Williamsville School District

RECEIVED
JUL 19 2023
TOWN ATTORNEY

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 5.03± ACRES OF LAND FROM **R-3** TO **R-4**, **Z-2023-07**; PROPERTY LOCATED AT **4774 & 4780 SHERIDAN DRIVE**. SAVARINO DEVELOPMENT CORP., PETITIONER.

REVIEW:

Do you agree with all statements made? Form of local law is acceptable.

If you do not, briefly state why: _____

General comments relative to your agency interests: _____

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 7/20/23

DU/GP/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-07_(4774&4780_Sheridan)_2023\Z-2023-07_Transmittal_071923.doc
cc: Savarino Development Corp., c/o Sean Hopkins, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

TOWN OF AMHERST

ASSESSOR'S OFFICE

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
PHONE: 716-631-7038
FAX 716-631-7144

Emily A. Murphy
Assessor
emurphy@amherst.ny.us

MEMORANDUM

TO: Daniel Ulatowski, AICP, Associate Planning Director
Douglas Gesel, Supervising Code Enforcement Officer
Jeff Burroughs, Town Engineer
Scott Marshall, Principle Planner

FROM: Bonnie B. Arnold, Real Property Appraiser

DATE: July 21, 2023

SUBJECT: Request to Rezone 5.03±Acres of Land from R-3 to R-4,Z-2023-07
Property Location: **4774 & 4780 Sheridan Drive**
Petitioner: **Savarino Development Corp**

Site plan Approved as submitted. If rezone is for the construction of single family homes with condo status then the Assessor's office opposes.

cc: Savarino Development Corp, c/o Sean Hopkins, Hopkins, Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Fadel, Bryan

From: Voigt, Thomas J.
Sent: Monday, October 16, 2023 11:45 AM
To: Carrato, Amy
Cc: Fadel, Bryan
Subject: FW: proposed development on Sheridan Dr (formerly Gleason's Nursery)
Attachments: 2023.10.15 letter with exhibits.pdf

See attached and below

Thomas Voigt, Assistant Planner
Town of Amherst Planning Department
5583 Main St. Williamsville, NY 14221
Phone: (716) 631-7051 ex. 7118

From: Kelsey Granville <Kgranville@Petersoncos.com>
Sent: Monday, October 16, 2023 11:32 AM
To: Voigt, Thomas J. <tvoigt@amherst.ny.us>
Cc: David Granville <dgranvilleus@yahoo.com>; Elliot Frank (charles.elliot.frank@gmail.com) <charles.elliot.frank@gmail.com>
Subject: RE: proposed development on Sheridan Dr (formerly Gleason's Nursery)

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Re: Pending Development Project: Z-2023-07 (by Savarino Development Corp. I changed to RAS Development Company LLC "Savarino" as
Petitioner)
Planning Board Item 27793
Request to Rezone 5.03+/- Acres of Land from R-3 to R-4
SUB-2018-03PP (by Morgan Homes of WNY, Inc. as Petitioner)
And
SUB-2019-01SK (by David F. Granville, POA for Paul and Annette Granville as Petitioner)

Mr. Voigt,

See below and the attached letter with exhibits for inclusion in the record regarding pending development project Z-2023-07. Copied on this email is C. Elliot Frank, the owner of 4784 Sheridan Drive.

Our position remains unchanged.

We are IN SUPPORT of lawful, respectful, thoughtful, comprehensive development.

We are OPPOSED to the development of 4774 and 4780 without the development of 4784, 4786, and 4790 as it will greatly diminish the value of 4784, 4786 and 4790.

Thank you for your consideration.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Sincerely,

Kelsey Granville, Executor for the Estate of Annette Granville

-----Original Message-----
From: David Granville <dgranvilleus@yahoo.com>
Sent: Tuesday, October 10, 2023 5:11 PM
To: tvoigt@amherst.ny.us
Cc: Kelsey Granville <Kgranville@Petersoncos.com>
Subject: proposed development on Sheridan Dr (formerly Gleason's Nursery)

Dear Mr Voigt,
Thank you for taking the time to speak briefly this afternoon about the above referenced development.
CC'ing my brother Kelsey Granville who will forward the letter recommended.
We had submitted an application with regard to the previously proposed development which we will reference.
Thank you again,
Dave Granville
716-440-0423

Disclaimer

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Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Paul and Annette Granville
4790 Sheridan Drive
Williamsville, NY 14221

October 15, 2023

Town of Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

Subject: Pending Development Project Z-2023-07 - Savarino Development Corp. I (changed to RAS Development Company LLC), "Savarino" as Petitioner
Planning Board Item 27793
Request to Rezone 5.03+/- Acres of Land from R-3 to R-4 (4774 & 4780 Sheridan Dr.)

Dear Planning Board Members (Gilmour, Chmiel, Gill, Giuliani, Kahn, Penberthy, and Raffaele) and Councilmember Berger:

Our family owns three contiguous parcels immediately east of Savarino's proposed development (4784, 4786, and 4790 Sheridan Drive) and also owns an adjacent parcel (40 Jordan Road). The four Granville Family parcels total about 2.5 acres.

We are IN SUPPORT of lawful, respectful, thoughtful, comprehensive development.

We are OPPOSED to the proposed Savarino's proposed development of 4774 and 4780 without consideration of the future development of Granville Family properties, thus greatly diminishing the value of said properties by eliminating the possibility of future development consistent with the Town Comprehensive Plan.

Before rendering a decision on the subject request, please be aware of the following:

- Savarino has failed to perform the required due diligence per the requirements of the application. See attached Exhibit A with comments to Savarino's application.
- Savarino's proposed development of 4774 & 4780 is "speculation" by definition - the practice of buying property with the intention of reselling it at a higher price in the near future.
- Savarino's proposed development includes a rezoning request in order to minimize risk and maximize profits.
- Savarino will only move forward with the development if the Planning Board grants the rezoning request. This is because the rezoning of the land INCREASES the value.
- Savarino will abandon the application if the Planning Board rejects the rezoning request. Savarino banked on buying the land at a price that is only justified with a zoning change.
- By the same token, any future proposed development of 4784, 4786 & 4790 is also "speculation" by definition.
- It is possible the Planning Board takes the position that they MUST make a decision based ONLY on the merits of the Savarino plan (4774 & 4780), and NOT take into consideration any future development plan (of 4784, 4786 & 4790) because that future development is considered to be "speculation".
- Both plans are "speculation" and the Planning Board MUST NOT abandon its authority and responsibility and remember to take into account the adjacent and neighboring properties.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

- Granville's subdivision application (SUB-2019-01SK) predates Savarino's rezoning application (Z-2023-07).

In conclusion, our position remains unchanged. It is consistent with the Planning Board's APPROVAL of the previously submitted subdivision application on the condition that the proposed "private" road be designated as "public".

A Granville Family representative plans to attend and speak as neighborhood spokesperson at the public meeting on Thursday, October 19. We will continue our efforts to work together to help new residential development contribute to the future improvements of the Town of Amherst. I welcome the opportunity to discuss this matter with each of you directly. I can be reached by email at kgranville@petersoncos.com or by phone at (703) 887-7375.

Sincerely,

Kelsey F. Granville
Executor, Estate of Annette Granville

Enclosures
Exhibit A: Comments to Savarino's Application
Exhibit B: January 16, 2019 letter
Exhibit C: January 29, 2019 letter
Exhibit D: February 20, 2019 letter
Exhibit E: March 18, 2019 letter
Exhibit F: Erie County On-Line Mapping Application (maps)
Exhibit G: March 14, 2019 Application (SUB-2019-01SK)

cc: David F. Granville, Executor, Estate of Paul Granville; Sean Hopkins, Esq. (Hopkins Sorgi & McCarthy PLLC), Attorney for Savarino; Town Board; Zoning Board of Appeals

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Exhibit A - Comments to Savarino's Application

- Exhibit 4:
  - Response to Question 11(A): "...the project will result in the clean-up of the contamination…"
  - Fact: the *alleged* contamination can be cleaned up without a rezoning request being granted.
  - Response to Question 11(B)(1): "...the site is appropriate since it is…consistent.."
  - Fact: This is circular reasoning.
  - Response to Question 11(B)(2): "...the existing R-3 zoning classification…would prevent the project from being eligible for entry into the NYSDEC Brownfield Cleanup Program."
  - Fact #1: The lack of entry into the program (and use of funds) does NOT constitute a sufficient reason for a rezoning request to be granted.
  - Fact #2: The *alleged* contamination is NOT the reason for the project not moving forward. SEQR Negative Declaration, Full Environmental Assessment Form (EAF), Geotechnical Report - NO evidence of "contaminated" soil.
- Exhibit 5:
  - Response to Question 16(A)(1): "...the proposed project…is consistent with the Comprehensive Plan."
  - Fact: The response claims to be "consistent" with the Comprehensive Plan, but FAILS to provide any details of how and FAILS to cite any specific supporting documentation.
- The 13 Objectives of the Zoning Code (Section 1-2-2)
  - A. Claim: The proposed development is "orderly and beneficial".
  - Fact: The proposed development is neither "orderly" nor "beneficial".
  - B. Claim: The proposed development provides adequate open spaces for light, air and outdoor uses to include **public**…open space areas."
  - Fact: The proposed development provides INADEQUATE **public** open space areas - NONE.
  - C. Claim: The proposed development will not result in "overcrowding of land".
  - Fact: The proposed development WILL result in overcrowding.
  - D. Claim: The proposed development will prevent "excessive concentration of population and…prevent sparse and uncoordinated development."
  - Fact: It will cause what it claims it will prevent.
  - E. Claim: The proposed development is consistent with the policies of the Comprehensive Plan.
  - Fact: The proposed development is INCONSISTENT with the Comprehensive Plan. The Response FAILS to provide any details of how and FAILS to cite any specific supporting documentation.
  - F. Omitted.
  - G. Omitted.
  - H. Claim: The proposed development is "aesthetically harmonious."
  - Fact: The proposed development is NOT aesthetically harmonious.
  - I. Claim: The proposed development includes a "private" driveway.
  - Fact: The proposed development will result in INCREASED street congestion and DETERIORATED public safety.
  - J. Claim: The proposed development was access to public utilities.
  - Fact: The proposed development will require utility service laterals, and does NOT …
  - K. Claim: The proposed rezoning is "consistent with the Comprehensive Plan."

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

- Fact: This is circular reasoning. This is what Savarino must demonstrate. Savarino does not supply any evidence that supports this claim. In fact, that is why a rezoning request is being made.
- L. Claim: The proposed rezoning is "consistent with this objective."
- Fact: This is circular reasoning. This is what Savarino must demonstrate. Savarino does not supply any evidence that supports this claim. In fact, that is why a rezoning request is being made.
- M. Omitted.

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Exhibit B: January 16, 2019 letter

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Paul and Annette Granville
4790 Sheridan Drive
Williamsville, NY 14221
716-634-3290

January 16, 2019

Town of Amherst
Planning Board
5583 Main Street
Williamsville, NY 14221

Re: SUB-2018-03SK

Dear Planning Board Members (Robert J. Gilmour, Michael J. Chmiel, Esq., Stephanie S. Gelber, Dal Giuliani, Steven L. Herberger, Mary Pfeifer-Shapiro, Daniel J. Ulatowski):

Thank you for the invitation to attend the public hearing on Thursday, January 17, 2019. Below please see our written comments regarding the proposed sketch plan for a "Sheridan Drive Subdivision" located at 4774 & 4780 Sheridan Drive:

We are IN FAVOR of lawful, respectful, thoughtful, comprehensive development, and

We are OPPOSED to unlawful, disrespectful, thoughtless, incomplete development, and

We are IN FAVOR of a subdivision of 4774 and 4780 as "Phase 1" with
Phase 1 representing 12-13 new homes (an INCREASE in taxes for the Town of Amherst), and

We are IN FAVOR of a subdivision of 4784 Front, 4784 Rear and 4790 as "Phase 2" with
Phase 2 representing 6-8 new homes (an INCREASE in taxes for the Town of Amherst), and

We are IN FAVOR of consideration of a sketch plan showing both phases, and

We are OPPOSED to a subdivision of 4774 and 4780 that excludes 4784 Front, 4784 Rear and 4790, and

We are OPPOSED to approving the Sketch Plan that shows only the subdivision of 4774 and 4780.

As residents of 4790 Sheridan for over 50 years, we look forward to continuing as good stewards of properties that increase in value and are assets to the Town of Amherst.

Thank you for your consideration.

Sincerely,

, POA

Kelsey F. Granville, POA on behalf of Paul and Annette Granville

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Exhibit C: January 29, 2019 letter

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Paul and Annette Granville
4790 Sheridan Drive
Williamsville, NY 14221

January 29, 2019

Town of Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

Re: SUB-2018-03SK - proposed sketch plan review for a 14-lot "Sheridan Drive Subdivision" located at 4774 & 4780 Sheridan Drive

Dear Planning Board Members:

This letter serves as a follow-up to our first letter (dated January 16, 2019) as well as a selected summary of the proceedings of the public hearing on Thursday, January 17, 2019. Please see our comments below.

- Lot #13 – the stormwater management (SWM) area
  As proposed by the petitioner, ownership is dedicated to the homeowner's association (HOA).
  We are IN FAVOR of this plan.

- Lot #14 – the "spike" strip to the east of the proposed new road
  As proposed by the petitioner, ownership is dedicated to the homeowner's association (HOA).
  We are OPPOSED to this plan.
  Councilmember Ulatowski made a recommendation that ownership be dedicated to the Town.
  We are IN FAVOR of this recommendation.
  Therefore, the proposed subdivision plan shall be revised to show Lot #14 as a parcel that will be conveyed to the Town. In effect, the property immediately to the east will be granted an easement to the ROW.

- New Road
  As proposed by the petitioner, ownership is dedicated to the Town.
  We are IN FAVOR of this plan.

Many jurisdictions prohibit the creation of "spike" strip lots with the intentional or unintentional purpose of preventing access to adjacent lots from a street right-of-way. The approval of the current proposed subdivision plan without Lot #14 being conveyed to the Town would create a dangerous precedent.

We look forward to continuing to work together to help new residential development contribute to the future improvements of the Town of Amherst.

Thank you for your consideration.

Sincerely,

Kelsey F. Granville, POA on behalf of Paul and Annette Granville

cc: David F. Granville, POA on behalf of Paul and Annette Granville
Rich Stanton, Esq.
Corey Auerbach (Barclay Damon, LLP), attorney for the petitioner

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Exhibit D: February 20, 2019 letter

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Paul & Annette Granville
4790 Sheridan Drive
Williamsville, NY 14221

February 20, 2019

Town Board
Amherst Town Hall
5583 Main Street
Williamsville, NY 14221

Subject: SUB-2018-03SK – Proposed sketch plan review for a 14-lot "Sheridan Drive Subdivision" located at 4774 & 4780 Sheridan Drive

Dear Supervisor Kulpa, Deputy Supervisor Spoth and Councilmembers Berger, Bucki & Lavin:

I am writing to request *your direct and immediate intervention* in a serious matter concerning the proposal from Morgan Homes of Western New York, Inc. ("Morgan") to construct a new subdivision of "high-end homes" at 4774 and 4780 Sheridan Drive. The Granville Family owns three contiguous parcels immediately east of this proposed development (4784 Front, 4784 Rear and 4790 Sheridan Drive) and also owns an adjacent parcel (40 Jordan Road). The four parcels total about 2.5 acres.

On January 17, 2019, Morgan presented a sketch of its development proposal to the Amherst Planning Board. The sketch illustrated a new 14-lot subdivision accessed via a new **PUBLIC** road off of Sheridan Drive. During the meeting, Morgan stated its intent to construct and later deed the new road to the Town of Amherst. Planning Board members supported this portion of the plan. However, the sketch also depicted a narrow "**SPITE STRIP**" separating the new road from the Granville Family's property to the east, which would be owned and controlled by a future homeowner's association. Planning Board members voiced concern over this portion of the plan and asked Morgan to convey both the spite strip and the road to the Town. (Spite strips are commonly used by developers in an effort to prevent road access from neighboring lots, as would be the case with Morgan's proposal.)

Despite the Planning Board's stated objections, Morgan recently submitted a revised sketch of its proposed development to the Town that labels the new road as **PRIVATE**. *This was no mistake* – Morgan **intentionally** revised its proposal and **failed** to comply with the Planning Board's recommendations with intent to cause undue injury to the Granville Family.

For more than 50 years, the now-elderly Paul and Annette Granville have lived at 4790 Sheridan Drive, where they raised six children on a beautiful, secluded property along an otherwise busy thoroughfare. As the years passed, the Granville Family purchased two neighboring properties (4784 Front & 4784 Rear Sheridan Drive) and a third (40 Jordan Road) so that two of their children and Annette's aging mother could live nearby. This arrangement has long served our family well.

Today, however, our family's financial future is in danger, as Morgan's proposed development threatens to severely reduce the value of our property. We welcome the construction of a subdivision at 4774 and 4780 Sheridan Drive, but only if the subdivision meets the following two reasonable conditions that will preserve property values:

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

1) **New road, and all land between said road and the property line of 4784 Sheridan Drive, shall be conveyed to the Town of Amherst prior to the occupancy of any new home constructed in the proposed development.**

   Explanation: *A new road bordering the eastern edge of Morgan's property will bring vehicular traffic within a few feet of two existing Granville Family homes located at 4784 Sheridan Drive. This will dramatically alter the secluded nature of these two homes and reduce the property value. However, if the Town owned the new road and all land between said road and the property line of 4784 Sheridan Drive, the value of all 3 parcels could be preserved as the site of a future housing development with direct access to the new public road.*

2) **New water, sewer, and gas utilities installed to service this subdivision shall have sufficient capacity to support development of equal density on the east and west sides of said road.**

   Explanation: *The viability of any development site depends on access to utility infrastructure. If new water, sewer, and gas utilities are not constructed with sufficient capacity, the future development potential of the 3 parcels would be hampered by the need to upsize the existing utility infrastructure, thereby lowering the value of the properties.*

With all due respect, we kindly ask that you make certain that Morgan's proposed subdivision is **NOT** approved by the Town Planning Board without a formal commitment by Morgan to comply with the two reasonable conditions stated above. At this time, we believe that the only way to resolve this matter without initiating a legal battle is through direct and immediate intervention of our elected officials. We hope you will assist us.

Enclosed, please find our two previous letters regarding Morgan's proposed development. We look forward to continuing to work together to help new residential development contribute to the future improvements of the Town of Amherst. I would welcome the opportunity to discuss this matter with each of you directly. I can be reached at (703) 887-7375.

Sincerely,

Kelsey F. Granville
POA on behalf of Paul & Annette Granville

Enclosures

cc: David F. Granville, POA on behalf of Paul & Annette Granville
Rich Stanton, Attorney
Corey Auerbach (Barclay Damon, LLP), Attorney for Morgan

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Exhibit E: March 18, 2019 letter

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Paul & Annette Granville
4790 Sheridan Drive
Williamsville, NY 14221

March 18, 2019

Zoning Board of Appeals
Amherst Municipal Building
5583 Main Street
Williamsville, NY 14221

Subject: Morgan Homes of Western New York, Inc.
APPEAL UNDER SECTION 280-a(3) of the NYS TOWN LAW
Subdivision on a Private Road (4774 & 4780 Sheridan Drive)

Dear Zoning Board Chairman Radens and Members Kahn, Nichols, Pollack and Shields:

Before rendering a decision on the subject appeal, please be aware that Morgan Homes of Western New York Inc. ("Morgan") has defied the recommendations of the Town of Amherst Planning Board. This action is contrary to the interests of the Town and causes undue injury to the Granville Family. Our family owns three contiguous parcels immediately east of Morgan's proposed development (4784 Front, 4784 Rear, and 4790 Sheridan Drive) and also owns an adjacent parcel (40 Jordan Road). The four parcels total about 2.5 acres.

For details on this matter, including an explanation of how Morgan's current development plans threaten to severely reduce the value of our property, please see the enclosed letter to the Amherst Town Board, dated February 20, 2019.

Additionally, we have submitted an application for a proposed subdivision (File #SUB-2019-01SK for "4790 Sheridan Drive") on land adjacent to Morgan's development. The two alternatives of the sketch plan are attached with a summary below.

- Alternate #1 assumes the proposed road by Morgan is made PUBLIC and the new lots will be serviced by the road shown in Morgan's sketch plan.
- Alternate #2 assumes the proposed road by Morgan remains PRIVATE and a second road running parallel and about 20 feet to the east of Morgan's road will be needed.

A Granville Family representative plans to attend and speak at tomorrow's meeting. We will continue our efforts to work together to help new residential development contribute to the future improvements of the Towr of Amherst. I would welcome the opportunity to discuss this matter with each of you directly. I can be reachec by email at kgranville@petersoncos.com or by phone at (703) 887-7375.

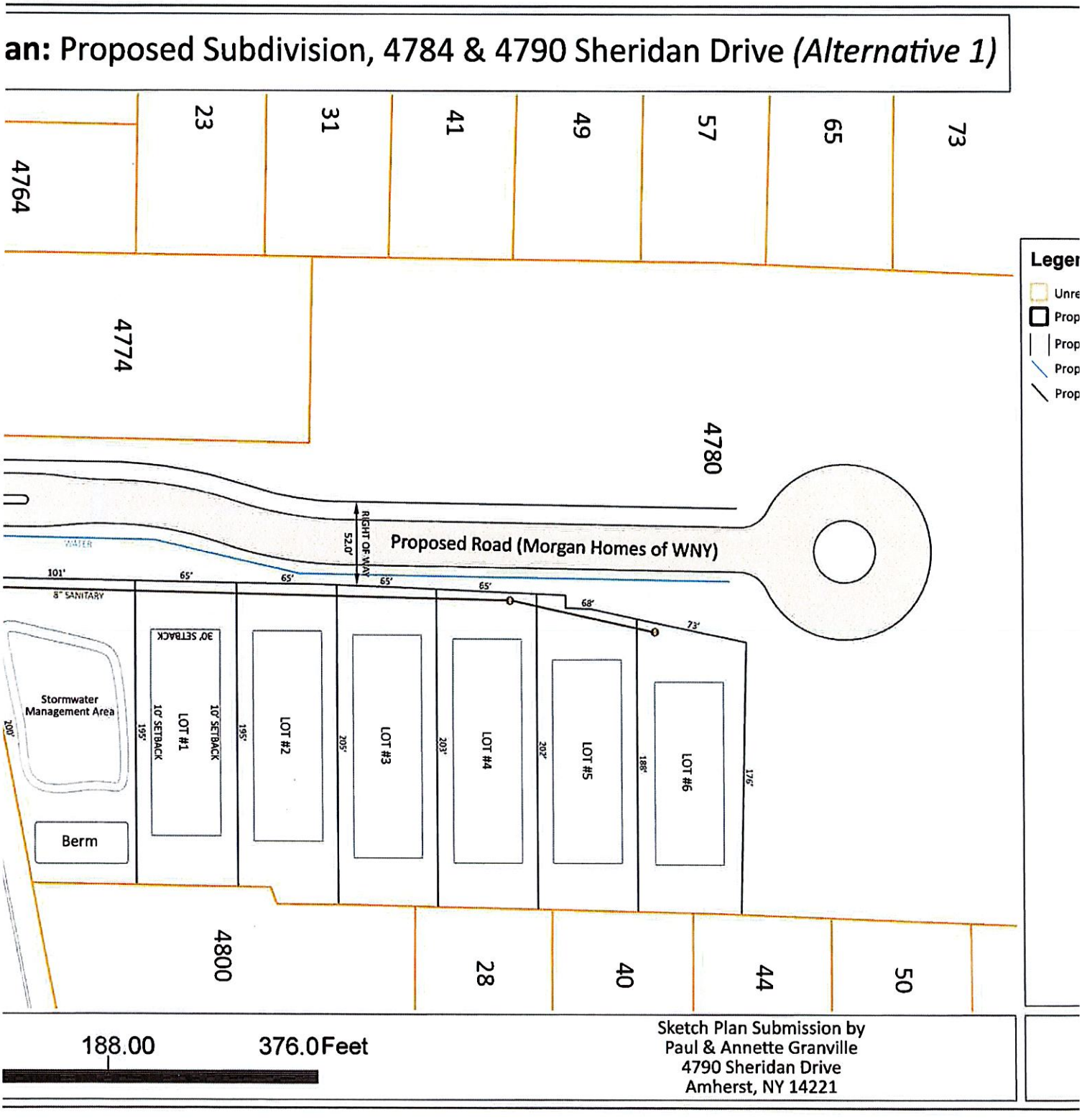
Sincerely,

Kelsey F. Granville
POA on behalf of Paul & Annette Granville

Enclosures

cc: David F. Granville, POA on behalf of Paul & Annette Granville; Corey Auerbach (Barclay Damon, LLP) Attorney for Morgan; Town Board; Planning Board

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))



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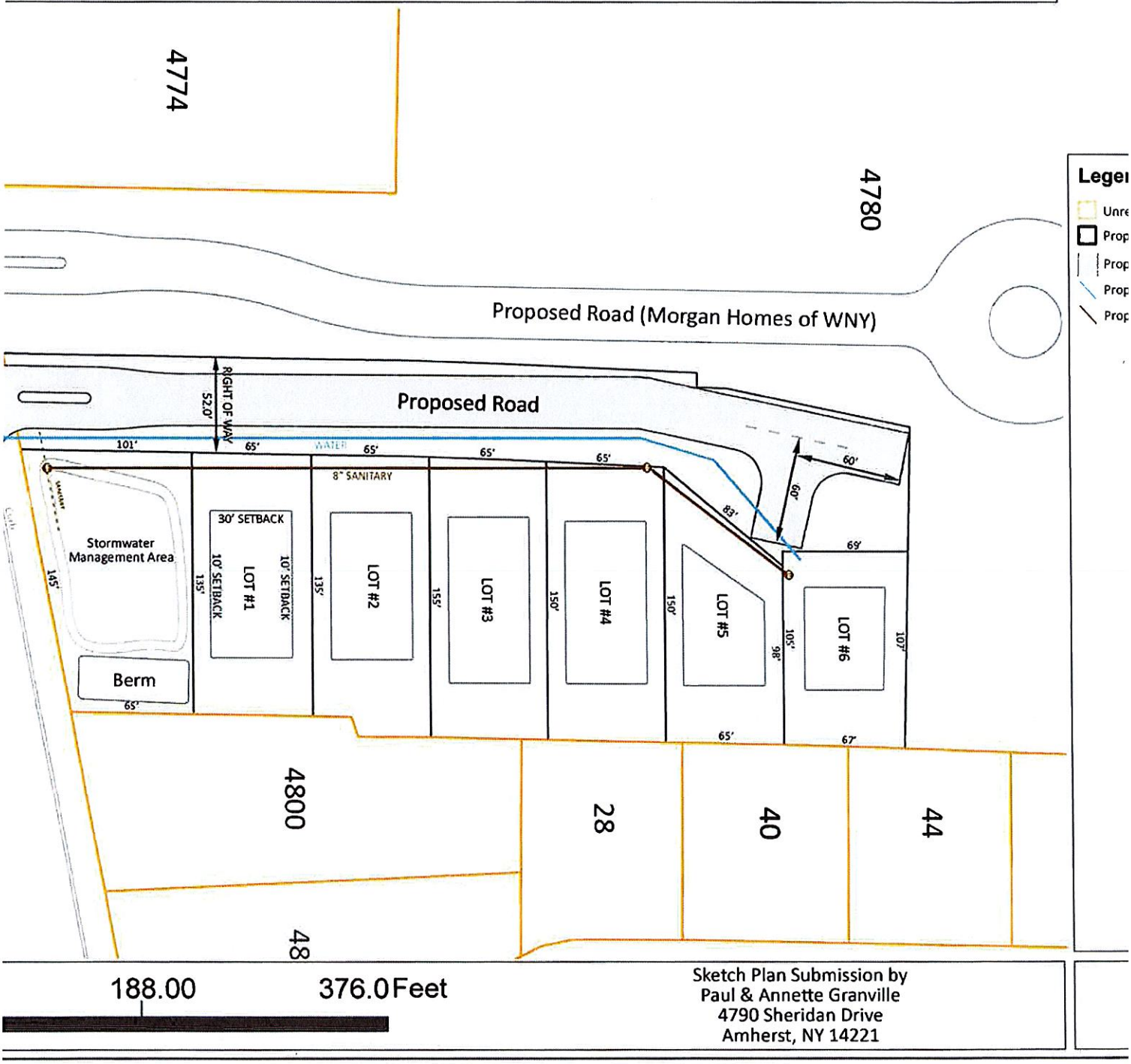
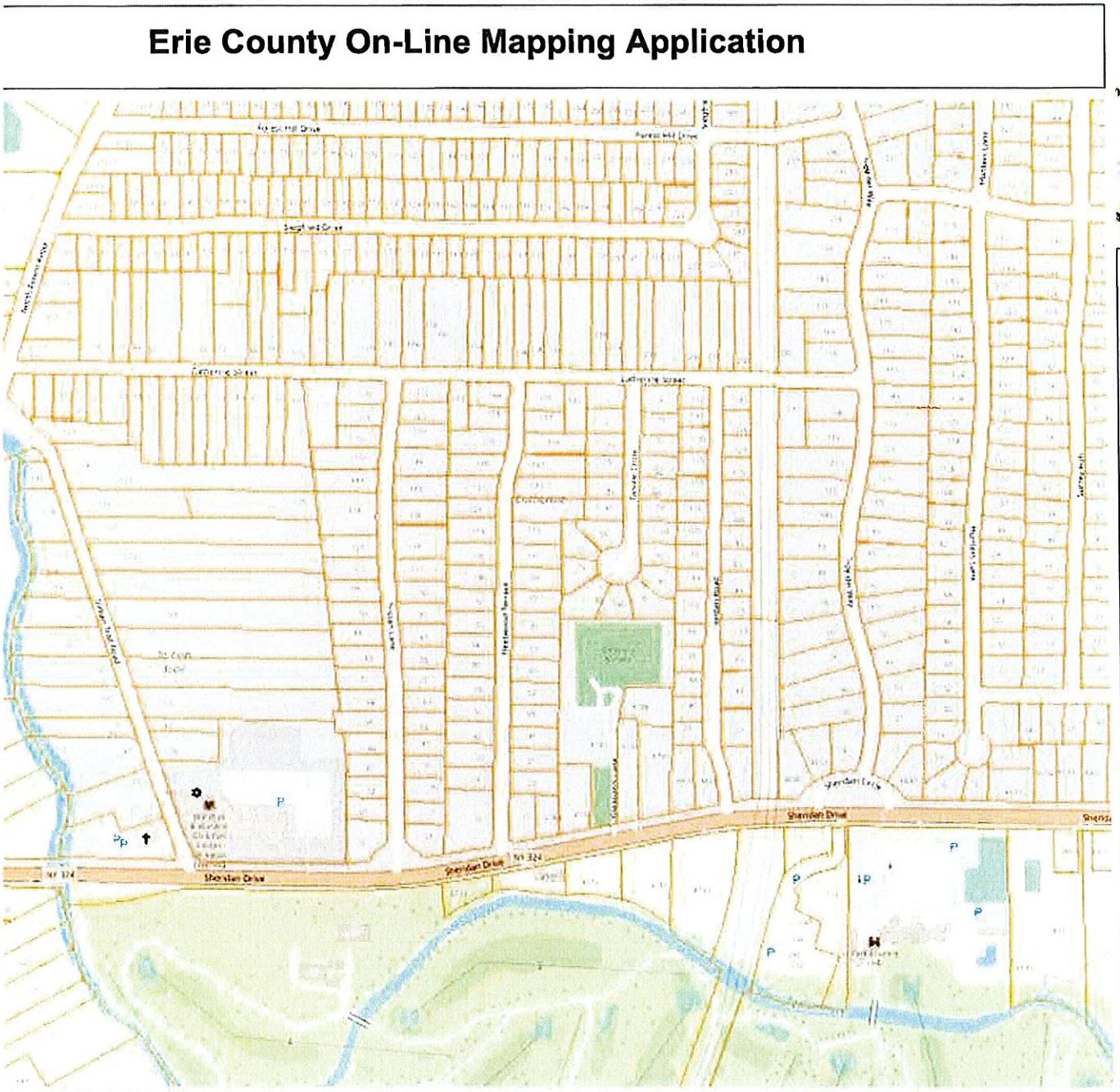


Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Exhibit F: Erie County On-Line Mapping Application (maps)

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Erie County On-Line Mapping Application



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ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

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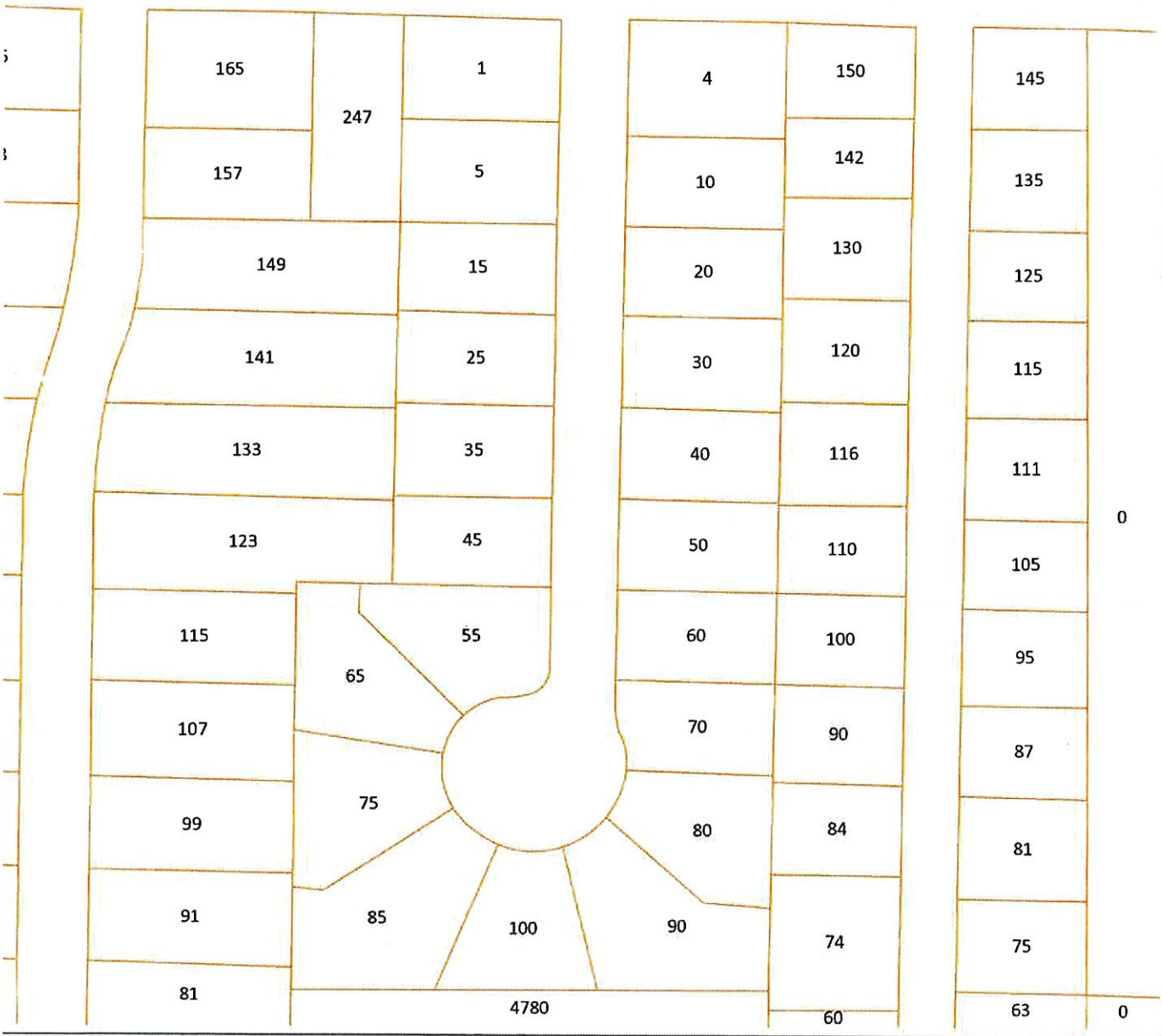
Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Erie County On-Line Mapping Application



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DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

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Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Erie County On-Line Mapping Application

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BE USED FOR NAVIGATION

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

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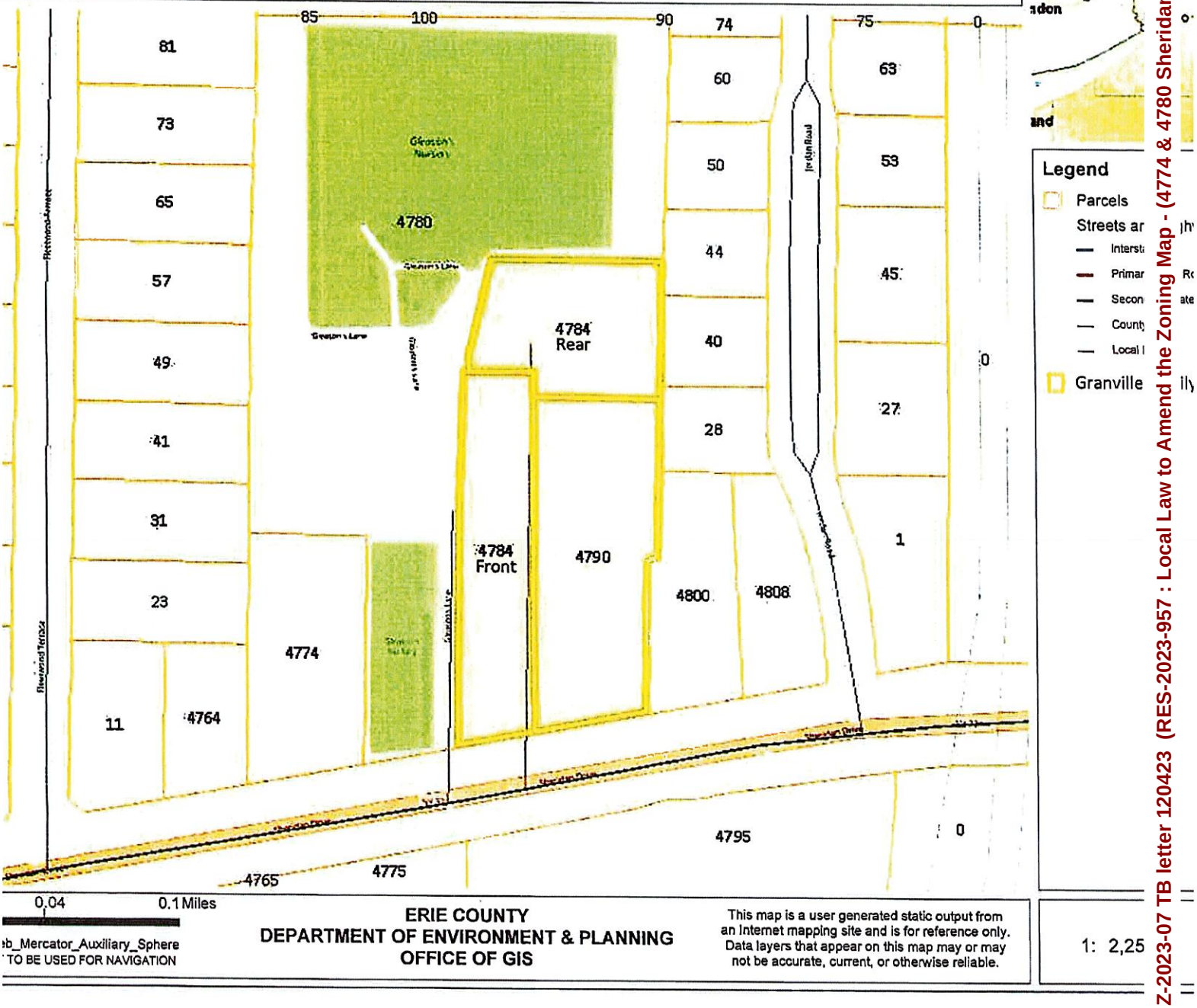
1: 2,

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Attachment A: Map of Granville Family Properties



Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Exhibit G: March 14, 2019 Application (SUB-2019-01SK)

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

RECEIVED
MAR 14 2019
TOWN OF AMHERST
PLANNING DEPT.

TOWN OF AMHERST PLANNING DEPARTMENT

Application Subdivision Review

File # SUB-2019-015K For Official Use Only

Type of Subdivision Application (check one): Acreage 2± acres Fee $ 1,150.00

Address Verified by Assessor's Office

Verified By _____ Date _____

Sketch Plan		✓
Preliminary Plat		
Final Plat		

		Fill In Applicable Fees
Sketch Plan		
Preliminary Plat		
1 acre of less	$1,150.00	✓
Each Additional acre or fraction thereof	$1,250.00	
Amendments to Subdivisions	$ 650.00/acre	
Request for Relief of / or Change to Conditions of Subdivision Approval	$1,150.00	
Request for Extension of Subdivision Approval	$1,150.00	
Stormwater Pollution Prevention Plan	$ 450.00	
1-4.99 Acres	$ 500.00	
5-10 Acres	$ 750.00	
>10 Acres	$1,000.00	
Affidavit Fee for Public Hearing	$ 15.00	
Final Plat	$ 450.00	
	TOTAL FEE:	$ 1,150.00

Materials Received by Planning Department

RECEIVED BY _____ DATE 3/14/19

Materials Accepted by Town Clerk & Fee Paid

RECEIVED BY _____ DATE _____

To Be Completed By Applicant

Petitioner: Name: Paul & Annette Granville

Address: 4790 Sheridan Dr.
Williamsville NY 14221
city state zip code

Phone: 716 440-0423 Fax: _____ E Mail: c/o dgranvillensc Yahoo.com

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

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

Name: Kelsey Granville, POA

Address: 8612 Acorn Circle

Vienna, VA 22180
city state zip code

Phone: 703 ~~887~~ 7375 Fax: 703 631-6481

E Mail: kgranville@ pertesoncos.com

Subdivision Name: 4790 Sheridan Drive

Subdivision Location & Address: 4790 Sheridan Drive
4784 Shridan Drive front + rear

Town of Amherst, Erie County, New York

Number of Sublots: 6 + 1 common lot

Land is Presently Zoned R-3

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

ROUX

September 28, 2023

Dan Howard
Planning Director
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Re: Proposed Residential Project
4774 & 4780 Sheridan Drive
Applicant's Rezoning Request from R-3 to R-4 Zoning

Dear Mr. Howard:

Our firm has reviewed previous reports completed by others for the subject property and is working with the applicant, RAS Development Company ("RAS"), in connection with the potential entry into the New York State Department of Environmental Conservation's ("NYSDEC") Brownfield Cleanup Program ("BCP") due to environmental impacts at the site.

As you know, the subject site, totaling approximately 4.4 acres of land, is located on the north side of Sheridan Drive in the Town of Amherst. The site has been utilized as a nursery since at least the 1950s. The historic use of the Site as a nursery, and the apparent use of pesticides, have contaminated the site, which will require remediation prior to redevelopment of the property. Based on the results of environmental investigations, evidence of a release of pesticides was identified based on the analytical results. Specifically, certain pesticide compounds were detected above the NYSDEC Residential Soil Cleanup Objectives ("RSCOs"). We understand that RAS intends to apply to and enter the site into the BCP, which includes oversight and guidance from the NYSDEC and provides a release of environmental liability upon successful completion of the remedy and NYSDEC issuance of a Certificate of Completion ("COC").

Cleaning up and removing hazardous substances and other contaminants from Brownfield sites reduces the risk of human exposure to harmful substances and improves the quality of air, soil, and water in affected areas. Developers such as RAS must ensure that their Brownfield site has been remediated to the rigorous standards enforced by the NYSDEC and the New York State Department of Health ("NYSDOH"). Only after the site has been remediated to the satisfaction of the NYSDEC and NYSDOH will the state allow the land to be redeveloped.

To remedy the existing known site conditions to allow the current proposed use, the two most likely and cost-effective options to remediate the site are either: 1) a Track 4 Restricted-Residential Cleanup, whereby the highest concentrations of contaminants are removed, and the remainder of the site is covered with clean soil or hardscape (e.g., pavement, concrete slabs); or 2) a Track 1 Unrestricted Cleanup, whereby all of the contaminated soil is removed from the site. Either of these options requires significant financial investment to remediate the property.

209 Shafter Street ■ Islandia, New York 11749 ■ +1.631.232.2600 ■ www.rouxinc.com
California ■ Illinois ■ Massachusetts ■ New Jersey ■ New York ■ Texas ■ Virginia

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

We understand that RAS intends to remediate the site under the BCP to a Track 4 Restricted-Residential standard, which allows for apartment buildings and condominium redevelopments. We further understand that RAS has proposed to redevelop the property in a restricted-residential capacity and sell the units to buyers under a condominium form of ownership.

Under a Track 4 cleanup, all property falling within the Brownfield Cleanup site boundaries will require certain post-remedial controls, restrictions, and ongoing monitoring and reporting obligations, which must be maintained in perpetuity. Such obligations are a condition of the BCP Certificate of Completion. This ongoing obligation makes subdividing and selling off parcels of this particular Brownfield site to individual homeowners, as a developer might do with a traditional subdivision, impractical, and certainly much less marketable. An individual homeowner is unlikely willing to undertake the post-remedial obligations required under the BCP. Furthermore, if liability and/or ongoing obligations are subdivided, there would now be multiple individual homeowners having to responsibility to report to DEC. DEC strongly discourages such arrangements for BCP sites. A condominium structure is essential to avoid this issue and help ensure proper monitoring, maintenance, and reporting. Simply stated, classifying the individual residential units as condominiums will ensure that a single entity - the condominium association - owns the land and is responsible for all post-remedial monitoring, maintenance, and reporting associated with the BCP.

In addition to ensuring that existing contamination at the Property is remediated properly, the BCP also generates tax credits that help offset cleanup costs and encourage the costly remediation and redevelopment of contaminated property. Here, the tax credits will help cover a portion of the costs of the cleanup as well as the substantial infrastructure that will be necessary for the Project, including the new roadway. Under the proposed condominium structure, the development would be built and owned by one entity (i.e., RAS), which would incur remediation and redevelopment costs, and claim the tax credits as means to make the project economically feasible. In the absence of this structure, the project is likely cost-prohibitive based on the significant remediation and infrastructure costs.

Given the applicant's vast development experience, including redeveloping environmentally impacted properties, we are confident they will find a solution to this challenging redevelopment project. We look forward to being part of a team to transform this contaminated idle property back into productive re-use.
Feel free to contact me if you have any questions regarding this matter.

Sincerely,

Roux Environmental Engineering & Geology, DPC

Michael A. Lesakowski
Vice President
Principal Scientist

ROUX

Attachment: Z-2023-07 TB letter 120423 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Town of Amherst, NY
Office of the Assessor
Emily A. Murphy Assessor

5583 Main Street
Williamsville, New York 14221
Phone: (716) 631-7038
www.amherst.ny.us
dmarrano@amherst.ny.us

Memorandum

November 6, 2023

To: Francina Spoth, Town Clerk
Re: Petition – 4774 & 4780 Sheridan Dr

The protest petition for 4774 & 4780 Sheridan Dr has been signed by the required property owners as stated in Town Law §265 (1) paragraph's (a) (b) or (c). The Super Majority calculations are based on three tests:

(a) The owners of 20% or more of the area of land included in such proposed change; or
(b) The owners of 20% or more of the area of land immediately adjacent to that land included in such proposed change, extending 100 feet therefrom; or
(c) The owners of 20% or more of the area of land directly opposite thereto, extending 100 feet from the street frontage of such opposite land.

Therefore a super majority vote will be required to enact the change in zoning, as it relates to 4774 & 4780 Sheridan Dr.

Should you have questions, please feel free to contact me.

Emily Murphy
Assessor

Attachment: protest petition - sheridan dr (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Protest Petition

NOV01'23 AM11:35 RCVD

I oppose rezoning 4774 and 4780 Sheridan Drive from R-3 to R-4.

Address	Zip	Print Name	Signature	Date
60 Jordan Rd	14221	Alexis Alfasso	Alexis Alfasso	10/26/2023
50 Jordan Rd	14221	Edgar De Leon	Edgar De Leon	10/26/2023
74 Jordan Rd	14221	Jennifer Polito-Brawley	Jennifer Polito-Brawley	10/26/2023
80 Deville circle	14221	Theodore P. Prawak	Theodore P. Prawak	10/26/2023
100 DEVILLE CIR	14221	MARSHA E. SHAPIRO	Marsha E. Shapiro	10/26/2023
75 Deville Circle	14221	Michael Honeyman		10/26/23
91 FLEETWOOD	14221	BEV CUVIELLO		10/26/23
44 Jordan Rd	14221	Beth Gianno	Beth Gianno	10-26-23
81 Fleetwood	14221	Arlene Pierce	Arlene Pierce	10-27-23
81 Fleetwood	14221	ROGER LINTNER	Roger Lintner	10-27-23
31 Fleetwood	14221	see attached	petition	
11 Fleetwood	14221	〃 〃	〃	
4775 Sheridan	14221	〃 〃	〃	

100 ft. Notification Buffer

10/11/2023, 2:14:13 PM

Town Boundary

Parcels

1:4,514

0 0.03 0.06 0.11 mi

0 0.04 0.09 0.17 km

Esri Community Maps Contributors, Province of Ontario, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Attachment: protest petition - sheridan dr (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Esri Community Maps Contributors, Province of Ontario, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,

Attn: Rene Perez-Bode & W

Dear Neighbor:

We are asking you to sign a petition to protest the rezoning from R3 to R4 of Gleasons Tree farm, located at 4774 and 4780 Sheridan Drive. RAS Development Co. has applied for this rezoning, which would allow them to build a dense residential development in an area zoned for single family homes. This is NOT typical in Amherst!

If you oppose this project please sign the petition below and tape it to your front door on **Saturday, Oct 28**. We will pick it up and add it to the signatures already collected.

Protest Petition

I oppose rezoning 4774 and 4780 Sheridan Drive from R-3 to R-4

Address: 11 FLEETWOOD TERR.

Print Name: MR and MRS RENE F. PEREZ-BODE

Signature: [signature]

Date: 10-28-2023

Attachment: protest petition - sheridan dr (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Attn: _____

Dear Neighbor:

We are asking you to sign a petition to protest the rezoning from R3 to R4 of Gleasons Tree farm, located at 4774 and 4780 Sheridan Drive. RAS Development Co. has applied for this rezoning, which would allow them to build a dense residential development in an area zoned for single family homes. This is NOT typical in Amherst!

If you oppose this project please sign the petition below and tape it to your front door on **Saturday, Oct 28**. We will pick it up and add it to the signatures already collected.

Protest Petition

I oppose rezoning 4774 and 4780 Sheridan Drive from R-3 to R-4

Address: 4775 Sheridan Dr

Print Name: Carrie A. Wanamaker

Signature: _____

Date: 10/27/23

Edgar DeLeon, 50 Jordan Rd

(520) 437-5066

RECEIVED 11/1/23 11:35 AM

Attn: Sebastiano Audreana

Dear Neighbor:

We are asking you to sign a petition to protest the rezoning from R3 to R4 of Gleasons Tree farm, located at 4774 and 4780 Sheridan Drive. RAS Development Co. has applied for this rezoning, which would allow them to build a dense residential development in an area zoned for single family homes. This is NOT typical in Amherst!

If you oppose this project please sign the petition below and tape it to your front door on **Saturday, Oct 28**. We will pick it up and add it to the signatures already collected.

Protest Petition

I oppose rezoning 4774 and 4780 Sheridan Drive from R-3 to R-4

Address: 31 Fleetwood terrace Williamsville 14221

Print Name: SEBASTIANO ANDREANA & CARLA BENEDUCE

Signature: Carla Beneduce & Sebastiano Audreana

Date: 10/27/2023

NOV 01 '23 AM 11:35 RCVD

Attachment: protest petition - sheridan dr (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

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

December 7, 2023

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

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

Dear Supervisor Kulpa and Councilmembers:

The Town Board held a public hearing in connection with the pending request to amend the zoning classification of the property located at 4774 and 4780 Sheridan Drive from R-3 to R-4 to accommodate a residential project consisting of two-family residential units for sale during its meeting on Monday, December 4th and scheduled a decision date for its next meeting to be held on Monday, December 4th at 7:00 p.m.

There were two resident that spoke during the public hearing held on December 4th and attached as Exhibit "1" are copies of my follow up letters to both of them.

RAS Development I, LLC is requesting that the Town Board issue a negative declaration pursuant to the State Environmental Quality Review Act ("SEQRA") and approve the requested amendment of the zoning classification of the Project Site from R-3 to R-4 subject to the five (5) conditions presented during the public hearing as follows:

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

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

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

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

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

.

Attachment: Kulpa-Project Update Ltr-12-07-23 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

Please feel free to contact me at (716) 908-8322 or by e-mail at robert.savarino@ccim.net if you have any questions. Thank you for your continued cooperation.

Sincerely,

Robert A. Savarino
President

Attachment
cc: Jacqualine Berger, Councilmember
Deborah Bruch Bucki RN PhD, Councilmember
Shawn Lavin, Councilmember
Michael Szukala, Councilmember
Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Daniel C. Howard, AICP, Planning Director
Marty Pollowy, Esq., Town Attorney
Sean W. Hopkins, Esq., Hopkins Sorgi & McCarthy, PLLC
Patrick Sheedy, Jr., P.E., Carmina Wood Design DPC

Attachment: Kulpa-Project Update Ltr-12-07-23 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

EXHIBIT 1

Attachment: Kulpa-Project Update Ltr-12-07-23 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

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

December 7, 2023

Sharon Easterbrook
80 Tristan Lane
Williamsville, NY 14221

Re: Rezoning of 4774 & 4780 Sheridan Drive from R-3 to R-4

Dear Ms. Easterbrook:

I am reaching out to you as an interested resident who spoke during the public hearing held by the Town Board on Monday in connection with my company's request to amend the zoning classification of the above-referenced property located at 4774 and 4780 Sheridan Drive from R-3 to R-4 to accommodate a residential project consisting of upscale two-family residential units for sale. I have enclosed a color copy of the PowerPoint presentation that was presented during the public hearing.

I appreciate your comments and would like to keep the lines of communication open so we can directly address any additional questions or concerns you may have. I also invite you to participate in further resident engagement as we seek feedback during the engineering and site plan approval phase of the proposed project. We can discuss important topics such as site remediation of the existing contamination, stormwater management plans, landscaping and lighting, as well as the overall project schedule.

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

Thank you for your time.

Sincerely,

Robert A. Savarino

Robert A. Savarino
President

Attachment

Attachment: Kulpa-Project Update Ltr-12-07-23 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

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

December 7, 2023

Alicia Schreier
80 Tristan Lane
Williamsville, NY 14221

Re: Rezoning of 4774 & 4780 Sheridan Drive from R-3 to R-4

Dear Ms. Schreier:

I am reaching out to you as an interested resident who spoke during the public hearing held by the Town Board on Monday in connection with my company's request to amend the zoning classification of the above-referenced property located at 4774 and 4780 Sheridan Drive from R-3 to R-4 to accommodate a residential project consisting of upscale two-family residential units for sale. I have enclosed a color copy of the PowerPoint presentation that was presented during the public hearing.

I appreciate your comments and would like to keep the lines of communication open so we can directly address any additional questions or concerns you may have. I also invite you to participate in further resident engagement as we seek feedback during the engineering and site plan approval phase of the proposed project. We can discuss important topics such as site remediation of the existing contamination, stormwater management plans, landscaping and lighting, as well as the overall project schedule.

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

Thank you for your time.

Sincerely,

Robert A. Savarino

Robert A. Savarino
President

Attachment

Attachment: Kulpa-Project Update Ltr-12-07-23 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

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

Attachment: Savarino Ltr 12-18-23 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))

December 18, 2023

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

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

Dear Supervisor Kulpa and Councilmembers:

I am submitting this on behalf of the Project Sponsor in connection with the pending request to amend the zoning classification of the above-referenced property located at 4774 and 4780 Sheridan Drive ("Project Site") from R-3 to R-4 to accommodate a residential project consisting of upscale two-family residential units for sale.

Based on input received during the Town Board public hearing held on December 4, 2023, additional enhanced screening will be provided on the northern boundary of the Project Site that is adjacent to residential properties located on Deville Circle consisting of a dense staggered row of evergreen trees with approximately 15' spacing and a planting height of 8' (the typical planting height is 6'). Enclosed is a copy of the updated Concept Site Plan prepared by Patrick Sheedy Jr. P.E. of Carmina Wood Design PLLC [Drawing C-100 – Date: 12/15/23] depicting the proposed enhanced screening described above.

It is also important to mention that the proposed residential project that will result in the clean-up of contamination resulting from the former use of the Project Site as Gleason's Nursery per the NYSDEC Brownfield Program standards will also require Site Plan Approval from the Planning Board and the Site Plan Application review process will include a review of the proposed landscaping by Jeff Szatkowski, the Town's Landscape Architect.

The Project Sponsor is respectfully requesting that the Town Board issue a negative declaration pursuant to the State Environmental Quality Review Act ("SEQRA") and approve the request to amend the zoning classification of the Project Site from R-3 to R-4 subject to conditions during its meeting this evening.

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

Sincerely,

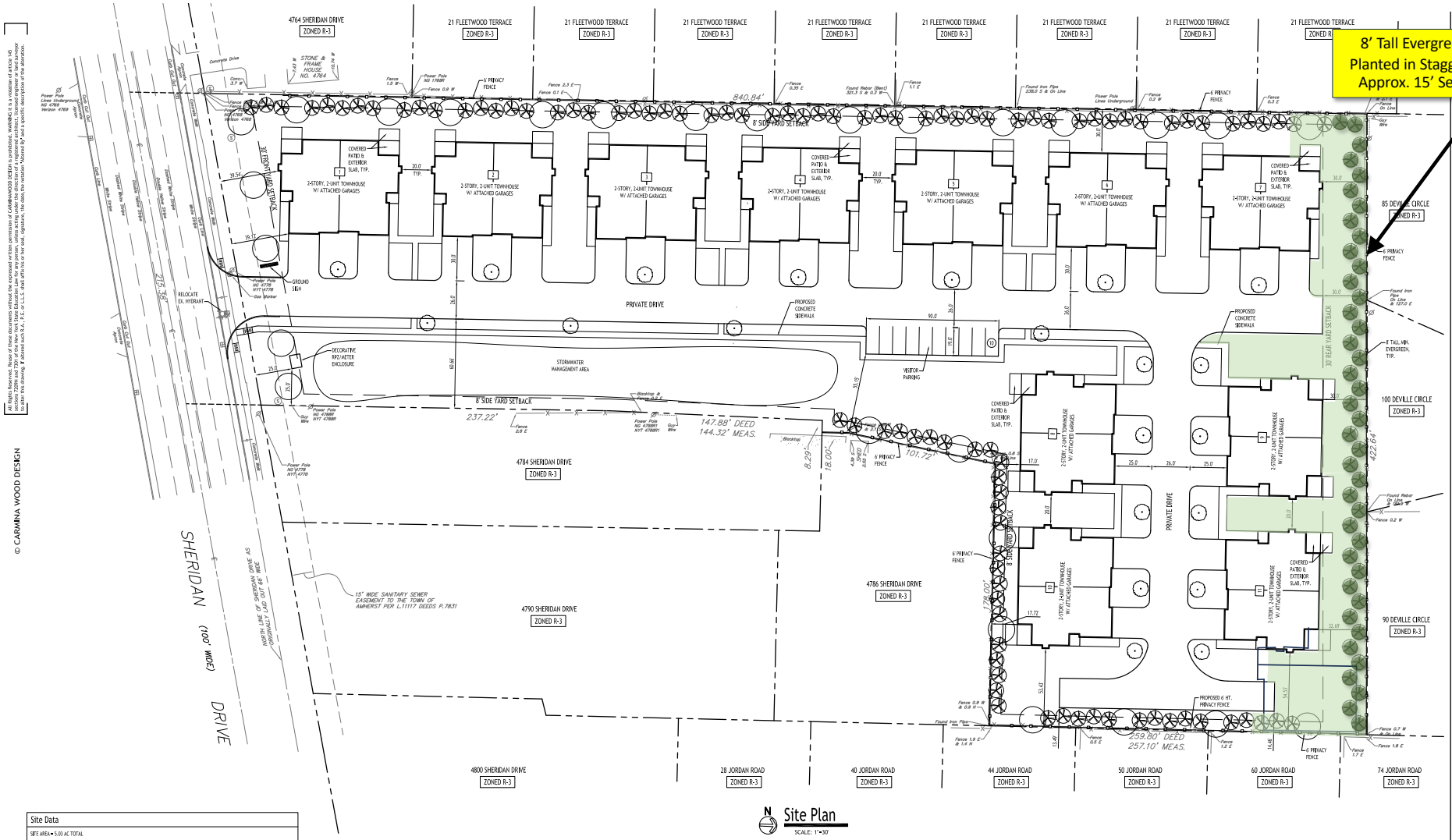
Robert A. Savarino

Robert A. Savarino
President

Attachment

cc: Jacqualine Berger, Councilmember
Deborah Bruch Bucki RN PhD, Councilmember
Shawn Lavin, Councilmember
Michael Szukala, Councilmember
Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Daniel C. Howard, AICP, Planning Director
Sean W. Hopkins, Esq., Hopkins Sorgi & McCarthy, PLLC
Patrick Sheedy, Jr., P.E., Carmina Wood Design DPC

Attachment: Savarino Ltr 12-18-23 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive, Z-2023-07))



Site Plan
SCALE: 1" = 30'

Site Data		
SITE AREA = 5.03 AC TOTAL		
ZONED: R-3 (REZONED TO R-4)		
PROPOSED USE: 2-UNIT RESIDENTIAL TOWNHOUSE BUILDINGS WITH ATTACHED GARAGES (22 UNITS TOTAL)		
SETBACKS (BLDG):	REQUIRED	PROVIDED
FRONT	30 FT.	39.12 FT. MIN.
SIDE	8 FT. / 20 FT. (COMBINED)	17 FT. MIN. / > 20 FT. (COMBINED)
REAR	30 FT.	30 FT. MIN.
BUILDING DENSITY:	37	22
MIN. FLOOR AREA (GARAGE):	760 SF	> 760 SF
MAX. BUILDING COVERAGE:	35% (1.76 AC)	1.14 AC (22.7%)
MAX. BUILDING HEIGHT:	35 FT.	< 35 FT.
PARKING: (9'x19')	44	54 SURFACE + 44 GARAGE SPACES = 98 TOTAL
GREENSPACE		
OVERALL:	1.25 AC (25%)	> 25%

* VARIANCE REQUIRED

PARKING CALCULATION:
"MULTI-FAMILY"
2 SPACES PER UNIT
22 UNITS x 2 = 44 SPACES REQD (9'x19')

BUILDING DENSITY REQUIREMENTS:
PER R-4 ZONING REQUIREMENTS
5,850 SF / DWELLING
5.03 AC * 43,560 SF = 219,106 SF / 5,850 SF = 37.5
37 UNITS ALLOWED

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

30' 0 30' 60Ft.

© CARMINA WOOD DESIGN

CARMINA WOOD DESIGN

Proposed Multi-Family
4774 & 4780 Sheridan Drive

REVISIONS:
No. Description Date

PRELIMINARY
NOT FOR CONSTRUCTION

DRAWING NAME:
Site Plan
Concept

Date:
Drawn By:
Scale:

DRAWING NO.
C-10

Project No: 23-

Attachment: Savarino Ltr 12-18-23 (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780

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

January 2, 2024

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

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

Dear Supervisor Kulpa and Councilmembers:

I am submitting this letter on behalf of my company in connection with the pending request to amend the zoning classification of the above-referenced property located at 4774 and 4780 Sheridan Drive ("Project Site") from R-3 to R-4 to accommodate a residential project consisting of upscale two-family residential units for sale.

The Planning Board held a public hearing and recommended approval of the rezoning of the Project Site from R-3 to R-3 during its meeting on October 19, 2023. The Town Board held a public hearing in connection with the requested rezoning of the Project Site from R-3 to R-3 during its meeting on December 4, 2023, and the public hearing was closed. The following five zoning conditions have been proposed in connection with the residential project:

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

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

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

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

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

I have summarized the comments from individuals who spoke during the public comment period of the lengthy Town Board c meeting held on December 18th and each comment is followed by a response.[1]

[1] The Town Board issued a Negative Declaration pursuant to SEQRA during is meeting on December 18th and scheduled a decision date for it meeting to held on January 22nd at 7:00 p.m.

Attachment: Letter to the TOA Town Board 01-02-23 (002) (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive,

Attachment: Letter to the TOA Town Board 01-02-23 (002) (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive,

A. Marsha Shapiro, 100 Deville Circle

1. "Contaminants are a concern, how will they be regulated?" "As a former nursery worker, a while ago, I witnessed the spraying of chemicals, how are they going to be mitigated?

Response: We have repeatedly acknowledged that the presence of contaminants at the former nursery location, as reported in the Phase 2 Environmental Report submitted to the Town on October 27, 2023, is a major topic. The cleanup process, which will include the removal of contaminated soils, will be carried out by following the strict requirements of the NYSDEC and under its on-location supervision, as part of the Brownfield Cleanup Program. Adequate precautions will be taken to ensure that the contaminated soils are safely removed. As the cleanup will occur on property in a residential area, additional mitigation measures will be implemented per the NYSDEC requirements to ensure the safety of nearby property owners including air quality testing and reporting to the NYSDEC. The Brownfield Application along with the s environmental consultant's report, will undergo a thorough review process by the NYSDEC and will be subject to a public comment period of thirty (30) days.

B. Alicia Schreier, 79 Tristan Lane

1. "The development is not in the character of the neighborhood"

Response: We believe that our development plan aligns with the neighborhood's character and the Town's adopted Comprehensive Plan. Our proposal is a low-profile residential project consisting of residential units for sale with attached garages. The primary bedroom will be located on the main floor, which is often a preferred choice for "empty-nesters" looking to downsize. The project includes 6' privacy fencing, along with enhanced landscape screening around the perimeter of the Project Site. We have proposed zoning condition restricting the height of the two-family residential structures to 30' (the current R-3 zoning expressly permits 35'). In addition, the rear-year setback allowed in the current R-3 zoning, which is 30', will be matched in the proposed R-4 zoning of the Project Site and, in some cases, exceeded.

2. "There is no demand for additional homes"

Response: With a well-documented and reported low housing inventory, there is an all-time high demand for homes in the Town of Amherst and many other communities across the state and country. This demand is particularly high for new residential projects that feature standard amenities and potential options with floor plans such as the proposed upscale, for-sale residential project. RAS has received numerous calls from potential purchasers who are interested in selling their current larger homes to downsize into a smaller, new, maintenance-free home at a location in the Town with direct access to many amenities including parks, a golf course, grocery stores, etc.

3. "Two-bedroom homes for $500,000???"

Response: Regarding the proposed home configuration and price, each residential unit for sale will have an average size of approximately 1,760 square feet and includes a primary bedroom on the 1st floor with an attached bathroom and walk-in closets, a second bedroom with a bath and

spacious closets, a full foyer, a private den, a great room with a half bath, a kitchen, a fireplace, a covered patio, a mudroom, a laundry room, and an attached two-car garage. The purchase price is based on a per-square-foot cost of around $290-$300 per square foot, which is comparable to similar residential projects in the area.

4. "Amherst should buy the property, as opposed to Amherst paying for the cleanup"

Response: The statement suggesting that the Town of Amherst should purchase the Project Site instead of paying for the cleanup of the contamination is inaccurate and goes against the argument that Amherst needs to make financially sound decisions during the ongoing economically challenging times. Even if the Town followed this suggestion, it would have to buy the property and voluntarily clean it up, which would be a direct expense for the Town and its taxpayers. On the other hand, RAS will enter the Brownfield Program as a volunteer and safely clean up the contaminated soil area under the strict guidance of the NYSDEC. Additionally, RAS will bear the cost of the cleanup and the associated risks. As previously explained during the public hearing held by the Town Board on December 4th - in order to offset the cleanup costs and keep the project economically viable - RAS will receive a tax credit based on a capped percentage of the tangible costs incurred by the taxpayers of the entire state. The Brownfield Cleanup Program is a well-established program that encourages private entities to clean up contaminated land that poses a health risk and return it to a condition where it can be reused for productive purposes. The redevelopment of such land also adds to the tax rolls of the Town and Erie County based on the value of the redeveloped value.

5. "Disturbance of contaminated ground"

Response: Regarding the issue of the contaminated ground, please refer to our previous response. The removal of the contaminated soils will eliminate the existing health concerns and will be implemented in accordance with the applicable NYDEC stringent Brownfield Program standards. We will also take special precautions to prevent any negative impacts on air quality and water runoff.

6. "What is the plan for the three additional properties?

Response: Regarding the potential additional properties, RAS has presented a plan based on their existing Purchase Contract for the two contiguous parcels at 4774 and 4780 Sheridan Drive that comprise the Project Site. RAS is not proposing to develop additional nearby parcels. Any future change in scope of the residential project would require approval from the Town Board including a rezoning with public hearings. It is important to mention that the current homes on these adjacent parcels can be sold for higher prices than what the current residential project can make work from an economic perspective.

7. "This will produce extra traffic"

Response: The minor traffic impacts that will result from the residential project will be occurring throughout the day and are limited to Sheridan Drive, a New York State Highway. No vehicular connections are being proposed to the nearby residential side streets. NYSDOT's threshold of 100

Attachment: Letter to the TOA Town Board 01-02-23 (002) (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive,

Attachment: Letter to the TOA Town Board 01-02-23 (002) (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive,

vehicular trips during peak travel periods at an intersection to require a traffic impact study. The proposed residential project will not come close to exceeding this NYSDOT threshold.

8. "Additional cleanup responsible by the HOA?

Response: The Project Site needs to be cleaned up according to the strict standards of the New York State Department of Environmental Conservation ("NYSDEC"). Once a Certificate of Completion is issued by the NYSDEC after the contaminated soils have been removed, the Project Site will be considered as fully remediated by the NYSDEC. However, any property that falls within the boundaries of the Brownfield Cleanup site will require ongoing monitoring, reporting, and certain post-remedial controls and restrictions that must be maintained perpetually. These obligations are a standard condition of the Brownfield Cleanup Program ("BCP") Certification of Completion. To ensure proper monitoring, maintenance, and reporting, the individual residential units will be classified as condominiums. This means that a single entity, i.e., the condominium association to be formed, will own the land and be responsible for all post-remedial monitoring, maintenance, and reporting associated with the BCP. Any estimated costs or insurance for post-remedial obligations will be included in the Condominium Association monthly fees.

9. "How does the cleanup get paid for, taxpayer dollars?"

Response: As previously mentioned, RAS will enter NYSDEC's Brownfield Cleanup Program, bear all the costs and associated risks, and in return, receive a future and limited state tax credit. This tax credit will offset our expenses and encourage us to clean up the contaminated site and repurpose it to generate additional annual property tax revenues for the Town, the School District, and Erie County. Essentially, the state government provides an incentive for privately cleaning up the contaminated soils and re-purposing the contaminated land for residential use.

C. Sharon Caleca, 80 Tristan Lane

1. "The cleanup will be on the taxpayer's dime" "The developer said at the informational meeting that he "didn't want to pay for it himself" "He's taking advantage of the cleanup program.

Response: As mentioned previously, the cleanup for contaminated soils will be paid for privately by RAS and will be offset by a future capped state tax credit. At the informational meeting held with property owners at the Audubon Library, I stated that I would be paying it by myself, subject to receiving the capped state tax credit to offset those costs and keep the project viable. Once again, the NYSDEC cleanup program is a well-established program that encourages private entities to clean up land that poses a health risk and return it to a state where it can be reused for productive purposes.

2. "This is just phase 1, what about phase 2 of the project?"

Response: We assume this means the potential addition of the easterly properties that are not under contract and are owned by separate parties. Please see the response to Comment B.6 above for the response to this question.

Attachment: Letter to the TOA Town Board 01-02-23 (002) (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive,

D. Edgar Deleon, 50 Jordan Road

1. "This project will add "complications for the elderly"

Response: The residential project will not add complications for the elderly. RAS expects that most of the residential units will be purchased by senior citizens who reside in the Town and are interested in downsizing.

2. "It will create additional run-off and flooding, and make it worse"

Response: During the future engineering phase and Site Plan Application review process that will include a public hearing to be held by the Planning Board, fully engineered plans and an Engineer's Report prepared by a licensed engineering firm will be submitted demonstrating the residential project will comply with the applicable stringent stormwater quality and stormwater quantity standards of the NYSDEC (as well as the Town's drainage standards) including the need for the on-site stormwater management system to handle a 100-yr. storm event. The applicable technical documentation referenced above will need to be reviewed and approved by the Town's Engineering Department in connection with the future Site Plan Application review process. In summary, the residential project will not result in any adverse drainage impacts to properties that are contiguous to the Project Site.

3. "The developer will apply for federal funds to clean up the area, why do we have to pay the expense?"

Response: RAS will not be applying for federal funds. Instead, we will voluntarily enter NYSDEC's Brownfield Cleanup Program, bear all the costs and associated risks, and in return, receive a future and limited state tax credit. This tax credit will offset our expenses and encourage us to clean up the contaminated site and repurpose it to generate additional property tax revenue for the Town, School District, and Erie County.

4. "The change from 20 to 22 units makes it more profitable for the developer"

Response: The 22 upscale residential units for sale as depicted on the Concept Site Plan presented to both the Planning Board and Town Board that received a favorable rezoning recommendation from the Planning Board is the necessary density for the proposed residential project to be economically feasible. At no point during the lengthy review process has the number of residential units for sale been increased.

5. "They want to choose the least costly option to clean up the land."

Response: The soil will be cleaned to residential standards which is the highest standard per the NYSDEC Brownfield Program.

E. Angela Webber, New Road

1. "What if the HOA fails, how does it affect it?"

Attachment: Letter to the TOA Town Board 01-02-23 (002) (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive,

Response: A condominium association (not an HOA) will be formed and the Offering Plan that will need to be approved by the NYS Attorney General Office will include a very detailed budget prepared by a third-party expert to ensure the condominium association will have adequate funds for its fiscal obligations. I am not aware of a single instance in the Town of Amherst in which a condominium association has become insolvent.

F. Alexis Alfasso, 60 Jordan Road

1. "The owner is passing the problem onto us, he is a wealthy man, and he has the funds"

Response: On December 1, 2023, the representative of the Estate of the Sellers sent a letter to the Town Board that stated that "the estate lacks the expertise and resources required to clean up the existing contamination. RAS, a local developer with experience in redeveloping brownfield sites, can handle the necessary cleanup".

2. They're proposing something that's not in the character of our neighborhood"

Response:

3. "$500,000 to $750,000 homes, Amherst doesn't need more $1,000,000 homes" "We need affordable homes"

Response: Our projected base purchase price of $290-$300 per sq. ft. is substantiated by several comparables in Town. Please refer to section B.3 for my earlier response on this matter. I do agree that the Town and all communities in New York State need additional affordable housing and my company has been involved in numerous affordable housing projects in communities in Western New York including Meyer Pointe Senior Apartments at 80 Meyer Road in the Town. The Project Site is not a viable location for an affordable housing project since it would need to consist of a project with a much higher density comprised of apartments for lease.

4. "He needs more density so he can access brownfield dollars"

Response: The 22 upscale residential units for sale as depicted on the Concept Site Plan presented to both the Planning Board and Town Board that received a favorable rezoning recommendation from the Planning Board is the necessary density for the proposed project to be economically feasible.

5. "Brownfield money is on the state taxpayer".

Response: Yes, this statement is correct. However, the “Brownfield money” is in the form of a state tax credit. Therefore, one way to view it is that the voluntary cleanup of the Project Site in Amherst is funded by the entire state tax roll – the same as all Brownfield Clean Up projects in New York State). Additionally, the Town, School District, and Erie County will benefit from increased property taxes on the repurposed property.

6. He's proposing something that is in excess of R-4, 22 vs. 20 units"

Attachment: Letter to the TOA Town Board 01-02-23 (002) (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive,

Response: The 22 upscale residential units for sale as depicted on the Concept Site Plan presented to both the Planning Board and Town Board that received a favorable rezoning recommendation from the Planning Board does not exceed the allowable density for the R-4 zoning district.

G. David Granville, 11 Plymouth Road

1. The name of the "Petitioner" is still the attorney, "Sean Hopkins", but the name of the Developer has changed 3 times. Does Amherst allow this practice? If so, does Amherst require that the named Developer have "performance and/or payment" bonds issued from a surety company? Bonds protect against disruptions or financial loss due to a failure to complete a project or failure to meet project specifications.

Response: I cannot comment on the previous two applicants for unrelated projects including the most recently proposed project that did not move forward due to the contamination on the Project Site. However, my company is the petitioner and has been listed on this project and all correspondence with the Town and voluntary letters to adjoining neighbors and interested residents. My company, which I established in 2008 has completed several successful projects, including large-scale projects in the Town that required rezoning and ground-up construction.

2. "There are 2 parcels that comprise "the site" – 4774 & 4780. 4780 (the former nursery) is "contaminated", so that's the rationale for entering into the "NYSDEC Brownfield Cleanup Program" and changing the zoning from R-3 to R-4. 4774 is NOT contaminated as it was NEVER part of the nursery, so what is the rationale to change the zoning of this parcel? Is it "economic" only?"

Response: It is uncertain whether the parcel at 4774 Sheridan Drive is contaminated or not since no testing has been conducted on it. However, testing will likely be necessary. The Project Site is under common ownership and is being presented as a whole. The costs for cleaning up the privately funded site preparation associated with the parcel at 4780 Sheridan will need to be offset by a percentage of the tangible improvements made on that parcel in the form of a tax credit, through the NYSDEC's Brownfield Cleanup Program. It is not feasible to develop only the parcel at 4780 Sheridan Drive, and the existing owner is selling both parcels together as one site.

3. "It not only asks for a change in zoning from R-3 to R-4, but also asks for a "variance" of the R-4 zoning to allow 22 units to 20 units? What is the rationale for this - is it "economic" only?"

Response: The 22 upscale residential units for sale as depicted on the Concept Site Plan presented to both the Planning Board and Town Board that received a favorable rezoning recommendation from the Planning Board is the necessary density for the proposed project to be economically feasible.

4. "Based on the density being requested, there should be 2 additional things included: 1. Traffic Study, and 2. Noise/Light Pollution Study."

Response: The NYSDOT uses a threshold of 100 vehicular trips during peak travel periods at an intersection to determine if a traffic impact study is required. As Sheridan Drive is a New York

State Highway, it is subject to this threshold. However, the proposed project will not even come close to exceeding this threshold. During the review stage of the proposed project's Site Plan Application, the project engineering firm will submit a Lighting Plan. The lighting to be installed will be low intensity in accordance with the Town's lighting standards contained in the Zoning Code. The Lighting Plan will ensure that there is no lighting spillover onto adjacent parcels. Moreover, the construction activities on the Project Site will comply with the Town's Noise Ordinance. It is also important to note that the project will need to comply with all relevant technical standards for stormwater management, lighting, landscaping, etc., during the Site Plan Application review process.

5. "Based on the target market of "empty-nesters", the project should be ADA compliant."

Response: This project does not have any age restrictions and the residential units will be available for sale to individual buyers. It is important to note that the units will comply with the Americans with Disabilities Act ("ADA") standards. The compliance with ADA standards will be verified during the review process for the Building Permit Application. This verification process requires the submission of stamped plans that have been prepared by a licensed architect.

H. Mark Rivard, 132 Fleetwood Terrace

1. "They are falling back on the brownfield... it's an excuse".

Response: The fact that the Project Site contains contaminated soils resulting from its former use as a nursery is not an "excuse" for the proposed upscale residential project. RAS had nothing to do with the activities that resulted in the contaminated soils. In the absence of the proposed project, the likely outcome is that the contamination will not be dealt with appropriately at any point in the near future and the nearby property owners will be forced to continue to live next to a contaminated site.

2. "What about phase 2?" "They are setting their sights on parcels 1, 2, 3 to make it one big parcel" "50 Jordan has a ROW in between 44 and 40 Jordan, they want to get their hands on it"

Response: See B.6 for a previous response to this comment. Even if we added the adjacent parcels, I would still not consider purchasing the Right-of-Way between 44 and 40 Jordan in recognition of establishing vehicular access across the Right-of-Way would be viewed very unfavorably by nearby property owners.

3. "The structures are 20' from the property line"

Response: The rear yard setback in our proposed project is 30' (same as the minimum required in the current R-3 zoning district). We also have added a 6' privacy fence with enhanced landscape screening per input received from the Town Board, and have added a building height restriction zoning condition of a maximum of 30' (the current R-3 zoning allows a maximum height of 35').

Attachment: Letter to the TOA Town Board 01-02-23 (002) (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive,

Attachment: Letter to the TOA Town Board 01-02-23 (002) (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive,

4. "These will be 2 and 1/2 story homes"

Response: This is not accurate. Again, the proposed project will include a zoning condition that the height of the residential buildings be limited to 30' (the current R-3 zoning allows a maximum height of 35').

I. Wendy Smiley, 92 Fleetwood Terrace

1. "I don't want to live with the chemicals in the air for the next 10 years" "I don't care about the traffic"

Response: We agree with the statements of Ms. Smiley and our company is fully committed to completing the clean-up of contaminated soils per the stringent standards of the NYSDEC Brownfield Program.

J. Beverly Cuviello, 91 Fleetwood Terrace

1. "There will be contaminants in the air"

Response: It is distinctly possible that there are contaminants in the air presently. Our residential project aims to clean the site voluntarily and comply with the stringent standards of the NYSDEC. We are mandated and will be monitored by the NYSDEC to take the necessary precautions to safely manage the soil remediation given its proximity to the surrounding neighborhood.

2. "All developments must be 3' above grade, and we are at grade"

Response: Engineered plans will be prepared by a licensed engineering firm in connection with the future Site Plan Application review stage which will include a public hearing to be held by the Planning Board. I am not aware of any Town standard that states that all projects must be developed at 3 ft. above the existing grade.

3. "We don't have the capacity" "Our water and sewer lines need to be replaced"

Response: Sanitary sewer capacity during wet weather conditions will need to be confirmed during the future Site Plan Application review stage via monitoring and the preparation of a Downstream Sanitary Sewer Capacity Analysis ("DSCA") Report to be prepared by a licensed engineering firm, which will need to be approved by the Town's Engineering Department. We will also be to make a payment to the Town's I/I sewer fund per the Town's Sanitary Sewer Law. The residential project will also need to be reviewed and approved by the Erie County Water Authority ("ECWA") including verification that adequate water pressure exists.

Conclusion:

RAS is respectfully requesting that the Town Board approve the rezoning of the Project Site from R-3 to R-3 subject to the five proposed zoning conditions during its meeting to be held on Monday, January 22nd at 7:00 p.m.

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

Thank you for your anticipated cooperation.

Sincerely,

Robert A. Savarino

Robert A. Savarino
President

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

Attachment: Letter to the TOA Town Board 01-02-23 (002) (RES-2023-957 : Local Law to Amend the Zoning Map - (4774 & 4780 Sheridan Drive,

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Supervisor
Initiated by: **Brian J. Kulpa**
Co-Sponsored by:

DOC ID: 26887 **RESOLUTION 2024-120** **ADOPTED**

Re-Appointment of Town Comptroller 2024

BE IT RESOLVED that Daryl Bramer be re-appointed as Town Comptroller through December 31, 2025.

2/5/2024
Consent

FINANCIAL IMPACT:

None

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Supervisor
Initiated by: **Brian J. Kulpa**
Co-Sponsored by:

DOC ID: 28564 **RESOLUTION 2024-121** **ADOPTED**

Approve Travel for 2024 Association of Towns Meeting

Please approve the attached travel requests for Supervisor Brian Kulpa, Dennis Powers, Emily Melski, and Jacqualine Berger to attend the 2024 Associations of Towns Annual Meeting & Training School in February.

2/5/2024
Consent

FINANCIAL IMPACT:

NTE $11,286.11. Included in the 2024 Budgets for the Supervisor, Councilmembers, and Economic Development

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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EL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ Travel in New York State and under $750 - Department Head Approval

☒ Travel in New York State $750 and over - Department Head Approval and Town Board Approval

☐ Travel out of New York State - Department Head Approval and Town Board Approval

NAME	Employee #	Department	Phone Number
Dennis Powers		Supervisor	716-631-7013

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
			NYS Association of Towns Annual Meeting

Expenses	**Estimated**	**Budget A/C #**	**Actual**
Transportation:			
Mileage @ $0.655			
Tolls			
Parking			
Local Transportation (bus/taxi)	250.00	A1220-4040	
Plane/Rail/Bus	200.00	A1220-4040	
Lodging:			
4 # nights @ $ 308	$1,427.84	A1220-4040	
Meals:			
IRS Per Diem Per Day: $79	237.00	A1220-4040	
1st & Last Day of Travel @ 75% $59.25	118.50	A1220-4040	
# Breakfasts @ $			
# Lunches @ $			
# Dinners @ $			
# Incidentals @ $			
Registration/Conference Fee	150.00	A1220-4120	
Other			
Subtotal	$2,383.34		N/A
Contingency - 10% of subtotal or $200	238.33		N/A
TOTAL	$2,621.67		

Request Approved By:

Department Head Signature

Date

Town Board :

Town Board Resolution & Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

Employee Signature Date

Print Employee Name

Reimbursement Approved By:

Department Head Signature Date

Complete Shaded Area
For Expense Reimbursement

Attachment: D Powers Travel Exp Form 2024 AoT Meeting (RES-2024-121 : Approve Travel for 2024 Association of Towns Meeting)

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EL EXPENSE APPROVAL / REIMBURSEMENT FORM

- [ ] Travel in New York State and under $750 - Department Head Approval
- [X] Travel in New York State $750 and over - Department Head Approval and Town Board Approval
- [ ] Travel out of New York State - Department Head Approval and Town Board Approval

NAME	Employee #	Department	Phone Number
Jacqualine Berger		CM	716-631-7013

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
			NYS Association of Towns Annual Meeting

Expenses		Estimated	Budget A/C #	Actual
Transportation:				
Mileage	@ $0.655			
Tolls				
Parking		$ 75.00	A1010-4040	
Local Transportation (bus/taxi)		250.00	A1010-4040	
Plane/Rail/Bus		346.20	A1010-4040	
Lodging:				
3 # nights	@ $ 308.00	1,070.88	A1010-4040	
Meals:				
IRS Per Diem Per Day:	$79.00	158.00	A1010-4040	
1st & Last Day of Travel @ 75%	$59.25	118.50	A1010-4040	
# Breakfasts	@ $			
# Lunches	@ $			
# Dinners	@ $			
# Incidentals	@ $			
Registration/Conference Fee		150.00	A1010-4120	
Other				
Subtotal		$2,168.58		N/A
Contingency - 10% of subtotal or $200		216.86		N/A
TOTAL		$2,385.44		

Request Approved By:

Department Head Signature

Date

Town Board :

Town Board Resolution & Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

Employee Signature Date

Print Employee Name

Reimbursement Approved By:

Department Head Signature Date

Complete Shaded Area
For Expense Reimbursement

Attachment: 2024 AoT Annual Mtg Travel Expense Form-Berger (RES-2024-121 : Approve Travel for 2024 Association of Towns Meeting)

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ Travel in New York State and under $750 - Department Head Approval

☒ Travel in New York State $750 and over - Department Head Approval and Town Board Approval

☐ Travel out of New York State - Department Head Approval and Town Board Approval

NAME	Employee #	Department	Phone Number
Emily Melski	9345	Economic Development	716-631-7067

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
			Association of Towns Annual Meeting

Expenses	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ $0.655			
Tolls			
Parking	$ 75	A1230 4040	
Local Transportation (bus/taxi)	$200		
Plane/Rail/Bus	$400		
Lodging:			
4 # nights @ $ 308	$1,500		
Meals:			
IRS Per Diem Per Day: $79			
1st & Last Day of Travel @ 75% $59.25	$118.50		
3 # Breakfasts @ $ 18	$ 54		
3 # Lunches @ $ 20	$ 60		
3 # Dinners @ $ 36	$ 108		
3 # Incidentals @ $ 5	$ 15		
Registration/Conference Fee	$150	A1230 4120	
Other			
Subtotal	$2,680.50	-	N/A
Contingency - 10% of subtotal or $200	$ 200	-	N/A
TOTAL	$2,880.50	-	

Request Approved By:

_____

Department Head Signature

_____

Date

Town Board :

_____

Town Board Resolution & Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

_____

Employee Signature Date

_____

Print Employee Name

Reimbursement Approved By:

_____

Department Head Signature Date

Complete Shaded Area
For Expense Reimbursement

Attachment: E Melski Travel 2024 AoT (RES-2024-121 : Approve Travel for 2024 Association of Towns Meeting)

Revised 5.8.2023

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ Travel in New York State and under $750 - Department Head Approval

☒ Travel in New York State $750 and over - Department Head Approval and Town Board Approval

☐ Travel out of New York State - Department Head Approval and Town Board Approval

NAME	Employee #	Department	Phone Number
Brian Kulpa		Supervisor	631-7032

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
			NYS Association of Towns Annual Meeting

Expenses	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ $0.655			
Tolls			
Parking	75.00	A1220 4040	
Local Transportation (bus/taxi)	420	A1220 4040	
Plane/Rail/Bus	460	A1220 4040	
Lodging:			
# nights @ $ 308	1,550 —	A1220 4040	
Meals:			
IRS Per Diem Per Day:	316	A1220 4040	
1st & Last Day of Travel @ 75%	118.50	A1220 4040	
# Breakfasts @ $			
# Lunches @ $			
# Dinners @ $			
# Incidentals @ $			
Registration/Conference Fee	150 —	A1220 4120	
Other			
Subtotal	3,089.50 -		N/A
Contingency - 10% of subtotal or $200	309 -		N/A
TOTAL	3,398.50 -		

Request Approved By:

_____

Department Head Signature

_____

Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

_____

Employee Signature Date

_____

Print Employee Name

Reimbursement Approved By:

_____

Department Head Signature Date

Town Board :

_____

Town Board Resolution & Date

Complete Shaded Area
For Expense Reimbursement

Attachment: B Kulpa Travel Exp Form 2024 AoT Meeting (RES-2024-121 : Approve Travel for 2024 Association of Towns Meeting)

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Councilmembers
Initiated by: **Jacqualine Berger**
Co-Sponsored by:

DOC ID: 28538 **RESOLUTION 2024-122** **ADOPTED**

Appointment of Vice Chair to Zoning Board of Appeals

WHEREAS, pursuant to the provisions of Section 267 of the New York State Town Law, the Town of Amherst maintains a Zoning Board of Appeals (ZBA) consisting of five (5) members appointed by the Amherst Town Board (Town Board), each for a term of five (5) years, with terms concluding on a staggered basis; and

WHEREAS, the ZBA is authorized to grant relief from any provision of the Town of Amherst Zoning Ordinance or any decision of an administrative official charged with the enforcement of that ordinance; and

WHEREAS, the ZBA is empowered to grant special use permits in certain instances as spelled out in the Zoning Ordinance and Amherst Town Law specifies the grounds and criteria that the ZBA must use to grant a variance; and

WHEREAS, the ZBA currently has a Board of four (4) members, who shall continue to serve until their term of appointment expires, as follows:

Brian Bray, Chair, term expires 12/31/2026
Erik A. Goergen, Member, 12/31/2028
Ellen Parker, Member, term expires 12/31/2027
Kelly J. Philips, Member, 12/31/2025
Ronald Shubert, Esq., Member, 12/31/2024; and

WHEREAS, Ronald Shubert is a current member, appointed in January 2020, and has expressed interest in serving as Vice Chair through the remainder of his term;

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves of Ronald Shubert serving as Vice Chair to the Zoning Board of Appeals for a term to conclude December 31, 2024.

2/5/2024
Consent

FINANCIAL IMPACT:

None.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jacqualine Berger, Councilmember
SECONDER:	Brian J. Kulpa, Supervisor
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Councilmembers
Initiated by: **Shawn Lavin**
Co-Sponsored by:

DOC ID: 28582 **RESOLUTION 2024-123** **ADOPTED**

Amherst Senior Center Advisory Board Appointments

WHERE AS, the purpose of the Amherst Senior Center Advisory Board is to support the Mission of the Town of Amherst Department of Senior Services; to advocate for services to support older adults and caregivers and appropriate funding for current and future programming; to foster communication between the Town and the community regarding issues, trends, and public policy affecting older adults; to support and sponsor appropriate program development; and to advise and consult with the Amherst Town Board regarding issues related to senior citizens; and

WHERE AS, the Amherst Senior Center Advisory Board meets a minimum of 6 times a year; and

WHERE AS, The Amherst Senior Center Advisory Board shall consist of a minimum of 5 appointed members, with a maximum of 11 appointed members; each appointed by a majority of the Amherst Town Board, who shall serve a term of 2 years and may be appointed for two additional two year terms; and

WHERE AS, the Amherst Senior Center Advisory Board currently has a Board of Five members, who shall continue to serve until their term of appointment expires, as follows:

Reverend Susan Frawley, Member, Term expires 12/31/2024
Julie Whitbeck-Lewinski, Member, Term expires 12/31/2024
Gary Henry, Member, Term expires 12/31/2025
Ann Nichols, Member, Term expires 12/31/2025

WHERE AS, the Chairperson is appointed by the Director of Senior Services; and

WHERE AS, Jim Bardot has been selected by the Director of Senior Services, to serve as Senior Center Advisory Board Chairperson for the Term to expire 12/31/24; and

WHERE AS, in addition to appointed members, the following individuals shall serve in ex-officio capacity:

The Honorable Shawn Lavin, Liaison to Senior Services
Melissa Abel, Executive Director, Town of Amherst Senior Services
Mary-Diana Pouli, Executive Director, Town of Amherst Youth & Recreation
Assistant Police Chief Michael Camilleri
Dal Giuliani, Executive Director, Amherst Generations Foundation
Ms. Del Szczesniak, President, Senior Center Representatives Council; and

WHERE AS, Aaron Carlson, has served on the Amherst Senior Center Advisory Board and has expressed interest in serving another 2 year term.

NOW, THEREFORE, BE IT RESOLVED, that the Amherst Town Board reappoints Aaron Carlson to the Amherst Senior Center Advisory Board for a term to conclude December 31, 2025.

2/5/2024
Consent

FINANCIAL IMPACT:

None.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Shawn Lavin, Councilmember
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Councilmembers
Initiated by: **Michael Szukala**
Co-Sponsored by:

DOC ID: 28548 **RESOLUTION 2024-124** **ADOPTED**

Amherst Board of Ethics Appointments

WHEREAS, the Amherst Board of Ethics, also known as Board of Ethics, seeks to foster an environment where Town officers, Town employees, Town agencies and citizens work together in good faith, with integrity and honesty; and

WHEREAS, the Board of Ethics possesses the powers and duties prescribed by Article 18 of the General Municipal Law to render advisory opinions; and

WHEREAS, the Board of Ethics shall consist of five (5) members who shall serve five (5) year terms of office, one such term expiring each year. Members shall be appointed by the Supervisor, subject to confirmation by the Town Board. If the Supervisor shall fail to appoint the members within thirty (30) days after the establishment of the Board of Ethics or within thirty (30) days after a vacancy occurs on the Board of Ethics, the Town Board shall appoint such member or members as the case may be. Only one (1) member of the Board shall be an officer or employee of the Town of Amherst. In the event that a vacancy occurs prior to the expiration of the five (5) year term, such vacancy shall be filled for the balance of such term in the same manner as members are appointed to full terms. All members shall reside within the Town of Amherst. All members shall serve without compensation except that any member who is a Town of Amherst officer or employee shall be entitled to his usual compensation when attending upon the business of the Board during normal working hours; and

WHEREAS, No more than two (2) members of the Board may be affiliated with the same political party. No member of the Board of Ethics may hold an officer's position in any political party except such person may be a member of a county committee of a political party. For purposes of this section, "political party" shall mean any political party which appears on the ballot in the last biennial Town election. The members shall elect a Chairman from among themselves and such other officers as may be deemed necessary from time to time; and

WHEREAS, the Board of Ethics currently has a Board of three (3) members, who shall continue to serve until their term of appointment expires, as follows:

Mark Carney, Member, term expires 12/31/2024
Lisa Kistner, Member, term expires 12/31/2026
Michael Littman, Member, term expires 12/31/2025; and

WHEREAS, A Board of Ethics member may be removed by the Town Supervisor with the approving consent of not fewer than four (4) members of the Town Board after a finding of substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of the office or violation of this chapter after written notice of the charges and an opportunity for reply; and

WHEREAS, Mark Carney expressed interest in serving as Chair; and

WHEREAS, Mark Carney will serve as Chair through the remainder of his term;

WHEREAS, the Honorable Geoffrey Klein and Nancy Bojanowski have expressed interest in serving on the Board of Ethics;

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves the appointment of the Honorable Geoffrey Klein and Nancy Bojanowski for a term to expire 12/31/2028.

2/5/2024
Consent

FINANCIAL IMPACT:

None.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Szukala, Councilmember
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Councilmembers
Initiated by: **Michael Szukala**
Co-Sponsored by:

DOC ID: 28549 **RESOLUTION 2024-125** **ADOPTED**

Amherst Recycling & Waste Committee Appointments

WHEREAS, the purpose of the Amherst Recycling & Waste Committee (R&W) is to advise the Amherst Town Board on all aspects of municipal solid waste affecting the Town and to monitor, make recommendations regarding the Town's activities relating to environmental issues which affect or impact the residents; and

WHEREAS, to also investigate methods of recycling, waste stream reduction, household hazardous waste collection and consider new technologies for handling municipal solid waste; and

WHEREAS, the Recycling & Waste Committee meets monthly to review and advise the Town Board accordingly; and

WHEREAS, the Recycling & Waste Committee consists of a maximum of twelve (12) members appointed by the Town Board majority to serve a three (3) year term; and

WHEREAS, members' terms will expire on a staggered schedule to maintain consistency on the board with information and history shared as needed; and

WHEREAS, the R&W currently has a Board of eight (8) members, who shall continue to serve until their term of appointment expires, as follows:

John Szalasny, Vice Chairperson, term expires 12/31/2025
Diane Anderson, Member, term expires 12/31/2024
John Hannon, Member, term expires 12/31/2025
Judy Hendee, Member, term expires 12/31/2025
Donald Kuhn, Member, term expires 12/31/2024
Jean Neff, Member, term expires 12/31/2024
Megan Reddish, Member, term expires 12/31/2025; and

WHEREAS, the Members of the Committee shall, by majority vote, elect a Chairperson from among the members and such officers as may be deemed necessary from time to time; and

WHEREAS, as Superintendent of Highway, **Steven Floss** will serve in the capacity of a resource person (O) to the Committee till his term has concluded.

WHEREAS, Eustace Mendez has served on the Recycling & Waste Committee and has expressed interest in serving another term; and

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board re-appoints Eustace Mendez to the Amherst Recycling & Waste Committee, term to conclude on December 31, 2026.

2/5/2024
Consent

FINANCIAL IMPACT:

None.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Szukala, Councilmember
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Councilmembers
Initiated by: **Michael Szukala**
Co-Sponsored by:

DOC ID: 28550 **RESOLUTION 2024-126** **WITHDRAWN**

Amherst Government Financial Advisory Board

WHEREAS, the purpose and mission of the Amherst Government Financial Advisory Board is to review management letters from the Town auditors and to continue with each of the future management letter responses; and

WHEREAS, to investigate where the Comptroller's Department is not in compliance with the management letter and make recommendations to help ensure the compliance process; and

WHEREAS, to suggest improvements of the effectiveness or modification of the Town of Amherst government activities; and

WHEREAS, the Amherst Government Financial Advisory Board, also known as AGFAB, consists of seven (7) members appointed by the Amherst Town Board majority to serve a two (2) year term; and

WHEREAS, the Amherst Government Financial Advisory Board will meet once a quarter, or more, as needed; and

WHEREAS, the Amherst Government Financial Advisory Board's current roster of five (5) members, who shall continue to serve until their term of appointment expires, as follows:

Gregory M. Dionne, Chairperson, term concludes 12-31-2023
John DiPasquale, Member, term concludes 12-31-2023
Helaine Sanders, Member, term concludes 12-13-2024
Kenneth Smith, Member, term concludes 12-31-2023
Jason Zaklikowski, Member, term concludes 12-31-2023; and

WHEREAS, the Members of the AGFAB shall, by majority vote, elect a Chairperson from among the members and such officers as may be deemed necessary from time to time; and

WHEREAS, Gregory Dionne, John DiPasquale, and Jason Zaklikowski has expressed interest in being reappointed to the AGFAB; and

WHEREAS, Jeff Marion has expressed interest in serving on the AGFAB;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Amherst Town Board reappoints Gregory Dionne, John DiPasquale, and Jason Zaklikowski for terms to conclude December 31, 2025; and

BE IT FURTHER RESOLVED, that the Amherst Town Board appoints Jeff Marion to the Amherst Government Financial Advisory Board, for a term to conclude on December 31, 2025.

FINANCIAL IMPACT:

None.

RESULT:	**WITHDRAWN**

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Councilmembers
Initiated by: **Michael Szukala**
Co-Sponsored by:

DOC ID: 28551 **RESOLUTION 2024-127** **ADOPTED**

Open Government Advisory Board Appointments

WHEREAS, the purpose of the Open Government Advisory Board (OGAB) is to advocate for providing more information to the public by encouraging greater collaboration among town officials and the public; and

WHEREAS, the mission of the OGAB is to expand opportunities for the public to participate in and influence governmental decisions; and

WHEREAS, the OGAB consists of a maximum of ten (10) members appointed by Town Board majority to serve a three (3) year term; and

WHEREAS, the Open Government Advisory Board currently has a Board of two (2) members, who shall continue to serve until their term of appointment expires, as follows:

Roy DeFrancis, Member, term expires 12/31/2023
Ronald Shubert, Member, term expires 12/31/2024; and

WHEREAS, the Members of the OGAB shall, by majority vote, elect a Chairperson from among the members and such officers as may be deemed necessary from time to time; and

WHEREAS, Roy DeFrancis has expressed interest in being reappointed to the OGAB;

WHEREAS, Pierre Islam has express interest in serving on the OGAB; and

BE IT FURTHER RESOLVED, that the Amherst Town Board reappoints Roy DeFrancis for a term to conclude December 31, 2026;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that to Amherst Town Board appoints Pierre Islam for a term to conclude December 31, 2026.

2/5/2024
Consent

FINANCIAL IMPACT:

None.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Szukala, Councilmember
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Councilmembers
Initiated by: **Michael Szukala**
Co-Sponsored by:

DOC ID: 28554 **RESOLUTION 2024-128** **ADOPTED**

Appointments to FOIL Board

BE IT RESOLVED that the Amherst Town Supervisor reappoints Michael Szukala to the FOIL Board for a term ending December 31, 2028; and

BE IT FURTHER RESOLVED that the Town Board reappoints Francina Spoth to the FOIL Board for a term ending December 31, 2028; and

BE IT FURTHER RESOLVED that the Town Board appoints Stanley Sliwa, Esq. to the FOIL Board for a term ending December 31, 2028.

2/5/2024
Consent

FINANCIAL IMPACT:

None.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Szukala, Councilmember
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Councilmembers
Initiated by: **Angela Marinucci**
Co-Sponsored by:

DOC ID: 28539 **RESOLUTION 2024-129** **ADOPTED**

Youth Board Re-Appointment

WHEREAS, the Amherst Youth Board (Youth Board) is an organization offering varied services in support of children, youth and families living in the Town of Amherst. Chartered by the Amherst Town Board and New York State Executive Law, the agency is governed by a policy-making board of 23 citizen volunteers, comprising both adults and youth; and

WHEREAS, members are appointed by the Amherst Town Board for three-year terms and participate in decisions affecting programming, policies, funding and public relations for youth programs and services.

WHEREAS, the Youth Board also relies on the efforts and contributions of citizen volunteers in its programs. Many different volunteer opportunities are available, and may be tailored to individual needs; and

WHEREAS, the Youth Board currently has a Board of nine (9) members, who shall continue to serve a three (3) year term as follows:

Danielle Alba, Member, term expires 12/31/2025
Rose Mary Buscaglia, Member, term expires 12/31/2024
Hannah Joseph, Member, term expires 12/31/2024
Krista Krause, Member, term expires 12/31/2025
Tiger Li, Member, term expires 12/31/2024
Kristy Lindner, Member, term expires 12/31/2025
Susan McClary, Member, term expires 12/31/2024
Anagha Menon, Member, term expires 12/31/2025

WHEREAS, Dawn Cwierley has expressed an interest in continuing to serve on the Amherst Youth Board.

BE IT RESOLVED, that as recommended by the Director of Youth & Recreation, Dawn Cwierley be reappointed as an adult member of the Youth Board by the Amherst Town Board for a term to end December 31, 2026.

2/5/2024
Consent

FINANCIAL IMPACT:

None

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Angela Marinucci, Councilmember
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Councilmembers
Initiated by: **Angela Marinucci**
Co-Sponsored by:

DOC ID: 28542 **RESOLUTION 2024-130** **ADOPTED**

Fee Waiver - Skate with a Cop

WHEREAS, the Town of Amherst Police Department (APD) practices community policing, a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime; and

WHEREAS, the APD often partners with the Town of Amherst Youth & Recreation Department to host community policing events; and

WHEREAS, the APD and the Youth & Recreation Department hosted a successful "Skate with a Cop" community policing event at the Northtown Center at Amherst in 2023; and

WHEREAS, the APD desires to hold this event again, at no cost to participants; and

WHEREAS, the Youth & Recreation Department does not have the authority to waive fees for this event, estimated to be approximately $1,000.00, but supports the APD in this endeavor;

NOW THEREFORE, BE IT RESOLVED that the Amherst Town Board waives admission fees at the Northtown Center at Amherst for the 2024 "Skate with a Cop" event on Sunday, February 25, 2024 from 4 - 5:30 pm.

2/5/2024
Consent

FINANCIAL IMPACT:

Loss of @ $1,000.00 in revenue to A 7253

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Angela Marinucci, Councilmember
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 28558 **RESOLUTION 2024-131** **ADOPTED**

Miscellaneous Sanitary Sewer Relining and Manhole Rehabilitation (Order Calling Public Hearing - $500,000)

AGENDA ITEM : FEBRUARY 5th, 2024

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **January 31, 2024**

RE: **Miscellaneous Sanitary Sewer Relining and Manhole Rehabilitation**
2024 C.I.P. - Project No. S-3
Order Calling Public Hearing - $500,000

Kindly adopt the attached Order Calling Public Hearing regarding the above matter by scheduling a Public Hearing for the project on February 26, 2024 at 7:00 p.m.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb
Attachment
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - February 5, 2024**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachment*)
Vaishali Reberholt, PE, Assistant Municipal Engineer (*w/attachment*)

2/5/2024
Consent

FINANCIAL IMPACT:

None for the purposes of this resolution (Bond Resolution When Approved - $500,000).

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

At a regular meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 5th day of February, 2024.

PRESENT:

Hon. Brian J. Kulpa, Supervisor
Jacqualine Berger, Deputy Supervisor/Councilwoman
Angela Marinucci, Councilwoman
Shawn Lavin, Councilman
Michael R. Szukala, Councilman

In the Matter

of the

Increase and Improvement of Facilities of the Consolidated Sanitary Sewer District, in the Town of Amherst, in the County of Erie, New York, pursuant to Section 202-b of the Town Law

---

Offered by:

Seconded by:

ORDER CALLING FOR A PUBLIC
HEARING TO BE HELD ON
FEBRUARY 26, 2024

WHEREAS, the Town Board of the Town of Amherst (herein called the "Town"), in the County of Erie, New York, on behalf of the Consolidated Sanitary Sewer District, in the Town (herein referred to as the "District"), has caused the Town Engineering Department, engineers duly licensed by the State of New York (the "Engineer"), to prepare the map, plan and report, dated January, 2024, for the increase and improvement of facilities of the District, consisting of sanitary sewer repairs, at the estimated maximum cost of $500,000 (2024 CIP Project No. S-3); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and

Attachment: CertOCPH (RES-2024-131 : Miscellaneous Sanitary Sewer Relining and Manhole Rehabilitation (OCPH - $500,000))

improvement of facilities of the District and has estimated the total cost thereof to be $500,000; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment and has determined that the project is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5;

NOW, THEREFORE, BE IT

ORDERED, that a regular meeting of the Town Board of the Town be held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 5th day of February, 2024 at 7:00 o'clock P.M. (Prevailing Time) to consider said increase and improvement of the facilities of the District and to hear all persons interested in the subject thereof concerning the same

FURTHER ORDERED, that the Town Clerk publish at least once in the "*Amherst Bee,"* hereby designated as the official newspaper of the Town for such publication, and post on the Town's website at www.amherst.ny.us, on the front entrance door and rear doors of Town Hall and on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing, substantially in the form attached hereto as Exhibit A, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: February 5, 2024

TOWN BOARD OF THE TOWN OF AMHERST

(SEAL)

Attachment: CertOCPH (RES-2024-131 : Miscellaneous Sanitary Sewer Relining and Manhole Rehabilitation (OCPH - $500,000))

The adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Brian J. Kulpa voting _____

Deputy Supervisor/Councilwoman Jacqualine Berger voting _____

Councilwoman Angela Marinucci voting _____

Councilman Shawn Lavin voting _____

Councilman Michael R. Szukala voting _____

The Order was declared adopted.

* * * * *

Attachment: CertOCPH (RES-2024-131 : Miscellaneous Sanitary Sewer Relining and Manhole Rehabilitation (OCPH - $500,000))

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling for a Public Hearing with the original thereof filed in the office of the Town Clerk on the 5th day of February, 2024, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 5th day of February, 2024.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertOCPH (RES-2024-131 : Miscellaneous Sanitary Sewer Relining and Manhole Rehabilitation (OCPH - $500,000))

Exhibit A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Amherst, in the County of Erie, State of New York (the "Town"), will meet at the Town Hall, 5583 Main Street, Williamsville, New York, on February 26, 2024, at 7 o'clock P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to the proposed increase and improvement of facilities of the Town's Consolidated Sanitary Sewer District (the "District"), consisting of sanitary sewer repairs, at the estimated maximum cost of $500,000 (2024 CIP Project No. S-3), as described in the map, plan and report, dated January, 2024, prepared by the Town Engineering Department. The current approved total estimated maximum cost of the projects is $500,000, which is proposed to be financed through issuance of bonds by the Town of Amherst on behalf of the District, payable by levy and collections of assessments on real property in the District. Therefore, the project cost burden is expected to be borne by District property owners throughout the expected term of the bonds. However, the bonds to be issued shall be general obligation bonds of the Town and in the event the amount of assessments collected within the District is insufficient to pay the cost of the project and/or the debt service related to the project, such costs and/or debt service shall be paid from the general Town taxes.

Further details concerning such proposed increase and improvement of facilities and the estimated costs thereof are set forth in the above-mentioned map, plan and report which is available for review at the office of the Town Clerk.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF AMHERST

Dated: February 5, 2024
Williamsville, New York

Francina J. Spoth
Town Clerk

Attachment: CertOCPH (RES-2024-131 : Miscellaneous Sanitary Sewer Relining and Manhole Rehabilitation (OCPH - $500,000))

TOWN OF AMHERST
ENGINEERING DEPARTMENT

2024
SANITARY SEWER IMPROVEMENT PROJECTS

2024 CIP PROJECT S-3

MISCELLANEOUS SANITARY RELINING AND MANHOLE REHABILITATION

TOWN OF AMHERST JOB NO. 2024-001F

MAP, PLAN & REPORT

January 2024

Contents:

- Existing Conditions/ Impacts
- Proposed Scope of Improvements
- Financial/Taxation Summary
- SEQR Determination – Type II Action

Attachment: MPR S-3 Sanitary Sewer Relining and Manhole Rehabilitation (RES-2024-131 : Miscellaneous Sanitary Sewer Relining and Manhole

Attachment: MPR S-3 Sanitary Sewer Relining and Manhole Rehabilitation (RES-2024-131 : Miscellaneous Sanitary Sewer Relining and Manhole

Miscellaneous Sanitary Sewer Relining and Manhole Rehabilitation

EXISTING CONDITIONS/IMPACTS:

The Town has an extensive network of sanitary sewer system, which includes approximately 548 miles of sewer lines and about 13,237 manholes. Most of the sanitary sewers and brick manholes to be relined were constructed in the 1930's. These aging sewer lines and brick manholes are deteriorating and causing unwanted Inflow and Infiltration (I&I) to enter the sanitary sewer system. This in turn causes sanitary sewer back-ups, sewer collapses and increases flow to the West Side Interceptor and ultimately the Wastewater Treatment Plant.

This inevitable aging of sanitary infrastructure leads to deteriorated pipes that have insufficient capacity in keeping up with higher flows due to I&I, causing Sanitary Sewer Overflows (SSO's) and backups in various neighborhoods. Using infrastructure beyond service life will increase the risk of road collapse and pose high risk to public health and safety

PROPOSED SCOPE OF IMPROVEMENTS:

This project performs priority repairs to the Town's sanitary sewer system. It is also used to perform needed open-cut sewer "spot" repairs to the sanitary sewer prior to relining work.

The Town typically repairs 80 to 120 segments of the sanitary sewer each year, including roughly 70 service taps. These repair segments can range from 10 feet to over 350 feet in length, depending on the severity of the damage to the sewer. An Environmental Assessment Form for miscellaneous sanitary repairs was submitted for review and the project was determined to be a Type II Action.

FINANCIAL/TAXATION SUMMARY:

Financial Summary:

2024 CIP Project S-3
Miscellaneous Sanitary Repairs
Consolidated Sanitary Sewer District
Town of Amherst Job No. 2024-001F

Estimated Construction Cost	$497,500.00
Legal & Administration	$ 2,500.00
Total Construction, Legal & Administration:	$500,000.00

Funding Source:	
Bond (Per Approved 2024 CIP - Project S-3):	$500,000.00

Tax Summary

Amount to be bonded:	$500,000.00
Bond Term:	20 Years
Annual Tax Impacts:	$0.0020 per $1,000 AV
Typical Property Impacts:	$0.8777 per $300,000 AV

SEQR:

See attached memo from the Town of Amherst Planning Department.

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM January 12, 2024

TO: Vaishali Reberholt, P.E., Assistant Municipal Engineer
Engineering Department

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

RE: SEQR Determination
Miscellaneous Sanitary Sewer Repairs
2023-2028 C.I.P. Project S-3

The Planning Department has reviewed the Map, Plan & Report for the subject project and has determined it to be a Type II action under the provisions of SEQR according to Part 617.5. Therefore, no further environmental work is required.

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\S-3_Misc Sanitary Sewer Repair Projects_01_12_2024.docx

cc:
Martin A. Polowy, Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: MPR S-3 Sanitary Sewer Relining and Manhole Rehabilitation (RES-2024-131 : Miscellaneous Sanitary Sewer Relining and Manhole

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 28559 **RESOLUTION 2024-132** **ADOPTED**

Parallel Peanut Line Sanitary Sewer Interceptor Design and Mini-System Study (OCPH - $275,000)

AGENDA ITEM : FEBRUARY 5th, 2024

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **January 31, 2024**

RE: **Parallel Peanut Line Sanitary Sewer Interceptor Design and Mini-System Study**
2024 C.I.P. - Project Nos. S-5, S-7
Order Calling Public Hearing - $275,000

Kindly adopt the attached Order Calling Public Hearing regarding the above matter by scheduling a Public Hearing for the project on February 26, 2024 at 7:00 p.m.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

SJS:nmb
Attachment
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - February 5, 2024**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachment*)
Vaishali Reberholt, PE, Assistant Municipal Engineer (*w/attachment*)

2/5/2024
Consent

FINANCIAL IMPACT:

None for the purposes of this Resolution (Bond Resolution When Approved - $275,000).

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Attachment: CertOCPH (RES-2024-132 : Parallel Peanut Line Sanitary Sewer Interceptor Design and Mini-System Study (OCPH - $275,000))

At a regular meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 5th of February, 2024.

PRESENT:

Hon. Brian J. Kulpa, Supervisor
Jacqualine Berger, Deputy Supervisor/Councilwoman
Angel Marinucci, Councilwoman
Shawn Lavin, Councilman
Michael R. Szukala, Councilman

In the Matter

of the

Increase and Improvement of Facilities of the Consolidated Sanitary Sewer District, in the Town of Amherst, in the County of Erie, New York, pursuant to Section 202-b of the Town Law

---

Offered by:

Seconded by:

ORDER CALLING FOR A PUBLIC HEARING TO BE HELD ON FEBRUARY 26, 2024

WHEREAS, the Town Board of the Town of Amherst (herein called the "Town"), in the County of Erie, New York, on behalf of the Consolidated Sanitary Sewer District, in the Town (herein referred to as the "District"), has caused the Town Engineering Department, engineers duly licensed by the State of New York (the "Engineer") to prepare the map, plan and report, dated January, 2024 for the increase and improvement of facilities of the District, consisting of (i) planning costs for the Parallel Peanut Line Interceptor Sewer Design at the estimated maximum cost of $200,000 (2024 CIP Project No. S-5) and (ii) planning costs for the Mini-System Study at the estimated maximum cost of $75,000 (2024 CIP Project No. S-7), respectively; and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary maps, plans and reports for said increase and improvement of facilities of the District and has estimated the total cost thereof to be $275,000; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the projects described herein may have on the environment and has determined that each of the projects are Type II actions pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5;

NOW, THEREFORE, BE IT

ORDERED, that a regular meeting of the Town Board of the Town be held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 26th day of February, 2024 at 7:00 o'clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same

FURTHER ORDERED, that the Town Clerk publish at least once in the "*Amherst Bee,"* hereby designated as the official newspaper of the Town for such publication, and post on the Town's website at www.amherst.ny.us, on the front entrance door and rear doors of Town Hall and on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing, substantially in the form attached hereto as Exhibit A, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: February 5, 2024

Attachment: CertOCPH (RES-2024-132 : Parallel Peanut Line Sanitary Sewer Interceptor Design and Mini-System Study (OCPH - $275,000))

TOWN BOARD OF THE TOWN OF AMHERST

(SEAL)

The adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Brian J. Kulpa	voting _____
Deputy Supervisor/Councilwoman Jacqualine Berger	voting _____
Councilwoman Angela Marinucci	voting _____
Councilman Shawn Lavin	voting _____
Councilman Michael R. Szukala	voting _____

The Order was declared adopted.

* * * * *

Attachment: CertOCPH (RES-2024-132 : Parallel Peanut Line Sanitary Sewer Interceptor Design and Mini-System Study (OCPH - $275,000))

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling for a Public Hearing with the original thereof filed in the office of the Town Clerk on the 5th of February, 2024, and that the same is a true and correct copy of said original and of the whole thereof.

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

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertOCPH (RES-2024-132 : Parallel Peanut Line Sanitary Sewer Interceptor Design and Mini-System Study (OCPH - $275,000))

Exhibit A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Amherst, in the County of Erie, State of New York, will meet at the Town Hall, 5583 Main Street, Williamsville, New York, on February 26, 2024, at 7 o'clock P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to the proposed increase and improvement of facilities of Consolidated Sanitary Sewer District (the "District"), consisting of (i) planning costs for the Parallel Peanut Line Interceptor Sewer Design at the estimated maximum cost of $200,000 (2024 CIP Project No. S-5) and (ii) planning costs for the Mini-System Study (2024 CIP Project No. S-7) at the estimated maximum cost of $75,000, all as described in the map, plan and report, dated January, 2024, prepared by the Town Engineering Department. The current approved estimated maximum cost of the project is $275,000, which is proposed to be financed through issuance of bonds by the Town of Amherst on behalf of the District, payable by levy and collections of assessments on real property in the District. Therefore, the project cost burden is expected to be borne by District property owners throughout the expected term of the bonds. However, the bonds to be issued shall be general obligation bonds of the Town of Amherst and in the event the amount of assessments collected within the District is insufficient to pay the cost of the project and/or the debt service related to the project, such costs and/or debt service shall be paid from the general Town taxes.

Further details concerning such proposed increase and improvement of facilities and the estimated costs thereof are set forth in the above-mentioned map, plan and report which is available for review at the office of the Town Clerk.

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF AMHERST

Dated: February 5, 2024
Williamsville, New York

Francina J. Spoth
Town Clerk

Attachment: CertOCPH (RES-2024-132 : Parallel Peanut Line Sanitary Sewer Interceptor Design and Mini-System Study (OCPH - $275,000))

Attachment: MPR S-5-S-7 SS Parallel Peanut Line Design and Mini-System Study (RES-2024-132 : Parallel Peanut Line Sanitary Sewer

TOWN OF AMHERST
ENGINEERING DEPARTMENT

2024
SANITARY SEWER IMPROVEMENT PROJECTS

2024 CIP PROJECT S-5

PARALLEL PEANUT LINE SANITARY SEWER INTERCEPTOR DESIGN

TOWN OF AMHERST JOB NO. 2020-025

2024 CIP PROJECT S-7

MINI-SYSTEM STUDY

TOWN OF AMHERST JOB NO. 2024-001G

MAP, PLAN & REPORT

January 2024

Contents:

- Executive Summary
- Project Descriptions
- Financial / Taxation Summary
- SEQR

Appendices:

A. Parallel Peanut line Interceptor Sewer Design
B. Mini-System Study Areas

Sanitary Sewer Improvements

EXECUTIVE SUMMARY:

The Town of Amherst Sewer Maintenance Division is proceeding with the above sanitary sewer projects in accordance with the 2024 Capital Improvement Program schedule (Projects S-5 & S-7). These projects, which are located within the Consolidated Sanitary Sewer District, include the Parallel Peanut Line Sanitary Sewer Interceptor Design and Mini-System Study Project.

The Town is aware of the challenges that face the community as its sewer infrastructure ages, wastewater flows increase and future demand for sewer capacity remains strong. As the Town matures and developers change their project profiles from green field development to redevelopment, the Town is going to need to adjust and focus its efforts on not only the elimination of the two remaining Sanitary Sewer Overflows (SSOs), but also the reduction of peak wet weather flows. In that, the Town has begun and is committed to complete mini-system studies as part of the renewed SPDES permit over a span of 18 years. This Mini-System Study involves flow metering to be completed in mini-systems 1-12 in the first 12 years, with the remaining mini-systems completed in the six subsequent years, in addition to the rehabilitation work (see Location Map).

The Parallel Peanut Line Sanitary Sewer Interceptor Design project is design only and the Mini-System Study Project is flow metering data collection only and consultant services.

PROJECT DESCRIPTION:

Parallel Peanut Line Sanitary Sewer Interceptor Design Project

This project includes the final design for a secondary sanitary sewer interceptor along the Peanut Line, from Transit Road to Paradise Road.

The proposed new interceptor sewer will divert flow from the North French/Dodge Road trunk sewer to alleviate existing wet-weather surcharging of this trunk sewer and create some reserve capacity. The project also includes approximately 3,650 lineal feet of sewer design and the design of a 100-foot sewer crossing under Transit Road.

The alternative to this project is upsizing the existing 24-inch diameter North French Trunk Sewer, which would be a much longer and more expensive project.

Mini–System Study

As the town has defined and identified the solutions to the SSO issue, several initiatives have been implemented to remove extraneous wet weather inflow and infiltration (I&I) within the public and private side of the sewer system. Over the summer of 2017, the town adopted a “time of sale” law and amended its I&I mitigation program. In addition, the NYSDEC as part of its CMOM (Capacity Management Operations and Maintenance) plan review has required that the town study each mini-system in its sewer shed with the goal of developing future effective I&I mitigation projects.

The I&I mitigation program is mandated by the NYSDEC and all new projects that require NYSDEC approval of a sanitary sewer extension (greater than 2,500 gallons/day) are required to mitigate the equivalent volume of sewage equal to four times the development’s peak flow. The town’s new program requires that the developer of the project cut a check in the amount of $250/gpm for mitigation of I&I flow. The check is deposited into a trust and agency account for use on future capital projects targeting I&I removal.

Attachment: MPR S-5-S-7 SS Parallel Peanut Line Design and Mini-System Study (RES-2024-132 : Parallel Peanut Line Sanitary Sewer

The town is also required to embark on its mini-system studies with the goal of systematically removing as much I&I as feasible. As a start, the town is planning on studying MS02, MS03 and MS04 mini-systems and will program capital work for each once the study is completed. It is anticipated that each mini-system will yield at least one if not two capital projects focused on I&I work.

FINANCIAL/TAXATION SUMMARY:

Financial Summary:

1. 2024 CIP Project S-5
   Parallel Peanut line Interceptor Sewer Design
   Consolidated Sanitary Sewer District
   Town of Amherst Job No. 2020.025

Engineering & Inspection (Design & Inspection)	$ 199,000.00
Legal & Administration	$ 1,000.00
Total Engineering, Legal & Administration:	$ 200,000.00
Funding Sources:	
Bond (Per Approved 2024 CIP - Project S-5):	$ 200,000.00

2. 2024 CIP Project S-7
   Mini-System Study
   Consolidated Sanitary Sewer District
   Town of Amherst Job No. 2024-001G

Engineering & Inspection	$ 74,625.00
Legal & Administration	$ 375.00
Total Construction, Engineering, Legal & Administration:	$ 75,000.00
Funding Sources:	
Bond (Per Approved 2024 CIP - Project S-7):	$ 75,000.00

Taxation Summary:

Total Amount to be bonded:	$ 275,000.00
Bond Term:	5 years
Annual Tax Impacts:	$0.0049 per $1,000 AV
Typical Property Impacts:	$1.4736 per $300,000 AV

SEQR:

See attached memo from the Town of Amherst Planning Department.

Attachment: MPR S-5-S-7 SS Parallel Peanut Line Design and Mini-System Study (RES-2024-132 : Parallel Peanut Line Sanitary Sewer

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM January 12, 2024

TO: Vaishali Reberholt, P.E., Assistant Municipal Engineer
Engineering Department

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

RE: SEQR Determination
Parallel Peanut Line Interceptor Sewer Design &
Mini-System Study
2023-2028 C.I.P. Projects S-5 & S-7

The Planning Department has reviewed the Map, Plan & Report for the subject project and has determined it to be a Type II action under the provisions of SEQR according to Part 617.5. Therefore, no further environmental work is required.

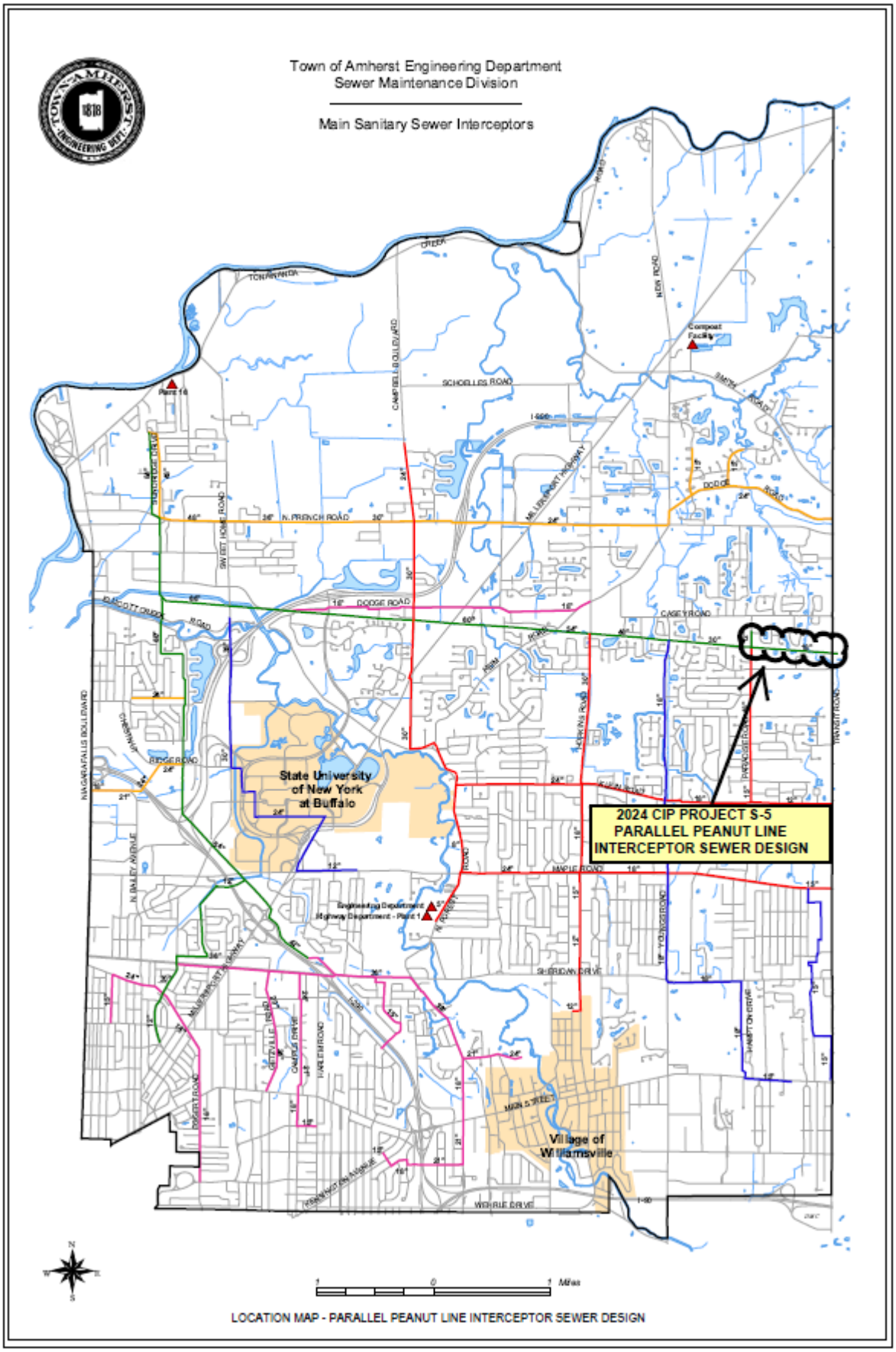
Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\S-5 & S-7_ Parallel Peanut Line Interceptor Sewer Design & Mini-System Study_01_12_2024.docx

cc:
Martin A. Polowy, Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: MPR S-5-S-7 SS Parallel Peanut Line Design and Mini-System Study (RES-2024-132 : Parallel Peanut Line Sanitary Sewer

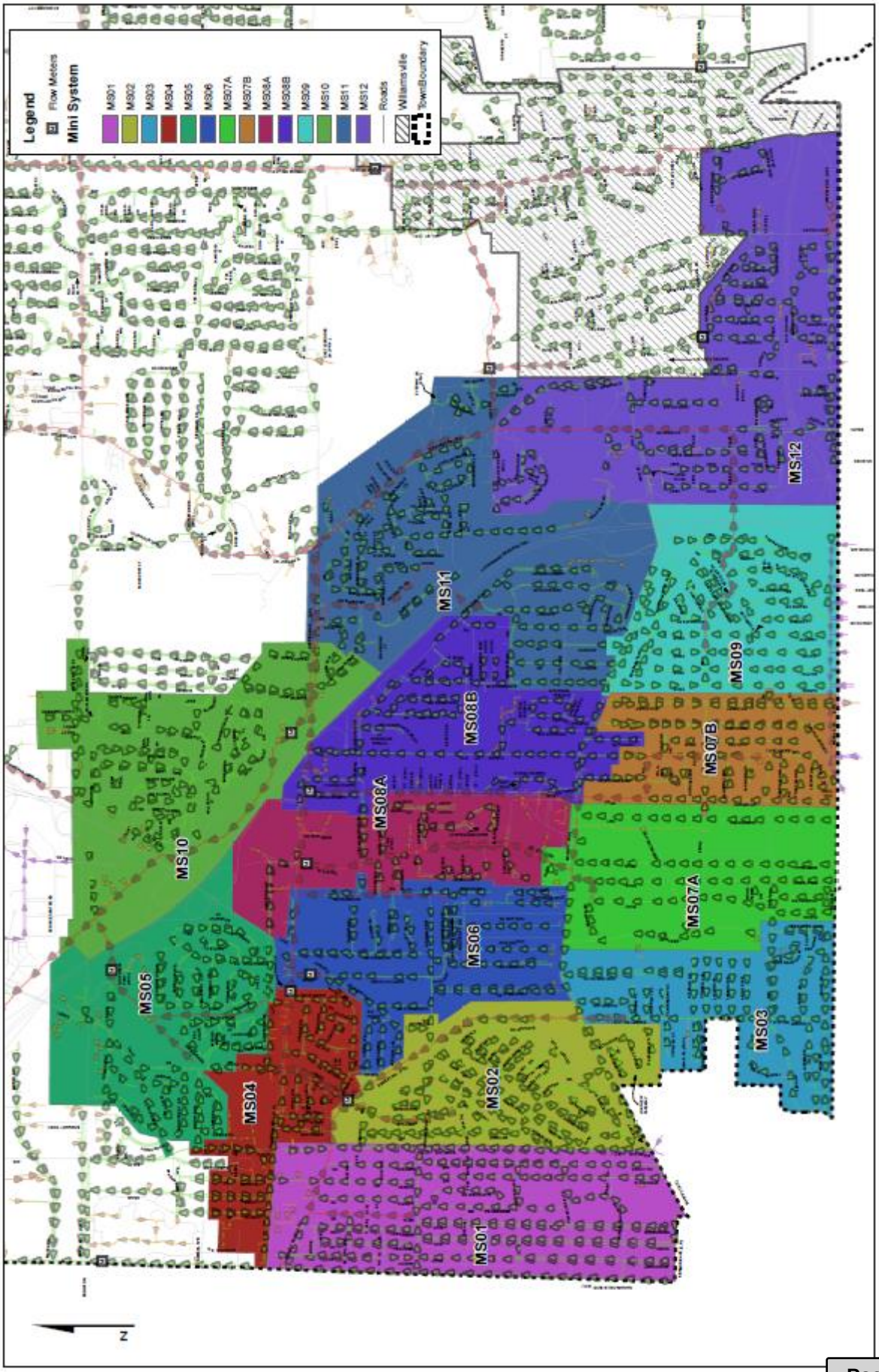
APPENDIX A



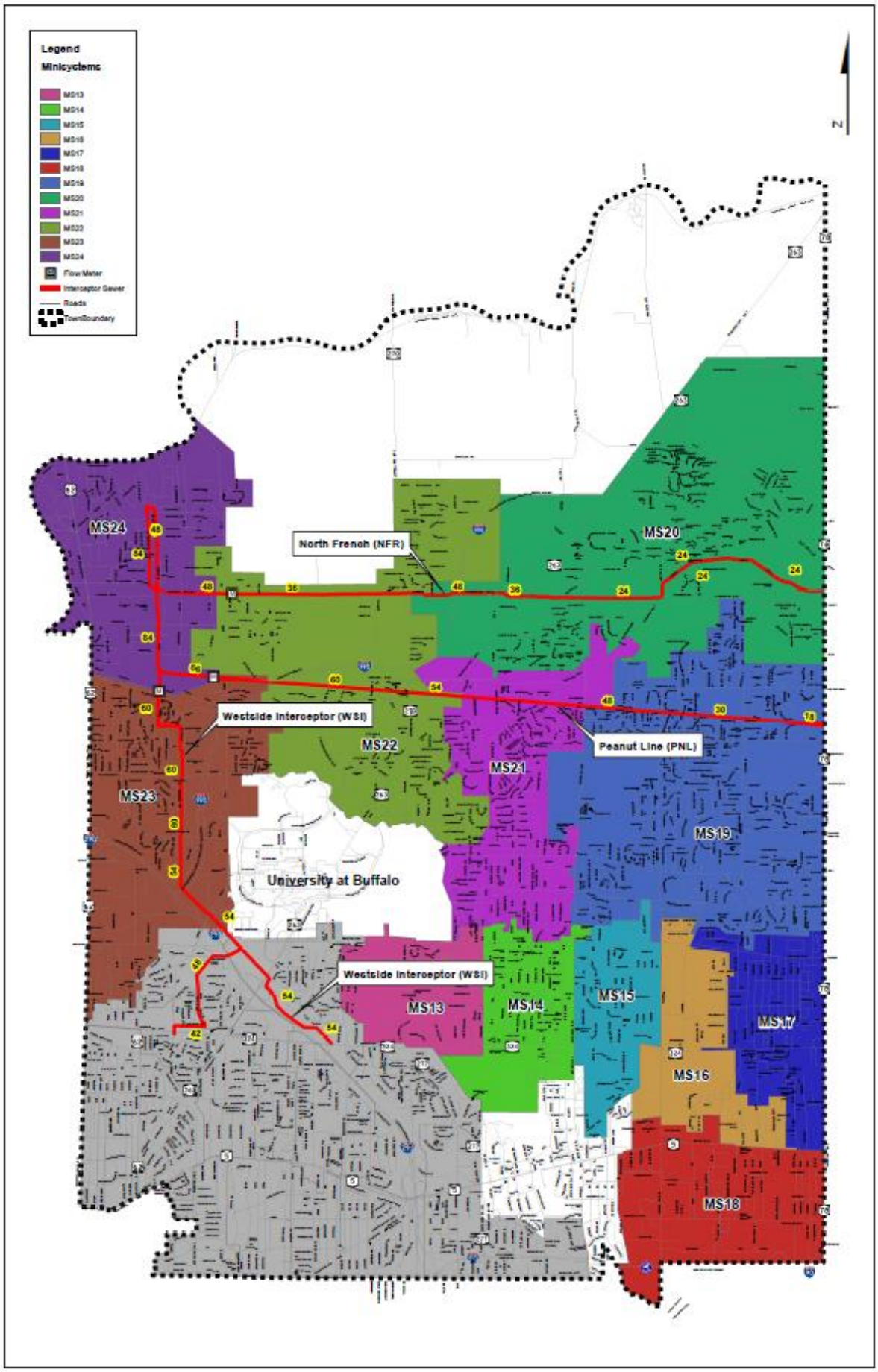
LOCATION MAP - PARALLEL PEANUT LINE INTERCEPTOR SEWER DESIGN

Attachment: MPR S-5-S-7 SS Parallel Peanut Line Design and Mini-System Study (RES-2024-132 : Parallel Peanut Line Sanitary Sewer

APPENDIX B



Attachment: MPR S-5-S-7 SS Parallel Peanut Line Design and Mini-System Study (RES-2024-132 : Parallel Peanut Line Sanitary Sewer



Attachment: MPR S-5-S-7 SS Parallel Peanut Line Design and Mini-System Study (RES-2024-132 : Parallel Peanut Line Sanitary Sewer

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 28576 **RESOLUTION 2024-133** **ADOPTED**

"P" Order for NYSDEC Oversight - Amherst Central Park

AGENDA ITEM - FEBRUARY 5th, 2024

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Senior Deputy Town Attorney**

DATE: **January 31, 2024**

RE: **P Order For NYSDEC Oversight - 772 North Forest Road**

Kindly adopt the following resolution with respect to the above matter:

WHEREAS, on April 12, 2023, following approval of this Town Board, the Town of Amherst purchased certain property consisting of approximately 170.5 acres known as Tax Map/Parcel No.: 68.01-1-1.2, 772 North Forest Road, Town of Amherst (the "Site"); and

WHEREAS, the Town of Amherst intends to develop the Site as the Town of Amherst Central Park; and

WHEREAS, environmental studies conducted by the prior Owner prior to the purchase of the Site by the Town of Amherst, indicated the presence of environmental conditions which exceeded in some areas of the Site standards promulgated by NYSDEC for the certain planned uses of the Site by the Town of Amherst; and

WHEREAS, the Town of Amherst contacted NYSDEC to address environmental conditions at the Site to the satisfaction of NYSDEC, consistent with legal and regulatory requirements for the development of the Site by the Town of Amherst for its intended use; and

WHEREAS, the Town and the NYSDEC have negotiated a "P" Order to provide for NYSDEC oversight, including the submission of Work Plans and analytical findings to NYSDEC;

NOW THEREFORE, BE IT RESOLVED that this Town Board directs:

1. The Town Supervisor to execute the Order on Consent and Administrative Settlement ("Order") , attached hereto for a Remedial Program for the Site known as "Amherst Central Park" (DEC Site No. 915291, 772 North Forest Road, Amherst, New York, which Order shall under NYSDEC oversight in coordination with the Town's proposed construction activities, appropriately characterize and address contamination at the Site consistent with the Town's intended use.

2. The Town Supervisor, and his designee is further authorized to provide for the submittals to the NYSDEC as provided in the Order, with not less than quarterly reports to this Board regarding activities undertaken under the Order as authorized by this Resolution.

MAP:nmb
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment*, **Agenda Item - February 5, 2024**)

2/5/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

FINANCIAL IMPACT:

None for the purposes of this Resolution.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
STATE SUPERFUND PROGRAM
ECL §27-1301 *et seq.*

In the Matter of a Remedial Program for

ORDER ON CONSENT AND ADMINISTRATIVE SETTLEMENT
Index No. [TBD]

DEC Site Name: Amherst Central Park
DEC Site No.: 915291
Site Address: 772 North Forest Road
Town of Amherst, New York

Hereinafter identified in further detail and referred to as the "Site"

by: the Town of Amherst, New York

Hereinafter referred to as the "Respondent"

---

1. A. The New York State Department of Environmental Conservation ("Department") is responsible for inactive hazardous waste disposal site remedial programs pursuant to Article 27, Title 13 of the Environmental Conservation Law ("ECL") and Part 375 of Title 6 of the Official Compilation of Codes, Rules and Regulations ("6 NYCRR") and may issue orders consistent with the authority granted to the Commissioner by such statute.

B. The Department is responsible for carrying out the policy of the State of New York to conserve, improve, and protect its natural resources and environment and control water, land, and air pollution consistent with the authority granted to the Department and the Commissioner by Article 1, Title 3 of the ECL.

C. This Order is issued pursuant to the Department's authority under, *inter alia*, ECL Article 27, Title 13 and ECL 3-0301, and resolves Respondent's liability to the State as provided at 6 NYCRR 375-1.5(b)(5).

2. The Site is not currently listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State and is instead identified as a “P” or potential site with a Site Number of 915291. Respondent purchased the Site in April 2023.

3. Respondent consents to the issuance of this Order without (i) an admission or finding of liability, fault, wrongdoing, or violation of any law, regulation, permit, order, requirement, or standard of care of any kind whatsoever; (ii) an acknowledgment that there has been a release or threatened release of hazardous waste at or from the Site;

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

and/or (iii) an acknowledgment that a release or threatened release of hazardous waste at or from the Site constitutes a significant threat to the public health or environment.

4. Respondent and the Department agree that the primary goals of this Order are to appropriately characterize the contamination at the Site under Department oversight and in coordination with Respondent's proposed construction activities and its intended use of the Site.

5. Solely with regard to the matters set forth below, Respondent hereby waives any right to a hearing as may be provided by law, consents to the issuance and entry of this Order, and agrees to be bound by its terms. Respondent consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Order, and agrees not to contest the validity of this Order or its terms or the validity of data submitted to the Department by Respondent pursuant to this Order.

NOW, having considered this matter and being duly advised, **IT IS ORDERED THAT**:

I. Real Property

The Site subject to this Order has been assigned identification number 915291, consists of approximately 170.5 acres, and is as follows:

Subject Property Description (A map of the Site is attached as Exhibit A)

Tax Map/Parcel No.: 68.01-1-1.2
772 North Forest Road, Town of Amherst
Owner: The Town of Amherst

II. Submittals to the Department; Deviations from Standard Clauses

A. A Construction Characterization Work Plan ("CCWP") submitted on behalf of Respondent and approved by the Department is attached hereto as Exhibit B and is incorporated herein and made a part of this Order.

B. The CCWP referenced in the preceding section II.A covers an approximately 18-acre portion of the Site, which Respondent has identified as Phase 1 of a project intended to convert the Site into a public park. Respondent shall submit additional Work Plans covering the remaining portions of the Site within a reasonable time, pursuant to a timeline to be mutually agreed upon by Respondent and the Department. Respondent and the Department shall cooperate in good faith to finalize and implement said additional Work Plans. Upon approval of said additional Work Plans by the Department, the approved Work Plans shall be automatically incorporated into and made a part of this Order, and Respondent shall comply with all provisions of said approved Work Plans in its performance of work at the Site, subject to the rights and defenses of Respondent.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

C. Respondent shall not be required to submit a regulatory Citizen Participation Plan pursuant to Section I of Appendix A - "Standard Clauses for All New York State Superfund Administrative Orders" ("Standard Clauses") attached hereto, or a Records Search Report pursuant to Section II of the Standard Clauses. Respondent and the Department may mutually agree in writing on other departures from requirements set forth in the Standard Clauses.

D. Respondent shall not be required to submit a Change of Use notification to the Department pursuant to Section XI of the Standard Clauses for any proposed activity or change of use on the Site that has already been disclosed to the Department in a Work Plan (including but not limited to the CCWP). For any proposed activity or change of use on the Site that has not already been disclosed to the Department in a Work Plan (including but not limited to the CCWP), Respondent shall submit a Change of Use notification to the Department using the Department's publicly available notification form.

III. Payment of State Costs

Respondent shall not be responsible for reimbursing the Department for oversight costs incurred by the Department pursuant to this Order.

IV. Communications

A. All written communications required by this Order shall be transmitted by United States Postal Service, by private courier service, by hand delivery, or by electronic mail.

1. Communication from Respondent shall be sent to:

Andrew Zwack, DEC Project Manager (electronic copy only)
New York State Department of Environmental Conservation
Division of Environmental Remediation
700 Delaware Ave
Buffalo, NY 14209-2202
andrew.zwack@dec.ny.gov

Christine Vooris (electronic copy only)
New York State Department of Health
Bureau of Environmental Exposure Investigation
Empire State Plaza
Corning Tower Room 1787
Albany, NY 12237
christine.vooris@health.ny.gov

2. Communication from the Department to Respondent shall be sent to:

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Supervisor Brian J. Kulpa
Town of Amherst
5583 Main Street
Williamsville, NY 14221
bkulpa@amherst.ny.us

Town Attorney Martin Polowy, Esq.
Town of Amherst
5583 Main Street
Williamsville, NY 14221
mpolowy@amherst.ny.us

Doreen A. Simmons, Esq.
Hancock Estabrook, LLP
1800 AXA Tower I
100 Madison Street
Syracuse, NY 13202
dsimmons@hancocklaw.com

B. The Department and Respondent reserve the right to designate additional or different addressees for communication on written notice to the other. Additionally, the Department reserves the right to request that Respondent provide one or more paper copies of any work plan or report.

C. Each party shall notify the other within ninety (90) days after any change in the contact information listed in this section IV.

V. Satisfactory Completion

A. If the Department determines that one or more portions of the Site have been investigated and/or remediated such that no further remedial action is presently necessary, other than implementation of a Site Management Plan (if a Site Management Plan is required by the Department for such portion or portions of the Site), the Department may issue a Satisfactory Completion/No Further Action Letter for any such portion of the Site, and may issue multiple such letters at different times for different portions of the Site. To request a Satisfactory Completion/No Further Action Letter from the Department for a portion of the Site, Respondent shall submit a Construction Completion Report identifying the boundaries and size of the portion to be covered by the letter and describing all activities completed and sampling performed on that portion of the Site pursuant to a Department-approved Work Plan. The Construction Completion Report shall contain sufficient information to allow the Department to determine whether the portion of the Site in question requires further action based on sampling data and the proposed land use. Satisfactory Completion/No Further Action Letters issued for portions of the Site pursuant to this section V.A may differ from the Department's draft Satisfactory Completion/No Further Action Letter attached as Exhibit

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

C and referenced below in section V.B, as needed based on relevant facts and circumstances.

B. If, after the completion of any required investigations, interim remedial measures, and/or construction activity as described in the Department-approved CCWP and other Department-approved Work Plans for the entire Site, the Department determines that the Site will not be listed in the *Registry of Inactive Hazardous Waste Disposal Sites in New York State*, the Department will issue a Satisfactory Completion/No Further Action Letter to Respondent reflecting the Department's determination that, other than implementation of a Site Management Plan (if a Site Management Plan is required by the Department), no further remedial action at the Site is presently necessary. A draft reflecting the typical form and substance of the Department's Satisfactory Completion/No Further Action Letter for the Site is attached hereto as Exhibit C.

VI. Restriction of Site Access

Respondent shall cause all areas of the Site that are not covered by a Department-approved Work Plan (including but not limited to the CCWP) or by a Satisfactory Completion/No Further Action Letter to be at all times fenced or otherwise secured to the Department's satisfaction, to prevent entry by the public. Respondent shall provide at least 60 days' written notice to the Department before allowing public access to any portion(s) of the Site.

VII. Miscellaneous

A. Exhibit A (Site map), Exhibit B (Department-approved CCWP), Exhibit C (draft Satisfactory Completion/No Further Action Letter), and Appendix A (Standard Clauses for All New York State Superfund Administrative Orders) are attached to and hereby made a part of this Order as if set forth fully herein.

B. In the event of a conflict between the main body of this Order (including any and all attachments thereto and amendments thereof) and the terms of Appendix A, the main body of this Order shall control.

C. The effective date of this Order is the 10th day after it is signed by the Commissioner or the Commissioner's designee.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATED:

BASIL SEGGOS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

_____

Andrew Guglielmi, Director
Division of Environmental Remediation

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Order.

The Town of Amherst, New York

By:_____

Title:_____

Date:_____

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the _____ day of _____ in the year 20___, before me, the undersigned, personally appeared _____*(full name)* personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Acknowledgment by a corporation, in New York State:

On the _____ day of _____ in the year 20___, before me, the undersigned, personally appeared _____*(full name)* personally known to me who, being duly sworn, did depose and say that he/she/they reside at _____*(full mailing address)* and that he/she/they is (are) the _____ *(president or other officer or director or attorney in fact duly appointed)* of the _____

(full legal name of corporation), the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by the authority of the board of directors of said corporation.

_____
Notary Public, State of New York

{H5358029.1}

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

EXHIBIT A
Site Map

Town of Amherst Westwood Site
Intended Use Exhibit
772 North Forest Road (SBL 68.01-1-1.2)
December 1, 2022

NOTES:
THE FOLLOWING DRAWING IS NOT SURVEYED OR PROPERLY ALIGNED TO A COORDINATE SYSTEM. THIS PLAN REFLECTS TAX PARCEL DATA, AERIAL IMAGERY AND OTHER TOWN GEOSPATIAL DATA.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

EXHIBIT B

Construction Characterization Work Plan

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Construction Characterization Work Plan

Amherst Town Park South (Phase 1)

Portion of 772 North Forest Road
Amherst, Erie County, New York

Prepared for:
Owner: Town of Amherst
5583 Main Street
Williamsville, New York 14221

December 22, 2023

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

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{H5307494.1}

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ACRONYM LIST

ASP	Analytical Services Protocol
BCP	Brownfield Cleanup Program
BGS	Below Ground Surface
NYSDEC	New York State Department of Conservation
ELAP	Environmental Laboratory Accreditation Program
REC	Recognized Environmental Condition
SCO	Soil Cleanup Objectives
Site	Portion of 772 North Forest Road, Amherst, New York
SVOC	Semi-volatile Organic Compounds
TCLP	Toxicity Characteristic Leaching Procedure
U.S. EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

1 INTRODUCTION

In April 2023, the Town of Amherst purchased the former Westwood Country Club 170-acre property ("Property") located at 772 North Forest Road, Amherst, New York. **Figure 1** shows the location of the Property (former Westwood County Club). The Town intends to transform the Property into a new public park. The park will be developed in stages. The first section of the park will be a 57.65-acre southern portion of the Property. This portion will be referred to as "Amherst Town Park South." The first phase of Amherst Town Park South (called "Phase 1") will consist of 18 acres of land along Sheridan Drive and North Forest Road. **Figure 2** shows the boundary of Phase 1 and Amherst Town Park South. Phase 1, scheduled for construction in 2024, will be developed in three sub phases: Phase 1.1, 1.2, and 1.3, these sub-phases are presented in **Figure 3**.

This Work Plan describes the soil characterization activities for Phase 1 of Amherst Town Park South only.

The previous owner completed preliminary sampling of surface soils to determine if long-term, historic use of golf-course-related pesticides impacted the property. Contamination was identified and the previous owner entered into the New York State Brownfield Cleanup Program (BCP) in 2015 (NYSDEC Site No. C915291). After several long negotiations between the previous owner and the Town of Amherst, the property was sold to the Town and the 2015 Brownfield Cleanup Agreement was terminated. The Town is executing a regulatory order for the Property with the New York State Department of Environmental Conservation (NYSDEC) prior to the commencement of construction, which shall include regulatory oversight and approval of work plans.

C&S has prepared this Work Plan to provide a soil sampling program to be implemented in the areas of Phase 1.1, 1.2, and 1.3, as shown on Figure 3, in these construction areas. The resulting information will be utilized to develop a Soil Management Plan for construction.

1.1 Site Description/History

The 170-acre Site is located at 772 North Forest Road in the south-central portion of the Town of Amherst, Erie County, New York. The Site is generally bounded by Sheridan Drive (State Route 324) on the south; former Westwood Country Club golf course on the north; North Forest Road (County Road 294) on the east; and Frankhauser Road on the west. **Figure 1** shows the Site boundaries.

The Site is relatively flat with some minor topographic relief commonly associated with golf courses. Three fairways, greens, and rough are located within the Site and have not been maintained since 2014. The Site contains areas developed with a number of structures consisting of the clubhouse and associated buildings. A berm is located onsite

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along Sheridan Drive and runs west to east along the full length of the southern Site boundary. The berm is approximately 6 to 10 feet high.

The Site was first partially developed as a golf course in 1921. Prior to 1921, land use was agricultural and residential.

1.2 Site Geography, Geology, and Hydrogeology

Structures on the property include six main buildings, several sheds, a swimming pool and tennis courts associated with the former Westwood Country Club, as shown on **Figure 2**.

Topography on the Site averages approximately 600 feet above sea level. Overall, the topography of the Site is relatively level, with the exception of previous modifications resulting from the construction, operation, and maintenance of the golf course.

The Soil Survey of Erie County (U.S. Department of Agriculture, Soil Conservation Service www.websoilsurvey.nrcs.usda.gov) identifies soils on the Site as loamy fine sand, silt loam, and urban land. The results of the soil borings conducted during the geotechnical evaluation were consistent with the mapped soils information and is shown in **Appendix A**. Specifically, the soil borings encountered native soils consisting of glacial till deposited silty, clayey silt, silt and silty or clayey sand soils overlying the shale bedrock. In most cases, the soil borings indicated the presence of surface topsoil and man-placed fill or disturbed indigenous soils above native soils, and consistent with topographic modifications associated with golf course construction.

Bedrock in the vicinity of the Site consists generally of shale bedrock and the depth to bedrock in the area ranges from approximately 15 to 65 feet.

Based on a review of NYSDEC data, the Site is not underlain by any mapped principal or primary aquifers. Groundwater at and in the vicinity of the Site is not used for public drinking water supply. Groundwater was evaluated as part of a geotechnical evaluation of the Site. As part of its geotechnical analysis, three groundwater observation wells were installed. Results indicate that the water table is present at 17 to 22 feet beneath the surface, although perched water is present in the upper soils, in some instances within a few feet of the surface.

1.3 Proposed Site Redevelopment

The Town of Amherst is planning a world class park at the Property. Following many meetings and engagements with residents, stakeholders and constituents the Town identified the following objectives for the Amherst Town Park South – Phase 1.1,1.2, and 1.3:

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- Construct a Community Theatre, Winter Market and Skating Area
- Enhance and create related parking, roadways and upgrade needed utilities

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{H5307494.1}

2 SUMMARY OF ENVIRONMENTAL CONDITIONS

Preliminary environmental information currently exists for the Property. Previous investigations, largely not specific to the Phase 1.1, 1.2, and 1.3 project, provides useful background information for the Work Plan.

Previous investigations were conducted in 2015 through 2017, and in 2022, included surface soil, subsurface soil, sediment, groundwater, and surface water sampling with analysis for a wide variety of contaminants throughout the Property. These results were provided to the NYSDEC, and the following briefly summarizes the characterization results.

2.1 Soil

The historic soil sampling identified the presence of a number of metals in soils at concentrations above the NYSDEC SCOs at the Property. The following summarizes and discusses the data generated during the 2015, 2016, and 2017 Pilot Studies. Concentrations are compared to NYSDEC Restricted Residential Use Soil Cleanup Objectives (SCOs), which apply to areas in which active recreation is expected. However, much of the planned development of the Amherst Town Park South is expected to be passive recreation, which uses the less stringent Commercial Use SCOs as guidance.

- A number of contaminants were detected at concentrations above the Restricted Residential Use SCOs in one or more samples collected at the Property, including:
    - Arsenic
    - Cadmium
    - Chromium
    - Cyanide
    - Mercury
    - Zinc
- The presence of the metals listed above is consistent with the historic use of pesticides, herbicides, and fungicides at a golf course. Although these metals are no longer commonly used in pesticides, herbicides, and fungicides, these metals once formed the basis for these products.
- Hole 9 sample results in the vicinity of Phase 1.1, 1.2, and 1.3 contained exceedances for chromium above Restricted-Residential SCOs and cadmium above Commercial SCOs.
- Generally, the depths of elevated metals concentrations within the Property are:
    - Greens: within the top 12 to 18 inches

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- Fairways: within the top six inches
- Tee boxes: within the top six to 12 to 18 inches
- Rough: within the top two to six inches

- Contaminant concentrations are generally highest in the greens, followed by the tees and fairways. The lowest concentrations were detected in the rough areas.

- One composite soil sample was collected from the grid locations with the highest metal concentrations from the greens and tees. The samples were analyzed for waste characterization using the Toxicity Characteristic Leaching Procedure (TCLP). Results indicate that, although soils from this Site are contaminated with heavy metals, the concentrations do not exceed hazardous levels.

2.2 Sediment

The sediment sampling arsenic results were generally low and ranged from 1.3 to 11.3 mg/kg. These concentrations are below the NYSDEC Unrestricted Use SCO. Using the NYSDEC's June 24, 2014 "Screening and Assessment of Contaminated Sediments Guidance," eleven of the concentrations are characterized as Class A, which is defined as sediments that present little to no potential for risk to aquatic life.

2.3 Groundwater

None of the contaminants found in the soils at elevated concentrations (metals) were detected in the groundwater samples. The groundwater samples did contain concentrations of magnesium and iron above NYSDEC groundwater standards; however, it is common for groundwater in this region to contain high concentrations of metals such as calcium, iron and magnesium. Arsenic, chromium, and lead were also detected in groundwater samples, but were at levels lower than NYSDEC groundwater standards.

2.4 Surface Water

Two surface water samples were collected from the water hazards on the former hole #8 and #9 in May of 2022. Results from the hole #9 water hazards show exceedances for PFOs and Benzo(k)fluoranthene. The NYSDEC has determined that this sampling is sufficient for site characterization efforts, however, should the project call for draining of the water hazards and discharging to the site or another body of water, additional sampling will be required. If the water is to be discharged to a publicly owned treatment work (POTW) facility, then the NYSDEC would not require sampling outside of the POTW required.

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3 PRE-CONSTRUCTION SOIL CHARACTERIZATION

Previous soil investigations encountered historic heavy metal-impacted soils at the Property. The objectives of the scope of work described in this Work Plan are to evaluate contaminant impacts to soil to determine appropriate soil management practices during construction activities scheduled to commence in 2024 within Phase 1.1,1.2, and 1.3.

3.1 Field Investigation

This Work Plan intends to consider the previous site characterization information by the advancement of soil borings (drilled and hand augered) and collecting and analyzing soil samples. The field investigation activities will conform to procedures in NYSDEC DER-10.

Sample locations described in the sections below will be surveyed using a hand-held Global Positioning System (GPS) unit. Horizontal and vertical survey data will be collected using the most current datum.

3.1.1 Soil Boring Program

Soil samples will be collected from grid locations throughout Phase 1.1, 1.2, and 1.3.

The general details of the sampling program include the following:

- Sampling on a 200-foot by 200-foot grid, shown in **Figure 4**
- Hand auger soil borings will be advanced in 18 locations across the Site. The sampling efforts will include the following:
    - C&S will use a decontaminated stainless-steel shovel or trowel to dig into the soil surface to allow for visual examination and screening of the soil.
    - Soil samples will be collected from the top 0-2 inches of soil immediately below the vegetative layer and from the layer 2-6 inches below the surface.
    - Samples will be immediately placed in pre-cleaned glassware provided by the laboratory.
    - C&S will submit soil/fill samples under standard chain-of-custody procedures for laboratory analyses using United States Environmental Protection Agency (USEPA) methods.
    - The samples will be analyzed for Target Analyte List (TAL) Metals, mercury, cyanide and four samples for hexavalent chromium.
- Drilled soil borings will be advanced in 5 locations. These locations are around the Hole 9 green and a section of the existing berm that will be removed for a new road to serve the park.

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- A qualified environmental drilling firm will be retained to advance the borings using direct-push drilling techniques.
- C&S will provide a qualified scientist or engineer to supervise and document the boring program, and prepare logs describing the overburden stratigraphy, field measurements, visual /olfactory observations, and other pertinent observations.
- Soil/fill from the borings will be continuously assessed in the field for visible impairment, olfactory indications of impairment, and total VOCs using a photoionization detector (PID). Positive indications from any of these screening methods are collectively referred to as "evidence of impairment." If VOCs detected in screening at 10 ppm or above, a corresponding sample will be analyzed for TCL VOCs. Evidence of impairment that is gathered at the time of the fieldwork will be used with observed hydrogeologic conditions to assist in determining the location and depth for sample collection. Note that the presence of historic fill material (HFM) is considered evidence of impairment. HFM may include brick, coal, ash, cinder, and other such debris.
- From each sample location in the area of Hole 9 green, soil samples will be collected from the following depth horizons:
  - Horizon A: 0 to 2 inches below grade
  - Horizon B: 2 to 6 inches below grade
  - Horizon C: 6 to 12 inches below grade
  - Horizon D: 12 to 18 inches below grade
  - Horizon E: 18 to 24 inches below grade
- Soil samples from Horizon C and D will be collected and archived until it is determined if further evaluation will be required at deeper depths.
- From each sample location on the berm, one soil samples will be collected from 0-6 inches or from the depth of any HFM encountered. Boreholes will be advanced until native soil is reached. Observations will be recorded for soil characterization.
- Any drilling equipment that has the potential to come in contact with the soils samples wither either be decontaminated prior to each use or will disposable, dedicated materials.
- C&S will place the samples for analysis in pre-cleaned bottles provided by the laboratory with a decontaminated stainless-steel spoon or by gloved hand.
- C&S will submit soil samples under standard chain-of-custody procedures for laboratory analyses using United States Environmental Protection Agency (USEPA) methods.
- The samples will be analyzed for Target Analyte List (TAL) Metals, mercury, cyanide and two samples for hexavalent chromium.

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3.1.2 Sediment Sampling Program

C&S will characterize sediment conditions through collection via shovel from the pond. The sediment sampling efforts will include the following:

- C&S will implement a sampling program to collect one sample from the sediment surface along the edge of the pond.
- C&S will utilize a shovel to collect the sediment sample.
- C&S will provide a qualified scientist or engineer to supervise and document the sediment sampling program, and prepare logs describing the sediment stratigraphy, field measurements, visual /olfactory observations, and other pertinent observations.
- The sample will be collected and place in pre-cleaned bottles provided by the laboratory with a decontaminated stainless-steel spoon or by gloved hand.
- C&S will submit sediment samples under standard chain-of-custody procedures for laboratory analyses using United States Environmental Protection Agency (USEPA) methods.
- Sample analysis will be done by an environmental laboratory approved by the New York State Department of Health (ELAP)
- The samples will be analyzed for Target Analyte List (TAL) Metals, mercury, cyanide and hexavalent chromium.

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4 QUALITY ASSURANCE AND QUALITY CONTROL PROTOCOLS

To ensure that suitable and verifiable data results are obtained from the information collected at the Site, quality assurance procedures are detailed in this section.

4.1 Sampling Methods, Analytical Procedures and Documentation

4.1.1 Sampling Methods

Sampling procedures will be conducted in accordance with the NYSDEC *Sampling Guidelines and Protocols Manual*. Collection of representative samples will include the following procedures:

- Ensuring that the sample taken is representative of the material being sampled;
- Using proper sampling, handling and preservation techniques;
- Properly identifying the collected samples and documenting their collection in field records;
- Maintaining chain-of-custody; and
- Properly preserving samples after collection.

Soil Sampling

Soil sampling will be performed using two methods: (1) field screening using a PID; and (2) grab samples. Whether soil samples are collected from the excavator bucket, direct-push rig sleeves, or split-spoons, they will be collected as grab samples that are split and placed into jars supplied by the laboratory as well as into individual zip-lock bags for screening. Screening soil samples will be allowed to sit in sealed zip-lock bag for a short period of time (minimum of five minutes). Head space measurements will then be taken from each zip-lock bag. If VOCs detected in screening at 10 ppm or above, a corresponding sample will be analyzed for TCL VOCs. To prevent cross contamination, zip-lock bags will not be reused and will be properly disposed. Calibration of all electronic field screening equipment will be completed daily and will be done to manufacturer's specifications.

As detailed in the *Sampling Guidelines and Protocols Manual*, grab samples will be placed in 4-ounce and 8-ounce, wide-mouth, glass jars. Sample jars will immediately be placed on ice in a cooler.

To satisfy DER-10 requirements, two Matrix Spike (MS), and two Matrix Spike Duplicate samples for TAL Metals, mercury, and cyanide will be collected.

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4.1.2 Analytical Procedures

Laboratory Analysis

Laboratory analysis will be conducted by a third-party laboratory that is accredited by the NYSDOH Environmental Laboratory Accreditation Program (ELAP). Laboratory analytical methods will include the most current NYSDEC Analytical Services Protocol (ASP).

Soil and groundwater samples sent to a certified laboratory will be analyzed in accordance with EPA SW-846 methodology for the following contaminants:

- Mercury (USEPA Method 7471A);
- Hexavalent Chromium (USEPA Method 7196A); and
- Metals (EPA Method 6010B).
- Cyanide (EPA 9010C/9012B)

4.1.3 Documentation

Custody Procedures

As outlined in NYSDEC *Sampling Guidelines and Protocols,* a sample is in custody under the following conditions:

- It is in your actual possession;
- It is in your view after being in your physical possession;
- It was in your possession and then you locked or sealed it up to prevent tampering; or
- It is in a secure area.

The qualified environmental professional will maintain all chain-of-custody documents that will be completed for all samples that will leave the Site to be tested in the laboratory.

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5 REPORTING

Based on the results of the work described above, C&S will prepare a report along with a final draft Soil Management Plan to describe the methodologies and results of the Construction Characterization. The Report will describe:

- Investigative methods;
- Observations and findings; and
- Analytical results.

A third-party data consultant will prepare a Data Usability Summary Report (DUSR). The following items will be reviewed

- Laboratory Narrative Discussion
- Custody Documentation
- Holding Times
- Surrogate Standard Recoveries
- Matrix Spike Recoveries. Duplicate Recoveries
- Preparation/calibration Blanks
- Laboratory Control Samples (LCSs)
- Calibration/Low Level Standards
- ICP Serial Dilution
- Instrument MDLs
- Sample Result Verification.

A New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP) certified laboratory will perform the analytical testing. The laboratory results for the samples will be reported in a Category B deliverables package to facilitate validation of the data, and a third-party validator will review the laboratory data and prepared a Data Usability and Summary Report (DUSR). The validator will evaluate the analytical results for the field samples and quality assurance / quality control samples and compared the findings to USEPA guidance to determine the accuracy and validity of the results.

The Soil Management Plan portion of the Report will include the following elements:

- Description of soil screening methods, if any
- Identification of potential remedial measures, if any
- Description of onsite material handling
- Health and Safety Plan

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6 SCHEDULE

The field program, once initiated, should be completed within one week. Laboratory reports will be received within one month of the completion of the field efforts, and the characterization report and accompanying Soil Management Plan will be submitted within two weeks of receipt of the analytical results. The Soil Management Plan may be initiated and submitted in draft form prior to the receipt of analytical results to expedite the review and approval of this document. Other project milestones include:

Task	Due Date
Submission of Construction Characterization Work Plan (CCWP)	November 8, 2023
DEC Approval of CCWP	December 22, 2023
Upon approval of the CCWP (December 8) the Town commences Construction documentation for Bidding; surveying	Start Date: December 22
On site activities: Implementation of CCWP Sampling / Submission of Draft Construction Soil Management Plan (CSMP)	Week of December 25, 2023
Negotiation/ Execution of "P" Order	December 31, 2023
Submission of Characterization Report and Final Draft CSMP	February 1, 2024
DEC Approval of Characterization Report and CSMP	March 1, 2024
Commencement of on-site physical construction activities	June 1, 2024
Construction: Phase 1.2 Theatre (PRIORITY) completion	November 30, 2024
Concrete/steel or concrete/wood building complete	July 31, 2025

** *NOTE: Winter Market, Play Surface, Splashpad, Parking, Utility and Roadway designs are ongoing – various construction to commence late 2024 to early 2025*

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FIGURES

C&S COMPANIES®

Figure 1

Site Location

2024 Phase 1 Constrution

Former Westwood Country Club Property

N

0 1,000 2,000 4,000 Ft

1 in. = 2,000 feet
When printed at 11 in. by 17 in.

Amherst Central Park South Phase 1 Construction Characterization

Sources: . Created by C&S Engineers, Inc.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

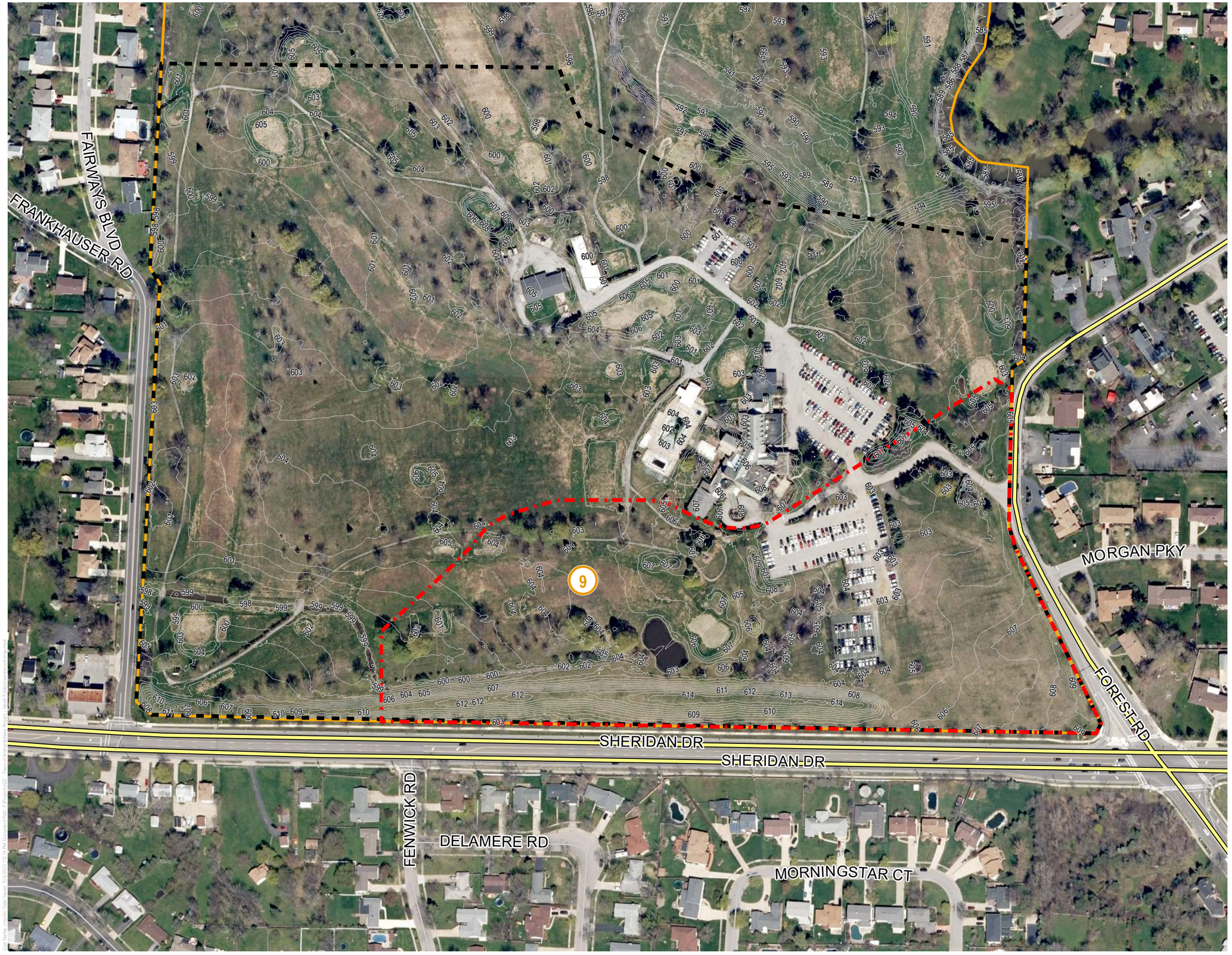

Figure 2

Site Map

- 2024 Phase 1 Construction
- Amherst Central Park South
- Former Westwood Country Club Property
- Elevation Contour
- 11 Golf Course Hole Number

N

0 100 200 400 FT

1 in. = 200 feet
When printed at 11 in. by 17 in.

Amherst Central Park South Phase 1 Construction Charactaerization

Sources: . Created by C&S Engineers, Inc.

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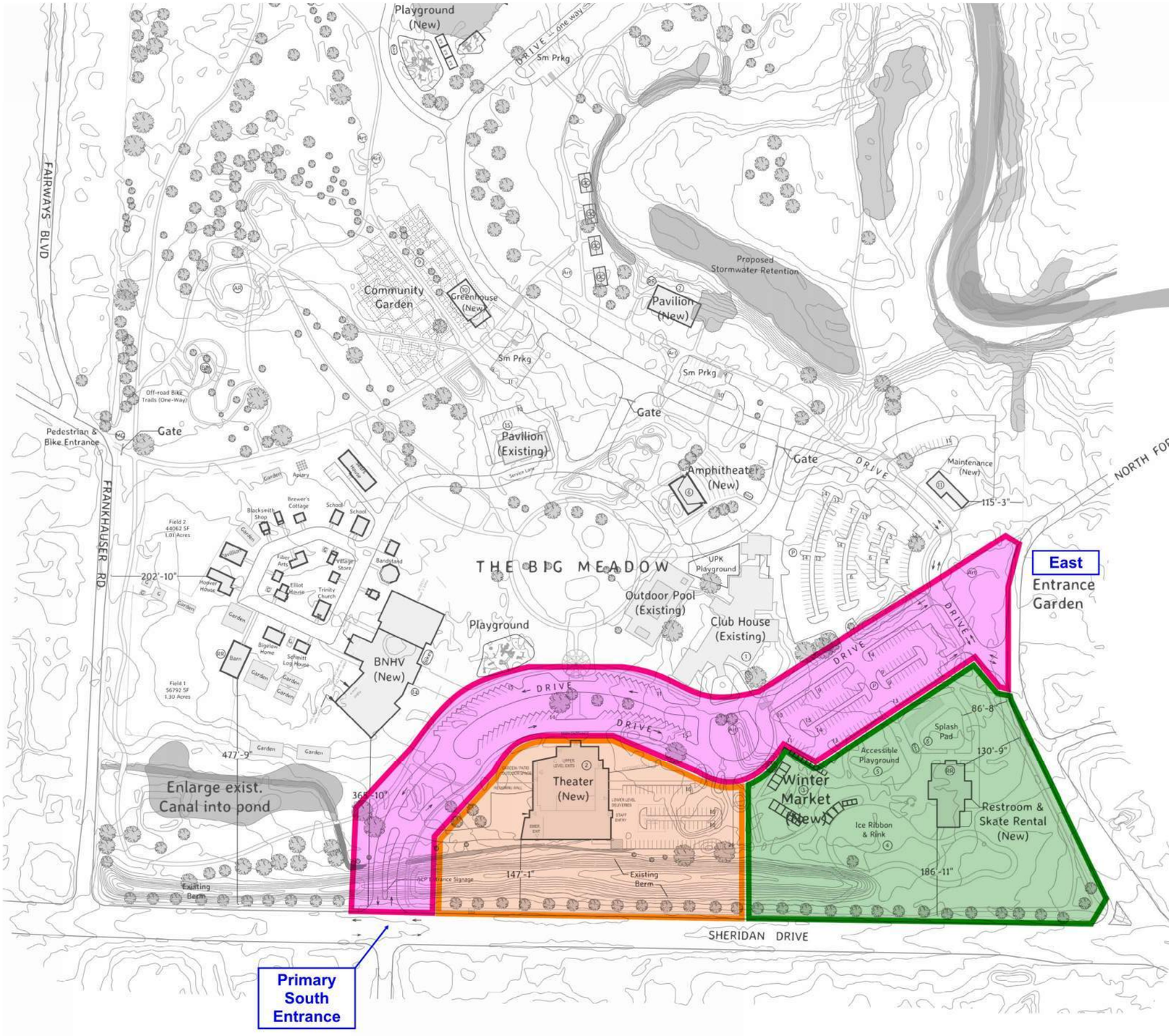

Construction 2024 Phasing Plan

Phase 1.1
Construction Preparation
Utilities, Access Drive and Staging Area

Phase 1.2
Theater
Split-Level Building, Geothermal, Retaining Walls

Phase 1.3
Recreation Area
Winter Market, Playground, Splash Pad, Restroom & Ice Ribbon

Phase 1 = 18 acres

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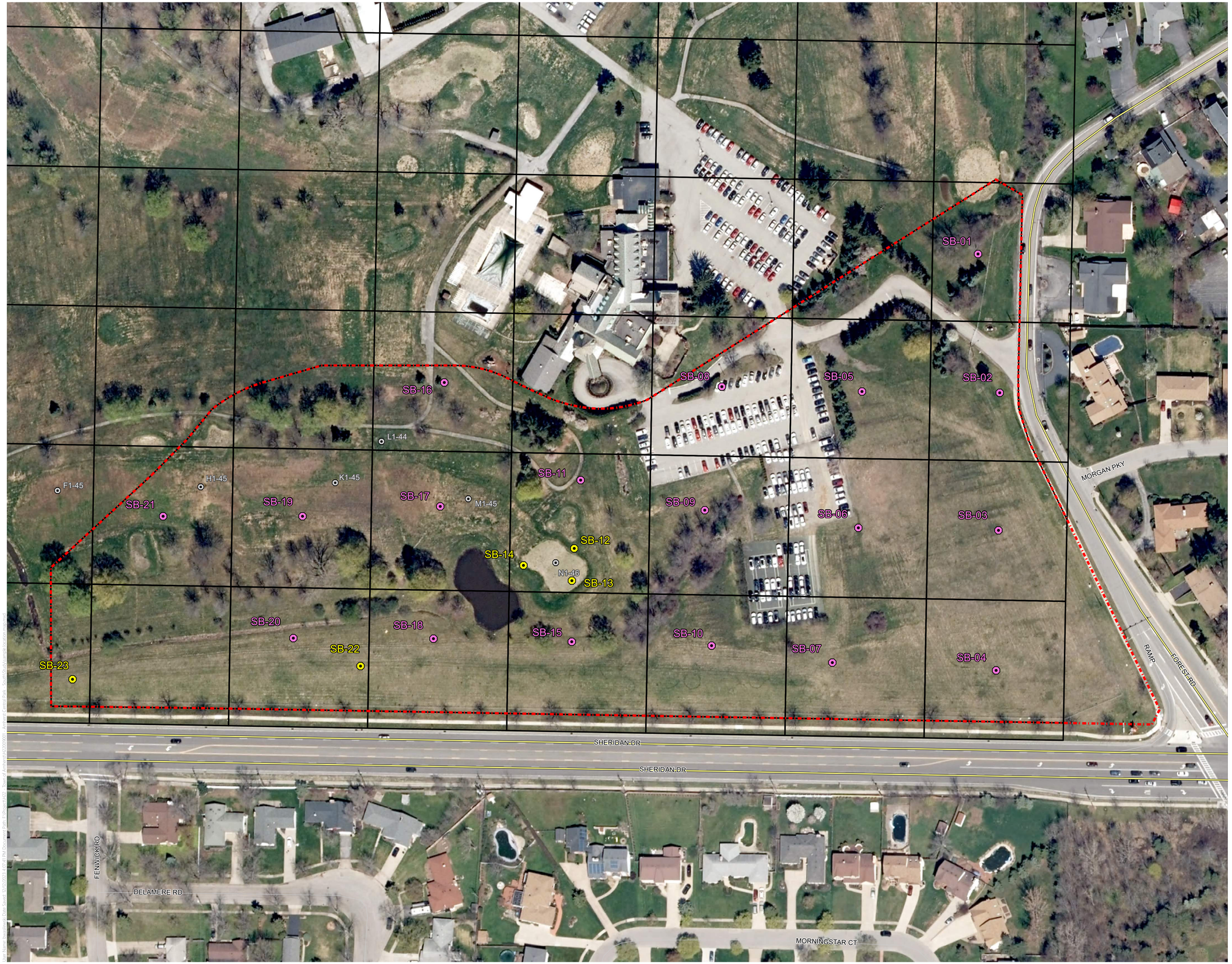

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Figure 4

Soil Sample Locations

- 2024 Phase 1 Construction
- Sample Grid 200-ft x 200-ft
- Sample Grid 200-ft x 200-ft
- Proposed Soil Sample Locations (Hand Auger)
- Proposed Soil Sample Locations (Drill Rig)
- Historic Soil Sample Locations

N

0 30 60 120 Feet

1 in. = 60 feet

When printed at 22 in. by 36 in.

Amherst Central Park South Phase Construction Characterization

Sources: . Created by C&S Engineers, Inc.

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G:\Work Groups\Land Development\Projects\Amherst Central Park South\Drawings\Figures\Figure 4 - Soil Sample Locations.mxd

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TABLES

Table 1
Proposed Sampling Program

Matrix	Sample Type	Lab Analysis	No. Samples	Field Duplicates	Matrix Spike	Matrix Spike Duplicate	Trip Blank	Total
Soil	Hand Auger	TCL VOC	0	0	0	0	--	0
		TCL SVOC	0	0	0	0	--	0
		TCL Pesticides	0	0	0	0	--	0
		Total PCB	0	0	0	0	--	0
		TAL Metals including Mercury	36	0	1	1	--	38
		Cyanide	36	0	1	1	--	38
		Hexavalent Chromium	4	0	0	0	--	4
		Silvex	0	0	0	0	--	0
		PFAS	0	0	0	0	--	0
		1,4-Dioxane	0	0	0	0	--	0
	Drilled Boring	TCL VOC	0	0	0	0	--	0
		TCL SVOC	0	0	0	0	--	0
		TCL Pesticides	0	0	0	0	--	0
		Total PCB	0	0	0	0	--	0
		TAL Metals including Mercury	14	0	1	1	--	16
		Cyanide	14	0	1	1	--	16
		Hexavalent Chromium	2	0	0	0	--	2
		Silvex	0	0	0	0	--	0
		PFAS	0	0	0	0	--	0
		1,4-Dioxane	0	0	0	0	--	0
Sediment	Hand Tools	TCL VOC	0	0	0	0	--	0
		TCL SVOC	0	0	0	0	--	0
		TCL Pesticides	0	0	0	0	--	0
		Total PCB	0	0	0	0	--	0
		TAL Metals including Mercury	1	0	0	0	--	1
		Cyanide	1	0	0	0	--	1
		Hexavalent Chromium	1	0	0	0	--	1
		Silvex	0	0	0	0	--	0
		PFAS	0	0	0	0	--	0
		1,4-Dioxane	0	0	0	0	--	0

Type of Analysis	Type and Size of Container	Number of Containers and Sample Volume (per sample)	Preservation	Holding Time Until Extraction/ Analysis
VOCs	4-oz, glass jar with Teflon-lined cap	One (1), fill as completely as possible	Cool to 4° C (ice in cooler)	14 days
VOCs via EPA 5035	40 mL vials with sodium bisulfate, methanol,	Three (3), 5 grams each	Cool to 4° C (ice in cooler)	2 days

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	and/or DI water			
SVOCs	4-oz, glass jar with Teflon-lined cap	One (1), fill as completely as possible	Cool to 4° C (ice in cooler)	7/40 days
PCBs	4-oz, glass jar with Teflon-lined cap	One (1), fill as completely as possible	Cool to 4° C (ice in cooler)	7/40 days
Pesticides	4-oz, glass jar with Teflon-lined cap	One (1), fill as completely as possible	Cool to 4° C (ice in cooler)	14/40 days
Metals	4-oz, glass jar with	One (1), fill as	Cool to 4° C (ice in	180 days (28 for

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APPENDICES

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APPENDIX A

PREVIOUSLY COMPLETED ENVIRONMENTAL INVESTIGATIONS

EMPIRE GEO SERVICES, INC.
A SUBSIDIARY OF SJB SERVICES, INC.

April 24, 2014
Project No. BE-13-192

Mr. Bradley A. Packard, Project Manager
Mensch Capital Partners, LLC
350 Essjay Road, Suite 304
Williamsville, New York 14221

Re: Geotechnical Evaluation Report for
Proposed Westwood Country Club Development Project
North Forest Road
Amherst, New York

Dear Mr. Packard:

Empire Geo-Services, Inc. is pleased to submit three (3) copies of the enclosed Geotechnical Evaluation Report to Mensch Capital Partners, LLC (Mensch) for the above referenced project. We have also forwarded to you, via e-mail, an electronic pdf file copy of this report for your use and distribution, as appropriate.

Please contact me should you have any questions or wish to discuss this report. Thank you for considering Empire for this work and we look forward to working with you through completion of this project.

Sincerely,

EMPIRE GEO-SERVICES, INC.

John J. Danzer, P.E.
Senior Geotechnical Engineer

Enc.: Geotechnical Evaluation Report (3 Copies) & Electronic pdf file copy / via e-mail

cc: Mr. Robert J. Pidanick – Nussbaumer & Clarke, Inc. w/ Electronic pdf copy via e-mail only

CORPORATE/
BUFFALO OFFICE
5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

ALBANY OFFICE
PO Box 2199
Ballston Spa, NY 12020

5 Knabner Road
Mechanicville, NY 12118
Phone: (518) 899-7491
Fax: (518) 899-7496

CORTLAND OFFICE
60 Miller Street
Cortland, NY 13045
Phone: (607) 758-7182
Fax: (607) 758-7188

ROCHESTER OFFICE
535 Summit Point Drive
Henrietta, NY 14467
Phone: (585) 359-2730
Fax: (585) 359-9668

MEMBER
ACEC New York

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EMPIRE GEO SERVICES, INC.
A SUBSIDIARY OF SJB SERVICES, INC.

CORPORATE/
BUFFALO OFFICE
5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

ALBANY OFFICE
PO Box 2199
Ballston Spa, NY 12020

5 Knabner Road
Mechanicville, NY 12118
Phone: (518) 899-7491
Fax: (518) 899-7496

CORTLAND OFFICE
60 Miller Street
Cortland, NY 13045
Phone: (607) 758-7182
Fax: (607) 758-7188

ROCHESTER OFFICE
535 Summit Point Drive
Henrietta, NY 14467
Phone: (585) 359-2730
Fax: (585) 359-9668

MEMBER
ACEC New York
American Council of Engineering Companies of New York

Geotechnical Evaluation Report for Proposed Westwood Country Club Redevelopment Project North Forest Road Amherst, New York

Prepared For:

Mensch Capital Partners, LLC
350 Essjay Road, Suite 304
Williamsville, New York 14221

Prepared By:

Empire Geo-Services, Inc.
5167 South Park Avenue
Hamburg, New York 14075

Project No. BE-13-192
April 2014

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Geotechnical Evaluation Report for
Proposed Westwood Country Club Redevelopment Project
North Forest Road
Amherst, New York

EXECUTIVE SUMMARY

Introduction

This report summarizes the results of a subsurface exploration program and geotechnical engineering evaluation completed by Empire Geo-Services, Inc. (Empire) for a proposed mixed use redevelopment project being considered by Mensch Capital Partners, LLC on the site of the Westwood Country Club off North Forest Road in Amherst, New York. The approximate location of the project site is shown on Figure No. 1.

The proposed redevelopment project is proposed within the existing Westwood Country Club golf course area, which is bounded by Maple Road to the north, North Forest Road, Ellicott Creek and the Audubon Par 3 Golf Course to the east, Sheridan Drive to the south and Frankhauser Road and Fairways Boulevard to the west.

The proposed redevelopment project is currently planned to include the following:

- 1 to 2 story single family residential home lots in the northern eastern portion of the site;
- Adjoining 1 to 2 story townhome style residential units in the northern western portion of the site;
- Larger 1 to 2 story single family residential home lots in the eastern center portion of the site;
- An approximate 30 acre parcel in the west center potion of the site for senior living development;
- Mixed use town center type development in the southern portion of the site including commercial/retail buildings, office buildings, multi family townhomes and multi family apartments; and
- Re-use of the existing club house building for conference and reception use, in association with construction of an adjoining hotel building.

In addition the project will also include construction of roadways, access drives and parking lot areas with access to the development from Sheridan Drive and Maple Road.

The subsurface exploration program consisted of a total of forty-nine (49) test borings, designated as B-1 through B-49, which were advanced across the site. Thirty (30) borings were advanced to apparent bedrock refusal, with the remaining nineteen (19) borings being advanced to a planned depth of 20 feet and then terminated. Apparent bedrock refusal was encountered at depths ranging between 13.5 feet and 62.5 feet and confirmed by rock coring in seven (7) of the test borings. Three (3) groundwater observation wells

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were installed in borings B-6, B-24 and B-48 to help assess groundwater conditions on the site, Geotechnical laboratory testing of selected recovered soil samples was also completed.

SJB Services, Inc. (SJB), our affiliated drilling and materials testing company, completed the test borings and laboratory testing for the subsurface exploration program. The test borings and groundwater observation well installations were completed between December 3rd, 2013 and February 5, 2014. The approximate locations of the test borings with respect to an aerial photograph of the existing site are shown on Figure No. 2 and the approximate locations of the test borings with respect to the currently proposed conceptual site development plan are shown on Figure No. 3.

The elevations presented in this report were referenced to the rim of an electrical manhole (temporary benchmark established by SJB), which is located off the front of the existing golf cart storage building, located in the south center portion of the site, as shown on Figure No. 2. This benchmark has an elevation El. datum of 602.38 feet, as measured and reported by Nussbaumer & Clarke, Inc.

This report summarizes the subsurface conditions encountered by the exploration program and presents preliminary geotechnical engineering considerations and recommendations to assist in planning and preliminary design of the site redevelopment. Specifically our evaluation addresses the soil, bedrock and groundwater conditions present on the site, with regard to their impacts on foundation, slab-on-grade floor construction, underground utility construction and pavement construction.

Existing Site Information

As part of our study Empire researched existing information concerning the geologic and flood plain conditions present in the Westwood Country Club site area, including the Soil Survey for Erie County, Surficial Geology and Bedrock Geology Maps, and FEMA Flood Plain Mapping.

The USDA – Erie County Soil Survey data indicate that the surficial soils (i.e. soils typically within the upper 5 feet of the existing ground surface) within the Westwood Country Club facility site consist predominately of “clay loam”, “silt loam”, and “loamy fine sand” type soils. These surficial soil types are similarly classified as CL, ML and SM group soils using the Unified Soil Classification System (USCS), respectively.

Geologic maps prepared by the New York State Geological Survey indicate the surficial overburden soils present consist predominately of glacial till deposits of clay, silt and bouldery clay, with glacial outwash deposits of sand and gravel along Ellicott Creek. The uppermost bedrock formation in this area is the upper (late) Silurian period, Camillus Shale formation of the Salina Geologic Group. This bedrock formation is characterized as medium hard, weathered to sound Shale rock, with occasional gypsum partings and seams and has a generally fair to good rock mass quality.

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The FEMA flood plain mapping indicates the 500 year and 100 year flood plains from Ellicott Creek extend into the eastern portions of the Westwood Country Club facility site. The 500 year flood elevations range from El. 595 feet to El. 594 feet where it extends onto the site from the southern end to the center portion, and to about El. 593 feet where it extends onto the northern portion of the site.

Subsurface Exploration Results

The subsurface conditions encountered in the test borings consisted generally of surface topsoil, along with man placed fill or disturbed indigenous soils typically extending to depths ranging between about 2 feet and 5 feet, which are underlain by predominately indigenous glacial till deposited silty clay, clayey silt, silt, and silty or clayey sand soils, overlying the Camillus Shale Bedrock. Table 2 summarizes the surface topsoil depths, the depths and bottom elevation of the man-placed fill, the depth and elevation of auger refusal (i.e. apparent bedrock refusal), and the groundwater observations made in the test borings and the wells installed for this investigation.

The indigenous soils are classified as CL, CH, ML, SM-SC and SM group soils using the Unified Soil Classification System (ASTM D2488). The consistency of the cohesive silty clay and clayey silt soils typically ranged between medium and hard, while the more granular silty or clayey sand soils and the non-plastic silt soils were typically of a firm to very compact relative density. Deeper soft to very soft clay soil deposits having SPT “N” values of less than 4 or “woh - weight of hammer” (i.e. the sample spoon was advanced with only the weight of the drop hammer and drill rods applied statically to the sample spoon), were encountered in only a few test borings (B-1, B-18, B-20 and B-25). Accordingly, significant deposits of highly compressible soft to very soft clays, as present in other portions of northern Amherst, are generally absent within this site.

Shale bedrock, as indicated by the auger refusal conditions, and confirmed by rock coring, was encountered at depths ranging between about 13.5 feet (boring B-10) and 62.5 feet (boring B-1), with corresponding elevations ranging between approximately El. 586.9 feet to El. 543.4 feet. The bedrock core recovered consisted generally of gray, medium hard, sound, thinly bedded to bedded Shale Rock, with occasional partings, seams and layers of gypsum. The core recoveries ranged between 100% and 50%, and the rock quality designation (RQD) values ranged between 20% and 82% indicating the recovered rock cores have a varying rock mass quality ranging between “very poor” and “good”.

Based on the water levels obtained at the completion of coring in borings B-4, B-43 and B-48, as well as the readings obtained in borings B-9, B-20 and B-25 following completion soil sampling to auger refusal, and the April 1st, 2014 level in well B-24 tends to suggest that a permanent groundwater table may be present at elevations in the range of about El 580 feet to El. 589 feet, although this is not confirmed by the other groundwater observation wells at this time, as they may be partially impacted by upper perched groundwater..

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It also appears that zones of perched or trapped groundwater are present in the topsoil and the fill soils at or near the ground surface, at various locations on the site, due to the relatively low permeability of the underlying soils present, and depending on site drainage conditions. Such conditions were observed during the subsurface exploration where areas of standing water and spongy surface conditions were present, hindering some of the drill rig access.

Laboratory Test Results

The laboratory test data indicates the clay soils encountered within the upper reaches of the site below the immediate surface soils, (i.e. within the anticipated depths of proposed spread foundations) appear to be partially desiccated and have a generally non-existent to low potential susceptibility to shrinkage. Also, given the relatively medium stiff to hard nature of the indigenous clay soils and their inherent low permeability it is unlikely saturation and potential swelling of these soils would occur in an undisturbed state. The upper surficial clayey silt /silty clay fill soils, however, which are in a less dense condition, may be more susceptible to potential shrinkage and swelling where they are inundated with poor draining surface water.

Based on DIPRA tests performed the site soils tested appear to have a low corrosion potential to ductile iron waterline pipes and other buried metallic pipes/elements. Accordingly, cathodic protection or a suitable protective coating of metallic pipes and conduits, to resist potential corrosion, does not appear necessary. Also based on sulfate concentrations, the soils are considered to have a negligible potential for sulfate exposure. Accordingly, a Type I-II Portland Cement appears will be acceptable for the concrete structure elements placed in these soils.

Preliminary Geotechnical Considerations and Recommendations

General

The indigenous soils encountered consist predominately of partially desiccated, medium stiff to hard silty clay and clayey silt and firm to very compact silty or clayey sand deposits with some intermixed gravel, and occasional cobbles/boulders and shale fragments. These soils are non-organic, and are not considered to be highly compressible, nor highly susceptible to shrinkage, swelling, or liquefaction. Significant deposits of highly moist, soft to very soft clays, as present in other areas of northern Amherst and which have been problematic to residential foundation/structure movement and distress (i.e. basement foundation subsidence / settlement and lateral movement), are generally absent within this site.

The indigenous soil conditions encountered in the test borings are generally considered suitable to support the anticipated residential and mixed use structure loads using conventional spread foundation systems. In a few cases (i.e. within borings B-9, B-11, B-19, B-21, B-22 and B-45) some limited zones of weaker soils were encountered which may impact the use of spread foundations. Accordingly, these conditions possibly may

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require consideration of deep foundations (i.e. driven piles) particularly if a multiple-story more heavily loaded building structure would be proposed at or near these locations.

The existing fill and indigenous soil subgrades are also considered to be generally suitable for basement, at-grade and garage slab-on-grade floor construction, with proper site preparation. The soils encountered are also considered generally suitable for construction of the proposed infrastructure, including the roadways, parking lots, storm and sanitary sewers, waterlines and retention pond structures. The poor draining surface conditions, however, are expected to make site stripping and subgrade preparation difficult, particularly during wet periods

Given, the relatively low to medium low permeability of the soils present, both permanent and perched groundwater seepage if encountered should be relatively slow and of low quantities. Accordingly, these conditions should not significantly impact basement and utility construction. It is anticipated that conventional sump and pump methods of dewatering should generally be sufficient to control surface water, as well as permanent and perched groundwater seepage conditions, should they be encountered.

Based on the subsurface conditions encountered, the overall site should be classified as Seismic Site Class “D” in accordance with the Building Code of New York State. Therefore, seismic design may be based on this site classification.

Foundation Support

Preliminarily, it is expected that spread foundations can be sized, based on net allowable bearing capacities in the range of about 2,000 to 4,000 pounds per square foot (psf) ±, depending on location, foundation bearing depths and actual structure loads.

Spread foundations should bear on suitable, undisturbed, indigenous soil bearing grades, after the removal of all fill soils and any unsuitable indigenous soft or wet soils. Alternatively, the foundations may also bear on Engineered Fill (i.e. compacted Structural Fill or flowable backfill), which is placed over the suitable indigenous soil bearing grades, following excavation and removal of fill soils and any unsuitable indigenous soils which are present below the design bearing grade elevation of the footings.

Where zones of softer soils were encountered, which may impact the use of spread foundations for heavier building structures, the use of driven H-piles or pipe piles driven to refusal on the Shale bedrock appear would be the best suited deep foundation system option for the site conditions present. For preliminary information, a driven HP12x53 H-pile, driven to refusal on the bedrock, would be expected to develop an axial compressive capacity in the range of about 100 to 120 tons ± per pile. Other pile sections can also be used, based on product availability and costs, which would provide higher or lower allowable axial capacities, based on the actual pile section.

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Basement Structure Design

Where suitable foundation drainage is provided, the basement walls can be designed for "at rest" lateral earth pressure computed on the basis of an "equivalent fluid unit weight" of 70 pounds per cubic foot (pcf). This is based on the assumption that the wall backfill beyond the drainage system is a suitable well draining granular backfill material, such as a crusher run stone Structural Fill. In this case suitable damp proofing of the walls and floors should also be provided. Alternatively, the basement structures could also be designed to resist potential full hydrostatic pressure. In such case the basement structure should also be fully water proofed.

The use of the on-site clayey silt, silty clay and silty or clayey sand soils to backfill the basement walls is not recommended as they will be susceptible to potential swelling in a looser disturbed state, which could cause additional lateral pressures on the basement walls. The on-site soils could be used, however, to backfill non-earth retaining foundation walls provided they can be properly placed and compacted to a stable and well engineered condition.

Slab-on Grade Floor Construction

The building floors can be constructed as slab-on-grade following proper subgrade preparation. For preliminary design purposes, a minimum of 6-inches of Subbase Stone is recommended beneath the lightly loaded floor slabs (residential floors, lightly loaded office floors, etc.). A minimum 12-inch thick layer of Subbase Stone is recommended beneath more heavily loaded floor slabs (i.e. garage areas, storage areas, mechanical rooms, etc.). A suitable stabilization/separation geotextile, such as Mirafi 500X, should be placed over the existing soil or fill soil subgrades prior to placement of the Subbase Stone layer.

Seismic Design Considerations

Based on the subsurface conditions encountered, the overall site should be classified as Seismic Site Class "D" in accordance with the Building Code of New York State. The soil conditions encountered are generally not considered to be susceptible to potential liquefaction in the case of a seismic event. Therefore, seismic design may proceed based on these considerations.

It is possible that a seismic shear wave velocity study of the site may refine and possibly upgrade the seismic design site class. This may be particularly beneficial in the areas of the mixed use commercial and apartment buildings depending on the costs associated with seismic reinforcement of these structures. It should be understood, however, that there is no guarantee that an upgrade can be made if a seismic shear wave study is performed,

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Pavement Design Considerations

The Town of Amherst requires a typical pavement section consisting of the following components for residential and commercial development roadways:

Town of Amherst Asphalt Concrete Pavement Section:

- 1.5 inches – Top Course
- 2.5 inches – Binder Course
- 4.0 inches – Base Course
- 11 inches – Subbase Stone Course

We would recommend, however, the Town of Amherst pavement section also include a suitable stabilization/separation geotextile (i.e. Mirafi 600X or suitable equivalent).

Pavement design recommendations are also provided for two (2) flexible pavement structure types within the proposed mixed use development areas. These include the following:

Heavy Duty Asphalt Concrete Pavement (for the entrance, access drives and pavement areas, which will be subject to delivery truck traffic):

- 1.5 inches – Top Course
- 3.0 inches – Binder Course
- 15 inches – Subbase Stone Course
- Stabilization/Separation Geotextile
- Prepared Subgrade

Light Duty Asphalt Concrete Pavement (for automobile / light SUV only parking areas):

- 1.5 inches – Top Course
- 2.0 inches – Binder Course
- 10 inches – Subbase Stone Course
- Stabilization/Separation Geotextile
- Prepared Subgrade

The installation of suitable drainage is also recommended to drain the pavement subbase course and subgrades in order to limit the potential for frost action and improve pavement structure performance and design life.

Underground Utility Construction

The in-situ soils should provide generally suitable subgrade conditions for underground utility construction, including storm and sanitary sewers, water lines, gas lines and buried

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electrical / communication conduits. Accordingly, standard bedding materials and thicknesses can generally be used to support this infrastructure.

Site Preparation

Measures to improve site drainage should be implemented as necessary prior to commencing the site stripping and subgrade preparation work.

All existing structures, trees, stumps, vegetation, topsoil, organic soils, etc., and any other deleterious materials within the proposed building pad areas and pavement areas should be removed. Following stripping and removal of the surface materials (i.e. topsoil, asphalt pavement, concrete pads and structures, etc.), the exposed subgrades should be proof-rolled. The subgrade proof-rolling should be done under the guidance of, and observed by qualified geotechnical engineering personnel. The subgrade fill placement necessary to raise the site grades and/or the placement of subbase courses may proceed following proper site preparation and acceptance of the existing soil subgrades.

The on-site soils could be used for constructing the fills for establishing the building pad and pavement areas, provided they can be properly placed and compacted in a controlled manner and to a stable well engineered condition, in accordance with our recommendations. It should be understood, however, that these soils will be very difficult to dry and work with. Therefore the use of imported granular fill materials will be better suited for building pad, roadway and parking lot fill areas. Efforts should be made to maintain the subgrades in a dry and stable condition at all times, and limit construction traffic directly over these soils, particularly if they become wet.

Additional Geotechnical Investigations

Additional investigations and further evaluations are recommended for final design when final building development plans and loading conditions, along with final site development plans, are established, as discussed further in the report. Empire can assist in planning the locations and scope of the additional explorations and evaluations that may be necessary for final design.

Closing

Additional more detailed site condition findings, along with considerations and recommendations for permitting, planning and preliminary design of the proposed site redevelopment project are presented in the Geotechnical Evaluation Report, which follows.

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1.00 INTRODUCTION

1.10 GENERAL

This report summarizes the results of a subsurface exploration program and geotechnical engineering evaluation completed by Empire Geo-Services, Inc. (Empire) for a proposed mixed use redevelopment project being considered on the site of the Westwood Country Club off North Forest Road in Amherst, New York. The approximate location of the project site is shown on Figure No. 1.

Mensch Capital Partners, LLC (Mensch) retained Empire to complete this work, which was done in accordance with our proposal dated October 11, 2013. This work was completed to evaluate the geotechnical characteristics of the site, with regard to foundation support of the proposed mixed use buildings being considered for redevelopment of the site, and to provide preliminary geotechnical design and construction considerations / recommendations to assist the design team with planning and preliminary design.

The subsurface exploration program completed by Empire consisted of a total of forty-nine (49) test borings advanced across the site, of which thirty (30) borings were advanced to apparent bedrock refusal at depths ranging between 13.5 feet and 62.5 feet, with the remaining nineteen (19) borings being advanced to a planned depth of 20 feet and then terminated. Bedrock was cored in seven (7) of the test borings advanced to refusal. In addition, three (3) groundwater observation wells were installed and geotechnical laboratory testing of selected recovered soil samples was also completed. SJB Services, Inc. (SJB), our affiliated drilling and materials testing company, completed the test borings and laboratory testing for the subsurface exploration program.

On this basis, Empire prepared this report, which summarizes the subsurface conditions encountered by the test borings, groundwater observation wells and laboratory testing, and presents preliminary geotechnical engineering considerations and recommendations to assist in planning and preliminary design of the site redevelopment. Specifically our evaluation addresses the soil, bedrock and groundwater conditions present on the site, with regard to their impacts on foundation, slab-on-grade floor construction, underground utility construction and pavement construction.

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1.20 SITE DESCRIPTION AND PROPOSED DEVELOPMENT PROJECT

The proposed site redevelopment project comprises approximately 170 acres and is bounded within the area of Maple Road to the north, North Forest Road, Ellicott Creek and the Audubon Par 3 Golf Course to the east, Sheridan Drive to the south and Frankhauser Road and Fairways Boulevard to the west. The redevelopment project is generally proposed within the existing Westwood Country Club golf course area, which currently consists of the golf tees, fairways, hazards, greens along with bordering cart paths, tall grass, trees, brush and ponds. The main club house building, pool and tennis amenities, maintenance buildings, access drive and parking lot areas are located in the southeast portion of the site, with access from North Forest Road. Grades across the site gradually drop in elevation about 10 to 13 feet from south (i.e. Sheridan Drive) to north (Maple Road). Figure No. 2 presents an aerial photograph of the existing site, along with the approximate locations of the test borings plotted on the plan.

The proposed redevelopment project is currently planned to include the following:

- 1 to 2 story single family residential home lots in the northern eastern portion of the site;
- Adjoining 1 to 2 story townhome style residential units in the northern western portion of the site;
- Larger 1 to 2 story single family residential home lots in the eastern center portion of the site;
- An approximate 30 acre parcel in the west center potion of the site for senior living development;
- Mixed use town center type development in the southern portion of the site including commercial/retail buildings, office buildings, multi family townhomes and multi family apartments; and
- Re-use of the existing club house building for conference and reception use, in association with construction of an adjoining hotel building.

In addition the project will also include construction of roadways, access drives and parking lot areas with access to the development from Sheridan Drive and Maple Road. Figure No. 3 presents a conceptual plan of the proposed site development along with the approximate locations of the test borings plotted on the plan.

The1 to 2 story single family residential homes and townhome residential units are expected to consist of wood framed construction, with possible basement structures. The commercial/retail buildings, office buildings, multi family townhomes and multi family apartments are also expected to be 1 to 2 stories with

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either wood or steel frame type construction, and with at grade ground floors constructed as slab-on-grade. Accordingly, basements are not anticipated for these structures. The new hotel building is expected to be multiple-story with steel frame or masonry with pre-cast plank type construction. The hotel building is also not expected to include a basement structure.

At this time the final building configurations and structure loads have not been established. The development plan currently anticipates that the building structures can generally be supported using conventional spread foundation systems, although it is understood that deep foundation systems could be necessary in some cases, depending on the actual structure loads and soil conditions present.

2.00 SUBSURFACE EXPLORATION

The subsurface exploration program completed to characterize the subsurface conditions consisted of a total of forty-nine (49) test borings, designated as B-1 through B-49. In addition, groundwater observation wells were installed in three (3) of the test borings (B-6, B-24 and B-48). The test borings and groundwater observation well installations were completed by SJB between December 3rd, 2013 and February 5, 2014. The approximate locations of the test borings with respect to an aerial photograph of the existing site are shown on Figure No. 2 and the approximate locations of the test borings with respect to the currently proposed conceptual site development plan are shown on Figure No. 3.

The proposed test boring locations were initially established on a site plan, along with location coordinates, prepared by Nussbaumer & Clarke, Inc. (N&C), which were provided to Empire through Mensch. The boring locations were established to provide general coverage over the project site. Using this plan and the location coordinates, SJB then staked the boring locations in the field using hand held global positioning satellite (gps) instrumentation and visual observations referenced to existing site features. The locations should be considered accurate only to the degree implied by the methodologies used.

The ground surface elevation at each test boring location was measured and recorded by SJB using laser survey level techniques. The elevations were referenced to the rim of an electrical manhole (benchmark established by SJB) located off the front of the existing golf cart storage building, located in the south center portion of the site. The approximate location of the benchmark is shown on Figure No. 2 and has an elevation El. datum of 602.38 feet, as measured and reported by N&C.

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Thirty (30) borings were advanced to apparent bedrock refusal at depths ranging between 13.5 feet and 62.5 feet, with the remaining nineteen (19) boring advanced to a depths ranging between about 18 feet and 22 feet. Bedrock was cored in seven (7) of the test borings advanced to refusal (borings B-1, B-4, B-29, B-31, B-43, B-45 and B-47). The borings advanced to apparent bedrock refusal and the borings advanced to a depth of 18 to 22 feet (scheduled to be 20 feet) are designated on Figures No. 2 and No. 3.

The test borings were made using a Central Mine Equipment (CME) model 550X and a CME model 550SE rubber tire, all terrain drill rigs, using hollow stem auger and split spoon sampling techniques. Split spoon samples and Standard Penetration Tests (SPTs) were taken continuously from the ground surface to a depth of 12 feet or 16 feet and in intervals of five feet or less below the zone of continuous sampling until boring completion. The split spoon sampling and SPTs were completed in general accordance with *ASTM D 1586 - "Standard Test Method for Penetration Test and Split-Barrel Sampling of Soils"*.

After reaching auger refusal at test boring locations B-1, B-4, B-29, B-31, B-43, B-45 and B-47 the refusal material encountered was cored using a NQ size double tube core barrel in accordance with *ASTM D 2113 – "Standard Practice for Rock core Drilling and Sampling of Rock for Site Investigation"*. Five (5) feet of bedrock was cored at each of these locations.

Groundwater observation wells were installed in test borings B-6, B-24 and B-48 to help assess groundwater levels on the site. The wells were installed with hollow stem auger drilling techniques in general accordance with *ASTM D5092 Standard Practice for Design and Installation of Ground Water Monitoring Wells in Aquifers.* The well installation consisted of a 2-inch diameter PVC well screen and riser pipe with sand filter, bentonite seal and soil backfill. A protective flush mount surface casing and surrounding concrete seal were installed at the surface of boring B-6 to finish the well installation. The wells installed at borings B-24 and B-48 were completed with a PVC stickup riser and cap, and without a protective surface casing. Additional details regarding the construction of the observation wells are shown on the Monitoring Well Completion Records presented following their respective test boring logs in Appendix A.

A geologist from SJB prepared the test boring logs based on visual observation of the recovered soil samples and bedrock core, along with review of the driller's field notes. The soil samples were described based on visual/manual estimation of the grain size distribution, along with characteristics such as color, relative density, consistency, moisture, etc. In addition the Unified Soil Classification System

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(USCS) group symbols were also established and are presented on the logs for the soil types encountered. The recovered rock core samples were also described, including characteristics such as color, rock type, hardness, weathering, bedding thickness, core recovery and rock quality designation (RQD). The test boring logs are presented in Appendix A, along with general information and a key of terms and symbols used to prepare the logs.

3.00 LABORATORY TESTING PROGRAM

Selected recovered soil samples were tested in SJB's geotechnical testing laboratory to confirm the visual soil classifications and provide index properties to aid in our evaluations. The laboratory testing program included the following index tests:

1. Moisture content in accordance with *ASTM D 2216 – "Standard Test Method for Laboratory Determination of Water (Moisture) Content of Soil and Rock by Mass"*.

2. Grain size distribution in general accordance with *ASTM C136 – "Standard Test Method for Particle-Size Analysis of Soils"*;

3. Liquid limit, plastic limit and plasticity index in accordance with *ASTM D 4318 – "Standard Test Method for Liquid Limit, Plastic Limit and Plasticity Index of Soils"*.

4. In addition, the samples tested for liquid limit, plastic limit and plasticity index were also tested for shrinkage limit in accordance with *ASTM D 427 – "Test Method for Shrinkage Factors of Soils by Mercury Method"*. Using the shrinkage test data and the moisture content data, Empire calculated the coefficient of linear extensibility (COLE factor) of the clay soils at the various measured moisture contents, to qualitatively evaluate their shrinkage potential. The COLE factors were determined following a procedure similar to those described in the *Soil Survey Investigation Report No. 42, Soil Survey Laboratory Methods Manual 1996, USDA, NRCS, NSSC.*

The soil samples tested for the above index properties, as well as a summary of the results, are presented on Table 1.

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Composite soil samples were also prepared from test borings B-6 (samples S-2 through S-4, 2.0'-8.0'); B-34 (samples S-2 through S-5, 2.0'-10.0'); and B-45 (samples S-2 through S-5, 2.0'-10.0') and were tested for the following:

- Resistivity, redox, pH, moisture, and sulfides according to procedures established by the Ductile Iron Pipe Research Association (DIPRA test) to provide an indication of the corrosion potential of the on-site soils with regard to buried metallic conduits; and

- Sulfate and chloride concentration in the soils, with regard to potential impacts on buried concrete structures.

This laboratory test data is also presented in Appendix B, as well as summarized on Table 1.

4.00 EXISTING SITE INFORMATION

As part of our study Empire researched existing information concerning the geologic and flood plain conditions present in the Westwood Country Club site area. This included:

- USDA - Natural Resource Conservation Service - Soil Survey for Erie County (http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx);

- NYSED – New York State Museum and Science Service - Surficial Geology and Bedrock Geology Maps (http://www.nysm.nysed.gov/gis/); and

- Erie County On-Line GIS Mapping System – FEMA Flood Plain Mapping (http://gis1.erie.gov/Geocortex/Essentials/Web/viewer.aspx?Site=FEMA&reloadkey=true).

4.10 SOIL SURVEY INFORMATION

The USDA – Erie County Soil Survey data indicate that the surficial soils (i.e. soils typically within the upper 5 feet of the existing ground surface) within the Westwood Country Club facility site consist predominately of "clay loam", "silt loam", and "loamy fine sand" type soils. These surficial soil types are similarly classified as CL, ML and SM group soils using the Unified Soil Classification System (USCS), respectively.

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These soils typically consist of silty clay, clayey silt, non-plastic silt and silty fine sand and are of a medium-low to low permeability (i.e. poor draining). These soils are also considered to be highly moisture sensitive and have a relatively poor value (i.e. difficult to place and compact) as subgrade fill material to raise site grades beneath slab-on-grade and pavement construction. The locations of the various surficial soil types, as mapped by the Erie County Soil Survey, are presented in Appendix C1.

4.20 SURFICIAL AND BEDROCK GEOLOGY

Geologic maps prepared by the New York State Geological Survey indicate the surficial overburden soils present within the Westwood Country Club facility site consist predominately of glacial till deposits of clay, silt and bouldery clay, with glacial outwash deposits of sand and gravel along Ellicott Creek.

The geologic maps indicate the uppermost bedrock formation in this area is the upper (late) Silurian period, Camillus Shale formation of the Salina Geologic Group. This bedrock formation is characterized as medium hard, weathered to sound Shale rock, with occasional gypsum partings and seams and has a generally fair to good rock mass quality.

Excerpted portions of the surficial soil and bedrock geologic maps, along with applicable associated legends, are presented in Appendix C2.

4.30 FLOOD PLAIN MAPPING

Review of the FEMA flood plain mapping indicates the 500 year and 100 year flood plains from Ellicott Creek extend into the eastern portions of the Westwood Country Club facility site. The 500 year flood elevations range from El. 595 feet to El. 594 feet where it extends onto the site from the southern end to the center portion, and at about El. 593 feet where it extends onto the northern portion of the site.

The flood plain mapping obtained from the Erie County On-Line GIS Mapping System is presented in Appendix C3.

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5.00 SUBSURFACE CONDITIONS

5.10 GENERAL SUBSURFACE CONDITIONS ENCOUNTERED

The test borings completed at the site encountered soil and bedrock conditions generally similar to those indicated by existing site information which was researched, as described above in Section 4.00. The stratigraphy encountered in the test borings consisted generally of surface topsoil, along with man placed fill or disturbed indigenous soils typically extending to depths ranging between about 2 feet and 5 feet, which are underlain by indigenous glacial till deposited silty clay, clayey silt, silt, and silty or clayey sand soils, overlying Shale Bedrock.

The consistency of the cohesive silty clay and clayey silt soils typically ranged between medium and hard, while the more granular silty or clayey sand soils and the non-plastic silt soils were typically of a firm to very compact relative density. Deeper soft to very soft clay soil deposits having SPT “N” values of less than 4 or “woh - weight of hammer” (i.e. the sample spoon was advanced with only the weight of the drop hammer and drill rods applied statically to the sample spoon), were encountered in only a few test borings (B-1, B-18, B-20 and B-25). Accordingly, significant deposits of wet, highly compressible, soft to very soft clays, as present in other portions of northern Amherst, are generally absent within this site.

Shale bedrock, as indicated by the auger refusal conditions, and confirmed by rock coring, was encountered at depths ranging between about 13.5 feet (boring B-10) and 62.5 feet (boring B-1), with corresponding elevations ranging between approximately El. 586.9 feet to El. 543.4 feet, with an average elevation of about El. 560.1 feet.

Groundwater levels measured in the groundwater observation wells (B-6, B-24 and B-48) ranged between depths of 0.6 feet, 8.2 feet and 2.4 feet bgs, respectively, during the site visit on April 1st, 2014.

The soil and bedrock stratigraphy encountered and the groundwater conditions observed are described in more detail in the following sections and on the test boring logs presented in Appendix A. Also included, is a table (Table 2) summarizing the surface topsoil depths, the depths and bottom elevation of the man-placed fill, the depth and elevation of auger refusal (i.e. apparent bedrock refusal), and the groundwater observations made in the test borings and the wells installed for this investigation.

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5.20 SURFACE MATERIALS AND FILL SOILS

The driller noted a distinct topsoil layer at the ground surface of most of the test borings, with the exception of test borings B-21, B-27 and B-38. The topsoil thickness typically ranged between about 2-inches and 14-inches, based on the driller's measurements and interpretation of topsoil. These measurements are widely spaced and are subject to interpretation. Therefore, these measurements should not be solely relied on for construction quantity estimates.

Beneath the topsoil and at the ground surface of the remaining test borings, man placed fill and/or disturbed or reworked indigenous soils were encountered at most of the test boring locations. The fill soils consisted of red-brown, brown-black and black clayey silt and silty clay soils with occasional zones or inclusions of organics, cinders and wood. The fill, where present, was typically found to extend to depths ranging between about 2 feet and 5 feet bgs.

Most of the fill soils are similar in character to the indigenous soils and appear were most likely placed during past site grading associated with the country club development. It can be expected that fill soils will also be present, and will extend to the bottom of the existing foundations near and adjacent to the existing building structures and amenities as well as to the bottom of previous excavations for existing utility lines within the site.

5.30 INDIGENOUS SOILS

The indigenous soil deposits encountered beneath the surface materials and fill consisted predominately of glacial till deposited silty clay, clayey silt, silt and silty or clayey sand soils, which also contain some intermixed gravel, apparent occasional cobbles/boulders and shale fragments. These indigenous soil deposits were found to extend to the top of bedrock. The indigenous soils are classified as CL, CH, ML, SM-SC and SM group soils using the Unified Soil Classification System (ASTM D2488).

Standard Penetration Test (SPT) "N" values obtained in the indigenous silty clay and clayey silt soils ranged from "woh - weight of hammer" (i.e. the sample spoon was advanced with only the weight of the drop hammer and drill rods applied statically to the sample spoon), to "REF – sample spoon refusal" (i.e. 50 blows to advance the split spoon with 6-inches or less of penetration). The SPT "N" values indicate the consistency of the fine grained cohesive clayey silt and silty clay soils vary from very soft to hard, while the relative density of the more granular silty sand soils and non-plastic silt soils vary from loose to very compact.

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Some limited zones of deeper soft to very soft clay soil deposits having SPT "N" values of less than 4 or "woh - weight of hammer" (i.e. the sample spoon was advanced with only the weight of the drop hammer and drill rods applied statically to the sample spoon), were encountered in only a few test borings (B-1, B-18, B-20 and B-25). Accordingly, significant deposits of soft to very soft clays, as present in other areas of northern of Amherst, are generally absent within this site. Some soft clay soils were also present in the upper reaches of a few of the test borings (B-8, B-9, B-11, B-19, and B-22).

5.40 BEDROCK

As discussed above, thirty (30) of the test borings were advanced through the overburden until auger refusal (presumed bedrock refusal) was encountered at depths ranging between about 13.5 feet (boring B-10) and 62.5 feet (boring B-1), with corresponding elevations ranging between approximately El. 586.9 feet to El. 543.4 feet. The borings, as well as the depth and elevation where auger refusal (presumed bedrock refusal) was encountered are summarized on Table 2. Within test borings B-7 and B-22 a zone of weathered Shale was encountered before reaching auger refusal.

Bedrock core samples were obtained from test borings B-1, B-4, B-29, B-31, B-43, B-45 and B-47 after reaching auger refusal. Five (5) feet of bedrock was cored at each of these locations. The bedrock core recovered consisted generally of gray, medium hard, sound, thinly bedded to bedded Shale Rock, with occasional partings, seams and layers of gypsum. Within test boring B-31, the recovered shale rock core was described as being partially slightly weathered and laminated.

The shale bedrock recovered is part of the Camillus Shale geologic formation. The core recoveries ranged between 100% and 50%. The rock quality designation (RQD) values ranged between 20% and 82% indicating the recovered rock cores have a varying rock mass quality ranging between "very poor" and "good".

5.50 GROUNDWATER CONDITIONS

Water level measurements were made in most of the test borings at the completion of overburden drilling and soil sampling. Freestanding water was encountered in borings B-1, B-4, B-5, B-9, B-14, B-20, B-21, B-25, B-26, B-29, B-36, B-37, B-40, B-43, B-45 and B-47 at depths ranging from 13.6 feet to 53.4 feet bgs. These water levels correspond to elevations ranging between El. 586.7 feet and El. 552.5 feet. Each of these borings were advanced to auger refusal (presumed bedrock refusal).

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No freestanding water was recorded following the completion of overburden drilling and sampling, at the remaining test borings advanced to auger refusal or at the shallower test borings (i.e. test borings advanced to a depth of 18 to 22 feet and terminated). It is possible that in many cases within the deeper test borings, that groundwater may not have had sufficient time to accumulate and/or stabilize in the boring holes within the time that had elapsed from the completion of soil drilling operations and the time of the observations / measurements.

Following coring at boring locations B-4, B-43 and B-48, freestanding water was recorded at depths of 20.0 feet, 10.0 feet and 10.0 feet respectively below the existing ground surface. These depths correspond to elevations ranging between El. 581.5 feet and El. 583.2 feet. We note that water was added to these test borings to facilitate the rock coring. Water level measurements were not obtained at the completion of coring at the remaining rock core borings (B-1, B-29, B-31 and B-47).

A 2-inch diameter, PVC, groundwater observation well was installed in borings B-6 B-24 and B-48 following the completion of drilling. The wells installed at borings B-24 and B-48 extend to presumed top of bedrock (auger refusal) at depths of 41.3 feet and 31.0 feet, respectively. The well installed at boring B-6 is seated within the silty clay and clayey silt soils at a depth of 22.0 feet.

A geotechnical engineer visited the site on February 7th, February 17th, March 4th, and April 1st, 2014 to record the water level in the wells. The water level depths and corresponding elevations are as follows:

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Groundwater Observation Well Water Level Depths and Elevations			
Boring / Well No.	Ground Surface El. (feet)	Water Level Depth (feet)	Water Level El. (feet)
February 7th, 2014			
B-6	603.1	1.1	602.0
B-24	598.6	30.1	568.5
B-48	595.8	3.6	592.2
February 17th, 2014			
B-6	603.1	2.1	601.0
B-24	598.6	13.1	585.5
B-48	595.8	4.5	591.3
March 4th, 2014			
B-6	603.1	4.4	598.7
B-24	598.6	8.1	590.5
B-48	595.8	3.5	592.3
April 1st, 2014			
B-6	603.1	0.6	602.5
B-24	598.6	8.2	590.4
B-48	595.8	2.4	593.4

The water levels observed and measured in the wells, particularly at boring locations B-6 and B-48, may in part be the result of wet surface conditions or perched water present in the upper soils. Based on the water levels obtained at the completion of coring in borings B-4, B-43 and B-48, as well as the readings obtained in borings B-9, B-20 and B-25 following completion soil sampling to auger refusal, and the level in well B-24 tends to suggest that a permanent groundwater table may be present at elevations in the range of about El 580 feet to El. 589 feet, although this is not confirmed by the other groundwater observation wells at this time. Continued monitoring of the water levels in the existing wells, particularly into the summer months, as well as the installation of additional wells is recommended to better confirm the depths / elevations of permanent groundwater conditions present on the site.

It also appears that zones of perched or trapped groundwater are present in the topsoil and fill soils at or near the ground surface, at various locations on the site, due to the relatively low permeability of the underlying soils present, and depending on site drainage conditions. Such conditions were observed during the subsurface exploration where areas of standing water and spongy surface conditions were present, hindering some of the drill rig access. These conditions can be particularly

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more prevalent following heavy or extended periods of precipitation and during seasonally wet periods, and therefore should be anticipated with the new development site preparation. The clayey and silty fill and indigenous soils encountered are considered to be poor draining soils.

6.00 LABORATORY TEST RESULTS

6.10 SHRINKAGE / SWELL POTENTIAL OF CLAY SOILS

A total of thirteen (13) silty clay / clayey silt soil samples, obtained at various locations and depths as summarized on Table 1, were evaluated qualitatively for shrinkage potential using soil shrinkage and moisture content index test data from the laboratory testing program.

The range of moisture content, liquid limit, plastic limit, plasticity index and shrinkage limit of the clay type soil samples tested, were as follows:

Index Property	Range
Moisture Content	10.7 % to 28.1 %
Liquid Limit	20 % to 61 %
Plastic Limit	12 % to 25 %
Plasticity Index	8 to 37
Shrinkage Limit	12 % to 23 %

The plasticity indices indicate the clay soils vary between a low and high plasticity. Based on the moisture contents and the shrinkage test data, the COLE factors determined ranged from 0 to 0.034.

The laboratory test data and COLE factors calculated suggest that the silty clay soils encountered within the upper reaches of the site below the immediate surface soils, (i.e. within the anticipated depths of proposed spread foundations) are partially desiccated and have a generally non-existent to low potential susceptibility to shrinkage. Therefore, spread foundation settlement should generally be limited to normal consolidation settlement as a result of the compressive structural loads.

The following conditions were noted to support these conclusions.

1. The moisture content of the clay soil samples tested were either lower or just slightly above their shrinkage limit.

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2. The COLE factors determined generally ranged from 0 to 0.025, with one sample slightly greater at 0.034.

COLE factors of 0 correlate to a non-existent shrinkage potential. COLE factors between 0 and 0.03 correlate to a low shrinkage potential. COLE factors of 0.03 to 0.06 correlate to a moderate shrinkage potential and COLE factors of about 0.06 and greater correlate to a high to very high shrinkage potential.

With regard to potential swelling, the clay soils would have to be in a loose condition and be inundated with water for long periods to cause saturation and potential swelling. Given the relatively medium stiff to hard nature of the indigenous clay soils and their inherent low permeability it is unlikely saturation and potential swelling of these soils would occur in an undisturbed state. We note, however the upper surficial clayey silt /silty clay fill soils are in a less dense condition and may be more susceptible to potential shrinkage and swelling, where they are inundated with poor draining surface water.

In addition, drying and re-wetting cycles occurring in clayey fill soils, if used to backfill the foundation walls, could result in soil swelling/shrinkage cycles that can exert additional lateral pressures acting on earth retaining foundation walls. Such action may cause cracking and distortion of the walls if not properly accounted for. Accordingly, to reduce risks associated with the potential for soil expansion and minimize the potential for additional lateral earth pressures to act on the walls, the backfill against any earth retaining structures (i.e. basement foundation walls, depressed crawl space walls, pit structures, etc,) should consist of a suitable non-plastic soil such as a granular sand and gravel backfill material or a crusher run stone Structural Fill material.

6.20 SOIL CORROSION AND SULFATE ATTACK POTENTIAL

Three (3) composite soil samples were prepared from the samples obtained from the upper reaches of test boring locations B-6, B-34 and B-45. The composite samples were tested for resistivity, redox, pH, and sulfides according to procedures established by the Ductile Iron Pipe Research Association (DIPRA). These samples were also tested for chlorides and sulfates.

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This analytical laboratory test data is included in Appendix B and is also summarized in the following tables.

Summary of DIPRA Test Results							
Test Boring	Sample Depth (feet bgs)	Resistivity (ohm-cm)	Redox (mv)	ph	Sulfides	Moisture (%)	Total DIPRA Points
B-6	2 to 8	15,000	-35.2	7.0	Negative	9.5	6
B-34	2 to 10	11,500	-22.6	6.4	Negative	8.9	6
B-45	2 to 10	2,700	9.0	7.6	Negative	23.9	7

Based on the DIPRA publication “American National Standard for Polyethylene Encasement for Ductile Iron Pipe Systems”, if the total DIPRA points exceed 10, the soil is considered corrosive to ductile iron pipe, and protection against exterior corrosion should be provided.

Based on the test results, the site soils tested appear to have a low corrosion potential to ductile iron waterline pipes and other buried metallic pipes/elements. Accordingly, cathodic protection or a suitable protective coating of metallic pipes and conduits, to resist potential corrosion, does not appear necessary.

Summary of Chloride and Sulfate Test Results			
Test Boring	Sample Depth (feet bgs)	Chloride (mg/kg)	Sulfate (mg/kg)
B-6	2 to 8	15	N.D.
B-34	2 to 10	10	N.D.
B-45	2 to 10	18	N.D.

N.D. – Non Detectable within test parameters.

Based on the sulfate concentrations, the soils, which make up these samples, are considered to have a negligible potential for sulfate exposure. Accordingly, a Type I-II Portland Cement appears will be acceptable for the concrete structure elements placed in these soils.

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Refer to the laboratory test data included in Appendix B for more information.

7.00 PRELIMINARY GEOTECHNICAL CONSIDERATIONS AND RECOMMENDATIONS FOR SITE DEVELOPMENT

7.10 GENERAL CONSIDERATIONS

The following general considerations and recommendations are provided to assist with the permitting, planning and preliminary design for the proposed mixed use redevelopment project being considered on the site of the Westwood Country Club. This information is based on the recently completed geotechnical investigation, which included 49 test borings completed across the site to characterize the soil and bedrock conditions present, groundwater observations during drilling and from 3 installed wells to assess groundwater conditions present on the site, and laboratory testing to further characterize soil conditions. Additional investigations and further evaluations will be necessary, as discussed below, for final design once final building development plans and loading conditions, along with final site development plans, are established.

Topsoil, along with underlying man-placed fill or disturbed indigenous soils, were encountered at the surface of most of the test boring locations. The topsoil thickness typically ranged between about 2-inches and 14-inches, based on the driller's measurements and interpretation of topsoil. The fill, where present, was typically found to extend to depths ranging between about 2 feet and 5 feet bgs.

The indigenous soils encountered consist predominately of medium stiff to hard silty clay and clayey silt and firm to very compact silty or clayey sand deposits with some intermixed gravel, and occasional cobbles/boulders and shale fragments. These soils are non-organic, and are not considered to be highly compressible, nor highly susceptible to shrinkage, swelling, or liquefaction. Significant deposits of highly moist, soft to very soft clays, as present in other areas of northern Amherst and which have been problematic to residential foundation/structure movement and distress (i.e. basement foundation subsidence / settlement and lateral movement), appear to be generally absent within this site.

Accordingly, the indigenous soil conditions encountered in the test borings are generally considered suitable to support the anticipated residential and mixed use structure loads using conventional spread foundation systems. Spread foundations and any underlying Engineered Fill (i.e. compacted Structural Fill or suitable flowable backfill material), however, will need to bear on suitable indigenous soil

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subgrades established below the upper existing man-placed fill and disturbed indigenous soils.

In a few cases (i.e. within borings B-9, B-11, B-19, B-21, B-22 and B-45) some limited zones of weaker soils were encountered which may impact the use of spread foundations from a structure bearing capacity and settlement stand point, particularly if a multiple-story more heavily loaded building structure would be proposed at or near these locations. Accordingly, these conditions possibly may require consideration of deep foundations (i.e. driven piles) for multiple-story more heavily loaded building structures at or near these locations.

The existing fill and indigenous soil subgrades are also considered to be generally suitable for basement, at-grade and garage slab-on-grade floor construction, with proper site preparation. The soils encountered are also considered generally suitable for construction of the proposed infrastructure, including the roadways, parking lots, storm and sanitary sewers, waterlines and retention pond structures.

Based on the water level observations made in the test borings, as well as in the groundwater observation wells, it appears that a permanent general groundwater zone (i.e. groundwater table) should generally not be encountered within the excavations for shallow spread foundations and shallow utility construction. The groundwater observations made during drilling and in well B-24 suggest that a permanent groundwater table may be present at elevations in the range of about El 580 feet to El. 589 feet, although this was not confirmed by all of the groundwater observation wells at this time.

Zones of perched or trapped groundwater are also present in the topsoil and upper fill soils at or near the ground surface, at various locations on the site, due to the relatively low permeability of the underlying soils present, and poor site drainage conditions. These conditions therefore will make site stripping and subgrade preparation difficult, particularly during wet periods.

Given, the relatively low to medium low permeability of the soils present, both permanent and perched groundwater seepage if encountered should be relatively slow and of low quantities. Accordingly, these conditions should not significantly impact basement and utility construction. It is anticipated that conventional sump and pump methods of dewatering should generally be sufficient to control surface water, as well as permanent and perched groundwater seepage conditions, should they be encountered.

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Based on the subsurface conditions encountered, the overall site should be classified as Seismic Site Class "D" in accordance with Table 1613.5.2 of the Building Code of New York State - December 2010 (NYS Building Code). As previously stated, the soil conditions encountered are not considered to be susceptible to potential liquefaction in the case of a seismic event. Therefore, seismic design may be based on these criteria.

The following sections present additional and more detailed geotechnical considerations and recommendations to assist with permitting, planning, and preliminary design of the proposed site redevelopment project.

7.20 FOUNDATION SUPPORT

As stated above, the indigenous soil conditions encountered in the test borings are generally considered suitable to support the anticipated residential and mixed use structures using conventional spread foundation systems. Preliminarily, it is expected that spread foundations can be sized, based on net allowable bearing capacities in the range of about 2,000 to 4,000 pounds per square foot (psf) ±, depending on location, foundation bearing depths and actual structure loads.

Spread foundations should bear on suitable, undisturbed, indigenous soil bearing grades, after the removal of all fill soils and any unsuitable indigenous soft or wet soils. Alternatively, the foundations may also bear on Engineered Fill (i.e. compacted Structural Fill or flowable backfill), which is placed over the suitable indigenous soil bearing grades, following excavation and removal of fill soils and any unsuitable indigenous soils which are present below the design bearing grade elevation of the footings.

Suitable indigenous soil bearing subgrades should consist of stiff to hard silty clay and clayey silt soils or firm to very compact silty or clayey sand soils. Suitable bearing subgrade conditions were typically encountered in the test borings at depths ranging between about 2 feet and 5 feet bgs. At boring locations B-19 and B-22 suitable bearing subgrade conditions were deeper at about 10 feet and 6.5 feet, respectively.

In a few cases (i.e. within borings B-9, B-11, B-19, B-21, B-22 and B-45) zones of weaker soils were encountered which may impact the use of spread foundations. Accordingly, these conditions possibly may require consideration of a deep foundation system; particularly if multiple-story more heavily loaded building structures would be proposed at or near these locations.

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Driven H-piles or pipe piles driven to refusal on the Shale bedrock appear would be the best suited deep foundation system option for the site conditions present. Zones of gypsum present in the Shale bedrock may require socketting of drilled piers in the bedrock in order to bear the piers on suitable bedrock below these zones. Therefore, it appears the use of drilled piers would be less favorable from both a constructability and economic standpoint.

For preliminary information, a driven HP12x53 H-pile, driven to refusal on the bedrock, would be expected to develop an axial compressive capacity in the range of about 100 to 120 tons ± per pile. Other pile sections can also be used, based on product availability and costs, which would provide higher or lower allowable axial capacities, based on the actual pile section.

7.30 BASEMENT STRUCTURE DESIGN CONSIDERATIONS

Basement structures should be designed for lateral earth pressures caused by the load of backfill against the wall and the surcharge effects from any permanent or temporary loads. In addition suitable foundation drainage should be provided to relieve potential hydrostatic pressure from developing against the basement walls and floors due to the possible presence of groundwater. In this case suitable damp proofing of the walls and floors should also be provided. Alternatively, the basement structures could also be designed to resist potential full hydrostatic pressure. In such case the basement structure should also be fully water proofed.

Where suitable foundation drainage is provided, the basement walls can be designed for “at rest” lateral earth pressure computed on the basis of an “equivalent fluid unit weight” of 70 pounds per cubic foot (pcf). This is based on the assumption that the wall backfill beyond the drainage system is a suitable well draining granular backfill material, such as a crusher run stone Structural Fill.

The use of the on-site clayey silt, silty clay and silty or clayey sand soils to backfill the basement walls is not recommended as they will be susceptible to potential swelling in a looser disturbed state, which could cause additional lateral pressures on the basement walls. The on-site soils could be used, however, to backfill non-earth retaining foundation walls provided they can be properly placed and compacted to a stable and well engineered condition.

The foundation drainage system should be properly designed, installed and maintained for long-term performance and should drain to a sump and pump system or a gravity drain relief point, which is not susceptible to potential backup.

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The foundation drainage system should include a drainage/separation geotextile installed around drainage stone, which surrounds a slotted under-drain pipe. The drainage stone should be sized in accordance with the pipe slotting. A crushed aggregate conforming to NYSDOT Standard Specifications Section 703-02, Size Designation No. 1 (½-inch washed gravel or stone) is generally acceptable for slotted under-drain pipe. The foundation under-drain pipes should be set at a depth of about 1 foot below the top of the finish basement floor grade.

A pervious granular backfill (i.e. concrete sand or crusher run stone) or a suitable geosynthetic drainage composite (i.e. Miradrain, Grace Hydroduct, Delta MS, etc.) should be placed against the basement foundation wall, above the drainage system, to allow infiltration to the drainage system.

7.40 SLAB-ON-GRADE FLOOR CONSTRUCTION

The building floors can be constructed as slab-on-grade following proper subgrade preparation as outlined in Section 7.80. For preliminary design purposes, a minimum of 6-inches of Subbase Stone is recommended beneath the lightly loaded floor slabs (residential floors, lightly loaded office floors, etc.). A minimum 12-inch thick layer of Subbase Stone is recommended beneath more heavily loaded floor slabs (i.e. garage areas, storage areas, mechanical rooms, etc.). A suitable stabilization/separation geotextile, such as Mirafi 500X, should be placed over the existing soil or fill soil subgrades prior to placement of the Subbase Stone layer.

An imported suitable granular fill material is generally recommended to be used as subgrade fill to raise the site grades, beneath the Subbase Stone course for the slab-on-grade construction. The use of the soils from the site may be possible for the building pad site filling, provided the soil can be properly placed and compacted in a controlled manner, as discussed further in Section 7.80 below.

In order to limit potential post construction settlement, due to required site filling, we recommend the subgrade fill placement, in areas requiring more than about 2 to 3 feet of fill, be completed at least 1 to 2 months month in advance of the final subgrade preparation, Subbase Stone placement, and floor slab construction.

Preliminarily, the slab-on-grade floor slabs may be designed using a modulus of subgrade reaction of 150 pounds per cubic inch (pci) at the top of the subbase layer. It is recommended that the slab-on-grade be constructed such that it is not structurally connected to, or resting directly on, perimeter walls or column footings in order to limit differential settlement effects.

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The above subbase stone thicknesses should not be considered sufficient for carrying construction vehicle loads. Therefore, contingencies should be planned for to temporarily increase the Subbase Stone thickness within the building pad areas to provide a suitable working surfaces to stage the construction, carry construction vehicle loads and protect the underlying subgrades. This will be particularly important when wet periods occur. The additional subbase stone material could then be removed and re-graded in preparation for the actual floor construction and/or re-used as foundation backfill or as pavement area subbase or as otherwise determined appropriate.

A moisture barrier is generally not considered warranted where the floor slabs are constructed at or above the final site grades, unless otherwise recommended by the finished flooring manufacturer. A suitable moisture barrier, however, is recommended beneath the below grade floor areas (i.e. basement areas) to reduce the potential for dampness.

7.50 SEISMIC DESIGN CONSIDERATIONS

Based on the subsurface conditions encountered in the test borings, the upper 100 feet of the site should be classified as Seismic Site Class “D” in accordance with the criteria presented on Table 1613.5.2 of the Building Code of New York State - December 2010 (NYS Building Code). The soil conditions encountered are generally not considered to be susceptible to potential liquefaction in the case of a seismic event. Therefore, seismic design may proceed based on these considerations.

The spectral response accelerations in the project area were obtained by Empire using the United States Geological Survey (USGS) web site application (https://geohazards.usgs.gov/secure/designmaps/us/). These accelerations were then adjusted, as recommended by the USGS, to obtain the 2% probability in 50 years mapping accelerations, as presented in the NYS Building Code.

Using the site location, the calculated spectral response accelerations for Site Class “B” soils are 0.221g for the short period (0.2 second) response (S_S) and 0.051g for the one second response These spectral response accelerations were then adjusted for the Seismic Site Class “D” soil profile determined for the project site.

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Accordingly, the adjusted spectral response accelerations for Site Class "D" are as follows:

- Short Period Response (S_{MS}) - 0.354g
- 1 Second Period Response (S_{M1}) - 0.122g

The corresponding five percent damped design spectral response accelerations (S_{DS} and S_{D1}) are as follows:

- S_{DS} - 0.236g
- S_{D1} - 0.081g

It is possible that a seismic shear wave velocity study of the site may refine and possibly upgrade the seismic design site class. This may be particularly beneficial in the areas of the mixed use commercial and apartment buildings depending on the costs associated with seismic reinforcement of these structures. It should be understood, however, that there is no guarantee that an upgrade can be made if a seismic shear wave study is performed,

7.60 PAVEMENT DESIGN CONSIDERATIONS

The Town of Amherst requires a typical pavement section consisting of the following components for residential and commercial development roadways:

Town of Amherst Asphalt Concrete Pavement Section:

- 1.5 inches – Top Course
- 2.5 inches – Binder Course
- 4.0 inches – Base Course
- 11 inches – Subbase Stone Course

It is estimated that the existing subgrade soils will have a typical CBR value of about 2 to 3 ±. This correlates to a soil resilient modulus of about 3,500 psi, which has been used for our pavement design evaluations. The pavement sections were analyzed using the NYSDOT Thickness Design Manual for New and Reconstructed Pavement, along with the American Association of State Highway and Transportation Officials (AASHTO) "Interim Guide Method for Design of Flexible Pavements".

Based on our analyses, the Town of Amherst pavement section will provide approximately 1.2 million, 18-kip equivalent axle loads (EAL's) over its design life, provided the subgrades are prepared in accordance with the recommendations

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presented in Section 7.80. This design life is considered to be within an acceptable range for this type of application.

We would recommend, however, the Town of Amherst pavement section also include a suitable stabilization/separation geotextile (i.e. Mirafi 600X or suitable equivalent). It may also be necessary to increase the subbase thickness in some areas to improve subgrade conditions in some areas, as well as to promote drainage to underdrains, etc. as discussed below.

Pavement design recommendations are also provided for two (2) flexible pavement structure types within the proposed mixed use development areas. These include the following:

- A heavy duty asphalt concrete pavement for the entrance, access drives and pavement areas, which will be subject to delivery truck traffic. (Heavy Duty Asphalt Concrete Pavement Structure); and
- A light duty asphalt concrete pavement for automobile / light SUV only parking areas (Light Duty Asphalt Concrete Pavement Structure).

  Heavy Duty Asphalt Concrete Pavement:

  - 1.5 inches – Top Course
  - 3.0 inches – Binder Course
  - 15 inches – Subbase Stone Course
  - Stabilization/Separation Geotextile
  - Prepared Subgrade

  Light Duty Asphalt Concrete Pavement:

  - 1.5 inches – Top Course
  - 2.0 inches – Binder Course
  - 10 inches – Subbase Stone Course
  - Stabilization/Separation Geotextile
  - Prepared Subgrade

Based on our analyses, the Heavy Duty and Light Duty pavement sections will provide approximately 350,000 and 45,000 18-kip equivalent axle loads (EAL's), respectively, over their design life.

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The installation of underdrains and/or edge drains is recommended to drain the pavement subbase course and subgrades in order to limit the potential for frost action and improve pavement structure performance and design life. Alternatively, the pavement subbase course can also be allowed to daylight/drain to an adjacent perimeter drainage swale.

Proper grading of the pavement structure subgrades is also recommended Accumulation of water on pavement subgrades should be avoided by grading the subgrade to a slope of at least 2 percent to allow drainage to the underdrains or drainage swale.

The subbase stone course for the above pavement sections should not be considered sufficient for use as construction haul roads. Therefore, contingencies should be planned for to temporarily increase the Subbase Stone thickness or provide additional base stabilization / reinforcement within the areas that will be used as construction roads and to stage the construction.

7.70 UNDERGROUND UTILITY CONSTRUCTION

The generally medium stiff to hard clayey silt and silty clay and firm to very compact silty or clayey soils should provide generally suitable subgrade conditions for underground utility construction, including storm and sanitary sewers, water lines, gas lines and buried electrical / communication conduits. Accordingly, standard bedding materials and thicknesses can generally be used to support this infrastructure. It should be expected, however, that in some localized cases that subgrade undercuts and the placement of additional bedding material or subgrade stabilizing materials may be required to provide suitable and stable subgrades for the utility construction. Therefore, some contingencies should be planned for, should such localized conditions be encountered.

7.80 SUBGRADE PREPARATION FOR PAVEMENT AND SLAB-ON-GRADE CONSTRUCTION

The site preparation work should be performed during seasonal dry periods to minimize potential degradation of the subgrade soils and potential undercuts which may be required to establish a stable base for construction. It should be understood that the indigenous subgrade soils that will be exposed are sensitive and will degrade and lose strength when they are wet and disturbed by construction equipment traffic. Accordingly, efforts should be made to maintain the subgrades in a dry and stable condition at all times, and not permit excessive or heavy construction traffic directly over these soils.

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It is noted that zones of perched or trapped groundwater are present in the topsoil and upper fill soils at or near the ground surface, at various locations on the site, due to the relatively low permeability of the underlying soils and poor site drainage conditions present. Such conditions occurred during the subsurface exploration where areas of standing water and spongy surface conditions were present, hindering some of the drill rig access, until the site became frozen in the later part of January and early February. These conditions therefore will make site stripping and subgrade preparation difficult, particularly during wet periods, and therefore should be anticipated.

Measures to improve site drainage should be implemented as necessary prior to commencing the site stripping and subgrade preparation work. Such measures, may include installation of drainage swales to intercept and divert surface runoff away from the construction areas, sloping of the subgrade and “sealing” of the surface with a smooth drum roller to promote runoff, and restricting construction equipment traffic from traveling directly over the subgrade surfaces, especially when they are wet. The placement of a suitable base material and underlying stabilization geotextile, beneath haul roads, and in construction staging areas, will help to protect the subgrades and minimize problems associated with subgrade degradation.

All existing structures, trees, stumps, vegetation, topsoil, organic soils, etc., and any other deleterious materials within the proposed building pad areas and pavement areas should be removed. Following stripping and removal of the surface materials (i.e. topsoil, asphalt pavement, concrete pads and structures, etc.), the exposed subgrades should be proof-rolled. The proof-rolling should be performed, prior to the overlying fill placement, using a smooth drum roller weighing at least 10 tons.

The subgrade proof-rolling should be done under the guidance of, and observed by qualified geotechnical engineering personnel. In some cases it may be necessary to waive the proof-rolling requirement if wet subgrades are present. This should be determined by the geotechnical engineer (i.e. Empire). Any undercuts, which may be required as the result of the proof-rolling, should be performed based on guidance and evaluation of the conditions by the geotechnical engineer. Resulting undercuts should be backfilled with a suitable material as recommended by the geotechnical engineer.

The placement of an initial lift of suitable oversized stone fill material (i.e. “surge stone”, “shot rock”, minus 6-inch crusher run stone, No.3 & No.4 Stone, etc.) encased in stabilization geotextile top and bottom, may be necessary in some cases

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to help stabilize the subgrades prior to the subgrade fill placement, particularly if the existing subgrades are in a soft/wet condition.

The subgrade fill placement necessary to raise the site grades may proceed following preparation and acceptance of the existing soil subgrades.

The majority of the site filling and grading necessary to raise site grades should be performed sufficiently in advance of the foundation, pavement and utility construction. Therefore we recommend the subgrade fill placement, in areas requiring more than about 2 to 3 feet of fill, be completed at least 1 to 2 months in advance of the final subgrade preparation and subbase stone placement for floor slab and pavement construction.

The on-site soils could be used for constructing the fills for establishing the building pad and pavement areas, provided they can be properly placed and compacted in a controlled manner and to a stable well engineered condition, in accordance with our recommendations. It should be understood, however, that these soils will be very difficult to dry and work with. Therefore the use of imported granular fill materials will be better suited for building pad, roadway and parking lot fill areas. On-site soils used for filling within the building pad area and pavement areas must be free of all organics, and any soft, wet or otherwise deleterious material.

As stated above, the use of the fine grained on-site soils for site filling will be difficult to work with (i.e. dry for proper compaction), vs. an imported Suitable Granular Fill or Structural Fill material, particularly during seasonally inclement or wet weather. Efforts should be made to maintain the subgrades in a dry and stable condition at all times, and limit construction traffic directly over these soils, particularly if they become wet.

Subgrade fill placed to establish the building pad, roadway and parking lot areas, using the on-site soil material, should be compacted to a minimum of 95 percent of the maximum dry density as measured by the modified Proctor moisture-density relationship (ASTM D 1557). The subgrade fill should be placed in horizontal lifts that do not exceed a maximum loose lift thickness of 6 to 9 inches. The loose lift thickness should be reduced in conjunction with the compaction equipment used so that the required density is attained. On-site soil used for subgrade fill should have a moisture content within –3 % to +1 % of the optimum moisture content (determined by ASTM D 1557) when it is placed and compacted. On-site soils having moisture contents exceeding this range will require drying efforts to be implemented by the contractor.

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The subgrade fill should be placed to a stable condition and should not "pump" or show signs of movement or significant deflection (i.e. unstable conditions) as it is being constructed. Any unsuitable conditions should be undercut and removed. The fill subgrades should also be properly graded, drained and protected from moisture and frost. Placement of fill over wet, soft, snow covered or frozen subgrades should not be permitted.

Suitable Granular Fill or Structural Fill as described below in Section 7.90, or other imported suitable granular soil materials are recommended as better suited for subgrade fill to raise the existing site grades for slab-on-grade and pavement construction. Empire, however, should be consulted regarding the acceptability of any off-site materials, which do not meet the requirements stated below for Suitable Granular Fill or Structural Fill. All fill placement and compaction should be closely monitored and tested on a "full-time" basis by qualified geotechnical engineering personnel.

7.90 STRUCTURAL FILL AND SUITABLE GRANULAR FILL MATERIALS

Structural Fill Material

Structural Fill (Subbase Stone) should consist of crusher run stone, which is free of clay, organics and friable or deleterious particles. The crusher stone should meet the requirements of New York State Department of Transportation, Standard Specifications, Item 304.12 – Type 2 Subbase, with the following gradation requirements.

Sieve Size Distribution	Percent Finer by Weight
2 inch	100
¼ inch	25-60
No. 40	5-40
No. 200	0-10

Suitable Granular Fill

Suitable Granukar Fill should be well graded from coarse to fine and classified as GW, GP, GM, SW, SP and SM soils using the Unified Soil Classification System (ASTM D-2487). It should have no more than 85- percent by weight material passing the No. 4 sieve, no more than 20- percent by weight material passing the No. 200 sieve and should be generally free of particles greater than 4-inches. It should also be

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free of topsoil, asphalt, concrete rubble, wood, debris, clay and other deleterious materials.

Material meeting the requirements of New York State Department of Transportation, Standard Specifications, Item 203.07 – Select Granular Fill is acceptable for use as Suitable Granular Fill.

Placement and Compaction

Structural Fill and Suitable Granular Fill should be compacted to a minimum of 95 percent of the maximum dry density as measured by the modified Proctor test (ASTM D1557). Placement of the fill should not exceed a maximum loose lift thickness of 6 to 9 inches, with the exception of the subbase course beneath the slab-on-grade and pavement construction, which can be placed in a single lift not exceeding 15-inches. It may be necessary to reduce the loose lift thickness depending on the type of compaction equipment used so that the required density is attained. The fill should have a moisture content within two percent of the optimum moisture content at the time of compaction.

8.00 RECOMMENDATIONS FOR ADDITIONAL GEOTECHNICAL INVESTIGATIONS

As discussed above, it is recommended that additional explorations be completed for final site redevelopment design particularly in the mixed use town center and future senior housing building development areas

Preliminarily we would recommend that additional test borings in the mixed use town center and senior housing building development areas be performed to provide an approximate frequency of at least one (1) boring per about 3,000 to 4,000 square feet of building footprint, with no less than 4 borings per building. The recommended depth of these borings will be dependent on the building structure loads and foundation bearing depths. At least half of these borings, however, should be extended to bedrock, if a deep foundation system appears may be warranted.

Additional borings within the proposed residential areas should be made to provide a frequency of about one (1) boring per 4 to 5 residential units, with these borings extending to a depth of about 20 feet ±. Additional borings along the proposed roadway and parking lot areas should be made to provide a frequency of about one (1) boring per 400 linear feet of road and/or about one (1) boring per about 10,000 square feet of parking lot area. The roadway borings should extend at least 5 feet

beneath the anticipated utility inverts and the parking lot area borings should extend to a depth of about 6 feet.

Empire can be consulted to assist in planning the locations and scope of the additional explorations and evaluations that may be necessary for final design, based on the final development plans, building sizes and loads.

9.00 CONCLUDING REMARKS

This report was prepared to assist in evaluating the geotechnical characteristics of the subsurface conditions present at the Westwood Country Club site in Amherst, New York, with regard to the proposed mixed use redevelopment project being considered on the site. The report has been prepared for the exclusive use of Mensch Capital Partners, LLC and related parties, for specific application to this site and this project only.

The considerations and preliminary recommendations presented were prepared based on Empire Geo-Services, Inc.'s understanding of the proposed site redevelopment, as described herein, and through the application of generally accepted soils and foundation engineering practices. No warranties, expressed or implied are made by the conclusions, opinions, recommendations or services provided.

This report was prepared for site characterization and preliminary site development planning purposes only. It should not be considered as providing complete or sufficient subsurface information for final building foundation design and construction. Additional subsurface explorations and geotechnical engineering evaluations will be necessary based on the actual planned site development, including the building sizes, location, use and structural loads.

Additional information regarding the use and interpretation of this report is presented in Appendix D.

Sincerely,

EMPIRE GEO-SERVICES, INC.

John J. Danzer, P.E.
Senior Geotechnical Engineer

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TABLES

TABLE 1

SUMMARY OF LABORATORY INDEX TESTS

PROPOSED WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
NORTH FOREST ROAD
AMHERST, NEW YORK

Test Boring Number	Sample Number	Sample Depth	Moisture Content (%)	Grain Size Distribution			Atterberg Limits				COLE Factor	Shrinkage Potential	Soil Description	USCS Group Soil
				Gravel (%)	Sand (%)	Silt & Clay (%)	Liquid Limit (%)	Plastic Limit (%)	Plasticity Index	Shrinkage Limit (%)				
B-1	S-3	4' - 6'	14.6	5.2	27.0	67.8	20	12	8	12	0.015	Low	Red-Brown Silty Clay / Clayey Silt, some Sand, trace gravel	CL / ML
B-3	S-4	6' - 8'	14.8	2.0	14.8	83.2	24	13	11	13	0.010	Low	Red-Brown Silty Clay, little Sand, trace gravel	CL
B-7	S-6	10' - 12'	12.6	8.3	17.4	74.3	24	12	12	13	0	Non - Existent	Brown-Gray, Silty Clay, little Sand, Trace gravel	CL
B-12	S-3	4'- 6'	13.1	8.6	23.2	68.2	24	13	11	12	0.009	Low	Red-Brown Silty Clay, some Sand, trace gravel	CL
B-14	S-4	6' - 8'	10.7	7.9	22.0	70.1	23	12	11	17	0	Non-Existent	Red-Brown Silty Clay, some Sand, trace gravel	CL
B-20	S-5	10' - 12'	23.3	0.0	1.0	99.0	37	17	20	19	0.025	Low	Red-Brown Silty Clay, trace sand	CL
B-22	S-3	4' - 6'	26.5	0.0	0.8	99.2	52	22	30	23	0.018	Low	Red-Brown Silty Clay, trace sand	CH
B-30	S-5	8' - 10'	11.4	4.3	22	72.8							Red-Brown Clayey Silt, some Sand, trace gravel	ML
B-31	S-6	10' - 12'	10.7	9.1	21.6	69.3	23	13	10	12	0	Non-Existent	Orange-Brown Silty Clay, some Sand, trace gravel	CL
B-35	S-7	15' - 17'	8.7	11.8	29.4	58.8							Red-Brown Clayey Silt, some Sand, little Gravel	ML
B-38	S-2	2' - 4'	21.3	0.0	3.8	96.2	44	20	24	20	0.008	Low	Brown Silty Clay, trace sand	CL
B-40	S-4	6' - 8'	12.0	2.2	14.8	83	25	14	11	13	0	Non-Existent	Red-Brown Silty Clay, little Sand, trace gravel	CL
B-44	S-3	4' - 6'	21.3	0.0	2.2	97.8	59	22	37	22	0	Non-Existent	Red-Brown Silty Clay, trace sand	CH
B-46	S-3	4' - 6'	28.1	0.0	0.8	99.2	61	25	36	22	0.034	Low-Medium	Red-Brown Silty Clay, trace sand	CH
B-48	S-5	8' - 10'	11.8	3.8	19.1	77.1	23	13	10	14	0	Non-Existent	Red-Brown Silty Clay, little Sand, trace gravel	CL
COMPOSITE SAMPLES											DIPRA Points	Chlorides / Sulfates (ppm)		
B-6	S-2 to S-4	2' - 8'	4.5 to 11.3	5.8	14.9	79.3					6	15 / ND	Red-Brown Silty Clay, little Sand, trace gravel	ML / CL
B-34	S-2 to S-5	2' - 10'	5.9 to 12.0	7.8	10.7	81.5					6	10 / ND	Red-Brown Silty Clay, little Sand, trace gravel	ML / CL
B-45	S-2 to S-5	2' - 10'	20.2 to 28.6	4.5	1.7	93.8					7	18 / ND	Red-Brown Silty Clay, trace sand	CL

Empire Geo-Services, Inc.
5167 South Park Avenue
Hamburg, New York 14075

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

TABLE 2 (SHEET 1 OF 3)

SUMMARY OF SUBSURFACE CONDITIONS

PROPOSED WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
NORTH FOREST ROAD
AMHERST, NEW YORK

Boring Number	Ground Surface El. (feet)	Total Boring Depth (feet)	Surface Material	Fill Depth (feet)	Bottom of Fill El. (feet)	Auger Refusal Depth (feet)	Auger Refusal El. (feet)	Depth of Freestanding Water in Boring (feet)	El. of Freestanding Water in Boring (feet)	Depth to Groundwater in Well (feet)	El. of Groundwater in Well (feet)
B-1	605.9	67.5	Topsoil	2.0	603.9	62.5	543.4	53.4	552.5		
B-2	603.7	20.0	12" - Topsoil	2.0	601.7	N.E.	N.E.	N.E.	N.E.		
B-3	603.1	20.0	12" - Topsoil	2.0	601.1	N.E.	N.E.	N.E.	N.E.		
B-4	601.5	53.5	3" - Topsoil	2.0	599.5	48.5	553.0	47.0	554.5		
B-5	603.2	32.7	2" - Topsoil	2.0	601.2	32.7	570.5	16.5	586.7		
B-6 w/Well	603.1	22.0	14" - Topsoil	2.0	601.1	N.E.	N.E.	N.E.	N.E.	0.6	602.5
B-7	603.0	47.6	8" - Topsoil	N.E.	N.E.	47.6	555.4	N.E.	N.E		
B-8	602.8	47.5	2" - Topsoil	N.E.	N.E.	47.5	555.3	N.E.	N.E.		
B-9	602.4	44.0	3" - Topsoil	2.0	600.4	44.0	558.4	22.0	580.4		
B-10 / 10A	600.4	13.5	3" - Topsoil	2.0	598.4	13.5	586.9	N.E.	N.E.		
B-11	601.7	45.7	4" - Topsoil	2.0	599.7	45.7	556.0	N.E.	N.E.		
B-12	599.1	20.0	4" - Topsoil	N.E.	N.E.	N.E.	N.E.	N.E.	N.E.		
B-13	599.1	21.0	10" - Topsoil	2.0	597.1	N.E.	N.E.	N.E.	N.E.		
B-14	602.9	47.7	10" - Topsoil	2.0	600.9	47.7	555.2	38.2	564.7		
B-15	602.9	20.0	3.5" - Topsoil	N.E.	N.E.	N.E.	N.E.	N.E.	N.E.		
B-16	599.5	20.0	6" - Topsoil	2.0	597.5	N.E.	N.E.	N.E.	N.E.		
B-17	598.2	22.0	Topsoil	2.0	596.2	N.E.	N.E.	N.E.	N.E.		

Boring Advanced to Auger Refusal

Boring Scheduled to be Advanced to 20 feet and Terminated

Boring Advanced 5 feet into Bedrock with Rock Coring

Groundwater Observation Well Installed in Boring. Water Level on April 1st, 2014

N.E. - Not Encountered N.E.B.C. - Not Encountered Before Water Added to Boring to Facilitate Rock Coring N.D. - Not Determined

Empire Geo-Services, Inc.
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Hamburg, New York 14075

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TABLE 2 (SHEET 2 OF 3)

SUMMARY OF SUBSURFACE CONDITIONS

PROPOSED WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
NORTH FOREST ROAD
AMHERST, NEW YORK

Boring Number	Ground Surface El. (feet)	Total Boring Depth (feet)	Surface Material	Fill Depth (feet)	Bottom of Fill El. (feet)	Auger Refusal Depth (feet)	Auger Refusal El. (feet)	Depth of Freestanding Water in Boring (feet)	El. of Freestanding Water in Boring (feet)	Depth to Groundwater in Well (feet)	El. of Groundwater in Well (feet)
B-18	588.5	35.0	3" - Topsoil	4.0	584.5	35.0	553.5	N.E.	N.E.		
B-19	592.3	20.0	Topsoil	2.0	590.3	N.E.	N.E.	N.E.	N.E.		
B-20	597.0	43.5	Topsoil	2.0	595.0	43.5	553.5	16.5	580.5		
B-21	598.2	41.5	Native Soil	N.E.	N.E.	41.5	556.7	39.0	559.2		
B-22	599.1	44.1	11" - Topsoil	N.E.	N.E.	44.1	555.0	N.E.	N.E.		
B-23	596.8	22.0	11" - Topsoil	N.E.	N.E.	N.E.	N.E.	N.E.	N.E.		
B-24 w/Well	598.6	41.3	Topsoil	4.0	594.6	41.3	557.3	N.E.	N.E	8.2	588.6
B-25	594.8	40.2	4" - Topsoil	2.0	592.8	40.2	554.6	13.6	581.2		
B-26	594.1	40.8	Topsoil	2.0	592.1	40.8	553.3	33.5	560.6		
B-27	594.3	22.0	Fill	2.0	592.3	N.E.	N.E.	N.E.	N.E.		
B-28	593.2	20.0	6" - Topsoil	2.0	591.2	N.E.	N.E.	N.E.	N.E.		
B-29	594.5	38.5	3" - Topsoil	2.0	592.5	33.5	561.0	19.3	575.2		
B-30	594.8	20.0	8" - Topsoil	4.0	590.8	N.E.	N.E.	N.E.	N.E.		
B-31	592.5	43.5	6" - Topsoil	N.E.	N.E.	38.5	554.0	N.E.B.C.	N.E.B.C.		
B-32	594.0	30.5	3" - Topsoil	4.0	590.0	30.5	563.5	N.E.	N.E.		
B-33	592.9	20.0	Topsoil	2.0	590.9	N.E.	N.E.	N.E.	N.E.		
B-34	593.4	31.4	12" - Topsoil	2.0	591.4	31.4	562.0	N.E.	N.E.		

Boring Advanced to Refusal

Boring Scheduled to be Advanced to 20 feet and Terminated

Boring Advanced 5 feet into Bedrock with Rock Coring

Groundwater Observation Well Installed in Boring. Water Level on April 1st, 2014.

N.E. - Not Encountered N.E.B.C. - Not Encountered Before Water Added to Boring to Facilitate Rock Coring N.D. - Not Determined

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TABLE 2 (SHEET 3 OF 3)

SUMMARY OF SUBSURFACE CONDITIONS

PROPOSED WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
NORTH FOREST ROAD
AMHERST, NEW YORK

Boring Number	Ground Surface El. (feet)	Total Boring Depth (feet)	Surface Material	Fill Depth (feet)	Bottom of Fill El. (feet)	Auger Refusal Depth (feet)	Auger Refusal El. (feet)	Depth of Freestanding Water in Boring (feet)	El. of Freestanding Water in Boring (feet)	Depth to Groundwater in Well (feet)	El. of Groundwater in Well (feet)
B-35	593.0	32.5	7" - Topsoil	N.E.	N.E.	32.5	560.5	N.E.	N.E.		
B-36	593.3	31.0	3" - Topsoil	2.0	591.3	31.0	562.3	28.0	565.3		
B-37	592.1	22.5	8" - Topsoil	4.0	588.1	22.5	569.6	20.0	572.1		
B-38	592.4	24.0	Fill	2.0	590.4	24.0	568.4	N.E.	N.E.		
B-39	592.0	18.1	4" - Topsoil	2.0	590.0	N.E.	N.E.	N.E.	N.E.		
B-40	588.9	22.0	Topsoil	5.0	583.9	22.0	566.9	19.0	569.9		
B-41	590.3	20.0	3" - Topsoil	2.0	588.3	N.E.	N.E.	N.E.	N.E		
B-42	601.1	22.0	13" - Topsoil	2.0	599.1	N.E.	N.E.	N.E.	N.E.		
B-43	593.2	35.0	6" - Topsoil	2.0	591.2	30.0	563.2	20.0	573.2		
B-44	592.7	18.7	6" - Topsoil	2.0	590.7	N.E.	N.E.	N.E.	N.E.		
B-45	591.9	29.5	7" - Topsoil	2.0	589.9	24.5	567.4	15.0	576.9		
B-46	591.6	20.0	Topsoil	2.0	589.6	N.E.	N.E.	N.E.	N.E.		
B-47	594.9	39.0	6" - Topsoil	2.0	592.9	34.0	560.9	20.0	574.9		
B-48	595.8	31.0	3" - Topsoil	2.0	593.8	31.0	564.8	N.E.	N.E.	2.4	593.4
B-49	593.5	20.0	5" - Topsoil	2.0	591.5	N.E.	N.E.	N.E.	N.E.		

Boring Advanced to Refusal

Boring Scheduled to be Advanced to 20 feet and Terminated

Boring Advanced 5 feet into Bedrock with Rock Coring

Groundwater Observation Well Installed in Boring. Water Level on April 1st, 2014.

N.E. - Not Encountered N.E.B.C. - Not Encountered Before Water Added to Boring to Facilitate Rock Coring N.D. - Not Determined

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5167 South Park Avenue
Hamburg, New York 14075

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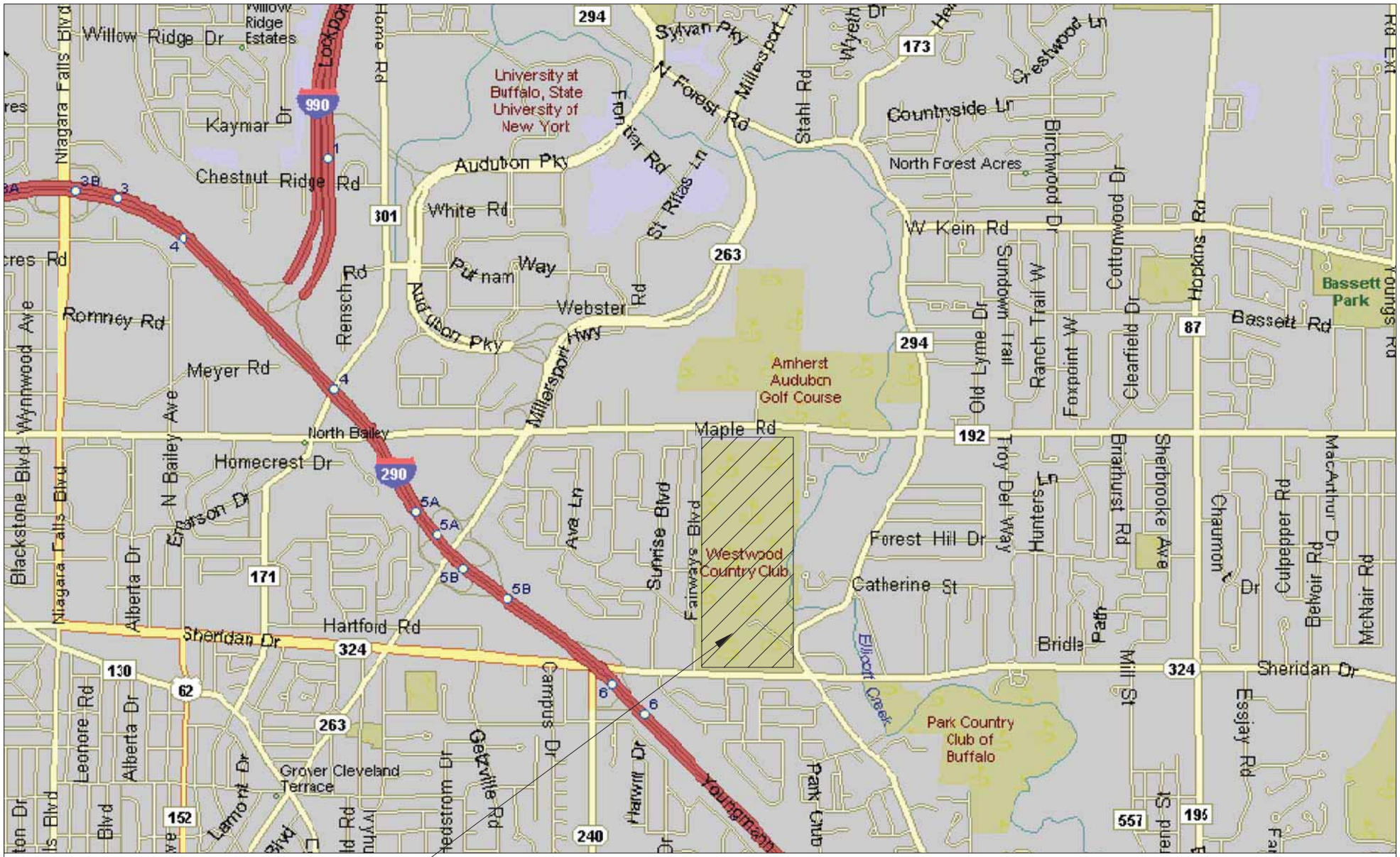
FIGURES



APPROXIMATE PROJECT SITE LOCATION

N

NOTE:
SITE LOCATION PLAN DEVELOPED
FROM MICROSOFT STREETS & TRIPS 2006

EMPIRE GEO SERVICES INC
a subsidiary of SJB Services, Inc.

PROPOSED WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
NORTH FOREST ROAD
AMHERST, NEW YORK

SITE LOCATION PLAN

DR BY: EDG	SCALE: NTS	PROJ NO.: BE-13-192
CHKD BY: JJD	DATE: 12/18/13	FIGURE NO: 1

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

LEGEND:

B-5 INDICATES APPROXIMATE LOCATION AND DESIGNATION OF TEST BORING ADVANCED TO AUGER REFUSAL (PRESUMED BEDROCK REFUSAL).

B-6 INDICATES APPROXIMATE LOCATION AND DESIGNATION OF TEST BORING ADVANCED TO AUGER REFUSAL, WITH GROUNDWATER OBSERVATION WELL INSTALLATION.

B-1 INDICATES APPROXIMATE LOCATION AND DESIGNATION OF TEST BORING ADVANCED TO AUGER REFUSAL, WITH FIVE (5) FEET OF ROCK CORE.

B-2 INDICATES APPROXIMATE LOCATION AND DESIGNATION OF TEST BORING PLANNED TO BE ADVANCED TO TWENTY (20) FEET AND TERMINATED.

B.M. APPROXIMATE LOCATION OF BENCHMARK ESTABLIHSED BY SJB SERVICES, INC. TOP OF EXISTING ELECTRICAL MANHOLE RIM. BENCHMARK ELEVATION = 602.38 FEET AS ESTABLISHED AND REPORTED BY NUSSBAUMER & CLARKE, INC.

NOTE:

FIGURE DEVELOPED FROM DRAWING PROVIDED BY MENSCH CAPITAL PARTNERS, LLC.

EMPIRE GEO SERVICES INC
a subsidiary of SJB Services, Inc.

PROPOSED WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
NORTH FOREST ROAD
AMHERST, NEW YORK

SUBSURFACE EXPLORATION PLAN
EXISTING SITE CONDITIONS

DR BY: EDG	APPROX. SCALE: NTS	DATE: 04/23/14
CHKD BY: JJD	PROJ NO.: BE-13-192	FIGURE NO: 2

LEGEND:

WESTWOOD COMMONS:

A.	OFFICE:	200,000 SQFT.
B.	RESIDENTIAL:	72 UNITS
C.	HOTEL:	130 KEYS
D.	MULTI-FAMILY:	280 UNITS
D.	NEIGHBORHOOD BUSINESS/OFFICE:	15,000 SQFT.
E.	LAKE EDGE TOWNHOMES / MULTI-FAMILY:	37 UNITS
F.	RIVER'S EDGE MULTI-FAMILY APARTMENTS:	56 UNITS
G.	EVENT SPACE	1.2 ACRES
H.	EXISTING CLUBHOUSE	

WESTWOOD RESIDENTIAL:

I.	PATIO HOME LOTS:	108 UNITS
J.	LARGER LOTS - SINGLE FAMILY	46 UNITS
K	TOWNHOMES:	90 UNITS
L.	SENIOR LIVING FACILITY	ASSISTED LIVING 200 / INDEPENDENT 96

NOTES:

1. TOTAL PARKING COUNT IN THE WESTWOOD COMMONS AREA: 2,180 STALLS.
2. WESTWOOD PARKWAY WIDTH: 80 FT.
3. STANDARD ROADWAY WIDTH: 50 FT.

DENOTES PEDESTRIAN TRAILS (2ML)

NOTE:

FIGURE DEVELOPED FROM DRAWING PROVIDED BY MENSCH CAPITAL PARTNERS, LLC.

EMPIRE GEO SERVICES INC
a subsidiary of SJB Services, Inc.

PROPOSED WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
NORTH FOREST ROAD
AMHERST, NEW YORK

SUBSURFACE EXPLORATION PLAN
PROPOSED SITE DEVELOPMENT

DR BY: EDG/WMA	APPROX. SCALE: NTS	DATE: 04/23/14	
CHKD BY: JJD	PROJ NO.: BE-13-192	FIGURE NO: 3	

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

APPENDIX A

TEST BORING LOGS

DATE
START 12/3/2013
FINISH 12/3/2013
SHEET 1 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-1
SURF. ELEV 605.9' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	WOH	1			TOPSOIL	
		3	6		4	Red-Brown Clayey SILT, tr.-little f-c Sand (moist, FILL)	WOH = Weight of Hammer and Rods
	2	7	9			Red-Brown Silty CLAY / Clayey Silt, some f-c Sand,	
		12	17		21	tr.gravel (moist, v.stiff, CL-ML)	
5	3	5	5				
		7	12		12	(stiff)	
	4	13	23				
		36	39		59	Contains some-and f-c Sand (hard)	
	5	9	16				
10		24	32		40	Becomes Brown	
	6	9	22				
		26	32		48	Contains tr.-little f-c Gravel	
15							
	7	8	13			Becomes Brown-Gray	
		18	22		31		
20							
	8	6	10			(v.stiff)	
		13	19		23		
25							
	9	8	10				
		13	18		23		
30							
	10	7	10				
		14	19		24		
35							
	11	6	7				
		9	15		16		
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. KOSKE

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 12/3/2013
FINISH 12/3/2013
SHEET 2 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-1
SURF. ELEV 605.9' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	12	7	7			(stiff)	
		8	12		15		
45	13	3	3			Brown-Gray Silty CLAY, tr.sand	
		3	4		6	(moist-wet, medium, CL)	
50	14	1	2			Becomes Red-Brown (soft)	
		1	2		3		
55	15	3	1				
		4	6		5		
60	16	50/0.1			REF		REF = Sample Spoon Refusal
							NQ '2' Size Rock Core
65						Gray SHALE Rock, medium hard, sound, bedded.	RUN #1: 62.5' - 67.5' REC = 96% RQD = 82%
70						Boring Complete at 67.5'	Free standing water recorded at 53.4' prior to coring.
75							
80							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. KOSKE
DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 12/17/2013
FINISH 12/17/2013
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-2
SURF. ELEV 603.7' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	3	3			TOPSOIL	Driller notes approx. 12" Topsoil
		5	6		8	Red-Brown and Black Silty CLAY, tr.sand (moist, FILL)	
	2	5	4			Brown Silty CLAY, tr.sand (moist, stiff, CL)	
		7	8		11		
5	3	4	7			(v.stiff)	
		22	25		29		
	4	8	9			Brown Clayey SILT, tr.-little f-c Sand (moist, v.stiff, ML)	
		19	23		28		
	5	7	8			Brown Silty CLAY, tr.sand (moist, v.stiff, CL)	
10		10	12		18		
	6	5	10				
		11	14		21		
15	7	5	7			Becomes Brown-Gray, contains little-some f-c Sand	
		15	16		22		
	8	8	8			Brown-Gray Clayey SILT, some f-c Sand, tr.gravel	
20		17	20		25	(moist, v.stiff, ML)	
						Boring Complete at 20.0'	No free standing water encountered at boring completion.
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 12/17/2013
FINISH 12/17/2013
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-3
SURF. ELEV 603.1' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	1			TOPSOIL	Driller notes approx. 12" Topsoil
		2	3		3	Red-Brown and Black Silty CLAY, tr.sand (moist, FILL)	
	2	5	6			Red-Brown Silty CLAY, tr.sand (moist, stiff, CL)	
		6	9		12		
5	3	7	8			(v.stiff)	
		8	11		16		
	4	10	12				
		11	14		23		
	5	10	12			Becomes Brown-Gray, contains little f-c Sand, tr.gravel	
10		14	17		26		
	6	15	17	50/0.3	REF	Contains tr.boulder fragments (hard)	REF = Sample Spoon Refusal
15							
	7	12	11			(v.stiff)	
		15	14		26		
20							
	8	15	10				No Recovery Sample #8
		12	16		22		
25						Boring Complete at 22.0'	No free standing water encountered at boring completion.
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: T. FARRELL
DRILL RIG TYPE : CME-550X
METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/28/2014
FINISH 1/30/2014
SHEET 1 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-4
SURF. ELEV 601.5' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	2	3			TOPSOIL	Driller notes approx. 3" Topsoil
		5	5		8	Red-Brown and Black Silty CLAY, tr.sand, tr.organics (moist, FILL)	
	2	4	3				
		4	6		7	Red-Brown Silty CLAY, tr.sand (moist, medium, CL)	
5	3	5	6			Brown Clayey SILT, tr.-little f-c Sand (moist, stiff, ML)	
		7	9		13		
	4	5	8			(v.stiff)	
		10	14		18		
	5	16	23			(hard)	
10		19	21		42		
	6	12	21				
		25	26		46		
15	7	5	9			Brown-Gray Silty CLAY, little-some f-c Sand, tr.gravel (moist, v.stiff, CL)	
		11	13		20		
20	8	6	10			Brown-Gray Clayey SILT, little f-c Sand (moist, v.stiff, ML)	
		13	19		23		
25	9	5	7				
		10	17		17		
30	10	5	6			Contains some f-c Sand, tr.-little f-c Gravel	
		12	14		18		
35	11	4	8				
		14	16		22		
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/28/2014
FINISH 1/30/2014
SHEET 2 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-4
SURF. ELEV 601.5' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	12	6	10				
		13	15		23		
45	13	8	14			Gray-Brown f-m SAND, some-and Silt, tr.-little f-c Gravel (moist, compact, SM)	
		26	37		40		NQ '2' Size Rock Core
50						Gray SHALE Rock, medium hard, sound, thinly bedded to bedded, numerous gypsum partings and seams.	RUN #1: 48.5' - 53.5' REC = 75% RQD = 40% 1
55						Boring Complete at 53.5'	Free standing water recorded at 47.0' prior to coring. Free standing water recorded at 20.0' after coring.
60							
65							
70							
75							
80							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/15/2014
FINISH 1/15/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-5
SURF. ELEV 603.2' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	3			TOPSOIL	Driller notes approx. 2" Topsoil
		6	7		9	Brown-Black Clayey SILT, tr.sand, tr.organics (moist-wet, FILL)	
	2	5	6				
		7	8		13	Red-Brown Silty CLAY, tr.sand (moist-wet, stiff, CL)	
5	3	7	9			Becomes Brown (v.stiff)	
		11	15		20		
	4	14	17				
		19	15		36	Contains occasional Silt seams (hard)	
	5	4	8			Red-Brown Clayey SILT, little-some f-c Sand, tr.gravel	
10		6	7		14	(moist, stiff, ML)	
	6	11	12			(v.stiff)	
		10	12		22		
15	7	24	11				No Recovery Sample #7
		12	7		23		
20	8	15	11			Becomes Brown-Gray, contains some f-c Sand	
		10	18		21		
25	9	15	17			Brown-Gray Silty CLAY, little f-c Sand, tr.gravel	
		21	24		38	(moist, hard, CL)	
30	10	15	18			Brown-Gray Clayey SILT, some f-c Sand, tr.gravel	
		50	50/0.4		68	(moist, hard, ML)	
35						Boring Complete with Sample Spoon Refusal at 31.9' and Auger Refusal at 32.7'	Free standing water recovery at 16.5' at boring completion.
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550SE

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 12/5/2013
FINISH 12/5/2013
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-6
SURF. ELEV 603.1' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	2			TOPSOIL	Driller notes approx. 14" Topsoil
		1	2		3	Red-Brown Clayey SILT, little f-c Sand (moist, FILL)	
	2	3	2			Red-Brown Silty CLAY, tr.sand (moist, medium, CL)	
		4	4		6		
5	3	4	5			Red-Brown Clayey SILT, tr.-little f-c Sand (moist, stiff, ML)	
		6	8		11		
	4	7	9				
		11	12		20	(v.stiff)	
	5	6	7				
10		6	9		13	(stiff)	
	6	7	8				
		7	11		15		
15							
	7	4	4			Brown-Gray Silty CLAY and f-c Sand, tr.gravel	
		5	7		9	(moist, stiff, CL)	
20							No free standing water noted at boring completion
	8	8	8			Brown-Gray Clayey SILT and f-c Sand, tr.gravel	
		11	12		19	(moist, v.stiff, ML)	
25						Boring Complete at 22.0'	2" PVC Groundwater Observation Well installed at boring completion. Refer to installation log for details.
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: T. FARRELL

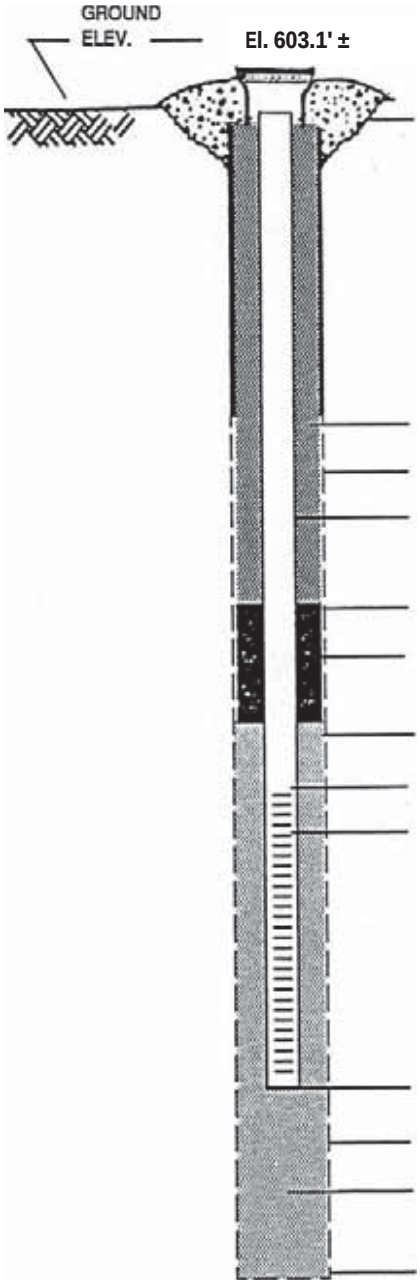
DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

MONITORING WELL COMPLETION RECORD

WELL NUMBER: B-6	
PROJECT NAME: WESTWOOD CC	DRILLING METHOD: HOLLOW STEM AUGERS
PROJECT NUMBER: BE-13-192	GEOLOGIST: N/A
DRILLER: T. FARRELL	INSTALLATION DATE(S): 12/5/2013



TYPE OF SURFACE SEAL:	CONCRETE PAD WITH FLUSH MOUNT SURFACE CASING
TYPE OF BACKFILL:	AUGER CUTTINGS
BOREHOLE DIAMETER:	8" ±
I.D. OF RISER PIPE:	2.0"
TYPE OF RISER PIPE:	PVC
DEPTH OF SEAL:	5.0' El. 598.1' ±
TYPE OF SEAL:	BENTONITE CHIPS
DEPTH OF SAND PACK:	8.0' El. 595.1' ±
DEPTH OF TOP OF SCREEN:	10.0' El. 593.1' ±
TYPE OF SCREEN:	PVC
SLOT SIZE X LENGTH:	.010 X 10.0'
I.D. OF SCREEN:	2.0"
TYPE OF SAND PACK:	MORIE "O" FILTER SAND
DEPTH BOTTOM OF SCREEN:	20.0' El. 583.1' ±
DEPTH BOTTOM OF SAND PACK:	20.0' El. 583.1' ±
TYPE OF BACKFILL BELOW OBSERVATION WELL:	FILTER SAND
ELEVATION/ DEPTH OF HOLE:	22.0' El 581.1' ±

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 12/12/2013
FINISH 12/12/2013
SHEET 1 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-7
SURF. ELEV 603.0' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	4	2			TOPSOIL	Driller notes approx. 8" Topsoil
		3	2		5	Brown Silty CLAY, tr.sand (moist, medium, CL)	
	2	3	3				
		3	5		6		
5	3	7	11			Red-Brown Clayey SILT, little f-c Sand, tr.gravel,	
		13	10		24	tr.boulder fragments (moist, v.stiff, ML)	
	4	10	8				
		5	5		13	(stiff)	
	5	7	8				
10		7	11		15	Becomes Brown	
	6	8	9			Brown-Gray Silty CLAY, tr.-little f-c Sand, tr.gravel	
		13	15		22	(moist-wet, v.stiff, CL)	
15							
	7	7	4				
		6	7		10	(stiff)	
20							
	8	6	5				No Recovery Sample #8
		7	6		12		
25							
	9	6	8			Brown-Gray Clayey SILT, little-some, f-c Sand, tr.gravel	
		8	12		16	(moist, v.stiff, ML)	
30							
	10	6	8			(stiff)	
		7	14		15		
35							
	11	10	12			(v.stiff)	
		9	5		21		
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: T. FARRELL

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 12/12/2013
FINISH 12/12/2013
SHEET 2 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-7
SURF. ELEV 603.0' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	12	4	5			Gray Highly Weathered SHALE Rock (wet)	
		3	7		8		
45	13	5	4				
		3	8		7		
	14	50/0.1			REF		
50						Boring Complete with Sample Spoon Refusal at 47.5' and Auger Refusal at 47.6'	No free standing water encountered at boring completion.
55							
60							
65							
70							
75							
80							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: T. FARRELL

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/14/2014
FINISH 1/14/2014
SHEET 1 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-8
SURF. ELEV 602.8' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	1			TOPSOIL	Driller notes approx. 2" Topsoil
		2	3		3	Brown Silty CLAY, tr.sand (moist-wet, soft, CL)	
	2	6	7			Becomes Red-Brown and Gray (moist, stiff)	
		5	5		12		
5	3	5	4			Becomes Brown	
		7	9		11		
	4	15	16			(hard)	
		17	19		33		
	5	5	5			Contains occasional Silt partings and seams (stiff)	
10		7	9		12		
	6	6	7			Red-Brown Clayey SILT, little f-c Sand, tr.gravel	
		7	7		14	(moist, stiff, ML)	
15							
	7	9	8			Brown Silty CLAY, little f-c Sand, tr.gravel	
		8	10		16	(moist, v.stiff, CL)	
20							
	8	7	12			Brown-Gray Clayey SILT, little f-c Sand, tr.gravel	
		16	14		28	(moist, v.stiff, ML)	
25							
	9	7	15			Contains some f-c Sand	
		14	12		29		
30							
	10	12	17			(hard)	
		28	27		45		
35							
	11	16	17				
		23	25		40		
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550SE

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/14/2014
FINISH 1/14/2014
SHEET 2 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-8
SURF. ELEV 602.8' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	12	13	17				No Recovery Sample #12
		16	15		33		
45	13	13	21			Contains occasional Shale fragments	
		38	32		59		
50						Boring Complete with Auger Refusal at 47.5'	No free standing water encountered at boring completion.
55							
60							
65							
70							
75							
80							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550SE

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/27/2014
FINISH 1/27/2014
SHEET 1 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-9
SURF. ELEV 602.4' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	2	2			TOPSOIL	Driller notes approx. 3" Topsoil
		2	2		4	Brown-Black Silty CLAY, tr.sand, tr.organics (moist-wet, FILL)	
	2	2	3				
		3	4		6	Red-Brown Silty CLAY, tr.sand, occasional Silt partings (moist, medium, CL)	
5	3	4	7				
		9	15		16	(v.stiff)	
	4	5	8				
		10	14		18		
	5	4	5			(moist-wet, stiff)	
10		8	8		13		
	6	4	4				
		5	6		9		
15							
	7	2	2			Red-Brown Clayey SILT, some f-m Sand	
		2	3		4	(moist-wet, medium, ML)	
20							
	8	9	12			Contains tr.gravel (moist, v.stiff)	
		14	16		26		
25							
	9	14	16			(hard)	
		15	17		31		
30							
	10	14	19			Gray-Brown f-c SAND, some-and Silt, tr.gravel	
		20	22		39	(moist, compact, SM)	
35							
	11	13	15				
		17	19		32		
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/27/2014
FINISH 1/27/2014
SHEET 2 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-9
SURF. ELEV 602.4' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	12	14	19			Brown-Gray f-m SAND and Silt, tr.gravel	
		21	23		40	(moist, compact, SM)	
45						Boring Complete with Auger Refusal at 44.0'	Free standing water recorded at 22.0' at boring completion.
50							
55							
60							
65							
70							
75							
80							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/27/2014
FINISH 1/27/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-10
SURF. ELEV 600.4' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	2	2			TOPSOIL	Driller notes approx. 3" Topsoil
		3	3		5	Black Organic Clayey SILT, little f-c Sand (moist, FILL)	
	2	4	5			Red-Brown Clayey SILT, little f-c Sand, tr.gravel	
		7	6		12	(moist, stiff, ML)	
5	3	12	11				
		11	12		22		
	4	8	10				
		13	12		23		
	5	12	5				
10		15	17		20		
	6	5	14				
		17	15		31	(hard)	
15						Boring Complete with Auger Refusal at 13.5'	No free standing water encountered at boring completion.
20							
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/27/2014
FINISH 1/27/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-10A
SURF. ELEV 600.4' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
5						OVERBURDEN SOILS	Boring B-10A is a continuation of Boring B-10. Driller notes moving 7' north and augering to refusal.
10							
15						Boring Complete with Auger Refusal at 11.7'	No free standing water encountered at boring completion.
20							
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 12/6/2013
FINISH 12/6/2013
SHEET 1 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-11
SURF. ELEV 601.7' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	2	2			TOPSOIL	Driller notes approx. 4" Topsoil
		3	2		5	Black CINDERS, little Silt (moist, FILL)	
	2	2	3			Red-Brown Silty CLAY, tr.sand (moist, medium, CL)	
		4	4		7		
5	3	4	4			Red-Brown Clayey SILT, tr.sand (moist, stiff, ML)	
		5	5		9		
	4	5	6			Becomes Brown	
		5	6		11		
	5	2	3			Brown Silty CLAY, tr.sand (moist-wet, medium, CL)	
10		2	3		5		
	6	3	3				
		4	5		7		
15							
	7	1	2			Contains some f-c Sand	
		2	3		4		
20							
	8	2	2			Contains tr.sand, tr.gravel	
		3	4		5		
25							
	9	8	9			Brown-Orange Clayey SILT, little f-c Sand, tr.gravel	
		12	13		21	(moist, v.stiff, ML)	
30							
	10	4	3			(wet, medium)	
		4	5		7		
35							
	11	2	1				
		3	1		4		
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: T. FARRELL

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 12/6/2013
FINISH 12/6/2013
SHEET 2 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-11
SURF. ELEV 601.7' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	12	4	4			Contains some-and f-c SAND (stiff)	
		8	12		12		
45	13	21	50/0.2		REF	Gray SHALE Rock fragments (moist)	
						Boring Complete with Sample Spoon and Auger Refusal at 45.7'	No free standing water reading obtained at boring completion.
50							
55							
60							
65							
70							
75							
80							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: T. FARRELL

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/26/2014
FINISH 1/26/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-12
SURF. ELEV 599.1' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	2	2			TOPSOIL	Driller notes approx. 4" Topsoil
		3	4		5	Red-Brown Silty CLAY, little f-c Sand (moist, medium, CL) (stiff)	
	2	3	5				
		4	6		9		
5	3	5	7			Contains some f-c Sand, tr.gravel (v.stiff)	
		10	13		17		
	4	4	9				
		12	15		21		
	5	6	21			Becomes Brown-Gray, contains tr.gravel (hard)	
10		33	30		54		
	6	10	19				
		36	37		55		
15							
	7	13	28			Brown-Gray f-m SAND and Clayey Silt, tr.gravel (moist, v.compact, SC-SM)	
		36	38		64		
	8	22	36				
20		34	39		70		
						Boring Complete at 20.0'	No free standing water encountered at boring completion.
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 12/16/2013
FINISH 12/16/2013
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-13
SURF. ELEV 599.1' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	2			TOPSOIL	Driller notes approx. 10" Topsoil
		2	3		4	Red-Brown Silty CLAY, tr.sand (moist, FILL)	
	2	3	5			Red-Brown Silty CLAY, tr.sand (moist, stiff, CL)	
		7	7		12		
5	3	5	7			Red-Brown Clayey SILT, tr.sand (moist, stiff, ML)	
		8	12		15		
	4	4	2			Brown Fine SAND, some Silt, occasional Silt seams (moist-wet, v.loose, SM)	
		3	2		5		
	5	4	8			Brown Silty CLAY, tr.sand (moist-wet, v.stiff, CL)	
10		8	8		16		
	6	5	6			Red-Brown Clayey SILT, little f-c Sand (moist, stiff, ML)	
		6	10		12		
15	7	3	7				
		6	8		13		
20	8	7	8				
		7	10		15		
						Boring Complete at 21.0'	No free standing water encountered at boring completion.
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: T. FARRELL

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 12/5/2013
FINISH 12/5/2013
SHEET 1 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-14
SURF. ELEV 602.9' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	3			TOPSOIL	Driller notes approx. 10" Topsoil
		4	9		7	Red-Brown and Black Clayey SILT, little f-c Sand, tr.gravel (moist, FILL)	
	2	12	6				
		8	10		14	Red-Brown Silty CLAY, tr.-little f-c Sand	
5	3	8	7			(moist, stiff, CL)	
		10	11		17	Contains some f-c Sand, tr.gravel (v.stiff)	
	4	9	10				
		9	11		19		
	5	9	12				
10		11	15		23		
	6	10	14				
		15	18		29		
15							
	7	4	5			(moist-wet, stiff, CL)	
		6	8		11		
20							
	8	6	7			(v.stiff)	
		11	15		18		
25							
	9	12	14			Brown-Gray f-c SAND and Clayey Silt, little f-c Gravel (moist, firm, SC-SM)	
		8	13		22		
30							
	10	15	10				Poor Recovery Sample #10
		9	12		19		
35							
	11	12	13			Red-Brown Silty CLAY, tr.sand (moist-wet, v.stiff, CL)	
		15	16		28		
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: T. FARRELL

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 12/5/2013
FINISH 12/5/2013
SHEET 2 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-14
SURF. ELEV 602.9' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	12	6	10				
		13	14		23		
45	13	13	18			Brown-Gray SILT and Fine Sand, tr.gravel (moist, compact, ML)	
		20	23		38		
	14	50/0.1			REF		
50						Boring Complete with Sample Spoon Refusal at 47.5' and Auger Refusal at 47.7'	Free standing water recorded at 38.2' at boring completion.
55							
60							
65							
70							
75							
80							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. KOSKE

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/17/2014
FINISH 1/17/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-15
SURF. ELEV 602.9' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	2	3			TOPSOIL	Driller notes approx. 3.5" Topsoil
		5	6		8	Red-Brown Clayey SILT, little f-c Sand	
	2	6	11			(moist, medium, ML)	
		12	14		23	(v.stiff)	
5	3	11	12			Becomes Brown	
		12	16		24		
	4	14	18			Contains tr.gravel (hard)	
		23	24		41		
	5	9	12			(v.stiff)	
10		14	16		26		
	6	12	14				
		11	16		25		
15							
	7	5	9				
		15	16		24		
	8	17	21			Contains some f-c Sand (hard)	
20		26	30		47		
						Boring Complete at 20.0'	No free standing water enountered at boring completion.
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550SE

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/17/2014
FINISH 1/17/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-16
SURF. ELEV 599.5' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	WOH	3			TOPSOIL	Driller notes approx. 6" Topsoil
		4	4		7	Red-Brown Clayey SILT, little-some f-c Sand, tr.gravel (moist, FILL)	
	2	12	11				
		12	16		23	Red-Brown Clayey SILT, tr.-little f-c Sand	WOH = Weight of Hammer and Rods
5	3	10	11			(moist, v.stiff, ML)	
		18	17		29		
	4	16	25				
		27	33		52	Contains little f-c Gravel (hard)	
	5	11	18				
10		22	24		40		
	6	10	14				
		19	23		33		
15							
	7	5	10			(moist-wet, v.stiff)	
		10	12		20		
	8	15	21			Red-Brown Silty CLAY, tr.-little f-c Sand	
20		22	18		43	(moist, hard, CL)	
						Boring Complete at 20.0'	No free standing water encountered at boring completion.
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550SE

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/23/2014
FINISH 1/23/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-17
SURF. ELEV 598.2' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	3	2			TOPSOIL	
		1	2		3	Brown-Black Silty CLAY, tr.sand, tr.organics (wet, FILL)	
	2	4	3			Gray-Brown f-c SAND and Silt (wet, FILL)	
		4	3		7		
5	3	4	6			Red-Brown Silty CLAY, tr.sand (moist, stiff, CL)	
		5	6		11		
	4	8	7			Red-Brown Clayey SILT, little f-c Sand, tr.gravel	
		8	11		15	(moist, stiff, ML)	
	5	6	11			Red-Brown Silty CLAY, tr.sand (moist, hard, CL)	
10		20	16		31		
	6	12	14				
		20	22		34		
15							
	7	10	10			(v.stiff)	
		12	15		22		
20							
	8	11	16			Brown-Gray Clayey SILT, some f-c Sand, tr.gravel	
		15	20		31	(moist, hard, ML)	
						Boring Complete at 22.0'	No free standing water reading obtained at boring completion.
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/20/2014
FINISH 1/20/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-18
SURF. ELEV 588.5' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	3	3			TOPSOIL	Driller notes approx. 3" Topsoil
		3	3		6	Brown-Black Silty CLAY, tr.sand, tr.organics (moist, FILL)	
	2	5	6				
		5	7		11		
5	3	3	5			Red-Brown Silty CLAY, tr.-little f-c Sand (moist-wet, stiff, CL)	
		5	4		10		
	4	7	11			Brown-Gray Clayey SILT, some f-c Sand, tr.gravel (moist, v.stiff, ML)	
		14	12		25		
	5	7	11				
10		12	15		23		
	6	8	8				Poor Recovery Sample #6
		10	14		18		
15							
	7	14	15			(hard)	
		17	21		32		
20							
	8	5	7				
		34	50/0.4		41		
25							
	9	4	8			Brown-Gray Silty CLAY, some f-c Sand, tr.gravel (moist-wet, v.stiff, CL)	
		12	14		20		
30							
	10	1	1			Becomes Red-Brown (wet, medium)	
		3	2		4		
35							
						Boring Complete with Auger Refusal at 35.0'	No free standing water reading obtained at boring completion.
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE :

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/23/2014
FINISH 1/23/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-19
SURF. ELEV 592.3' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	2	2			TOPSOIL	
		2	4		4	Black-Brown Clayey SILT, some f-c Sand (moist, FILL)	
	2	2	2			Yellow-Brown Silty CLAY, little Fine Sand	
		2	2		4	(moist-wet, medium, CL)	
5	3	3	3			Yellow-Brown Fine SAND, little-some Silt	
		2	2		5	(moist-wet, v.loose, SM)	
	4	2	2				
		3	2		5		
	5	2	2			Red-Brown Silty CLAY, little f-c Sand, tr.gravel	
10		4	5		6	(moist-wet, medium, CL)	
	6	4	6			(stiff)	
		5	7		11		
15							
	7	7	8			Red-Brown f-m SAND, some-and Silt, little f-c Gravel	
		12	14		20	(moist, firm, SM)	
	8	10	11			Contains tr.clay	
20		13	11		24		
						Boring Complete at 20.0'	No free standing water encountered at boring completion.
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/21/2014
FINISH 1/21/2014
SHEET 1 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-20
SURF. ELEV 597.0' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	6	3			TOPSOIL	
		5	3		8	Black-Brown Clayey SILT, tr.sand, tr.organics	
	2	5	5			(moist-wet, FILL)	
		5	5		10	Red-Brown Clayey SILT, tr.sand (moist, stiff, ML)	
5	3	5	8				
		7	6		15		
	4	8	10			Red-Brown Silty CLAY, tr.sand (moist, v.stiff, CL)	
		12	8		22		
	5	6	6			Becomes Brown (stiff)	
10		6	6		12		
	6	3	4				
		5	6		9		
15							
	7	4	7			Brown-Gray Clayey SILT, little-some f-c Sand, tr.gravel	
		8	12		15	(moist, stiff, ML)	
20							
	8	12	13			(v.stiff)	
		15	14		28		
25							
	9	7	11				
		12	12		23		
30							
	10	3	7				
		12	13		19		
35							
	11	WOH/2.0			WOH	Brown-Gray Silty CLAY, tr.sand (moist-wet, v.soft, CL)	WOH = Weight of Hammer and Rods
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/21/2014
FINISH 1/21/2014
SHEET 2 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-20
SURF. ELEV 597.0' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	12	WOH/2.0			WOH	Gray Fine SAND, some-and Silt, tr.gravel (wet, v.loose, SM)	WOH = Weight of Hammer and Rods
45						Boring Complete with Auger Refusal at 43.5'	Free standing water recorded at 16.5' at boring completion.
50							
55							
60							
65							
70							
75							
80							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/21/2014
FINISH 1/21/2014
SHEET 1 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-21
SURF. ELEV 598.2' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	1			Red-Brown Silty CLAY, tr.sand (moist, medium CL)	
		3	2		4		
	2	3	3				Poor Recovery Sample #2 and #3
		3	4		6		
5	3	6	9			Red-Brown Clayey SILT, little f-c Sand (moist, v.stiff, ML)	
		12	12		21		
	4	9	6			Contains tr.gravel	
		12	17		18		
	5	25	24			(hard)	
10		35	37		59		
	6	34	50/0.1		REF		REF = Sample Spoon Refusal
15							
	7	9	15			Becomes Brown	
		31	38		46		
20							
	8	3	2			Brown Silty CLAY, tr.sand (moist-wet, medium, CL)	
		3	3		5		
25							
	9	1	1			Becomes Red-Brown (v.soft)	
		1	1		2		
30							
	10	3	4			(stiff)	
		5	8		9		
35							
	11	12	23			Becomes Brown-Gray (hard)	
		22	28		45		
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/21/2014
FINISH 1/21/2014
SHEET 2 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-21
SURF. ELEV 598.2' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	12	31	46	50/0.4	REF	Brown-Gray f-c SAND and Silt, little f-c Gravel (moist, v.compact, SM)	
						Boring Complete with Sample Spoon Refusal at 41.4' and Auger Refusal at 41.5'	Free standing water recorded at 39.0' at boring completion. REF = Sample Spoon Refusal
45							
50							
55							
60							
65							
70							
75							
80							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 12/12/2013
FINISH 12/12/2013
SHEET 1 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-22
SURF. ELEV 599.1' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	WOH	1			TOPSOIL	Driller notes approx. 11" Topsoil
		1	2		2	Brown Silty CLAY, tr.sand (moist, v.soft, CL-CH)	
	2	2	2			(medium)	
		3	3		5		WOH = Weight of Hammer and Rods
5	3	4	3				
		4	5		7	Becomes Red-Brown	
	4	4	5				
		5	5		10	(stiff, CL)	
	5	4	7				
10		8	7		15	Contains "and" f-c Sand, tr.gravel	
	6	12	7				No Recovery Sample #6 and #7
		8	8		15		
15							
	7	13	8				
		9	10		17		
20							
	8	4	5			Contains tr.-little f-c Sand	
		4	6		9		
25							
	9	3	4			(medium)	
		4	4		8		
30							
	10	2	3			Becomes Brown	
		2	3		5		
35							
	11	5	6			Brown f-c SAND and Clayey Silt, little f-c Gravel	
		7	7		13	(moist, firm, SC-SM)	
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: T. FARRELL

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 12/12/2013
FINISH 12/12/2013
SHEET 2 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-22
SURF. ELEV 599.1' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	12	37	42	50/0.3	REF	Gray Highly Weathered SHALE Rock (wet)	
45						Boring Complete with Sample Spoon Refusal at 41.3' and Auger Refusal at 44.1'	No free standing water reading obtained at boring completion.
50							
55							
60							
65							
70							
75							
80							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: T. FARRELL

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 12/12/2013
FINISH 12/12/2013
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-23
SURF. ELEV 596.8' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	3			TOPSOIL	Driller notes approx. 11" Topsoil
		3	3		6	Brown Silty CLAY, tr.sand (moist, medium, CL)	
	2	3	2				
		4	5		6		
5	3	2	4			Becomes Red-Brown, Contains occasional Silt seams	
		5	5		9	(stiff)	
	4	5	6			Red-Brown Clayey SILT, tr.sand, tr.gravel	
		7	6		13	(moist, stiff, ML)	
	5	7	8				
10		7	9		15		
	6	8	7				
		10	10		17	(v.stiff)	
15							
	7	7	10			Becomes Brown-Gray	
		12	14		22		
20							
	8	11	10			Gray-Brown f-m SAND and Clayey Silt, tr.gravel	
		11	14		21	(moist, firm, SC-SM)	
						Boring Complete at 22.0'	No free standing water encountered at boring completion.
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: T. FARRELL

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/22/2014
FINISH 1/22/2014
SHEET 1 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-24
SURF. ELEV 598.6' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	1			TOPSOIL	
		1	1		2	Black-Brown Clayey SILT, little f-c Sand, tr.gravel	
	2	2	2			(moist, FILL)	
		3	2		5	Contains tr.wood fragments	
5	3	5	4			Red-Brown and Gray Silty CLAY, tr.sand, occasional	
		4	5		8	Silt partings (moist, medium, CL)	
	4	9	9			(v.stiff)	
		9	8		18		
	5	10	7			Red-Brown Clayey SILT, tr.sand, occasional Fine Sand	
10		9	9		16	lenses (moist, v.stiff, ML)	
	6	10	12			Contains tr.gravel	
		15	15		27		
15							
	7	4	7			Brown-Gray Silty CLAY, little-some f-c Sand, tr.gravel	
		14	11		21	(moist, v.stiff, CL)	
20							
	8	6	15			(hard)	
		17	22		32		
25							
	9	10	14				
		17	20		31		
30							
	10	3	3			(medium)	
		4	5		7		
35							
	11	14	17			Brown-Gray f-m SAND, some-and Silt, tr.gravel	
		21	28		38	(moist, compact, SM)	
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/22/2014
FINISH 1/22/2014
SHEET 2 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-24
SURF. ELEV 598.6' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	12	47	50	50/0.2	REF	(v.compact)	
						Boring Complete with Sample Spoon Refusal at 41.2' and Auger Refusal at 41.3'	No free standing water reading obtained at boring completion. 2" PVC Groundwater Observation Well installed at boring completion. Refer to installation log for details.
45							
50							
55							
60							
65							
70							
75							
80							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

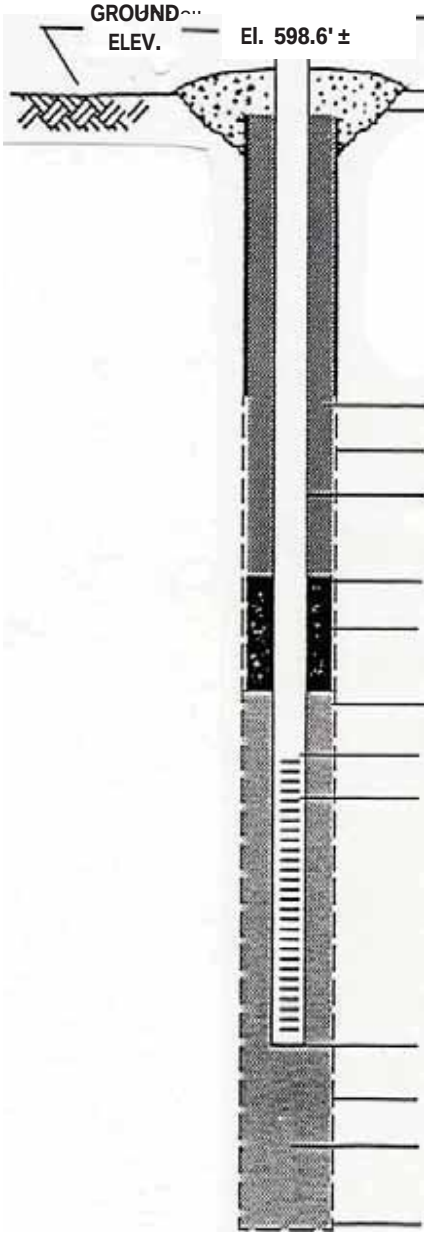
DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

MONITORING WELL COMPLETION RECORD

WELL NUMBER: B-24	
PROJECT NAME: WESTWOOD CC	DRILLING METHOD: HOLLOW STEM AUGERS
PROJECT NUMBER: BE-13-192	GEOLOGIST: N/A
DRILLER: A. JAKUBCZAK	INSTALLATION DATE(S): 1/22/2014



RISER STICK-UP:	0.7' El. 599.3' ±
TYPE OF SURFACE SEAL:	NONE
TYPE OF BACKFILL:	AUGER CUTTINGS
BOREHOLE DIAMETER:	8" ±
I.D. OF RISER PIPE:	2.0"
TYPE OF RISER PIPE:	PVC
DEPTH OF SEAL:	32.0' El. 566.6' ±
TYPE OF SEAL:	BENTONITE CHIPS
DEPTH OF SAND PACK:	34.0' El. 564.6' ±
DEPTH OF TOP OF SCREEN:	36.0' El. 562.6' ±
TYPE OF SCREEN:	PVC
SLOT SIZE X LENGTH:	.010 X 5.0'
I.D. OF SCREEN:	2.0"
TYPE OF SAND PACK:	MORIE "O" FILTER SAND
DEPTH BOTTOM OF SCREEN:	41.0' El. 557.6' ±
DEPTH BOTTOM OF SAND PACK:	41.0' El. 557.6' ±
TYPE OF BACKFILL BELOW OBSERVATION WELL:	N/A
ELEVATION/ DEPTH OF HOLE:	41.0' El. 557.6' ±

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/22/2014
FINISH 1/22/2014
SHEET 1 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-25
SURF. ELEV 594.8' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	1			TOPSOIL	Driller notes approx. 4" Topsoil.
		3	7		4	Red-Brown Clayey SILT, tr.-little f-c Sand (moist, FILL)	
	2	4	5			Red-Brown Clayey SILT, little-some f-c Sand, tr.gravel	
		9	9		14	(moist, stiff, ML)	
5	3	5	9				
		11	12		20	(v.stiff)	
	4	9	7				
		10	11		17		
	5	10	12				
10		11	11		23	Contains little f-c Sand	
	6	6	10				
		12	14		22		
15							
	7	12	14				
		16	17		30		
20							
	8	7	11				
		13	17		24		
25							
	9	10	13			Contains occasional boulder fragments	
		12	15		25		
30							
	10	2	6			Brown-Gray Silty CLAY, tr.sand (moist-wet, stiff, CL)	
		6	6		12		
35							
	11	WOH/2.0			WOH	Becomes Red-Brown (v.soft)	WOH = Weight of Hammer and Rods
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/22/2014
FINISH 1/22/2014
SHEET 2 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-25
SURF. ELEV 594.8' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	12	50/0.2			REF	Gray-Black Weathered SHALE Rock (moist-wet)	
						Boring Complete with Sample Spoon Refusal and Auger Refusal at 40.2'	Free standing water recorded at 13.6' at boring completion.
							REF = Sample Spoon Refusal
45							
50							
55							
60							
65							
70							
75							
80							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

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DATE
START 1/23/2014
FINISH 1/23/2014
SHEET 1 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-26
SURF. ELEV 594.1' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	1			TOPSOIL	
		2	3		3	Brown-Black Organic Clayey SILT, little Fine Sand (wet, FILL)	
	2	4	5				
		7	6		12	Red-Brown Silty CLAY, tr.sand (moist, stiff, CL)	
5	3	4	7				
		8	7		15	Contains occasional Silt partings	
	4	11	11				
		10	5		21	(v.stiff)	
	5	7	5				
10		10	9		15	(stiff)	
	6	2	4				
		7	8		11	Brown Clayey SILT, little f-c Sand, tr.gravel (moist, stiff, ML)	
15							
	7	5	8				
		13	14		21	Brown Silty CLAY, little f-c Sand (moist, v.stiff, CL)	
20							
	8	6	10				
		11	11		21	Brown Clayey SILT, little-some f-c Sand, tr.gravel (moist, v.stiff, ML)	
25							
	9	8	11				
		12	14		23	Becomes Brown-Gray	
30							
	10	WOH	3				
		6	6		9	Red-Brown and Gray Silty CLAY, tr.sand (moist, stiff, CL)	WOH = Weight of Hammer and Rods
35							
	11	8	11				
		13	10		24	Brown-Gray f-m SAND and Silt, tr.-little f-c Gravel (moist, firm, SM)	
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

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DATE
START 1/23/2014
FINISH 1/23/2014
SHEET 2 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-26
SURF. ELEV 594.1' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	12	6	50/0.3		REF	Contains little SILT, tr.shale	
						Boring Complete with Sample Spoon Refusal and Auger Refusal at 40.8'	Free standing water recorded at 33.5' at boring completion. REF = Sample Spoon Refusal
45							
50							
55							
60							
65							
70							
75							
80							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/23/2014
FINISH 1/23/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-27
SURF. ELEV 594.3' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	1			Brown-Black Silty CLAY, tr.sand (moist, FILL)	
		1	2		2		
	2	2	3			Brown Silty CLAY, tr.sand (moist, medium, CL)	
		2	2		5		
5	3	3	3			Becomes Red-Brown	
		4	7		7		
	4	4	5			(stiff)	
		7	7		12		
	5	6	7			(v.stiff)	
10		11	11		18		
	6	9	9				
		11	14		20		
15							
	7	12	16			Becomes Brown-Gray, contains little f-c Sand (hard)	
		20	26		36		
20							
	8	14	22			Brown-Gray Clayey SILT, some-and f-c Sand	
		26	27		48	(moist, hard, ML)	
						Boring Complete at 22.0'	No free standing water reading obtained at boring completion.
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/17/2014
FINISH 1/17/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-28
SURF. ELEV 593.2' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	3	4			TOPSOIL	Driller notes approx. 6" Topsoil
		5	4		9	Brown-Black Clayey SILT, tr.sand, tr.organics (moist, FILL)	
	2	4	6				
		5	7		11	Red-Brown Silty CLAY, tr.sand (moist, stiff, CL)	
5	3	3	9			Red-Brown Clayey SILT, little f-c Sand, tr.gravel	
		14	15		23	(moist, v.stiff, ML)	
	4	5	12				
		16	19		28		
	5	6	19				
10		25	27		44	(hard)	
	6	9	17				
		23	29		40		
15							
	7	6	13			Becomes Brown-Gray (v.stiff)	
		16	20		29		
	8	9	12			Red-Brown Silty CLAY, tr.sand (moist, v.stiff, CL)	
20		15	19		27		
						Boring Complete at 20.0'	No free standing water encountered at boring completion.
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/23/2014
FINISH 2/5/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-29
SURF. ELEV 594.5' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	2	2			TOPSOIL	Driller notes approx. 3" Topsoil
		2	2		4	Brown-Black Clayey SILT, tr.sand, tr.organics (moist, FILL)	
	2	3	4				
		5	9		9	Red-Brown Silty CLAY, tr.sand (moist, stiff, CL)	
5	3	3	5				
		9	9		14		
	4	8	11			Red-Brown Clayey SILT, little-some f-c Sand, tr.gravel	
		13	15		24	(moist, v.stiff, ML)	
	5	15	16			(hard)	
10		18	18		34		
	6	7	12			(v.stiff)	
		14	16		26		
15							
	7	15	14				
		16	17		30		
20							
	8	8	30			Gay-Brown f-m SAND, some-and Silt, little f-c Gravel	
		38	36		68	(moist, v.compact, SM)	
25							
	9	10	17			Gray Fine SAND, some Silt (moist-wet, compact, SM)	
		28	25		45		
30							Free standing water recorded at 19.3' prior to coring. NQ '2' Size Rock Core
	10	15	25			Gray-Brown f-m SAND, some-and Silt, little f-c Gravel	
		24	27		49	(moist, compact, SM)	
35						Gray Shale Rock, medium hard, sound, thinly bedded to bedded, occasional gypsum partings.	RUN #1: 33.5' - 38.5' REC = 82% RQD = 42%
40						Boring Complete at 38.5'	

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

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START 1/17/2014
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SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-30
SURF. ELEV 594.8' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	2	3			TOPSOIL	Driller notes approx. 8" Topsoil
		3	5		6	Red-Brown Silty CLAY, tr.sand (moist, FILL)	
	2	5	6				
		9	10		15		
5	3	7	9			Red-Brown Clayey SILT, tr.sand (moist, v.stiff, ML)	
		12	15		21		
	4	6	11				
		15	16		26		
	5	9	17			Contains little-some f-c Sand (hard)	
10		18	22		35		
	6	10	15			(v.stiff)	
		14	19		29		
15							
	7	5	11				
		15	15		26		
	8	15	7				
20		10	12		17		
25						Boring Complete at 20.0'	No free standing water encountered at boring completion.
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
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SHEET 1 OF 2

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-31
SURF. ELEV 592.5' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	3	3			TOPSOIL	Driller notes approx. 6"
		3	5		6	Orange-Brown mottled Silty CLAY, tr.sand	Topsoil
	2	4	5			(moist, medium, CL)	
		6	7		11	Orange-Brown and Gray Silty CLAY, some Fine Sand	
5	3	4	10			(moist, stiff, CL)	
		11	22		21	Becomes Red-Brown, contains tr.sand (v.stiff)	
	4	6	10				
		13	19		23		
	5	16	50/0.3		REF	Contains little f-c Sand, tr.gravel, tr.boulder fragments	REF = Sample Spoon
10						(hard)	Refusal
	6	10	15			Contains some f-c Sand	
		23	26		38		
15							
	7	9	20				No Recovery Sample #7
		21	23		41		
20							
	8	6	9			Becomes Brown-Gray (v.stiff)	
		15	17		24		
25							
	9	5	4			Contains some f-c Sand (stiff)	
		7	11		11		
30							
	10	1	3			Brown Silty CLAY, tr.sand, numerous Silt partings and	
		8	10		11	seams (moist-wet, stiff, CL)	
35							
	11	23	31	50/0.4	REF	Brown f-c SAND and Silt, tr.gravel, tr.shale	
						(moist, v.compact, SM)	
							NQ '2' Size Rock Core
40							RUN #1: 38.5' - 43.5'

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

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SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-31
SURF. ELEV 592.5' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
						Gray SHALE Rock, medium hard, slightly weathered to sound, laminated to bedded, occasional gypsum partings and seams	REC = 75% RQD = Approx. 25%
45						Boring Complete at 43.5'	No free standing water reading obtained at boring completion.
50							
55							
60							
65							
70							
75							
80							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

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SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-32
SURF. ELEV 594.0' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	3	3			TOPSOIL	Driller notes approx. 3" Topsoil
		2	2		5	Brown-Black Silty CLAY, tr.sand, tr.organics (moist, FILL)	
	2	4	3				
		3	5		6		
5	3	5	8			Red-Brown Clayey SILT, tr.sand (moist v.stiff, ML)	
		10	13		18		
	4	6	7				
		9	10		16		
	5	8	10			(moist-wet)	
10		11	12		21		
	6	7	10			Contains tr.gravel	
		13	15		23		
15							
	7	6	12			Becomes Brown	
		12	16		24		
20							
	8	5	7			Brown Silty CLAY, tr.sand (moist-wet, v.stiff, CL)	
		11	10		18		
25							
	9	17	28			Brown-Gray f-m SAND and Silt, tr.gravel (moist, v.compact, SM)	
		27	29		55		REF = Sample Spoon Refusal
30							
	10	50/0.4			REF	Gray-Brown SHALE Rock fragments (moist)	
						Boring Complete with Sample Spoon Refusal at 30.4' and Auger Refusal at 30.5'	No free standing water encountered at boring completion.
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKEWICZ

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

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SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-33
SURF. ELEV 592.9' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	3	1			TOPSOIL	
		1	1		2	Red-Brown and Black Clayey SILT, little f-c Sand	
	2	6	5			(moist, FILL)	
		5	5		10	Brown Silty CLAY, tr.sand (moist, stiff, CL)	
5	3	2	4			Red-Brown f-c SAND, some-and Silt, tr.gravel	
		7	7		11	(moist-wet, firm, SM)	
	4	10	10			Red-Brown Clayey SILT, some-and f-c Sand, little f-c	
		12	13		22	Gravel (moist, v.stiff, ML)	
	5	11	13				
10		12	14		25	Contains little f-c Sand	
	6	8	11				
		12	15		23		
15							
	7	8	14				
		13	13		27		
	8	22	34				
20		38	27		72	Becomes Brown (hard)	
						Boring Complete at 20.0'	No free standing water encountered at boring completion.
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

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SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-34
SURF. ELEV 593.4' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	3			TOPSOIL	Driller notes approx. 12" Topsoil
		4	4		7	Red-Brown and Black Silty CLAY, tr.sand (moist, FILL)	
	2	11	4			Brown Clayey SILT, tr.sand (moist, stiff, ML)	
		5	6		9		
5	3	6	8			Red-Brown Silty CLAY, tr.sand, occasional Silt	
		7	7		15	partings (moist, stiff, CL)	
	4	10	7			Red-Brown Clayey SILT, tr.-little f-c Sand, tr.gravel	
		8	12		15	(moist, stiff, ML)	
	5	10	12				
10		13	13		25	(v.stiff)	
	6	15	10				
		12	15		22		
15							
	7	11	12			Gray-Brown f-c SAND and Clayey Silt, little f-c Gravel	
		15	17		27	(moist, firm, SC-SM)	
20							
	8	7	7				
		15	18		22		
25							
	9	41	50/0.3		REF	Brown-Gray f-m SAND and Silt, tr.gravel	REF = Sample Spoon Refusal
						(moist, v.compact, SM)	
30							
	10	50/0.4			REF		
						Boring Complete with Sample Spoon Refusal and Auger Refusal at 31.4'	No free standing water encountered at boring completion.
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: T. FARRELL

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

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SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-35
SURF. ELEV 593.0' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	3			TOPSOIL	Driller notes approx. 7" Topsoil
		3	2		6	Orange-Brown and Gray Mottled Clayey SILT, tr.sand (moist, medium, ML)	
	2	3	3				
		4	5		7	Becomes Brown	
5	3	7	8			Red-Brown Silty CLAY, tr.sand (moist, v.stiff, CL)	
		11	11		19		
	4	10	10				
		9	11		19		
	5	6	10			Red-Brown Clayey SILT, little f-c Sand (moist, v.stiff, ML)	
10		11	13		21		
	6	7	12				
		14	16		26		
15							
	7	11	13			Contains some f-c Sand, little Gravel	
		15	15		28		
20							
	8	50/0.4			REF	Red-Brown f-m SAND and Silt, tr.gravel (moist, v.compact, SM)	No Recovery Sample #8 REF = Sample Spoon Refusal
25							
	9	39	50/0.1		REF	Becomes Brown-Gray, contains tr.boulder fragments (v.compact)	
30							
	10	50/0.2			REF		
						Boring Complete with Sample Spoon Refusal at 30.2' and Auger Refusal at 32.5'	No free standing water reading obtained at boring completion.
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: T. FARRELL

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

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SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-36
SURF. ELEV 593.3' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	2	3			TOPSOIL	Driller notes approx. 3" Topsoil
		3	3		6	Brown Silty CLAY, tr.sand, tr.organics (moist, FILL)	
	2	6	6			Red-Brown Silty CLAY, tr.sand (moist, stiff, CL)	
		7	8		13		
5	3	5	6				
		5	7		11		
	4	7	7				
		8	7		15		
	5	6	5			Red-Brown Clayey SILT, tr.-little f-c Sand	
10		8	12		13	(moist, stiff, ML)	
	6	12	15			(hard)	
		17	19		32		
15							
	7	15	17			Becomes Brown	
		21	18		38		
20							
	8	5	5			Brown-Gray f-m SAND, some-and Silt, tr.gravel	
		7	31		12	(moist, firm, SM)	
25							
	9	18	21			(compact)	
		27	41		48		REF = Sample Spoon Refusal
30							
	10	50/0.4			REF	Brown-Gray SHALE Rock fragements (wet)	
						Boring Complete with Sample Spoon Refusal at 30.4' and Auger Refusal at 31.0'	Free standing water recorded at 28.0' at boring completion.
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKEWICZ

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

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SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-37
SURF. ELEV 592.1' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	2	2			TOPSOIL	Driller notes approx. 8" Topsoil
		3	4		5	Brown-Black Silty CLAY, tr.sand (moist, FILL)	
	2	4	4				
		5	6		9		
5	3	3	6			Red-Brown Silty CLAY, tr.sand, occasional Silt	
		8	12		14	partings (moist, stiff, CL)	
	4	10	12			Red-Brown Clayey SILT, tr.sand (moist, v.stiff, ML)	
		15	17		27		
	5	9	14			Contains some f-c Sand (hard)	
10		17	18		31		
	6	10	13			(v.stiff)	
		15	14		28		
15							
	7	29	50/0.4		REF	Gray-Brown f-m SAND and Silt, tr.gravel, tr.boulder fragments (moist, v.compact, SM)	REF = Sample Spoon Refusal
20							
	8	50/0.4			REF		No Recovery Sample #9
	9	50/0.0			REF		
						Boring Complete with Sample Spoon and Auger Refusal at 22.5'	Free standing water recorded at 20.0' at boring completion.
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

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SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-38
SURF. ELEV 592.4' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	3	3			Black-Brown Clayey SILT, little f-c Sand, tr.gravel	
		3	3		6	(moist, FILL)	
	2	2	4			Brown Silty CLAY, tr.sand (moist, stiff, CL)	
		5	5		9		
5	3	3	5			(moist-wet)	
		8	12		13		
	4	13	14			(v.stiff)	
		13	15		27		
	5	17	14				
10		7	10		21		
	6	2	4				
		6	7		10		
15	7	5	17			Brown-Gray Clayey SILT, some f-c Sand, tr.gravel	
		26	24		43	(moist, hard, ML)	
20	8	8	17			Brown-Gray f-c SAND, some-and Silt, tr.gravel	
		21	19		38	(moist, compact, SM)	
25						Boring Complete with Auger Refusal at 24.0'	No free standing water encountered at boring completion.
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

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SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-39
SURF. ELEV 592.0' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	3	3			TOPSOIL	Driller notes approx. 4" Topsoil
		2	3		5	Brown-Black Silty CLAY, tr.sand, tr.organics (moist, FILL)	
	2	7	9				
		10	10		19	Brown Silty CLAY, tr.sand (moist, v.stiff, CL)	
5	3	6	7				
		10	8		17	Becomes Red-Brown	
	4	4	7				
		8	9		15	(stiff)	
	5	10	9			Contains occasional Silt seams (v.stiff)	
10		8	9		17		
	6	4	5			Red-Brown f-c SAND and Silt, tr.gravel	
		5	9		10	(moist-wet, loose, SM)	
							REF = Sample Spoon Refusal
15							
	7	21	38			Brown-Gray f-m SAND and Silt, tr.gravel, tr.boulder	
		41	49		79	fragments (moist, v.compact, SM)	
	8	50/0.1			REF		
20						Boring Complete at 18.1'	No free standing water encountered at boring completion.
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550SE

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

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SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-40
SURF. ELEV 588.9' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	2	3			TOPSOIL	
		2	2		5	Black Organic Silty CLAY, tr.sand (moist, FILL)	
	2	3	3			Becomes Red-Brown	
		6	7		9		
5	3	4	7				No Recovery Sample #3
		10	11		17		
	4	8	8			Red-Brown Silty CLAY, tr.-little f-c Sand	
		7	10		15	(moist, stiff, CL)	
	5	17	15			(hard)	
10		16	18		31		
	6	15	18			Red-Brown f-m SAND and Silt, tr.gravel	
		21	19		39	(moist, compact, SM)	
15							
	7	18	21			Becomes Brown-Gray	
		27	33		48		
20							
	8	22	23			(v.compact)	
		35	50/0.4		58		
25						Boring Complete with Sample Spoon Refusal at 21.9' and Auger Refusal at 22.0'	Free standing water recorded at 19.0' at boring completion.
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/28/2014
FINISH 1/28/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-41
SURF. ELEV 590.3' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	4	5			TOPSOIL	Driller notes approx. 3" Topsoil
		7	10		12	Brown Silty CLAY, tr.sand, tr.organics (moist, FILL)	
	2	5	4			Brown Silty CLAY, tr.sand (moist, stiff, CL)	
		5	4		9		
5	3	5	5			Contains occasional Silt partings	
		7	6		12		
	4	14	9			(v.stiff)	
		7	8		16		
	5	4	5			(moist-wet, stiff)	
10		5	7		10		
	6	3	4			Contains little f-c Sand, tr.gravel	
		5	8		9		
15							
	7	17	31			Brown-Gray f-m SAND, some-and Silt, tr.gravel	
		47	50/0.3		78	(moist, v.compact, SM)	
	8	18	28				
20		35	44		63		
						Boring Complete at 20.0'	No free standing water encountered at boring completion.
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 12/17/2013
FINISH 12/17/2013
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-42
SURF. ELEV 601.1' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	1			TOPSOIL	Driller notes approx. 13" Topsoil
		3	3		4	Black Clayey SILT, little Fine Sand (moist, FILL)	
	2	5	6			Brown Silty CLAY, tr.sand (moist, stiff, CL)	
		7	9		13		
5	3	9	8			(v.stiff)	
		8	10		16		
	4	12	8				No Recovery Sample #4
		9	9		17		
	5	8	11			(moist-wet)	
10		12	13		23		
	6	10	10				
		12	12		22		
15							
	7	9	9			Becomes Red-Brown, contains little f-c Sand	
		10	10		19		
20							
	8	8	9				
		8	12		17		
25						Boring Complete at 22.0'	No free standing water encountered at boring completion.
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: T. FARRELL

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/30/2014
FINISH 1/31/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-43
SURF. ELEV 593.2' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	2	4			TOPSOIL	Driller notes approx. 6" Topsoil
		5	6		9	Black Organic Clayey SILT, little f-c Sand (moist, FILL)	
	2	4	6			Brown Silty CLAY, tr.sand (moist, stiff, CL)	
		7	7		13		
5	3	5	8			Becomes Red-Brown (v.stiff)	
		10	12		18		
	4	6	6			(stiff)	
		9	14		15		
	5	2	6			Red-Brown Clayey SILT, little-some f-c Sand, tr.-little	
10		7	11		13	f-c Gravel (moist, stiff, ML)	
	6	5	5				
		8	9		13		
15							
	7	6	27			Becomes Brown-Gray (hard)	
		48	50		75		
20							
	8	8	13			Contains little f-c Sand (v.stiff)	
		12	15		25		
25							
	9	10	12				
		16	17		28		Free standing water recorded at 20.0' prior to coring.
30							NQ '2' Size Rock Core
						Gray SHALE Rock, medium hard, sound, thinly bedded to bedded, grades predominantly gypsum at approximately 34.0'	RUN #1: 30.0' - 35.0' REC = 60% RQD = 40%
35							
						Boring Complete at 35.0'	Free standing water recorded at 10.0' after coring.
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/16/2014
FINISH 1/16/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-44
SURF. ELEV 592.7' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	3	3			TOPSOIL	Driller notes approx. 6" Topsoil
		4	7		7	Red-Brown and Black Silty CLAY, tr.sand (moist, FILL)	
	2	7	8			Red-Brown Clayey SILT, tr.sand, occasional Fine Sand lenses (moist, stiff, ML)	
		4	10		12		
5	3	5	8			Red-Brown Silty CLAY, tr.sand (moist, v.stiff, CL-CH)	
		10	12		18		
	4	11	14				
		17	8		31	Contains occasional Silt seams (hard)	
	5	11	10			(v.stiff)	
10		8	10		18		
	6	20	14				Poor Recovery Sample #6
		15	17		29		
15							
	7	18	40			Brown-Gray f-m SAND, some Silt, tr.gravel, tr.boulder fragments (moist, v.compact, SM)	REF = Sample Spoon Refusal
		39	42		79		
	8	44	50/0.2		REF		
20						Boring Complete with Sample Spoon Refusal at 18.7'	No free standing water encountered at boring completion.
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550SE

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 2/4/2014
FINISH 2/4/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-45
SURF. ELEV 591.9' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	3	3			TOPSOIL	Driller notes approx. 7" Topsoil
		5	5		8	Brown-Black Silty CLAY, tr.sand, tr.organics (moist, FILL)	
	2	4	5				
		6	9		11	Red-Brown Silty CLAY, tr.sand (moist, stiff, CL)	
5	3	3	6				
		9	10		15		
	4	5	8				
		12	15		20	(v.stiff)	
	5	3	4				
10		4	3		8	(wet, medium)	
	6	3	3				
		4	5		7		
15							
	7	4	4				
		4	5		8		
20							REF = Sample Spoon Refusal
	8	50/0.4			REF	Gray f-m SAND, some-and Silt, tr.gravel (moist, SM)	
25	9	50/0.0			REF		NQ '2' Size Rock Core
						Gray SHALE Rock, medium hard, sound, thinly bedded to bedded, occasionally gypsum seams.	RUN #1: 24.5' - 29.5' REC = Approx. 50% RQD = Approx. 20%
30						Boring Complete at 29.5'	Free standing water recorded at 15.0' prior to coring. Free standing water recorded at 10.0' after coring.
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/28/2014
FINISH 1/28/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-46
SURF. ELEV 591.6' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	4	4			TOPSOIL	
		4	4		8	Black Organic Silty CLAY, tr.sand (moist, FILL)	
	2	4	6			Red-Brown Silty CLAY, tr.sand (moist, stiff, CL-CH)	
		7	8		13		
5	3	7	7				
		6	7		13		
	4	11	10			(v.stiff)	
		12	13		22		
	5	11	13			Contains tr.gravel	
10		12	11		25		
	6	2	4			(moist-wet, medium)	
		4	4		8		
15							
	7	10	20			Red-Brown f-m SAND and Silt, tr.gravel	
		38	33		58	(moist, v.compact, SM)	
	8	21	33				
20		42	44		75		
						Boring Complete at 20.0'	No free standing water encountered at boring completion.
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 1/31/2014
FINISH 2/3/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-47
SURF. ELEV 594.9' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	4	5			TOPSOIL	Driller notes approx. 6" Topsoil
		6	6		11	Red-Brown Silty CLAY, tr.sand, tr.organics (moist, FILL)	
	2	3	7			Red-Brown Silty CLAY, tr.sand (moist, stiff, CL)	
		8	10		15		
5	3	5	5			Red-Brown Clayey SILT, little f-c Sand, tr.gravel	
		9	12		14	(moist, stiff, ML)	
	4	4	8			(v.stiff)	
		10	14		18		
	5	6	10			Red-Brown Silty CLAY, tr.-little f-c Sand, tr.gravel	
10		20	23		30	(moist, v.stiff, CL)	
	6	8	15			Red-Brown Clayey SILT, tr.-little f-c Sand	
		25	29		40	(moist, hard, ML)	
15							
	7	15	19				
		31	25		50		
20							
	8	12	21				
		26	29		47		
25							
	9	17	22			Contains some f-c Sand	
		24	24		46		REF = Sample Spoon Refusal
30							
	10	12	42	50/0.3	REF	Gray f-c SAND, some Silt, tr.gravel, tr.shale (moist, v.compact, SM)	Free standing water recorded at 20.0' prior to coring.
35						Gray SHALE Rock, medium hard, sound, thinly bedded to bedded, grade to predominantly gypsum at approximately 36.5'	RUN #1: 34.0' - 39.0' REC = 100% RQD = 64%
40						Boring Complete at 39.0'	

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 2/3/2014
FINISH 2/3/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-48
SURF. ELEV 595.8' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	2			TOPSOIL	Driller notes approx. 3" Topsoil
		5	5		7	Brown Silty CLAY, tr.sand, tr.organics (moist, FILL)	
	2	3	4			Brown Silty CLAY, tr.sand (moist, stiff, CL)	
		5	6		9		
5	3	4	13			Becomes Red-Brown, contains occasional Silt partings	
		16	17		29	(v.stiff)	
	4	6	10			Red-Brown Silty CLAY, little f-c Sand, tr.gravel	
		18	18		28	(moist, v.stiff, CL)	
	5	3	13				
10		24	26		37		
	6	5	15			(hard)	
		27	30		42		
15							
	7	7	18			Becomes Brown-Gray	
		26	28		44		
20							
	8	6	11				
		28	30		39		
25							
	9	4	10			Contains little-some f-c Sand (v.stiff)	
		19	25		29		REF = Sample Spoon Refusal
30						Brown-Gray f-c SAND and Silt, tr.gravel, tr.shale	
	10	16	50/0.4		REF	(moist, SM)	
						Boring Complete with Sample Spoon Refusal at 30.9' and Auger Refusal at 31.0'	No free standing water encountered at boring completion. 2" PVC groundwater observation well installed at boring completion. Refer to installation log for details.
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

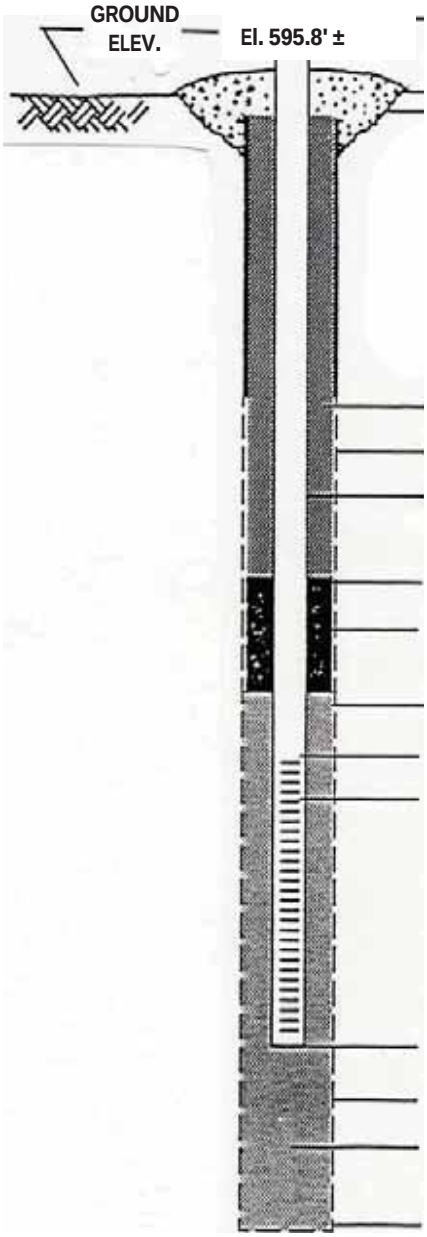
DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

MONITORING WELL COMPLETION RECORD

WELL NUMBER: B-48	
PROJECT NAME: WESTWOOD CC	DRILLING METHOD: ASTM D1586 USING HSA
PROJECT NUMBER: BE-13-192	GEOLOGIST: N/A
DRILLER: A. JAKUBCZAK	INSTALLATION DATE(S): 2/3/2014



RISER STICK-UP:	0.9' El. 596.7' ±
TYPE OF SURFACE SEAL:	NONE
TYPE OF BACKFILL:	AUGER CUTTINGS
BOREHOLE DIAMETER:	+/- 8"
I.D. OF RISER PIPE:	2.0"
TYPE OF RISER PIPE:	PVC
DEPTH OF SEAL:	22.0' El. 573.8' ±
TYPE OF SEAL:	BENTONITE CHIPS
DEPTH OF SAND PACK:	24.0' El. 571.8' ±
DEPTH OF TOP OF SCREEN:	25.0' El. 570.8' ±
TYPE OF SCREEN:	PVC
SLOT SIZE X LENGTH:	.010 X 5.0'
I.D. OF SCREEN:	2.0"
TYPE OF SAND PACK:	MORIE "O" FILTER SAND
DEPTH BOTTOM OF SCREEN:	30.0' El. 565.8' ±
DEPTH BOTTOM OF SAND PACK:	30.0' El. 565.8' ±
TYPE OF BACKFILL BELOW OBSERVATION WELL:	NATIVE SOILS
ELEVATION/ AUGERED DEPTH:	31.0' El. 564.8' ±

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

DATE
START 2/4/2014
FINISH 2/4/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-49
SURF. ELEV 593.5' ±
G.W. DEPTH See Notes

PROJECT: PROPOSED IMPROVEMENTS
PROJ. NO.: BE-13-192
LOCATION: WESTWOOD COUNTRY CLUB
AMHERST, NEW YORK

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	2	3			TOPSOIL	Driller notes approx. 5" Topsoil
		4	4		7	Black Organic Clayey SILT, tr.-little f-c Sand (moist-wet, FILL)	
	2	3	5				
		5	7		10	Brown-Black Silty CLAY, tr.sand (moist, FILL)	
5	3	5	9			Red-Brown Clayey SILT, tr.sand (moist, v.stiff, ML)	
		10	13		19		
	4	4	12				
		14	16		26		
	5	6	9			Becomes Brown-Gray	
10		16	17		25		
	6	5	14			Contains tr.gravel (hard)	
		18	21		32		
15							
	7	8	12				
		20	27		32		
	8	10	16				
20		28	31		44		
						Boring Complete at 20.0'	No free standing water encountered at boring completion.
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

APPENDIX B

LABORATORY TEST DATA

Western New York Office
5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

Laboratory Test Report

PROJECT: **Proposed Westwood Country Club Development Project**

CLIENT: **Mensch Capital Partners, LLC.**

DATE: **January 29, 2014**

PROJECT NO.: BE-13-192
REPORT NO.: LTR-1

Attached are the results of laboratory testing conducted on various samples from the above referenced project. Mr. John Danzer, representing Empire –Geo Services, Inc, chose samples contained in this report.

The testing conducted was as follows:

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil & Rock

ASTM D-4318: Liquid Limit, Plastic Limit, and Plasticity Index of Soil

ASTM D-427: Shrinkage Factors of Soils by the Mercury Method

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Samples were received at the SJB Services, Inc. laboratory on January 21, 2014 where they were processed for testing.

If the reviewer should have any questions concerning this report, please do not hesitate to contact our office at any time.

SJB Services, Inc.

Paul Gregorczyk
Laboratory Manager

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Western New York Office
5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

Laboratory Test Report

PROJECT: **Proposed Westwood Country Club Development Project**

CLIENT: **Mensch Capital Partners, LLC.**

DATE: **January 29, 2014**

PROJECT NO.: BE-13-192
REPORT NO.: LTR-1
Page 1 of 6

SAMPLE NUMBER: 14-033
SAMPLE LOCATION: B-1, S-3: 4' – 6'

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil &Rock
ASTM D-4318: Liquid Limit, Plastic Limit, and Plasticity Index of Soil

Moisture Content	Liquid Limit	Plastic Limit	Plasticity Index
14.6 %	20	12	8

ASTM D-427: Shrinkage Factors of Soils by the Mercury Method

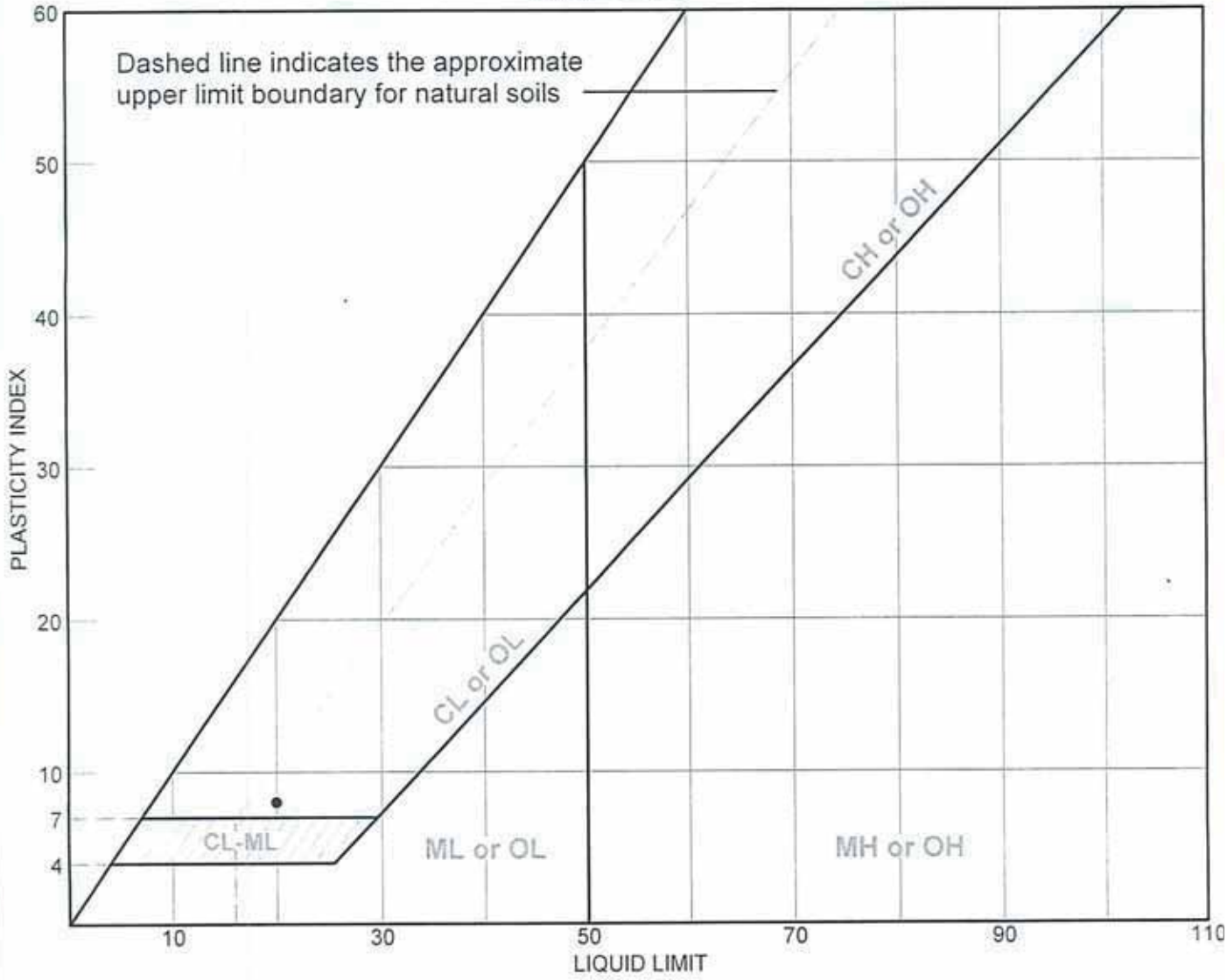
Value of Initial Water Content = 27.7 %
Value of Shrinkage Limit = 12
Value of Shrinkage Ratio = 2.02

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Sieve Size	*Percent Passing*
¾"	100.0
½"	98.4
3/8"	97.6
¼"	95.8
#4	94.8
#10	91.9
#20	88.6
#40	85.2
#100	76.8
#200	57.8

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC. LIQUID AND PLASTIC LIMITS TEST REPORT



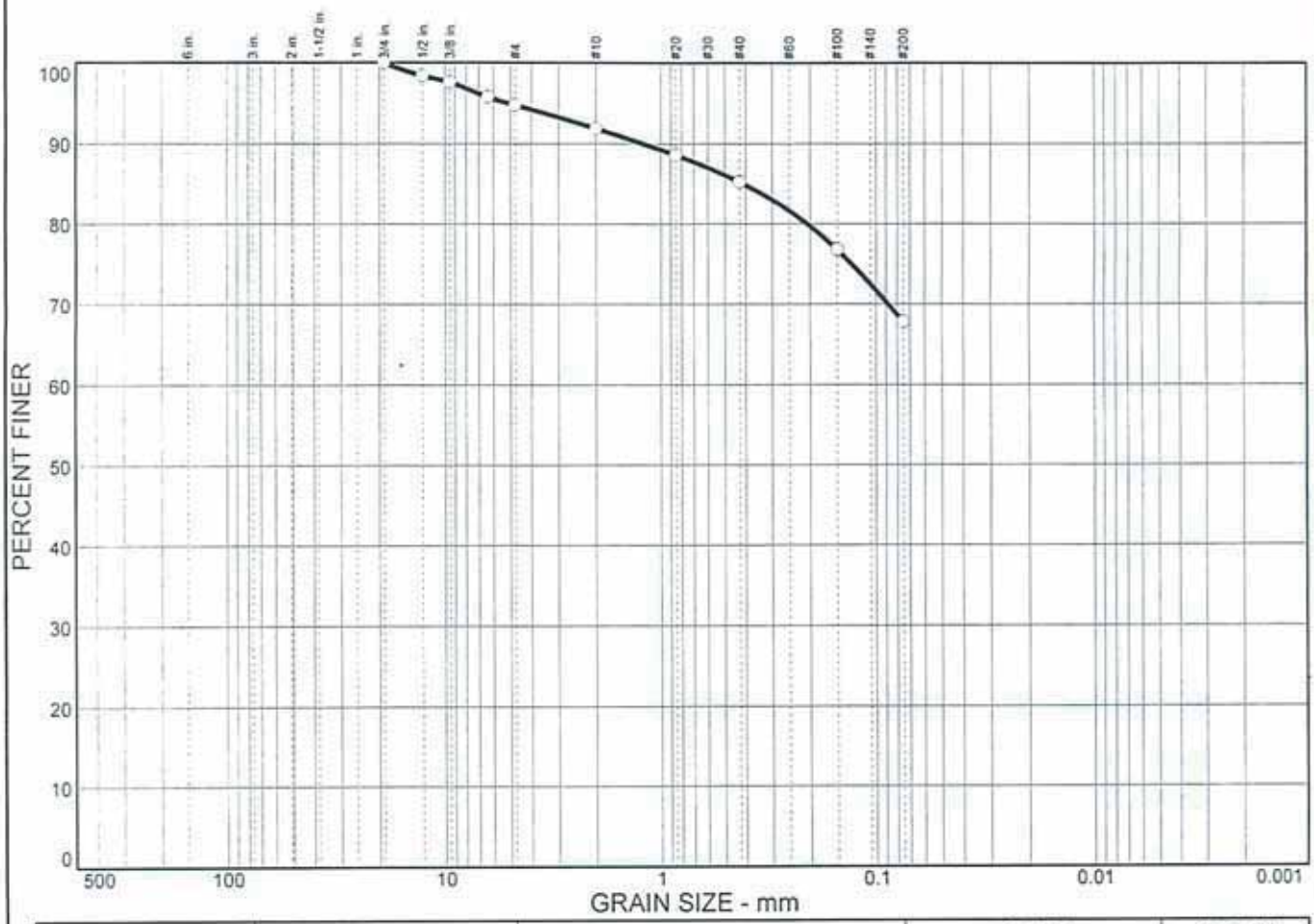
SOIL DATA								
SYMBOL	SOURCE	SAMPLE NO.	DEPTH (ft.)	NATURAL WATER CONTENT (%)	PLASTIC LIMIT (%)	LIQUID LIMIT (%)	PLASTICITY INDEX (%)	USCS
●	B-1	S-3	4' - 6'	14.6 %	12	20	8	

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No.: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ASTM C-136: Particle Size Distribution Report



% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	5.2	27.0	67.8	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
.75 in.	100.0		
.5 in.	98.4		
.375 in.	97.6		
.25 in.	95.8		
#4	94.8		
#10	91.9		
#20	88.6		
#40	85.2		
#100	76.8		
#200	67.8		

* (no specification provided)

Soil Description

B-1, S-3: 4' - 6'

Atterberg Limits

PL= 12 LL= 20 PI= 8

Coefficients

D_{85}= 0.411 D_{60}= D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=

Remarks

SAMPLE NUMBER: 14-033

Sample No.: S-3 Source of Sample: B-1 Date: 1-29-14
Location: B-1, S-3: 4' - 6' Elev./Depth: 4' - 6'

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC.

Western New York Office
5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

Laboratory Test Report

PROJECT: Proposed Westwood Country Club Development Project

CLIENT: Mensch Capital Partners, LLC.

DATE: January 29, 2014

PROJECT NO.: BE-13-192
REPORT NO.: LTR-1

SAMPLE NUMBER: 14-034
SAMPLE LOCATION: B-3, S-4: 6' – 8'

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil &Rock
ASTM D-4318: Liquid Limit, Plastic Limit, and Plasticity Index of Soil

Moisture Content	Liquid Limit	Plastic Limit	Plasticity Index
14.8 %	24	13	11

ASTM D-427: Shrinkage Factors of Soils by the Mercury Method

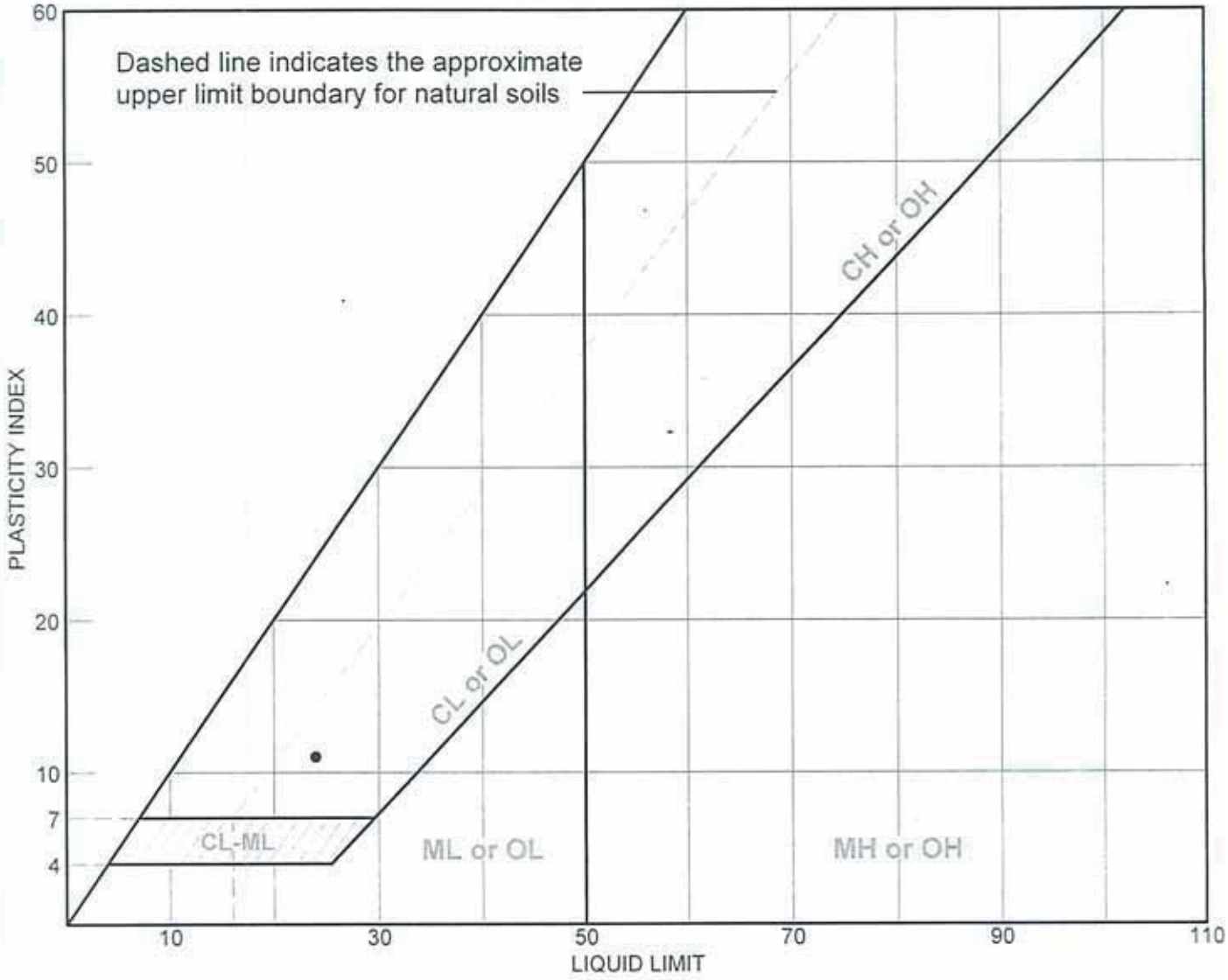
Value of Initial Water Content = 32.3 %
Value of Shrinkage Limit = 13
Value of Shrinkage Ratio = 1.94

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Sieve Size	*Percent Passing*
½"	100.0
3/8"	98.8
¼"	98.3
#4	98.0
#10	97.2
#20	95.6
#40	94.0
#100	89.5
#200	83.2

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC. LIQUID AND PLASTIC LIMITS TEST REPORT



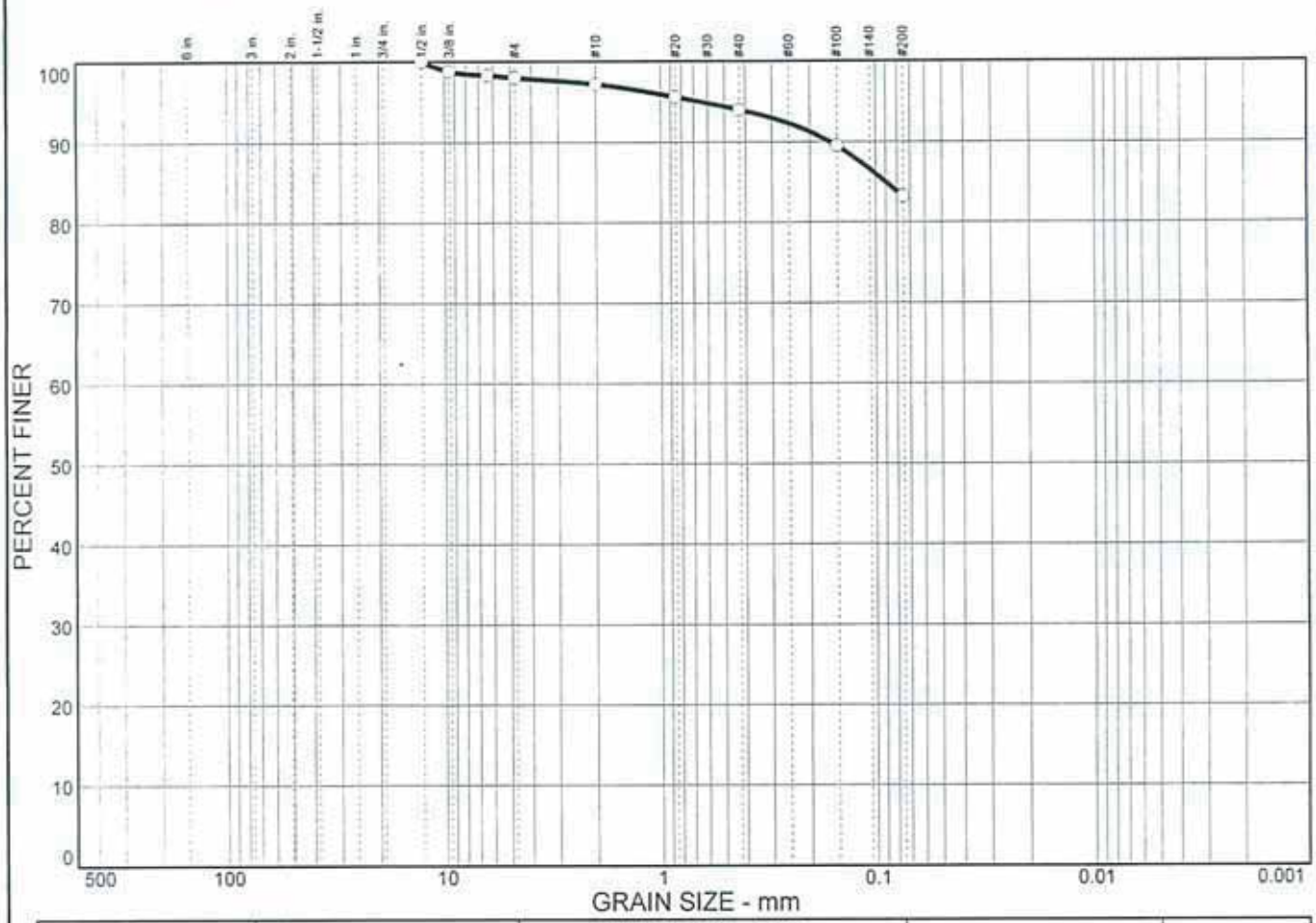
SOIL DATA								
SYMBOL	SOURCE	SAMPLE NO.	DEPTH (ft.)	NATURAL WATER CONTENT (%)	PLASTIC LIMIT (%)	LIQUID LIMIT (%)	PLASTICITY INDEX (%)	USCS
●	B-3	S-4	6' - 8'	14.8 %	13	24	11	

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No.: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ASTM C-136: Particle Size Distribution Report



% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	2.0	14.8	83.2	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
.5 in.	100.0		
.375 in.	98.8		
.25 in.	98.3		
#4	98.0		
#10	97.2		
#20	95.6		
#40	94.0		
#100	89.5		
#200	83.2		

* (no specification provided)

Soil Description

B-3, S-4: 6' - 8'

Atterberg Limits

PL= 13 LL= 24 PI= 11

Coefficients

D_{85}= 0.0899 D_{60}= D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=

Remarks

SAMPLE NUMBER: 14-034

Sample No.: S-4 Source of Sample: B-3 Date: 1-29-14
Location: B-3, S-4: 6' - 8' Elev./Depth: 6' - 8'

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC.

Western New York Office
5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

Laboratory Test Report

PROJECT: Proposed Westwood Country Club Development Project

CLIENT: Mensch Capital Partners, LLC.

DATE: January 29, 2014

PROJECT NO.: BE-13-192
REPORT NO.: LTR-1

SAMPLE NUMBER: 14-039
SAMPLE LOCATION: B-7, S-6: 10' – 12'

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil &Rock
ASTM D-4318: Liquid Limit, Plastic Limit, and Plasticity Index of Soil

Moisture Content	Liquid Limit	Plastic Limit	Plasticity Index
12.6 %	24	12	12

ASTM D-427: Shrinkage Factors of Soils by the Mercury Method

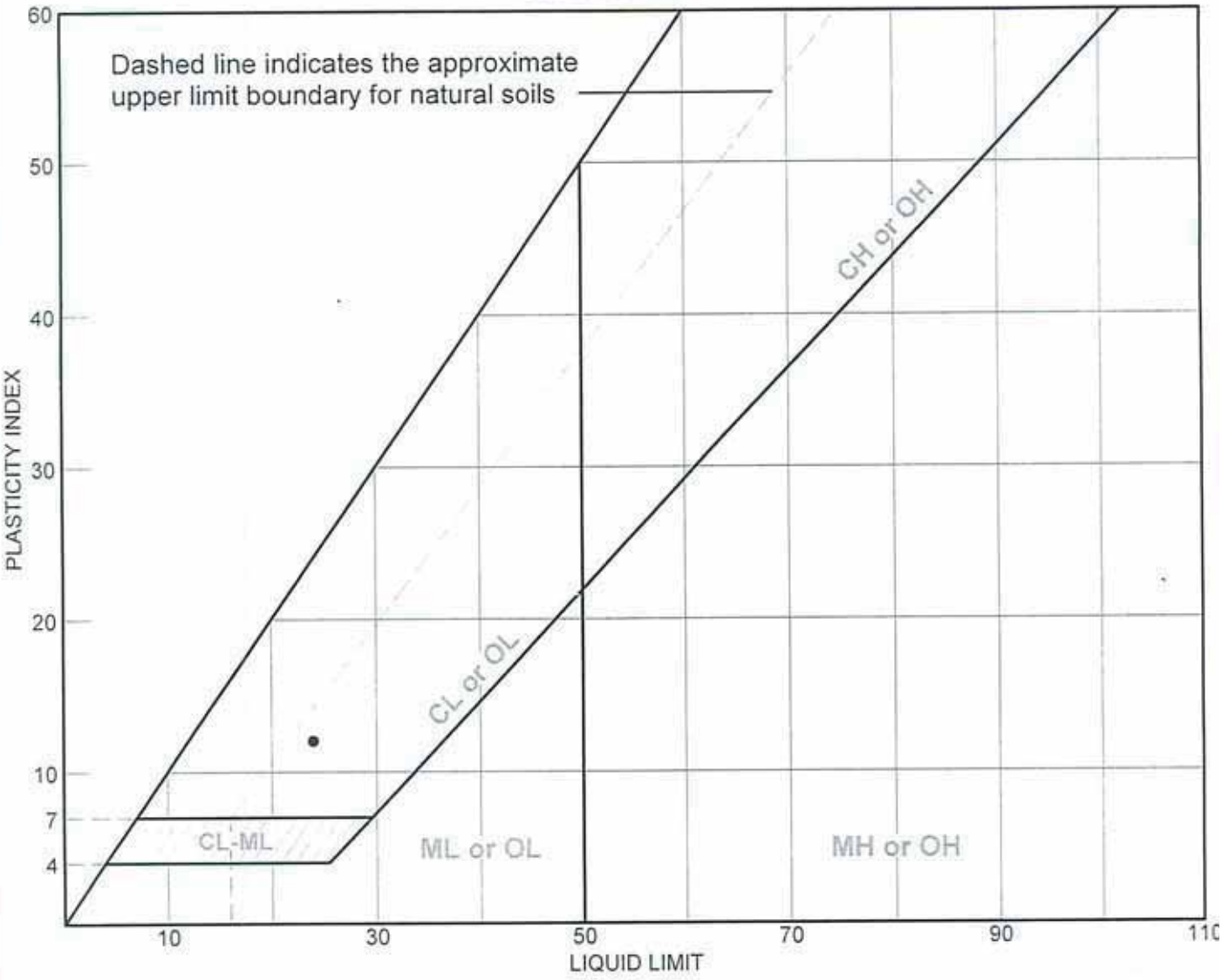
Value of Initial Water Content = 37.9 %
Value of Shrinkage Limit = 13
Value of Shrinkage Ratio = 1.93

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Sieve Size	*Percent Passing*
¾"	100.0
½"	97.2
3/8"	95.9
¼"	92.5
#4	91.7
#10	89.1
#20	86.8
#40	85.0
#100	80.2
#200	74.3

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC. LIQUID AND PLASTIC LIMITS TEST REPORT



SOIL DATA								
SYMBOL	SOURCE	SAMPLE NO.	DEPTH (ft.)	NATURAL WATER CONTENT (%)	PLASTIC LIMIT (%)	LIQUID LIMIT (%)	PLASTICITY INDEX (%)	USCS
•	B-7	S-6	10' - 12'	12.6 %	12	24	12	

SJB SERVICES, INC.

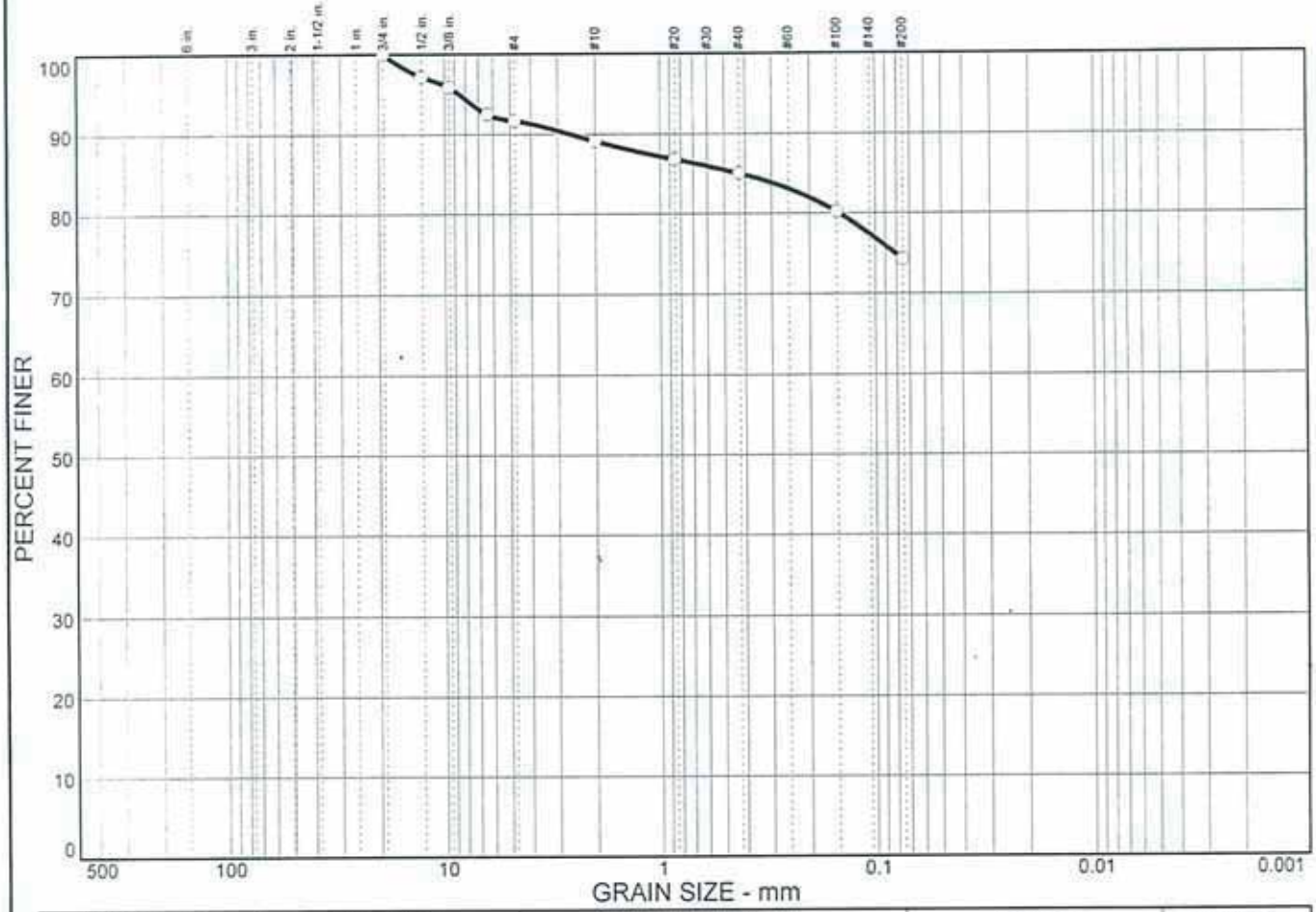
Client: MENSCH CAPITAL PARTNERS, LLC

Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT

Project No.: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ASTM C-136: Particle Size Distribution Report



% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	8.3	17.4	74.3	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
.75 in.	100.0		
.5 in.	97.2		
.375 in.	95.9		
.25 in.	92.5		
#4	91.7		
#10	89.1		
#20	86.8		
#40	85.0		
#100	80.2		
#200	74.3		

* (no specification provided)

Soil Description

B-7, S-6: 10' - 12'

Atterberg Limits

PL= 12 LL= 24 PI= 12

Coefficients

D_{85}= 0.425 D_{60}= D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=

Remarks

SAMPLE NUMBER: 14-039

Sample No.: S-6 Source of Sample: B-7 Date: 1-29-14
Location: B-7, S-6: 10' - 12' Elev./Depth: 10' - 12'

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Western New York Office
5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

Laboratory Test Report

PROJECT: Proposed Westwood Country Club Development Project

CLIENT: Mensch Capital Partners, LLC.

DATE: January 29, 2014

PROJECT NO.: BE-13-192
REPORT NO.: LTR-1

SAMPLE NUMBER: 14-040
SAMPLE LOCATION: B-14, S-4: 6' – 8'

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil &Rock
ASTM D-4318: Liquid Limit, Plastic Limit, and Plasticity Index of Soil

Moisture Content	Liquid Limit	Plastic Limit	Plasticity Index
10.7 %	23	12	11

ASTM D-427: Shrinkage Factors of Soils by the Mercury Method

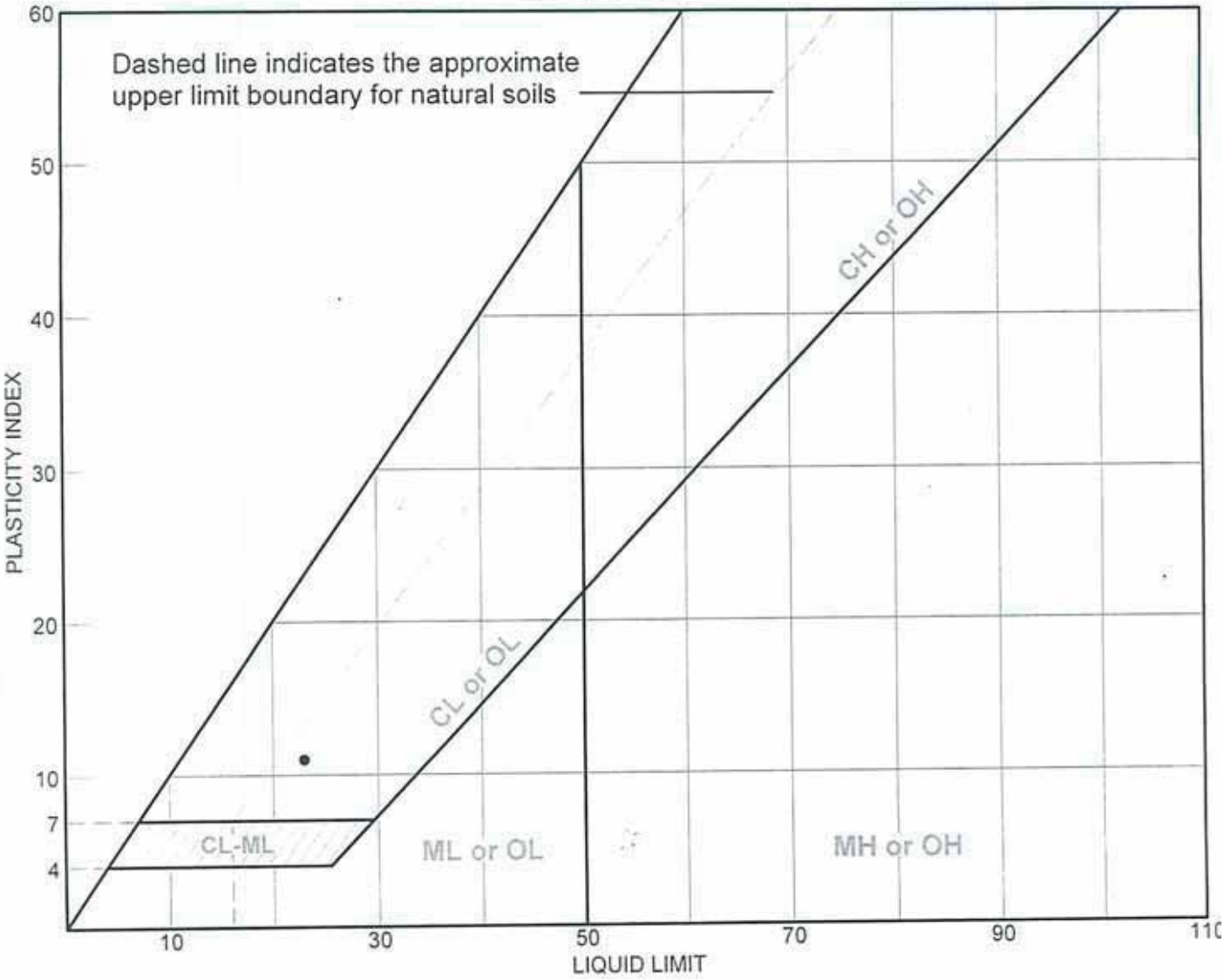
Value of Initial Water Content = 32.9 %
Value of Shrinkage Limit = 17
Value of Shrinkage Ratio = 1.93

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Sieve Size	*Percent Passing*
¾"	100.0
½"	97.0
⅜"	95.3
¼"	93.2
#4	92.1
#10	89.4
#20	86.5
#40	84.1
#100	77.6
#200	70.1

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC. LIQUID AND PLASTIC LIMITS TEST REPORT



SOIL DATA								
SYMBOL	SOURCE	SAMPLE NO.	DEPTH (ft.)	NATURAL WATER CONTENT (%)	PLASTIC LIMIT (%)	LIQUID LIMIT (%)	PLASTICITY INDEX (%)	USCS
●	B-14	S-4	6' - 8'	10.7 %	12	23	11	

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No.: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ASTM C-136: Particle Size Distribution Report

% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	7.9	22.0	70.1	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
.75 in.	100.0		
.5 in.	97.0		
.375 in.	95.3		
.25 in.	93.2		
#4	92.1		
#10	89.4		
#20	86.5		
#40	84.1		
#100	77.6		
#200	70.1		

* (no specification provided)

Soil Description

B-14, S-4: 6' - 8'

Atterberg Limits

PL= 12 LL= 23 PI= 11

Coefficients

D_{85}= 0.541 D_{60}= D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=*

Remarks

SAMPLE NUMBER: 13-040

Sample No.: S-4 Source of Sample: B-14 Date: 1-29-14
Location: B-14, S-4: 6' - 8' Elev./Depth: 6' - 8'

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC.

Western New York Office
5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

Laboratory Test Report

PROJECT: Proposed Westwood Country Club Development Project

CLIENT: Mensch Capital Partners, LLC.

DATE: January 29, 2014

PROJECT NO.: BE-13-192
REPORT NO.: LTR-1

SAMPLE NUMBER: 14-041
SAMPLE LOCATION: B-22, S-3: 4' – 6'

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil &Rock
ASTM D-4318: Liquid Limit, Plastic Limit, and Plasticity Index of Soil

Moisture Content	Liquid Limit	Plastic Limit	Plasticity Index
26.5 %	52	22	30

ASTM D-427: Shrinkage Factors of Soils by the Mercury Method

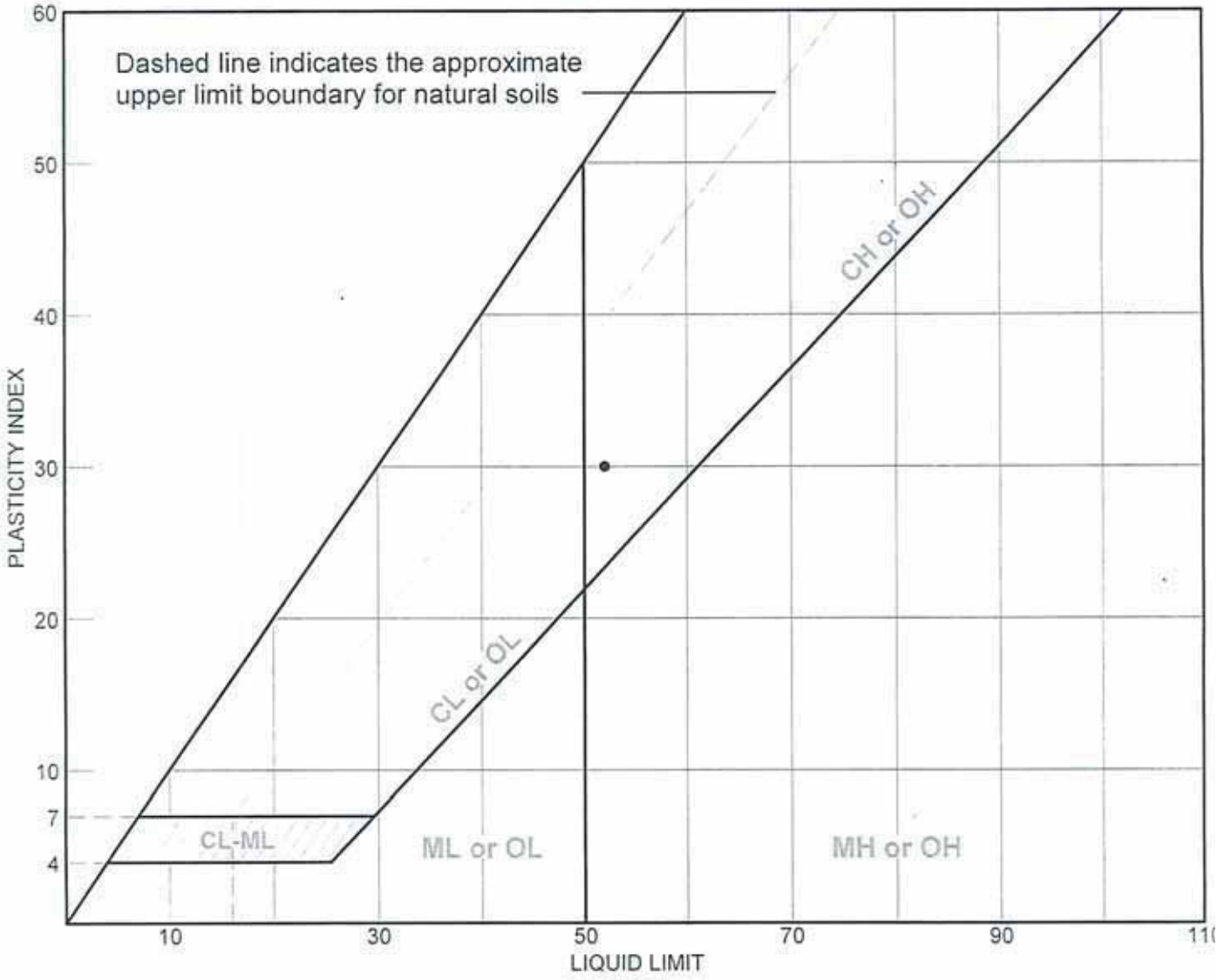
Value of Initial Water Content = 64.8 %
Value of Shrinkage Limit = 23
Value of Shrinkage Ratio = 1.69

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Sieve Size	*Percent Passing*
#4	100.0
#10	100.0
#20	99.9
#40	99.8
#100	99.5
#200	99.2

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC. LIQUID AND PLASTIC LIMITS TEST REPORT



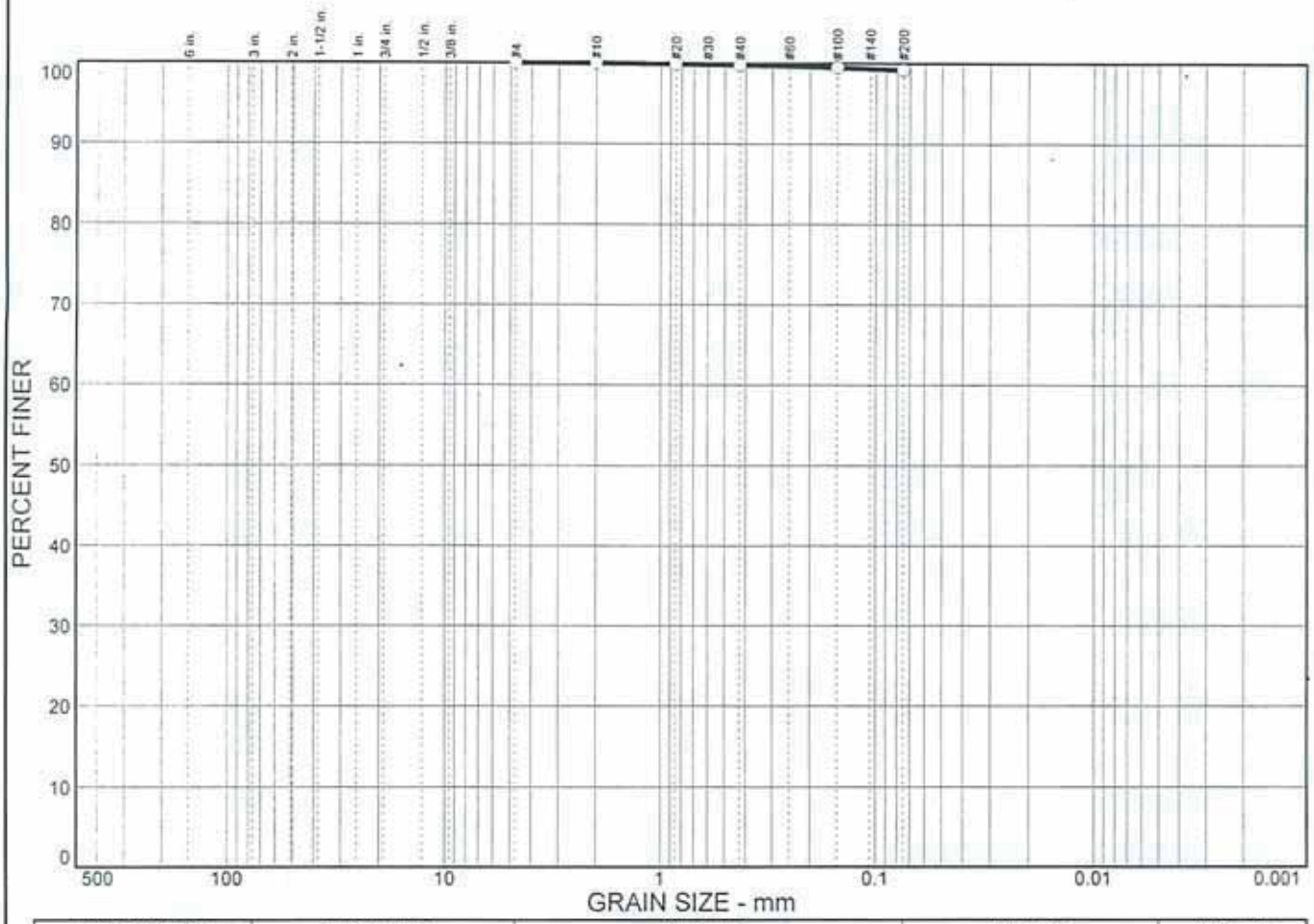
SOIL DATA								
SYMBOL	SOURCE	SAMPLE NO.	DEPTH (ft.)	NATURAL WATER CONTENT (%)	PLASTIC LIMIT (%)	LIQUID LIMIT (%)	PLASTICITY INDEX (%)	USCS
●	B-22	S-3	4' - 6'	26.5 %	22	52	30	

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No.: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ASTM C-136: Particle Size Distribution Report



% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	0.0	0.8	99.2	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
#4	100.0		
#10	100.0		
#20	99.9		
#40	99.8		
#100	99.5		
#200	99.2		

* (no specification provided)

Soil Description

B-22, S-3: 4' - 6'

Atterberg Limits

PL= 22 LL= 52 PI= 30

Coefficients

D_{85}= D_{60}= D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=

Remarks

SAMPLE NUMBER: 14-041

Sample No.: S-3 Source of Sample: B-22 Date: 1-29-14
Location: B-22, S-3: 4' - 6' Elev./Depth: 4' - 6'

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC.

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Fax: (716) 649-8051

Laboratory Test Report

PROJECT: Proposed Westwood Country Club Development Project

CLIENT: Mensch Capital Partners, LLC.

DATE: January 29, 2014

PROJECT NO.: BE-13-192
REPORT NO.: LTR-1

SAMPLE NUMBER: 14-047
SAMPLE LOCATION: B-35, S-7: 15' – 17'

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil &Rock

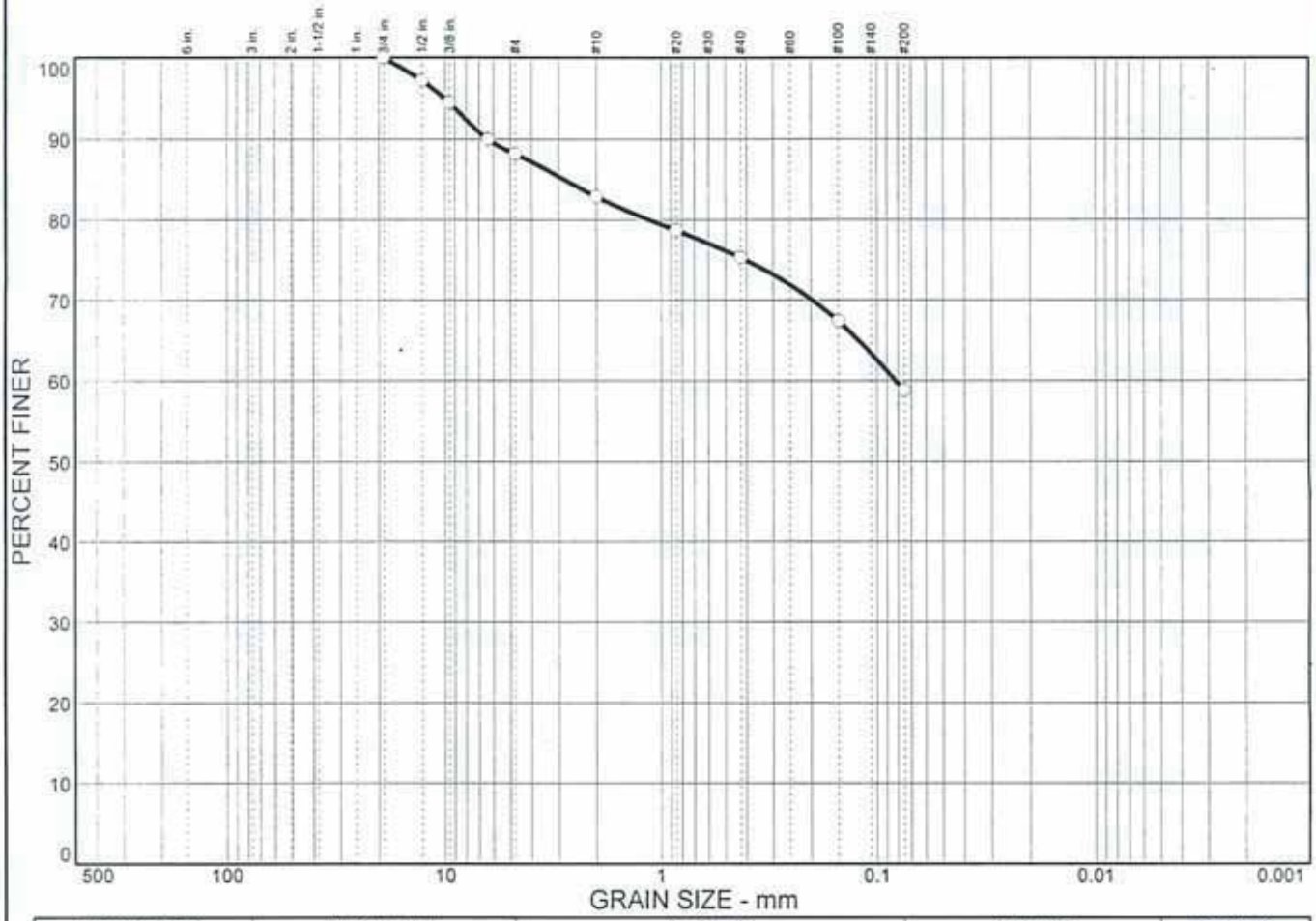
Moisture Content: 8.7 %

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Sieve Size	*Percent Passing*
¾"	100.0
½"	97.2
3/8"	94.5
¼"	90.0
#4	88.2
#10	82.9
#20	78.7
#40	75.3
#100	67.4
#200	58.8

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ASTM C-136: Particle Size Distribution Report



% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	11.8	29.4	58.8	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
.75 in.	100.0		
.5 in.	97.2		
.375 in.	94.5		
.25 in.	90.0		
#4	88.2		
#10	82.9		
#20	78.7		
#40	75.3		
#100	67.4		
#200	58.8		

* (no specification provided)

Soil Description

B-35, S-7: 15' - 17'

Atterberg Limits

PL= LL= PI=

Coefficients

D_{85}= 2.81 D_{60}= 0.0821 D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=

Remarks

SAMPLE NUMBER: 14-047

Sample No.: S-7 Source of Sample: B-35 Date: 1-29-14
Location: B-35, S-7: 15' - 17' Elev./Depth: 15' - 17'

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

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Fax: (716) 649-8051

Laboratory Test Report

PROJECT: **Proposed Westwood Country Club Development Project**

CLIENT: **Mensch Capital Partners, LLC.**

DATE: **February 6, 2014**

PROJECT NO.: BE-13-192
REPORT NO.: LTR-2

Attached are the results of laboratory testing conducted on various samples from the above referenced project. Mr. John Danzer, representing Empire –Geo Services, Inc, chose samples contained in this report.

The testing conducted was as follows:

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil & Rock

ASTM D-4318: Liquid Limit, Plastic Limit, and Plasticity Index of Soil

ASTM D-427: Shrinkage Factors of Soils by the Mercury Method

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Samples were received at the SJB Services, Inc. laboratory on January 27, 2014 where they were processed for testing.

If the reviewer should have any questions concerning this report, please do not hesitate to contact our office at any time.

SJB Services, Inc.

Paul Gregorczyk
Laboratory Manager

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

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Fax: (716) 649-8051

Laboratory Test Report

PROJECT: Proposed Westwood Country Club Development Project

CLIENT: Mensch Capital Partners, LLC.

DATE: February 6, 2014

PROJECT NO.: BE-13-192
REPORT NO.: LTR-2

SAMPLE NUMBER: 14-098
SAMPLE LOCATION: B-20, S-5: 8' – 10'

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil &Rock
ASTM D-4318: Liquid Limit, Plastic Limit, and Plasticity Index of Soil

Moisture Content	Liquid Limit	Plastic Limit	Plasticity Index
23.3 %	37	17	20

ASTM D-427: Shrinkage Factors of Soils by the Mercury Method

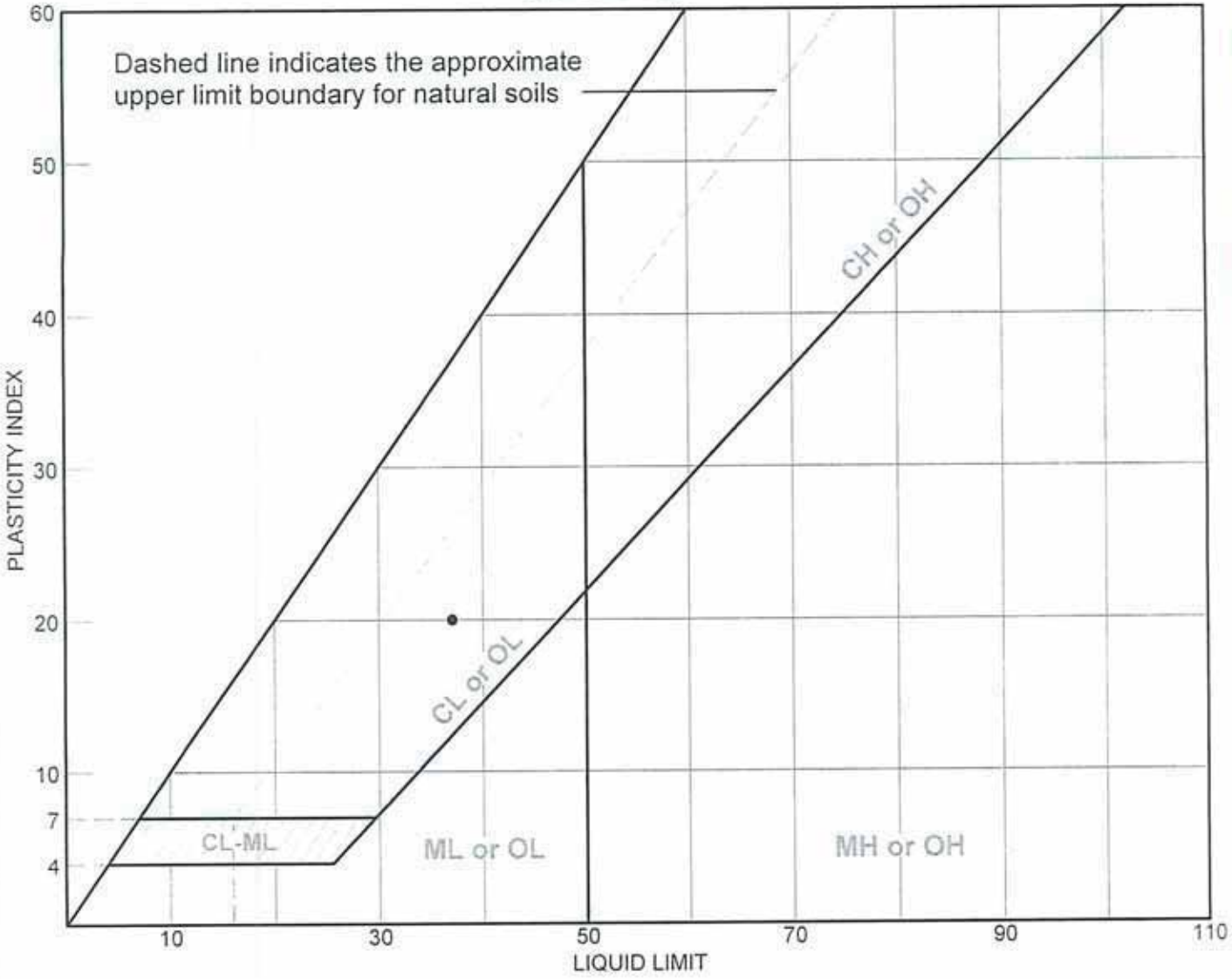
Value of Initial Water Content = 51.6 %
Value of Shrinkage Limit = 19
Value of Shrinkage Ratio = 1.81

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Sieve Size	*Percent Passing*
#4	100.0
#10	99.8
#20	99.7
#40	99.5
#100	99.3
#200	99.0

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC. LIQUID AND PLASTIC LIMITS TEST REPORT



SOIL DATA

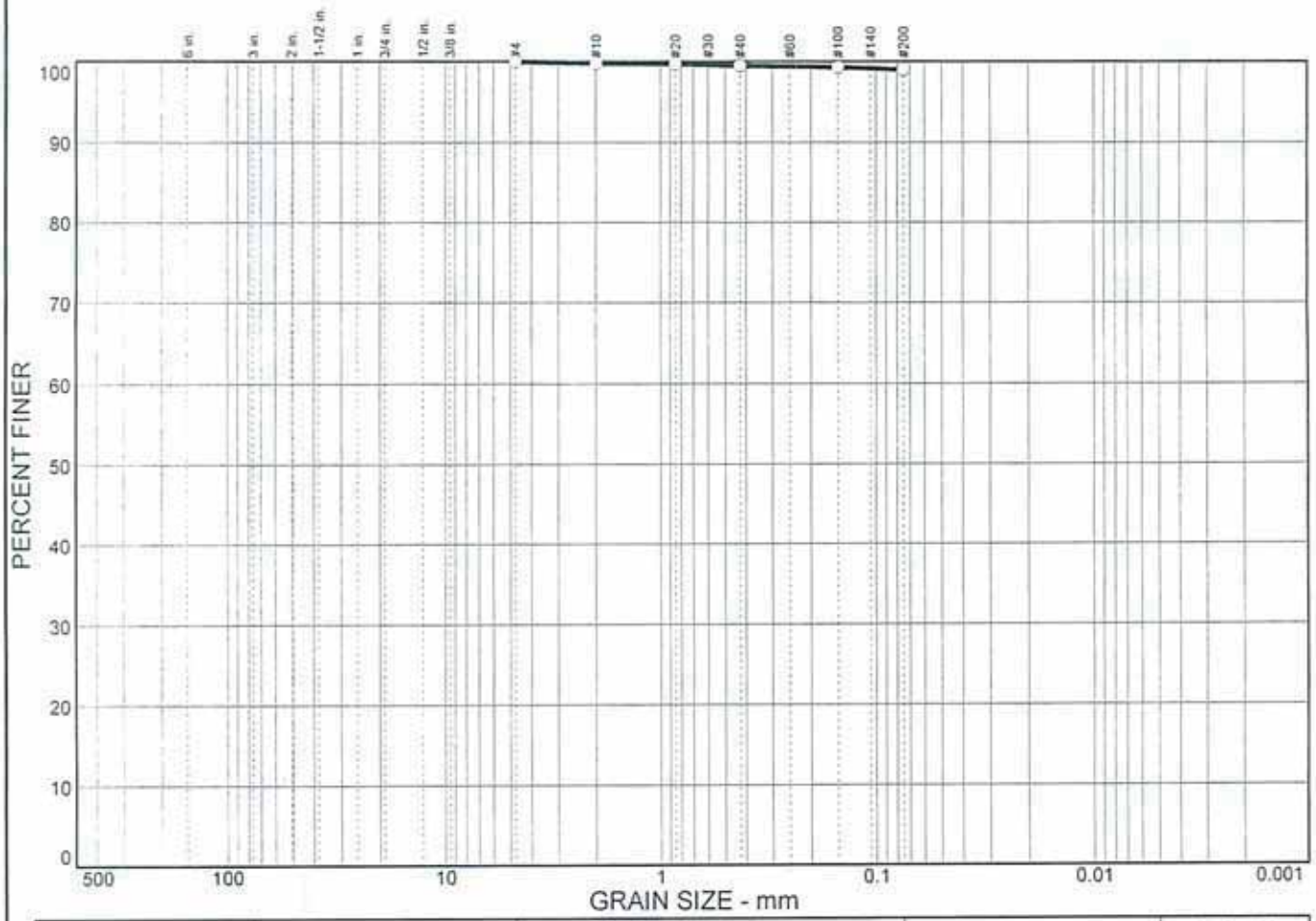
SYMBOL	SOURCE	SAMPLE NO.	DEPTH (ft.)	NATURAL WATER CONTENT (%)	PLASTIC LIMIT (%)	LIQUID LIMIT (%)	PLASTICITY INDEX (%)	USCS
●	B-20	S-5	8' - 10'	23.3 %	17	37	20	

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No.: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ASTM C-136: Particle Size Distribution Report



% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	0.0	1.0	99.0	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
#4	100.0		
#10	99.8		
#20	99.7		
#40	99.5		
#100	99.3		
#200	99.0		

* (no specification provided)

Soil Description

B-20, S-5: 8' - 10'

Atterberg Limits

PL= 17 LL= 37 PI= 20

Coefficients

D_{85}= D_{60}= D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=

Remarks

SAMPLE NUMBER: 14-098

Sample No.: S-5 Source of Sample: B-20 Date: 2-6-14
Location: B-20, S-5: 8' - 10' Elev./Depth: 8' - 10'

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC.

Western New York Office
5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

Laboratory Test Report

PROJECT: Proposed Westwood Country Club Development Project

CLIENT: Mensch Capital Partners, LLC.

DATE: February 6, 2014

PROJECT NO.: BE-13-192
REPORT NO.: LTR-2

SAMPLE NUMBER: 14-099
SAMPLE LOCATION: B-30, S-5: 8' – 10'

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil &Rock
ASTM D-4318: Liquid Limit, Plastic Limit, and Plasticity Index of Soil

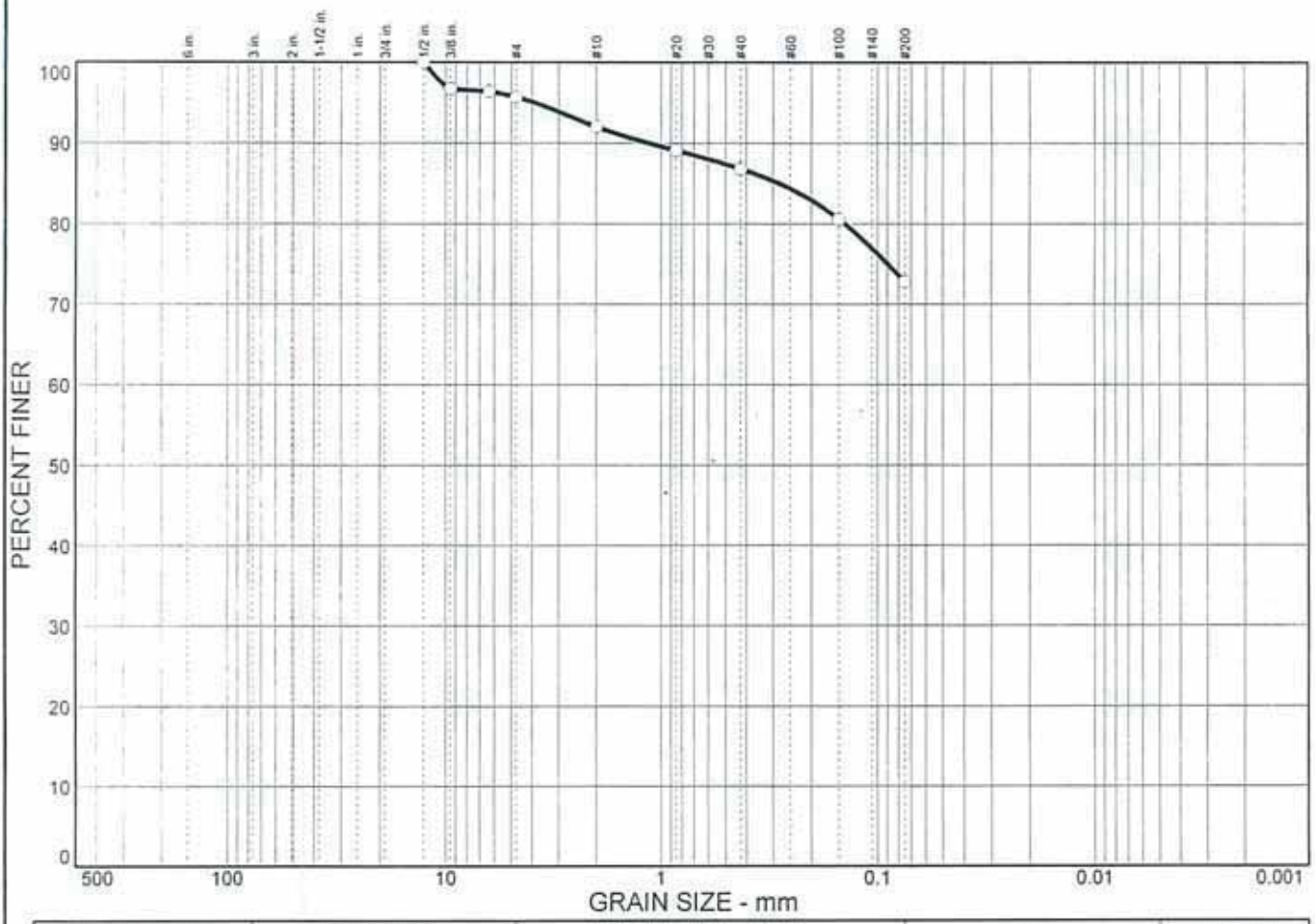
Moisture Content = 11.4 %

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Sieve Size	*Percent Passing*
½"	100.0
3/8"	96.7
¼"	96.4
#4	95.7
#10	92.0
#20	89.1
#40	86.8
#100	80.6
#200	72.8

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ASTM C-136: Particle Size Distribution Report



% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	4.3	22.9	72.8	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
.5 in.	100.0		
.375 in.	96.7		
.25 in.	96.4		
#4	95.7		
#10	92.0		
#20	89.1		
#40	86.8		
#100	80.6		
#200	72.8		

* (no specification provided)

Soil Description

B-30, S-5: 8' - 10'

Atterberg Limits

PL= LL= PI=

Coefficients

D_{85}= 0.282 D_{60}= D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=

Remarks

SAMPLE NUMBER: 14-099

Sample No.: S-5 Source of Sample: B-30 Date: 2-6-14
Location: B-30, S-5: 8' - 10' Elev./Depth: 8' - 10'

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

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5167 South Park Avenue
Hamburg, NY 14075
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Fax: (716) 649-8051

Laboratory Test Report

PROJECT: **Proposed Westwood Country Club Development Project**

CLIENT: **Mensch Capital Partners, LLC.**

DATE: **February 6, 2014**

PROJECT NO.: BE-13-192
REPORT NO.: LTR-2

SAMPLE NUMBER: 14-100
SAMPLE LOCATION: B-44, S-3: 4' – 6'

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil &Rock
ASTM D-4318: Liquid Limit, Plastic Limit, and Plasticity Index of Soil

Moisture Content	Liquid Limit	Plastic Limit	Plasticity Index
21.3 %	59	22	37

ASTM D-427: Shrinkage Factors of Soils by the Mercury Method

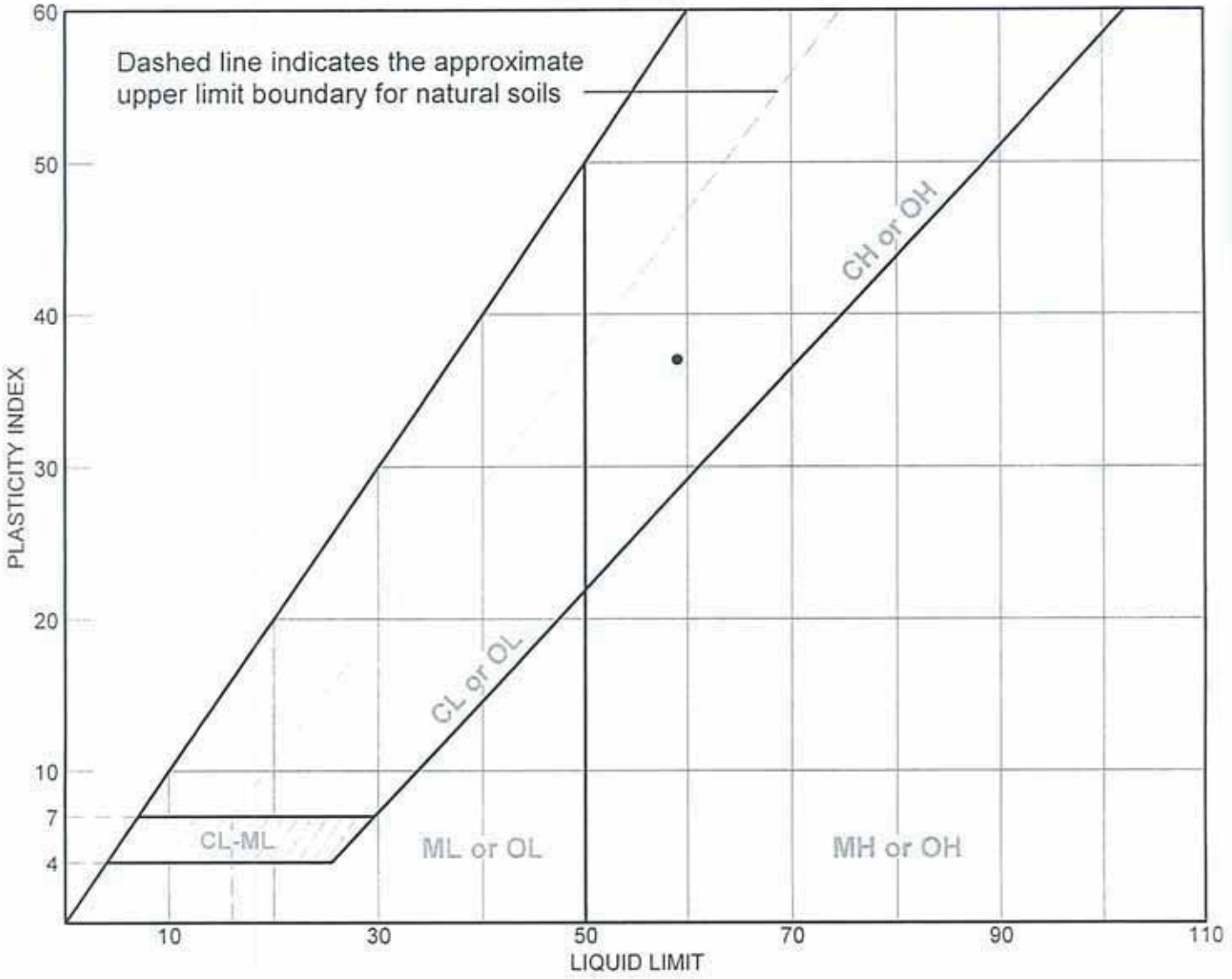
Value of Initial Water Content = 72.6 %
Value of Shrinkage Limit = 22
Value of Shrinkage Ratio = 1.69

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Sieve Size	*Percent Passing*
#4	100.0
#10	100.0
#20	99.8
#40	99.6
#100	99.0
#200	97.8

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC. LIQUID AND PLASTIC LIMITS TEST REPORT



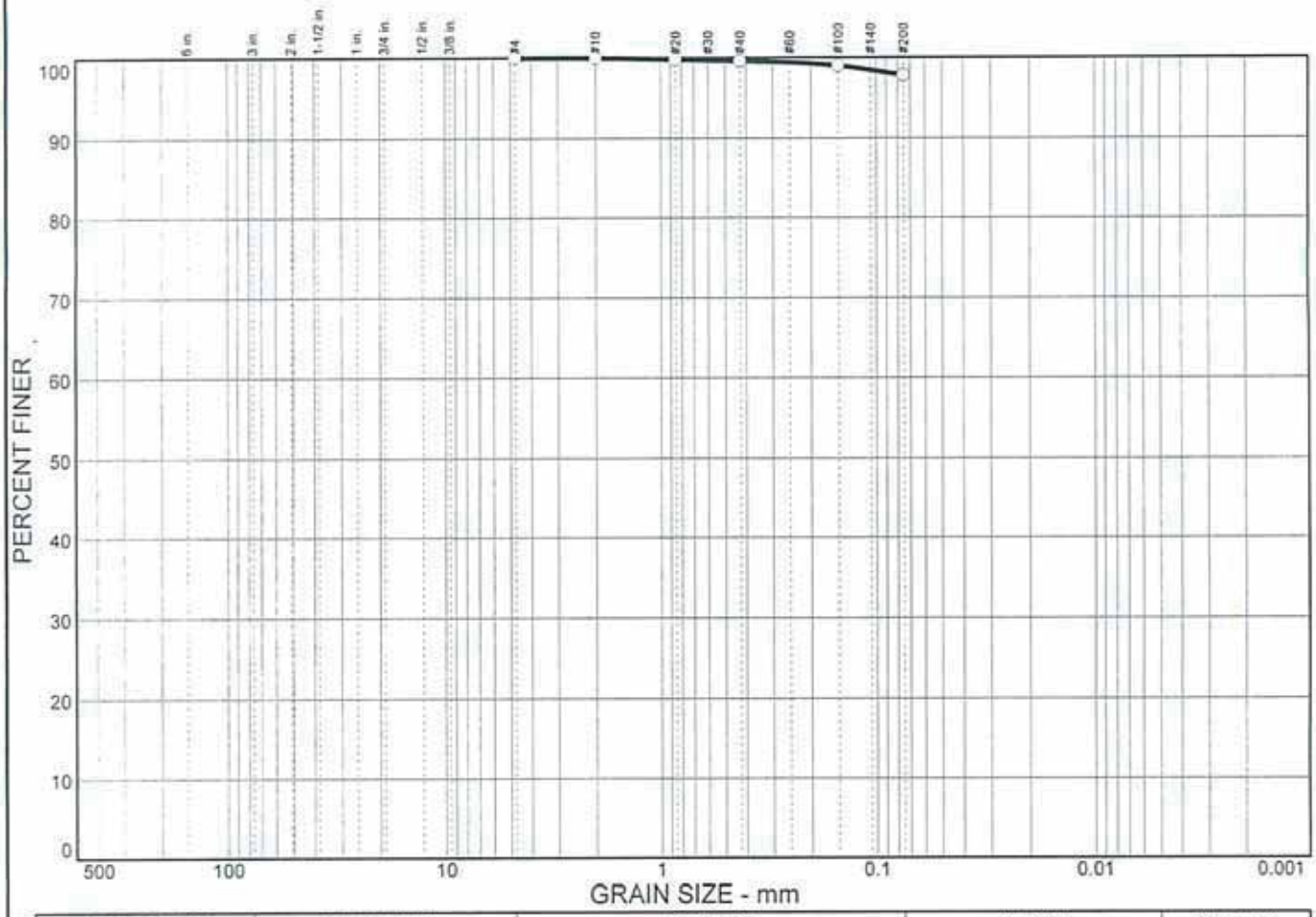
SOIL DATA								
SYMBOL	SOURCE	SAMPLE NO.	DEPTH (ft.)	NATURAL WATER CONTENT (%)	PLASTIC LIMIT (%)	LIQUID LIMIT (%)	PLASTICITY INDEX (%)	USCS
•	B-44	S-3	4' - 6'	21.3 %	22	59	37	

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No.: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ASTM C-136: Particle Size Distribution Report



% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	0.0	2.2	97.8	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
#4	100.0		
#10	100.0		
#20	99.8		
#40	99.6		
#100	99.0		
#200	97.8		

* (no specification provided)

Soil Description

B-44, S-3: 4' - 6'

Atterberg Limits

PL= 22 LL= 59 PI= 37

Coefficients

D_{85}= D_{60}= D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=

Remarks

SAMPLE NUMBER: 14-100

Sample No.: S-3 Source of Sample: B-44 Date: 2-6-14
Location: B-44, S-3: 4' - 6' Elev./Depth: 4' - 6'

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Western New York Office
5167 South Park Avenue
Hamburg, NY 14075
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Fax: (716) 649-8051

Laboratory Test Report

PROJECT: **Proposed Westwood Country Club Development Project**

CLIENT: **Mensch Capital Partners, LLC.**

DATE: **February 14, 2014**

PROJECT NO.: BE-13-192
REPORT NO.: LTR-3

Attached are the results of laboratory testing conducted on various samples from the above referenced project. Mr. John Danzer, representing Empire –Geo Services, Inc, chose samples contained in this report.

The testing conducted was as follows:

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil & Rock

ASTM D-4318: Liquid Limit, Plastic Limit, and Plasticity Index of Soil

ASTM D-427: Shrinkage Factors of Soils by the Mercury Method

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Samples were received at the SJB Services, Inc. laboratory on February 7, 2014 where they were processed for testing.

If the reviewer should have any questions concerning this report, please do not hesitate to contact our office at any time.

SJB Services, Inc.

Paul Gregorczyk
Laboratory Manager

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC.

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Fax: (716) 649-8051

Laboratory Test Report

PROJECT: Proposed Westwood Country Club Development Project

CLIENT: Mensch Capital Partners, LLC.

DATE: February 14, 2014

PROJECT NO.: BE-13-192
REPORT NO.: LTR-3

SAMPLE NUMBER: 14-122
SAMPLE LOCATION: B-12, S-3: 4 – 6'

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil &Rock
ASTM D-4318: Liquid Limit, Plastic Limit, and Plasticity Index of Soil

Moisture Content	Liquid Limit	Plastic Limit	Plasticity Index
13.1 %	24	13	11

ASTM D-427: Shrinkage Factors of Soils by the Mercury Method

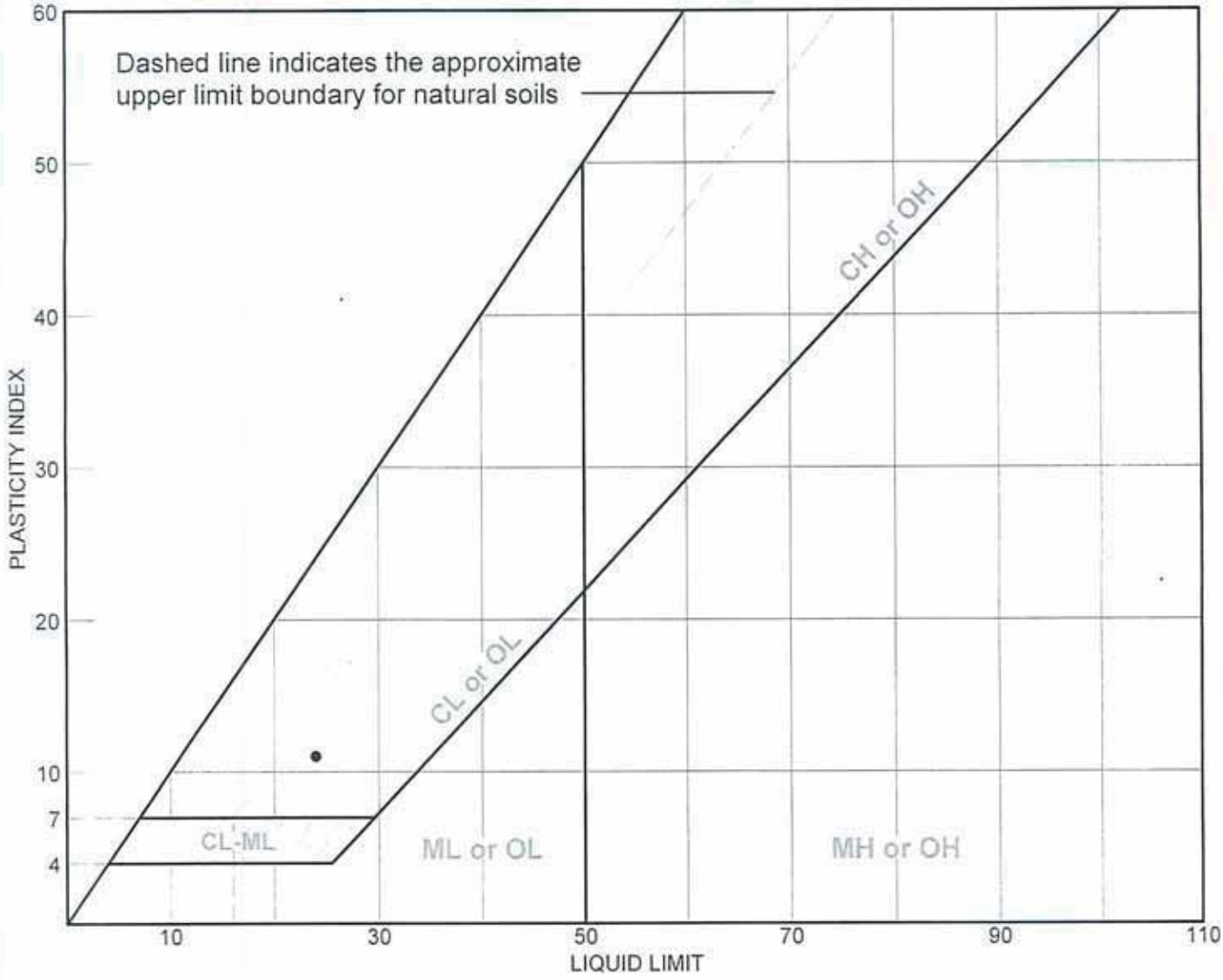
Value of Initial Water Content = 28.5 %
Value of Shrinkage Limit = 12
Value of Shrinkage Ratio = 1.98

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Sieve Size	*Percent Passing*
½"	100.0
3/8"	98.0
¼"	93.5
#4	91.4
#10	87.6
#20	84.5
#40	82.1
#100	75.7
#200	68.2

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC. LIQUID AND PLASTIC LIMITS TEST REPORT



SOIL DATA

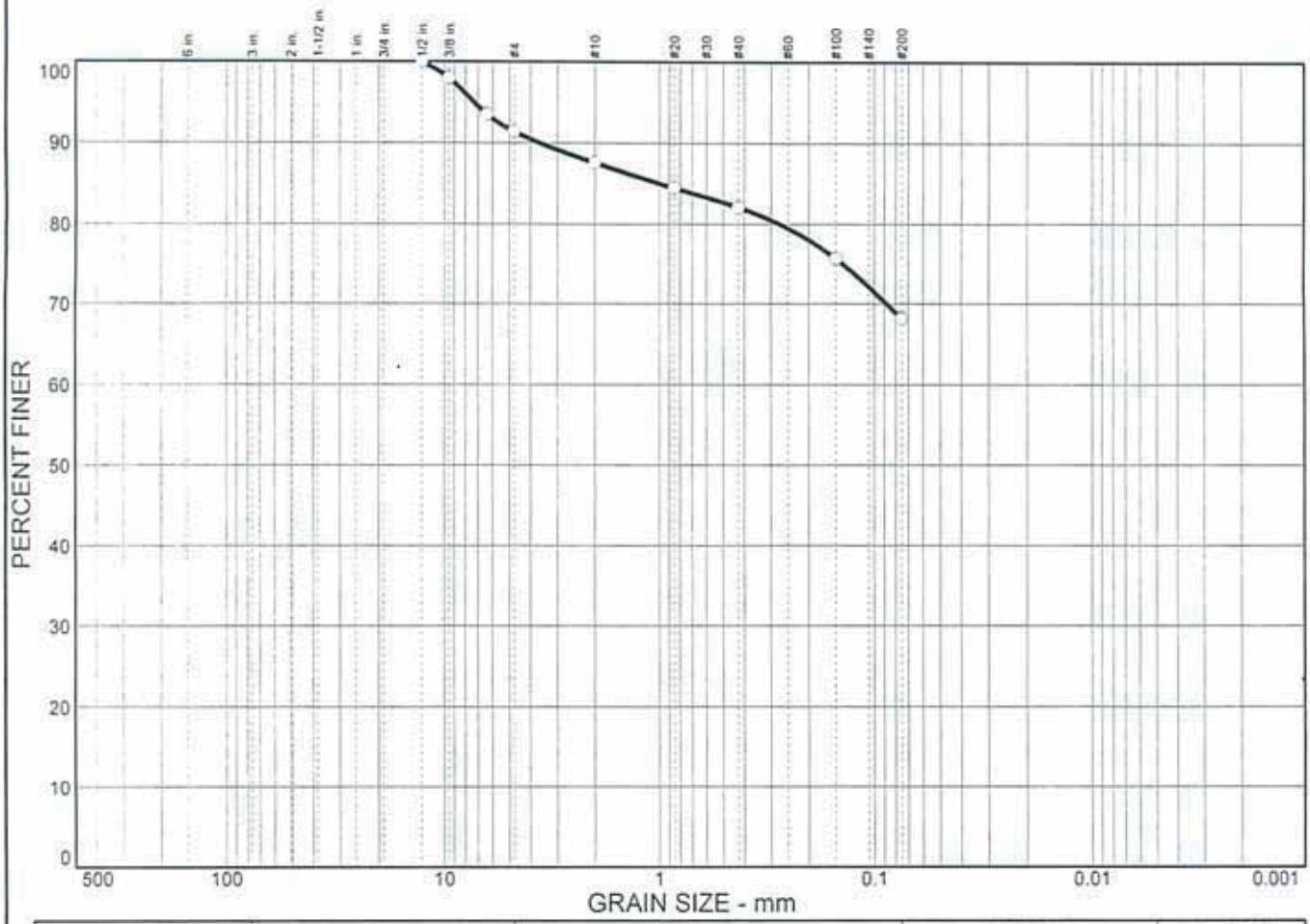
SYMBOL	SOURCE	SAMPLE NO.	DEPTH (ft.)	NATURAL WATER CONTENT (%)	PLASTIC LIMIT (%)	LIQUID LIMIT (%)	PLASTICITY INDEX (%)	USCS
●	B-12	S-3	4' - 6'	13.1 %	13	24	11	

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No.: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ASTM C-136: Particle Size Distribution Report



% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	8.6	23.2	68.2	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
.5 in.	100.0		
.375 in.	98.0		
.25 in.	93.5		
#4	91.4		
#10	87.6		
#20	84.5		
#40	82.1		
#100	75.7		
#200	68.2		

* (no specification provided)

Soil Description

B-12, S-3: 4' - 6'

Atterberg Limits

PL= 13 LL= 24 PI= 11

Coefficients

D_{85}= 0.983 D_{60}= D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=

Remarks

SAMPLE NUMBER: 14-122

Sample No.: S-3 Source of Sample: B-12 Date: 2-14-14
Location: B-12, S-3: 4' - 6' Elev./Depth: 4' - 6'

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC.
Western New Y
5167 South Par
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

Laboratory Test Report

PROJECT: Proposed Westwood Country Club Development Project

CLIENT: Mensch Capital Partners, LLC.

DATE: February 14, 2014

PROJECT NO.: BE-13-192
REPORT NO.: LTR-2

SAMPLE NUMBER: 14-123
SAMPLE LOCATION: B-31, S-6: 10' – 12'

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil &Rock
ASTM D-4318: Liquid Limit, Plastic Limit, and Plasticity Index of Soil

Moisture Content	Liquid Limit	Plastic Limit	Plasticity Index
10.7 %	23	13	10

ASTM D-427: Shrinkage Factors of Soils by the Mercury Method

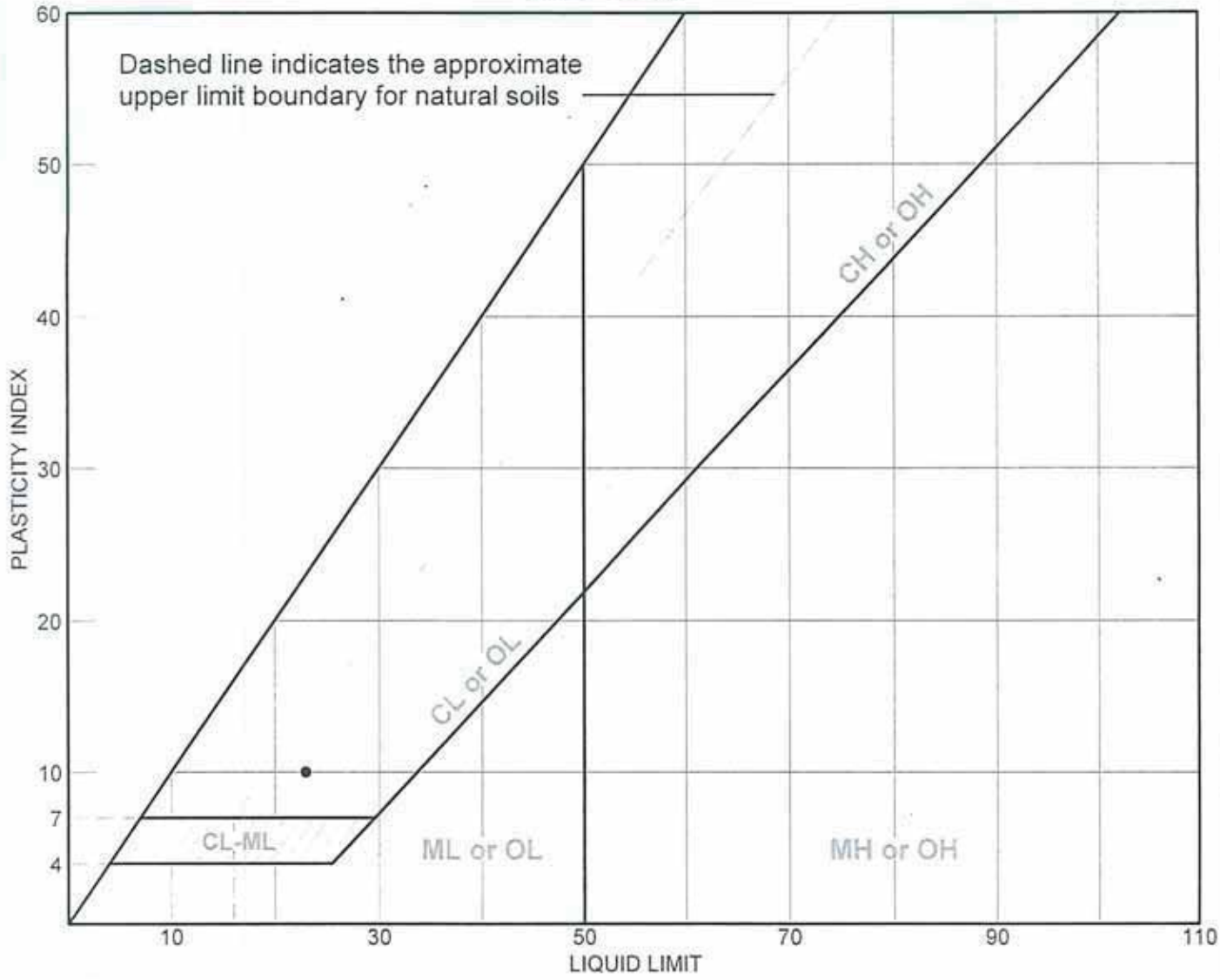
Value of Initial Water Content = 43.0 %
Value of Shrinkage Limit = 12
Value of Shrinkage Ratio = 1.94

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Sieve Size	*Percent Passing*
¾"	100.0
½"	96.5
3/8"	94.4
¼"	92.2
#4	90.9
#10	87.1
#20	84.5
#40	82.4
#100	76.4
#200	69.3

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC. LIQUID AND PLASTIC LIMITS TEST REPORT



SOIL DATA

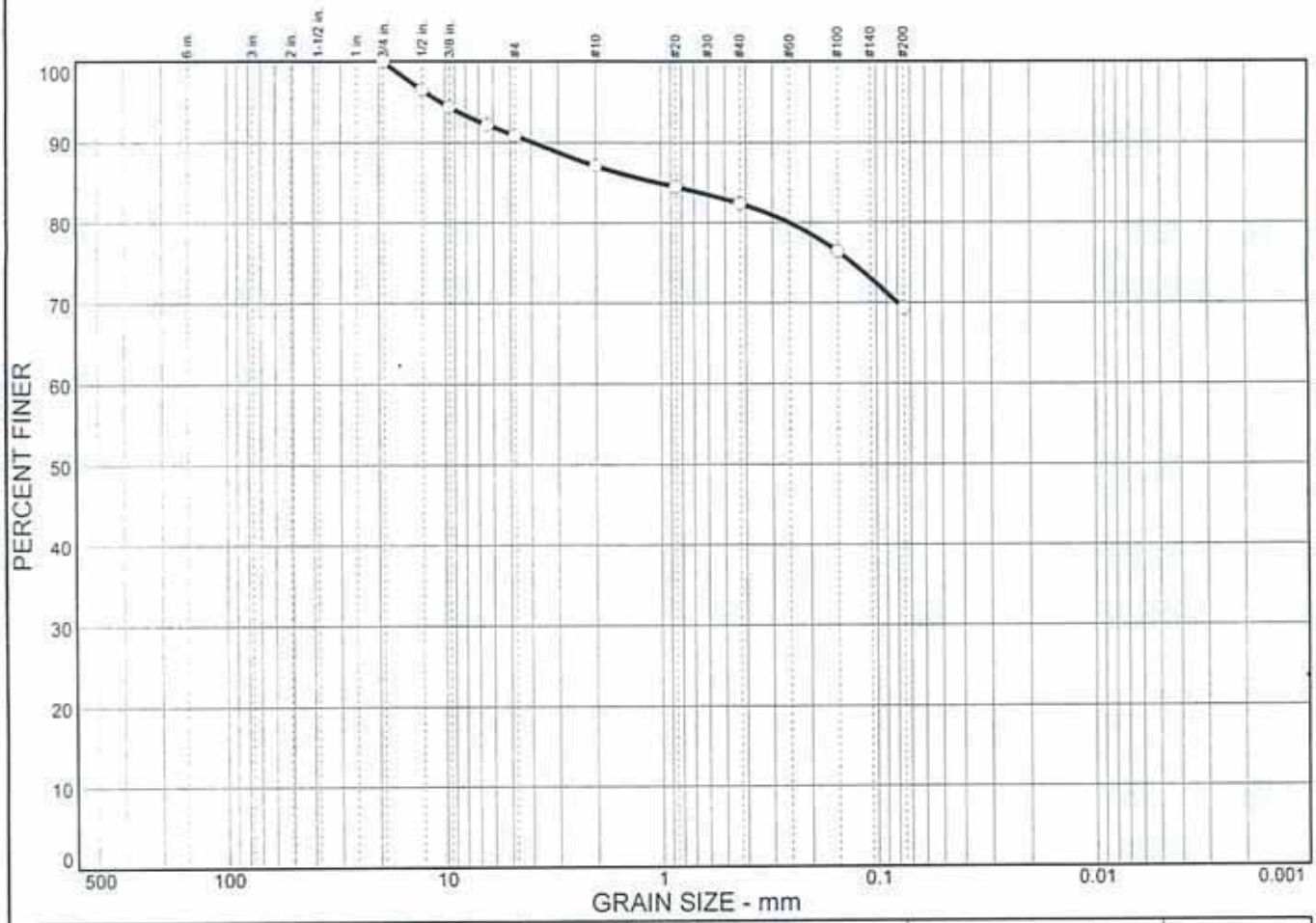
SYMBOL	SOURCE	SAMPLE NO.	DEPTH (ft.)	NATURAL WATER CONTENT (%)	PLASTIC LIMIT (%)	LIQUID LIMIT (%)	PLASTICITY INDEX (%)	USCS
●	B-31	S-6	10' - 12'	10.7 %	13	23	10	

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No.: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ASTM C-136: Particle Size Distribution Report



% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	9.1	21.6	69.3	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
.75 in.	100.0		
.5 in.	96.5		
.375 in.	94.4		
.25 in.	92.2		
#4	90.9		
#10	87.1		
#20	84.5		
#40	82.4		
#100	76.4		
#200	69.3		

* (no specification provided)

Soil Description

B-31, S-6: 10' - 12'

Atterberg Limits

PL= 13 LL= 23 PI= 10

Coefficients

D_{85}= 1.02 D_{60}= D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=

Remarks

SAMPLE NUMBER: 14-123

Sample No.: S-6 Source of Sample: B-31 Date: 2-14-14
Location: B-31, S-6: 10' - 12' Elev./Depth: 10' - 12'

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

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Fax: (716) 649-8051

Laboratory Test Report

PROJECT: Proposed Westwood Country Club Development Project

CLIENT: Mensch Capital Partners, LLC.

DATE: February 14, 2014

PROJECT NO.: BE-13-192
REPORT NO.: LTR-2

SAMPLE NUMBER: 14-124
SAMPLE LOCATION: B-38, S-2: 2' – 4'

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil &Rock
ASTM D-4318: Liquid Limit, Plastic Limit, and Plasticity Index of Soil

Moisture Content	Liquid Limit	Plastic Limit	Plasticity Index
21.3 %	44	20	24

ASTM D-427: Shrinkage Factors of Soils by the Mercury Method

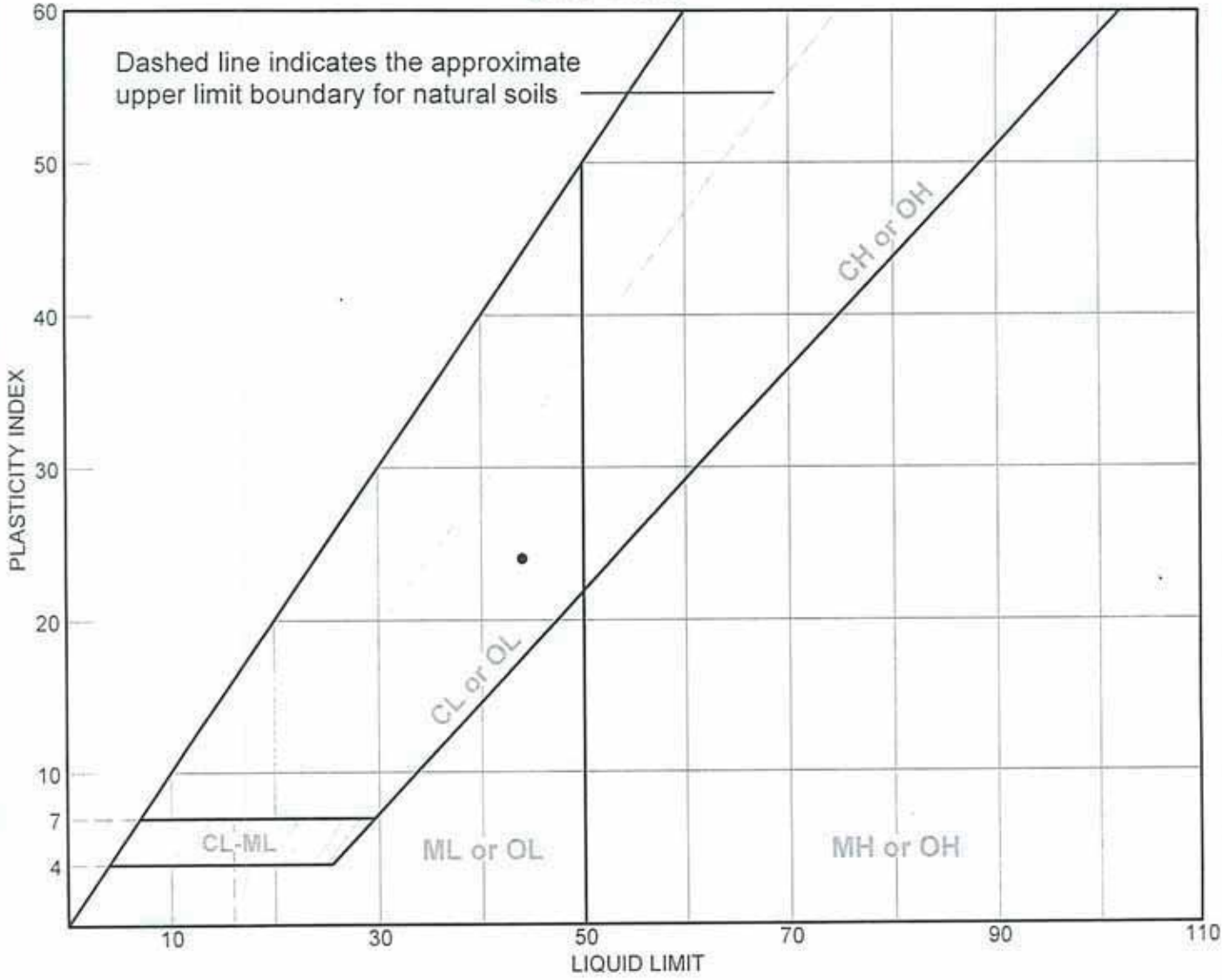
Value of Initial Water Content = 51.2 %
Value of Shrinkage Limit = 20
Value of Shrinkage Ratio = 1.64

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Sieve Size	*Percent Passing*
#4	100.0
#10	99.6
#20	99.2
#40	98.7
#100	97.3
#200	96.2

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC. LIQUID AND PLASTIC LIMITS TEST REPORT



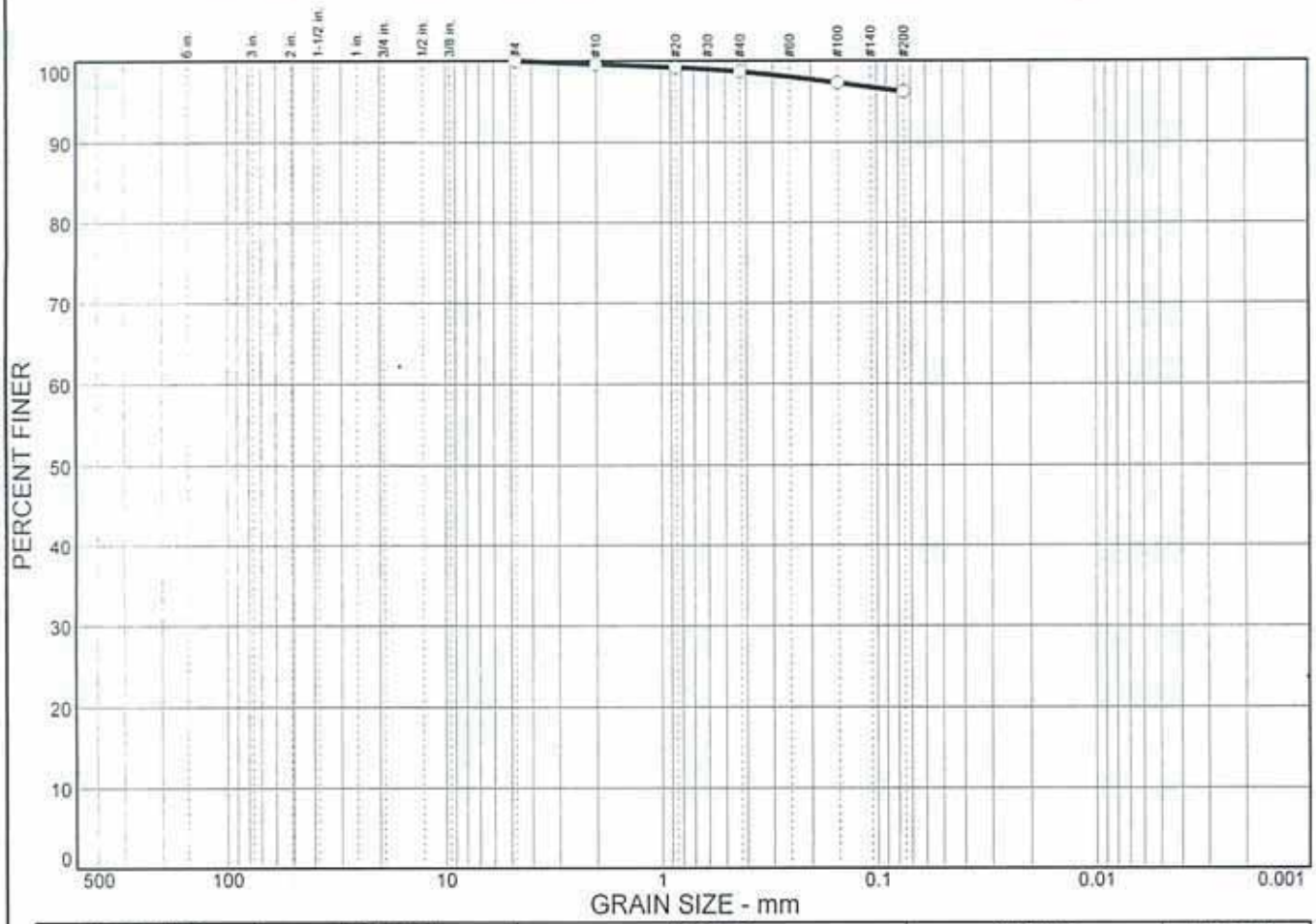
SOIL DATA								
SYMBOL	SOURCE	SAMPLE NO.	DEPTH (ft.)	NATURAL WATER CONTENT (%)	PLASTIC LIMIT (%)	LIQUID LIMIT (%)	PLASTICITY INDEX (%)	USCS
•	B-38	S-2	2' - 4'	21.3 %	20	44	24	

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No.: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ASTM C-136: Particle Size Distribution Report



% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	0.0	3.8	96.2	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
#4	100.0		
#10	99.6		
#20	99.2		
#40	98.7		
#100	97.3		
#200	96.2		

* (no specification provided)

Soil Description

B-38, S-2: 2' - 4'

Atterberg Limits

PL= 20 LL= 44 PI= 24

Coefficients

D_{85}= D_{60}= D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=

Remarks

SAMPLE NUMBER: 14-124

Sample No.: S-2 Source of Sample: B-38 Date: 2-14-14
Location: B-38, S-2: 2' - 4' Elev./Depth: 2' - 4'

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

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Fax: (716) 649-8051

Laboratory Test Report

PROJECT: Proposed Westwood Country Club Development Project

CLIENT: Mensch Capital Partners, LLC.

DATE: February 14, 2014

PROJECT NO.: BE-13-192
REPORT NO.: LTR-2

SAMPLE NUMBER: 14-125
SAMPLE LOCATION: B-40, S-4: 6' – 8'

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil &Rock
ASTM D-4318: Liquid Limit, Plastic Limit, and Plasticity Index of Soil

Moisture Content	Liquid Limit	Plastic Limit	Plasticity Index
12.0 %	25	14	11

ASTM D-427: Shrinkage Factors of Soils by the Mercury Method

Value of Initial Water Content = 31.5 %
Value of Shrinkage Limit = 13
Value of Shrinkage Ratio = 1.95

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Sieve Size	*Percent Passing*
3/8"	100.0
¼"	98.8
#4	97.8
#10	95.8
#20	94.0
#40	92.6
#100	88.6
#200	83.0

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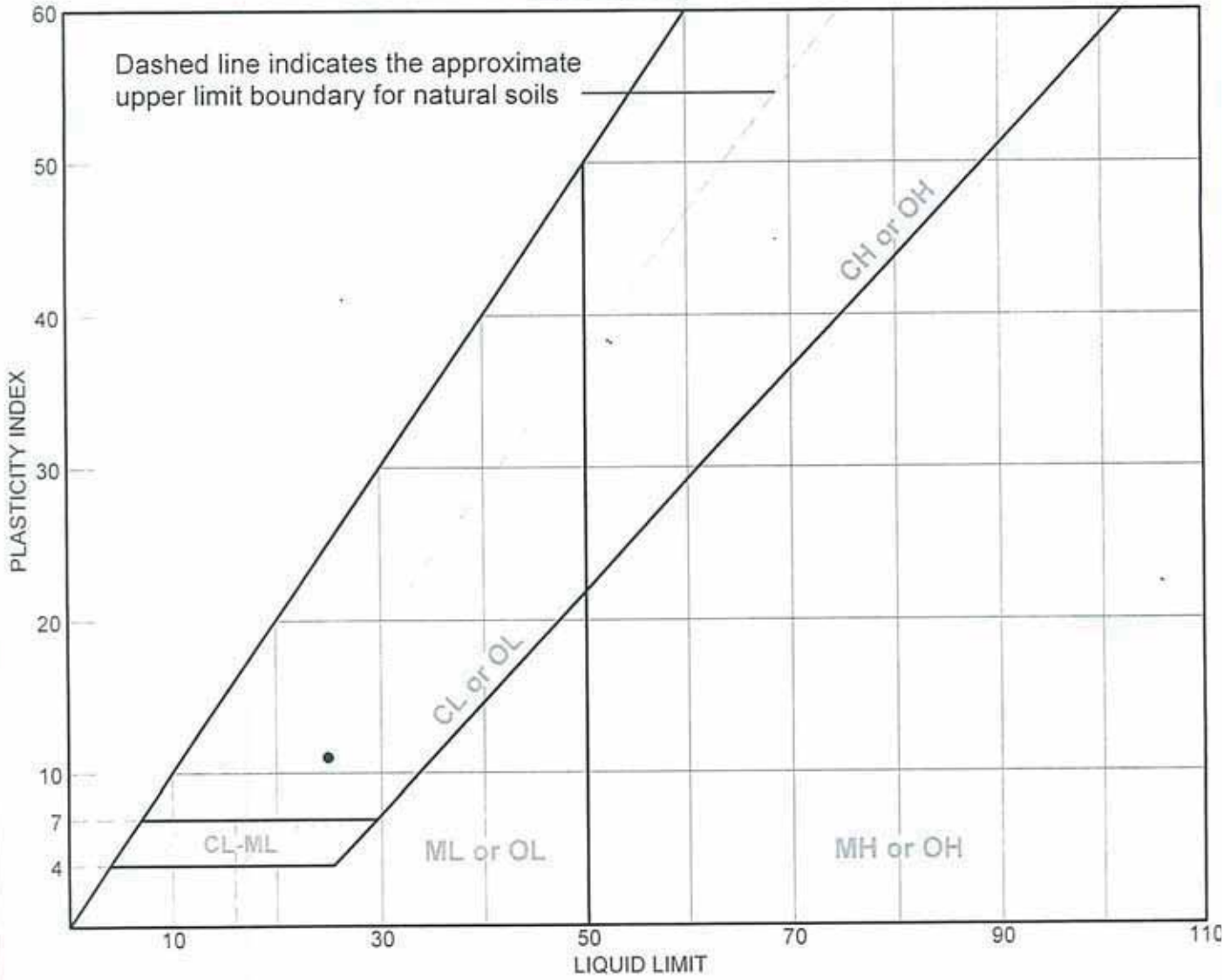
SJB SERVICES, INC. LIQUID AND PLASTIC LIMITS TEST REPORT



SOIL DATA								
SYMBOL	SOURCE	SAMPLE NO.	DEPTH (ft.)	NATURAL WATER CONTENT (%)	PLASTIC LIMIT (%)	LIQUID LIMIT (%)	PLASTICITY INDEX (%)	USCS
●	B-40	S-4	6' - 8'	12.0 %	14	25	11	

SJB SERVICES, INC.

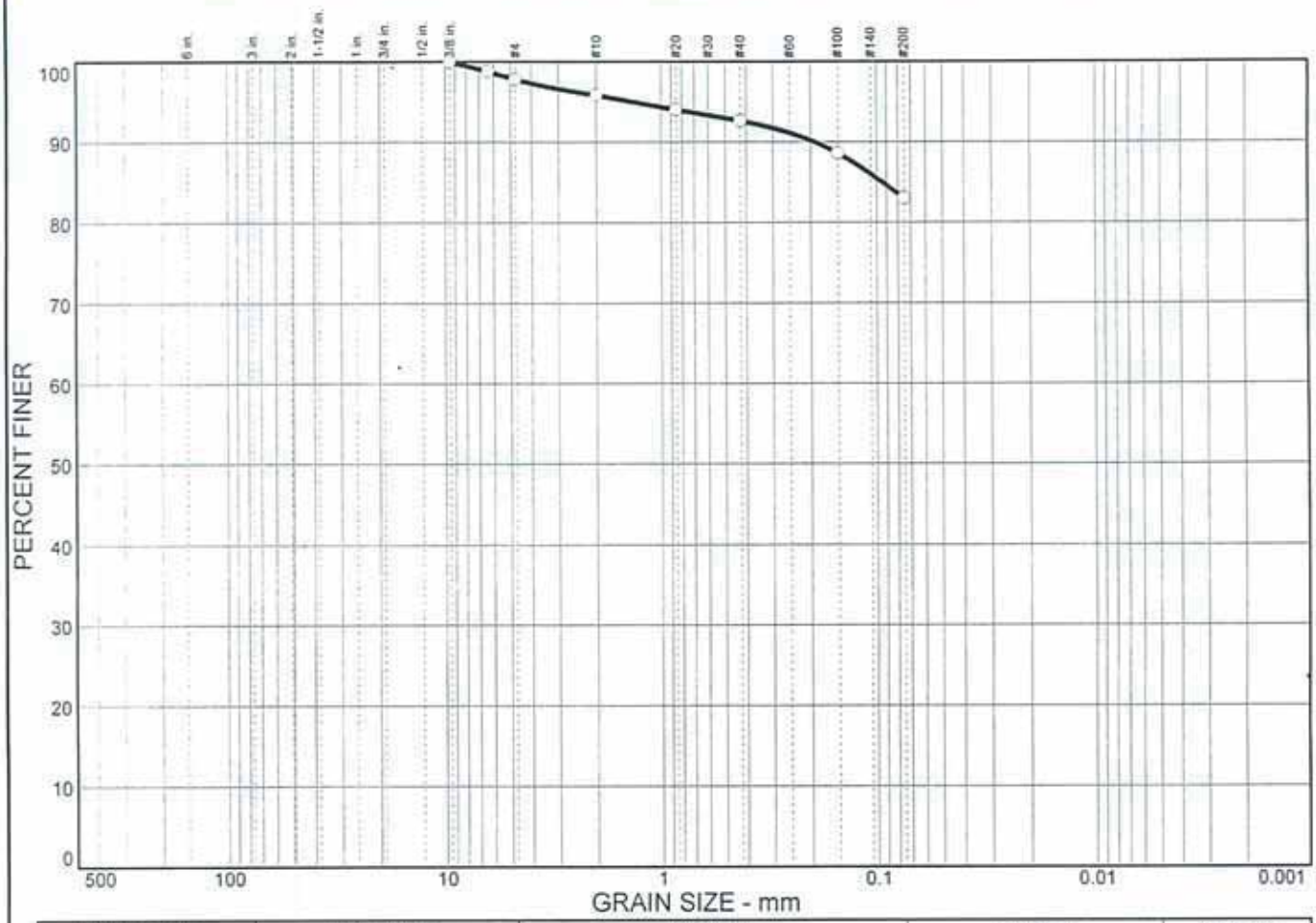
Client: MENSCH CAPITAL PARTNERS, LLC

Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT

Project No.: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ASTM C-136: Particle Size Distribution Report



% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	2.2	14.8	83.0	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
.375 in.	100.0		
.25 in.	98.8		
#4	97.8		
#10	95.8		
#20	94.0		
#40	92.6		
#100	88.6		
#200	83.0		

* (no specification provided)

Soil Description

B-40, S-4: 6' - 8'

Atterberg Limits

PL= 14 LL= 25 PI= 11

Coefficients

D_{85}= 0.0941 D_{60}= D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=

Remarks

SAMPLE NUMBER: 14-125

Sample No.: S-4 Source of Sample: B-40 Date: 2-14-14
Location: B-40, S-4: 6' - 8' Elev./Depth: 6' - 8'

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Western New York Office
5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

SJB SERVICES, INC.

Laboratory Test Report

PROJECT: Proposed Westwood Country Club Development Project

CLIENT: Mensch Capital Partners, LLC.

DATE: February 14, 2014

PROJECT NO.: BE-13-192
REPORT NO.: LTR-2

SAMPLE NUMBER: 14-126
SAMPLE LOCATION: B-46, S-3: 4' – 6'

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil & Rock
ASTM D-4318: Liquid Limit, Plastic Limit, and Plasticity Index of Soil

Moisture Content	Liquid Limit	Plastic Limit	Plasticity Index
28.1 %	61	25	36

ASTM D-427: Shrinkage Factors of Soils by the Mercury Method

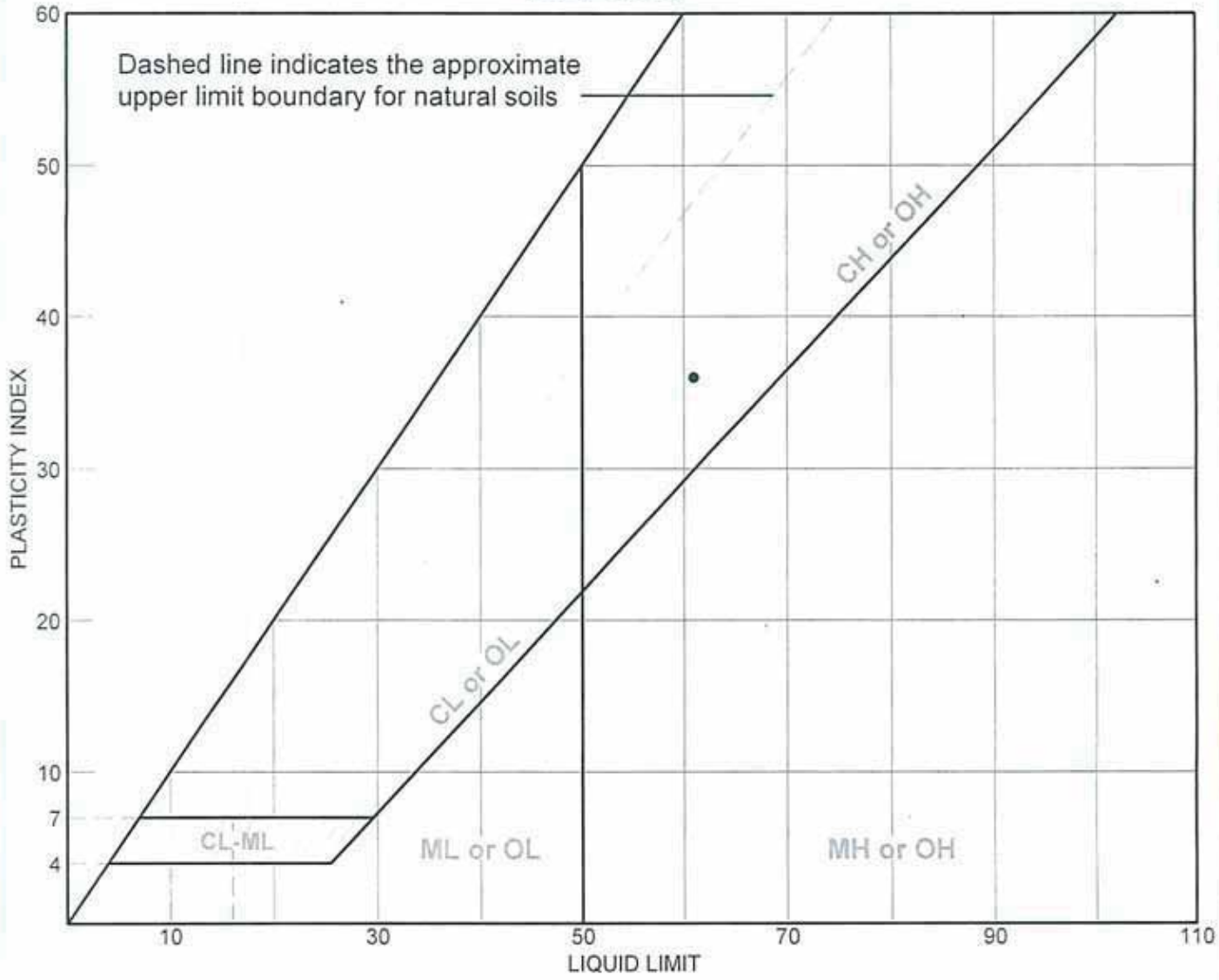
Value of Initial Water Content = 66.6 %
Value of Shrinkage Limit = 22
Value of Shrinkage Ratio = 1.65

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Sieve Size	*Percent Passing*
#4	100.0
#10	99.9
#20	99.9
#40	99.7
#100	99.4
#200	99.2

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC. LIQUID AND PLASTIC LIMITS TEST REPORT



SOIL DATA

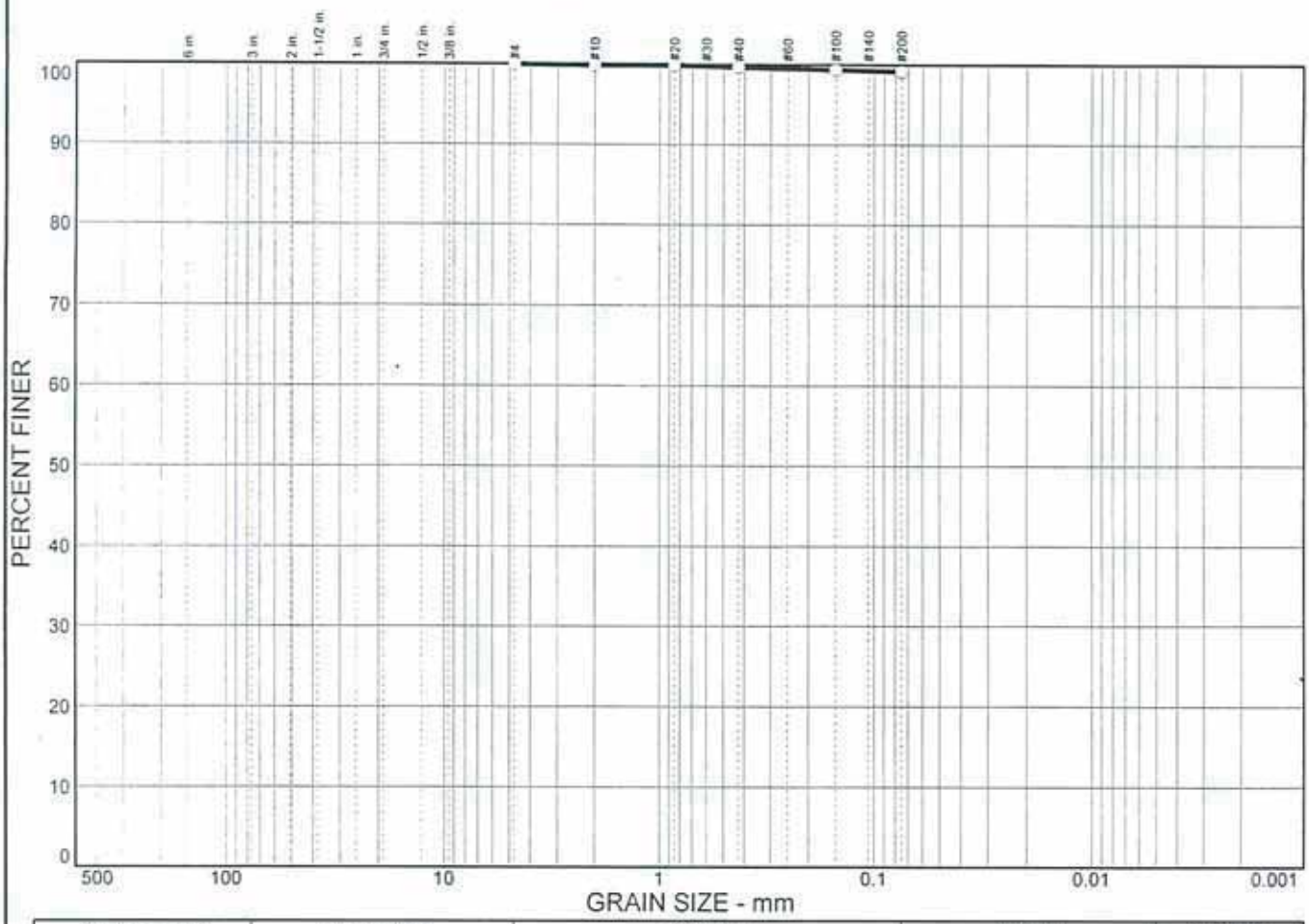
SYMBOL	SOURCE	SAMPLE NO.	DEPTH (ft.)	NATURAL WATER CONTENT (%)	PLASTIC LIMIT (%)	LIQUID LIMIT (%)	PLASTICITY INDEX (%)	USCS
●	B-46	S-3	4' - 6'	28.1 %	25	61	36	

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No.: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ASTM C-136: Particle Size Distribution Report



% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	0.0	0.8	99.2	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
#4	100.0		
#10	99.9		
#20	99.9		
#40	99.7		
#100	99.4		
#200	99.2		

* (no specification provided)

Soil Description

B-46, S-3: 4' - 6'

Atterberg Limits

PL= 25 LL= 61 PI= 36

Coefficients

D_{85}= D_{60}= D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=

Remarks

SAMPLE NUMBER: 14-126

Sample No.: S-3 Source of Sample: B-46 Date: 2-14-14
Location: B-46, S-3: 4' - 6' Elev./Depth: 4' - 6'

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Western New York
5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

SB SERVICES, INC.

Laboratory Test Report

PROJECT: Proposed Westwood Country Club Development Project

CLIENT: Mensch Capital Partners, LLC.

DATE: February 14, 2014

PROJECT NO.: BE-13-192
REPORT NO.: LTR-2

SAMPLE NUMBER: 14-127
SAMPLE LOCATION: B-48, S-5: 8' – 10'

ASTM D-2216: Laboratory Determination of Water (Moisture) Content of Soil &Rock
ASTM D-4318: Liquid Limit, Plastic Limit, and Plasticity Index of Soil

Moisture Content	Liquid Limit	Plastic Limit	Plasticity Index
11.8 %	23	13	10

ASTM D-427: Shrinkage Factors of Soils by the Mercury Method

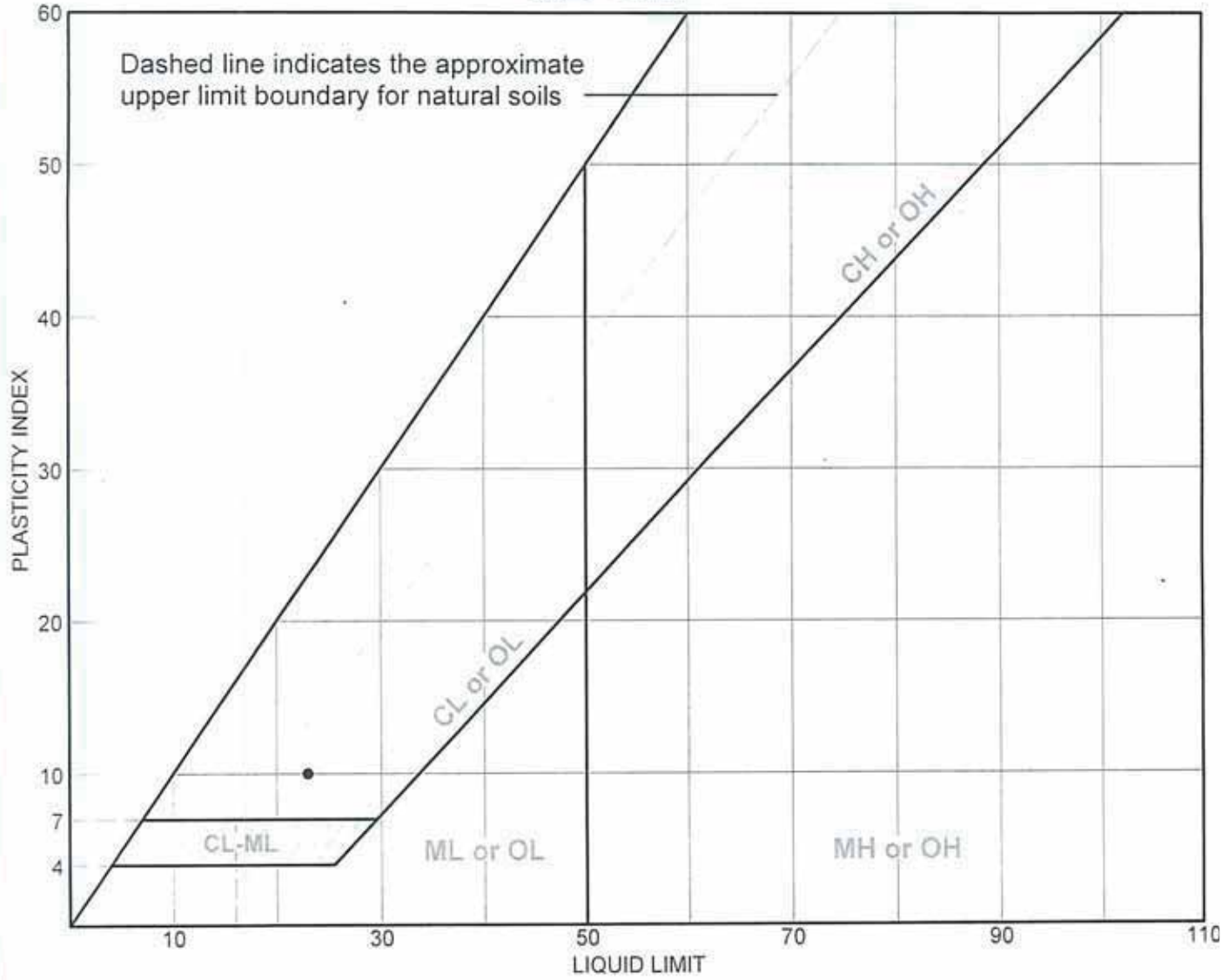
Value of Initial Water Content = 34.4 %
Value of Shrinkage Limit = 14
Value of Shrinkage Ratio = 1.94

ASTM C-136: Sieve Analysis of Fine and Coarse Aggregates

Sieve Size	*Percent Passing*
3/8"	100.0
¼"	97.9
#4	96.2
#10	93.0
#20	90.5
#40	88.5
#100	83.5
#200	77.1

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC. LIQUID AND PLASTIC LIMITS TEST REPORT



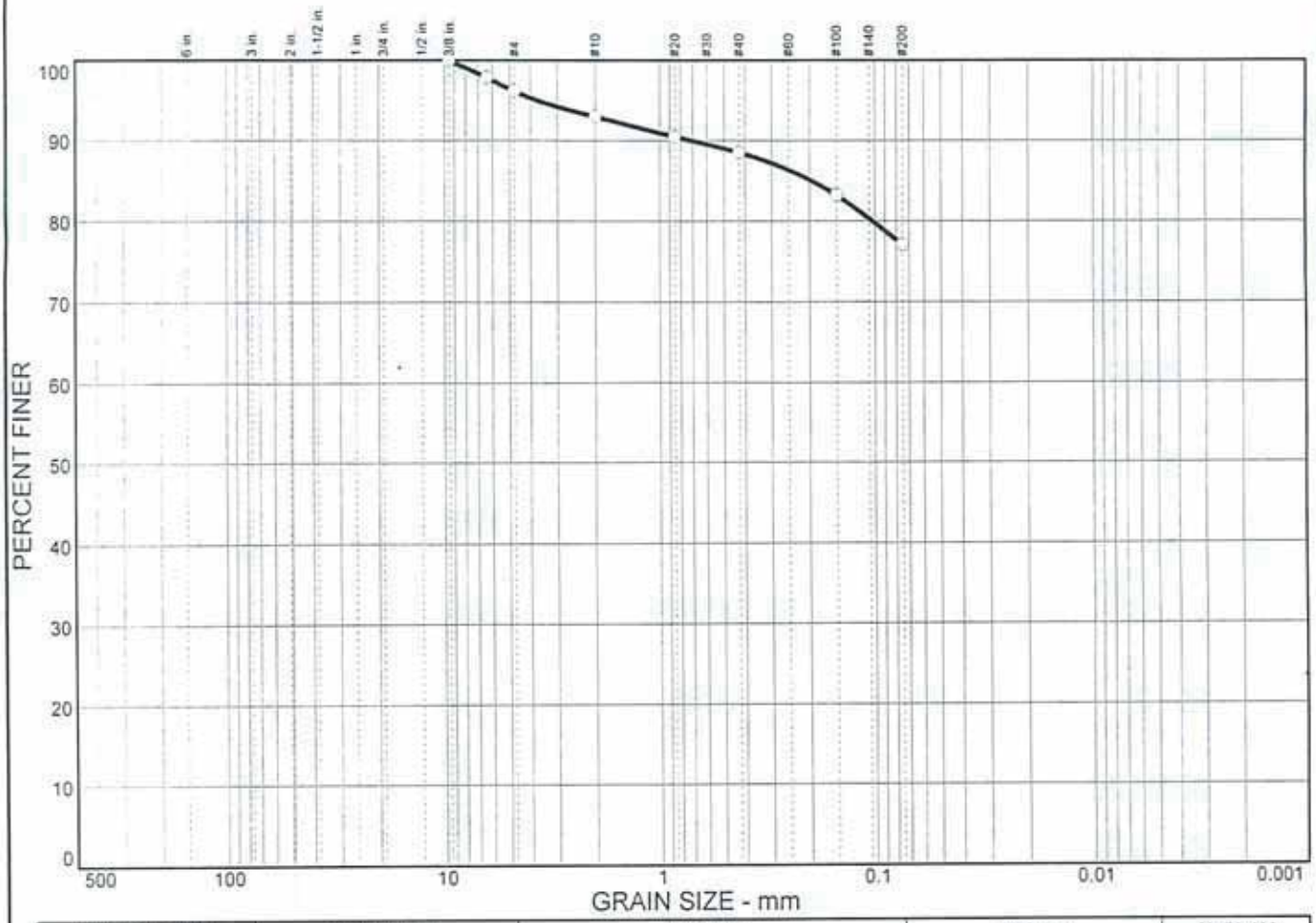
SOIL DATA								
SYMBOL	SOURCE	SAMPLE NO.	DEPTH (ft.)	NATURAL WATER CONTENT (%)	PLASTIC LIMIT (%)	LIQUID LIMIT (%)	PLASTICITY INDEX (%)	USCS
●	B-48	S-5	8' - 10'	11.8 %	13	23	10	

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No.: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ASTM C-136: Particle Size Distribution Report



% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	3.8	19.1	77.1	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
.375 in.	100.0		
.25 in.	97.9		
#4	96.2		
#10	93.0		
#20	90.5		
#40	88.5		
#100	83.2		
#200	77.1		

* (no specification provided)

Soil Description

B-48, S-5: 8' - 10'

Atterberg Limits

PL= 13 LL= 23 PI= 10

Coefficients

D_{85}= 0.196 D_{60}= D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=

Remarks

SAMPLE NUMBER: 14-128

Sample No.: S-5 Source of Sample: B-48 Date: 2-14-14
Location: B-48, S-5: 8' - 10' Elev./Depth: 8' - 10'

SJB SERVICES, INC.

Client: MENSCH CAPITAL PARTNERS, LLC
Project: WESTWOOD COUNTRY CLUB DEVELOPMENT PROJECT
Project No: BE-13-192

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC.
Contract Drilling and Testing

Rochester Office
535 Summit Point Drive
Henrietta, NY 14467
Phone: 585-359-2730
Fax: 585-359-9668

Summary of Laboratory Testing

Project:	Westwood Country Club Development Project	**Date:**	02-03-2014
Client:	Mensch Capital Partners		
Project Number:	BE-13-192		

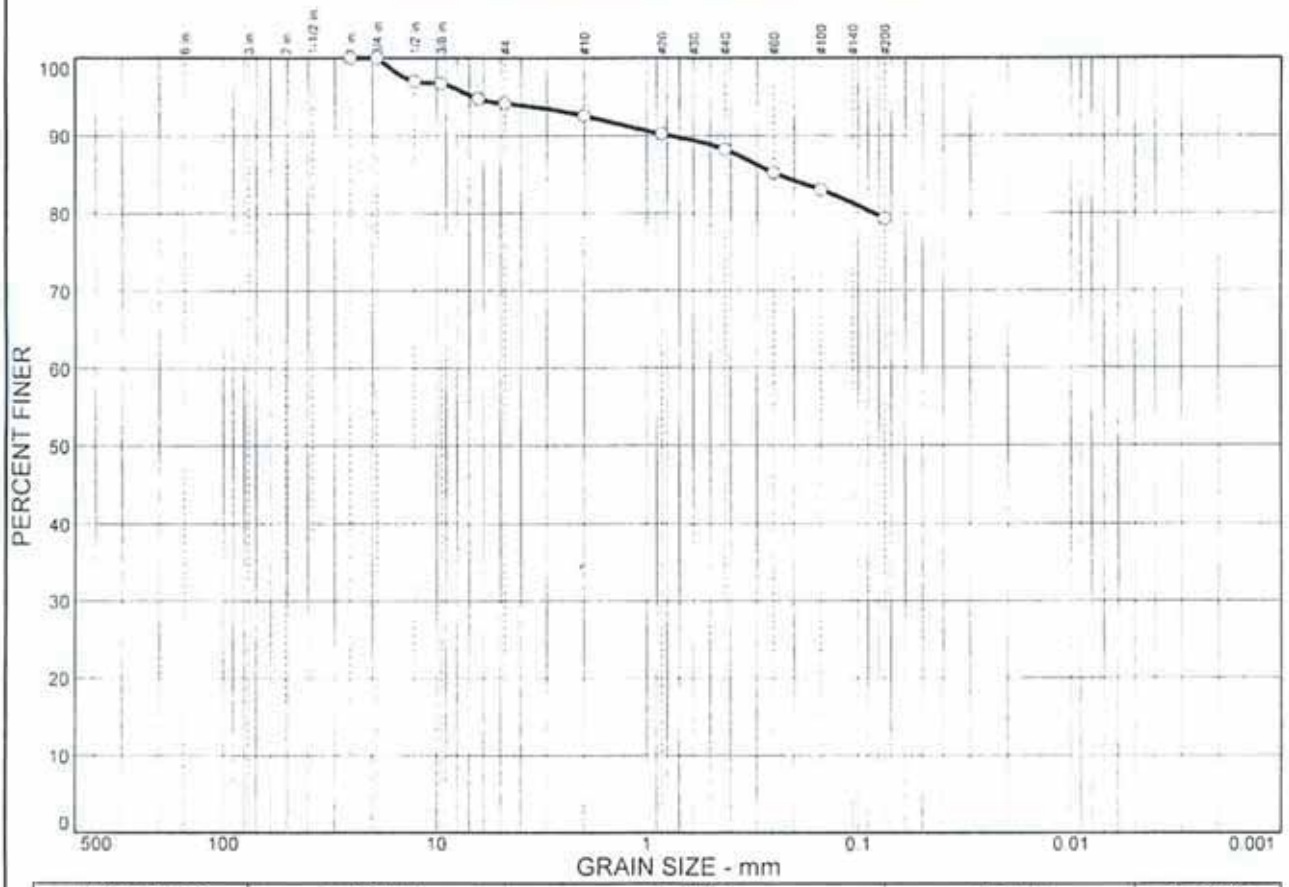
Lab Id#	Location	Depth (ft)	Moisture Content (%)
14-035	B-6, S-2	2 – 4	4.5
14-036	B-6, S-3	4 – 6	11.3
14-037	B-6, S-4	6 – 8	10.3
14-042	B-34, S-2	2 – 4	6.1
14-043	B-34, S-3	4 – 6	5.9
14-044	B-34, S-4	6 – 8	12.0
14-045	B-34, S-5	8 – 10	10.1

SJB Laboratory Technician: William Gilmore

Respectfully submitted:
SJB Services, Inc.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Particle Size Distribution Report



% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	5.8	14.9	79.3	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
1 in.	100.0		
3/4 in.	100.0		
1/2 in.	97.0		
3/8 in.	96.7		
1/4 in.	94.8		
#4	94.2		
#10	92.6		
#20	90.2		
#40	88.2		
#60	85.2		
#100	83.0		
#200	79.3		

* (no specification provided)

Soil Description

Fines, Little Sand, Trace Gravel

Atterberg Limits

PL= LL= PI=

Coefficients

D_{85}= 0.240 D_{60}= D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=

Remarks

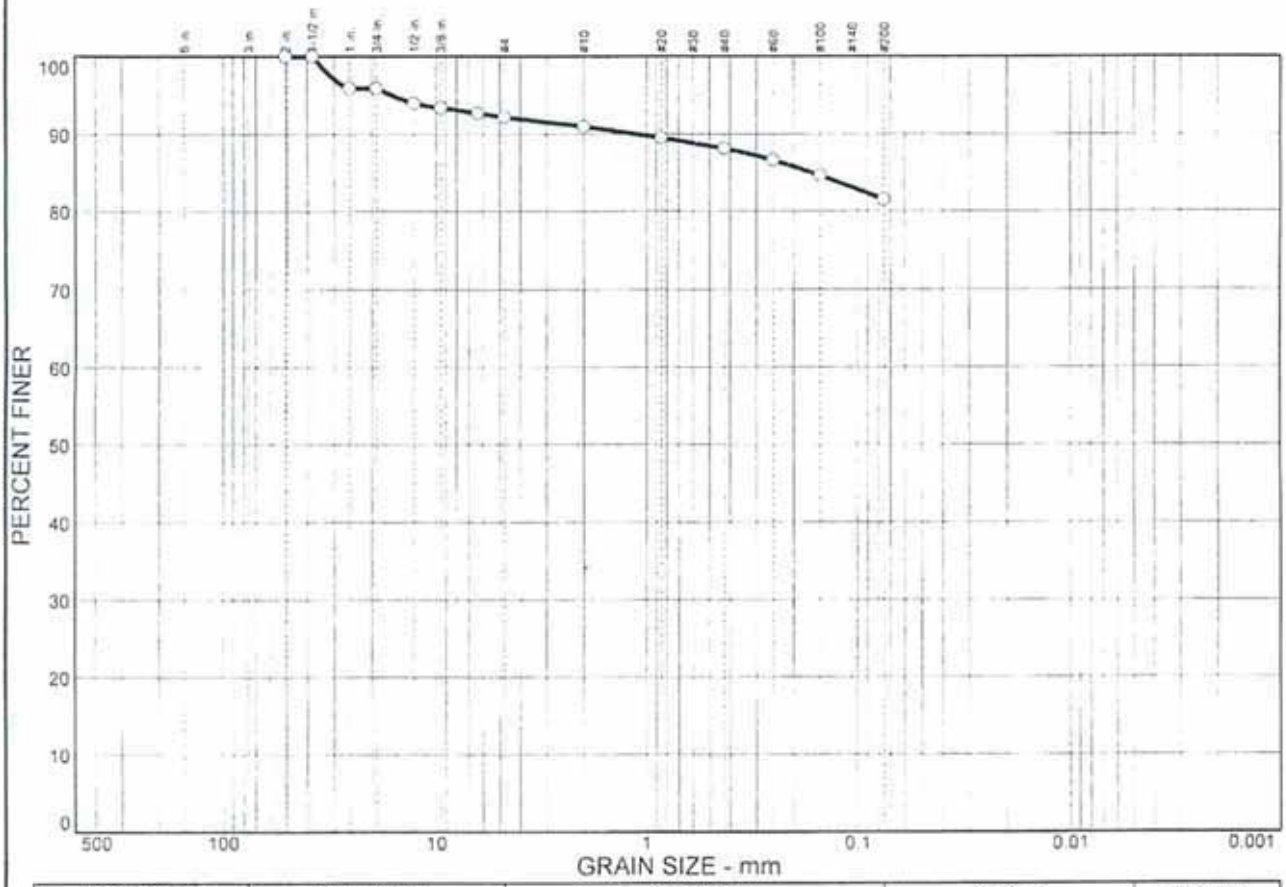
Sample No.: 14-038 Source of Sample: B-6 Date: 02-03-2014
Location: B-6 Elev./Depth: 2' - 8'

SJB SERVICES, INC.

Client: Mensch Capital Partners
Project: Westwood Country Club development Project
Project No: BE-13-192 Plate 14-038

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Particle Size Distribution Report



% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	7.8	10.7	81.5	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
2 in.	100.0		
1.5 in.	100.0		
1 in.	95.9		
3/4 in.	95.9		
1/2 in.	94.0		
3/8 in.	93.4		
1/4 in.	92.7		
#4	92.2		
#10	91.0		
#20	89.5		
#40	88.1		
#60	86.6		
#100	84.6		
#200	81.5		

* (no specification provided)

Soil Description

Fines, Trace Sand, Trace Gravel

Atterberg Limits

PL= LL= PI=

Coefficients

D_{85}= 0.165 D_{60}= D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=

Remarks

Sample No.: 14-046 Source of Sample: B-34 Date: 02-03-2014
Location: B-34 Elev./Depth: 2' - 10'

SJB SERVICES, INC.

Client: Mensch Capital Partners
Project: Westwood Country Club development Project
Project No: BE-13-192 Plate 14-046

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Rochester Office
535 Summit Point Drive
Henrietta, NY 14467

LABORATORY D.I.P.R.A. TESTS

Project: Westwood Country Club

Project Number: BE-13-192

Town /City: N/A

Date: 02-03-2014

Client: Mensch Capital Partners

Technician: William Gilmore

Summary of Laboratory Analysis Soil

Lab ID:	Location:	Resistivity (Ohm-cm)	Redox (mv)	PH	Sulfides (+,T,-)	% Moisture Content (wet, moist, dry)	TOTAL POINTS
		Points	*Points*	*Points*	*Points*	*Points*	
14-038	B-6 Composite	*15,000*	*-35.2*	*6.95*	-	*Moist (9.5%)*	6
	Depth = 2' – 8'	*0*	*5*	*0*	*0*	*1*	
14-046	B-34 Composite	*11,500*	*-22.6*	*6.35*	-	*Moist (8.9%)*	6
	Depth = 2' – 10'	*0*	*5*	*0*	*0*	*1*	

Per the Ductile Iron Pipe Research Association (DIPRA), point totals 10 or greater should be considered for Cathodic Protection.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Contract
Drilling
and
Testing

Rochester Office
535 Summit Point Drive
Henrietta, NY 14467
Phone: 585-359-2730
Fax: 585-359-9668

Summary of Laboratory Testing

Project:	Westwood Country Club Development Project	**Date:**	02-03-2014
Client:	Mensch Capital Project		
Project Number:	BE-13-192		

Lab#	Location	Depth (Feet)	Chlorides (ppm)	Sulfates (ppm)
14-038	B-6 Composite	2 – 8	15	ND
14-046	B-34 Composite	2 –10	10	ND

SJB Laboratory Technician: William Gilmore

Respectfully submitted:
SJB Services, Inc.

Chuck Guzzetta
District Manager

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC.
Contract Drilling and Testing

Rochester Office
535 Summit Point Drive
Henrietta, NY 14467
Phone: 585-359-2730
Fax: 585-359-9668

Summary of Laboratory Testing

Project: Proposed Westwood Country Club Development Project **Date:** 02-24-2014
Client: Mensch Capital Partners, LLC
Project Number:

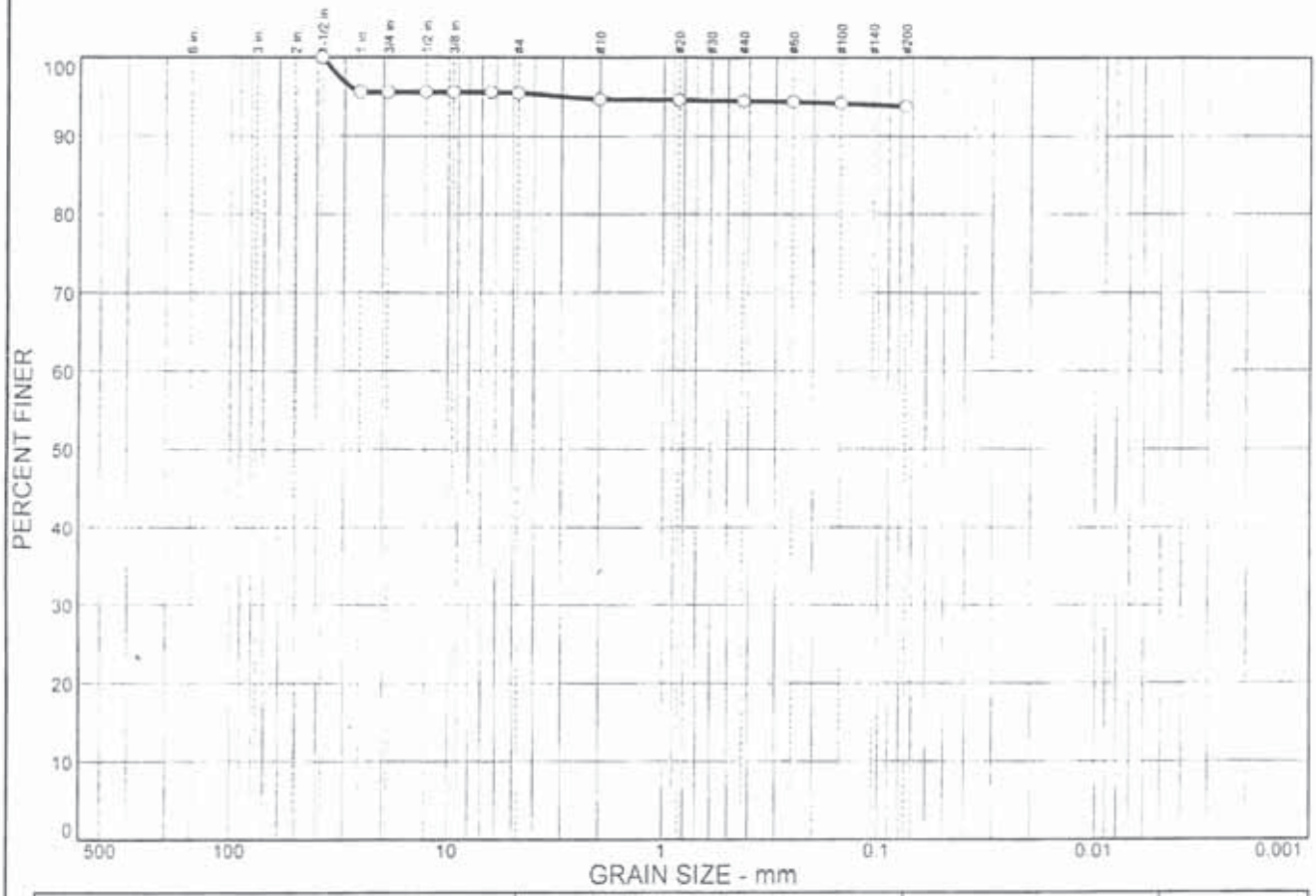
Lab Id#	Location	Depth (ft)	Moisture Content (%)
14-121	B-45	2 – 4	23.1
14-122	B-45	4 – 6	23.4
14-123	B-45	6 – 8	28.6
14-124	B-45	8 – 10	20.2
14-125	B-45	2 – 10	23.9

SJB Laboratory Technician: William Gilmore

Respectfully submitted:
SJB Services, Inc.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Particle Size Distribution Report



% COBBLES	% GRAVEL	% SAND	% SILT	% CLAY
0.0	4.5	1.7	93.8	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
1.5 in.	100.0		
1 in.	95.6		
3/4 in.	95.6		
1/2 in.	95.6		
3/8 in.	95.6		
1/4 in.	95.6		
#4	95.5		
#10	94.7		
#20	94.6		
#40	94.5		
#60	94.4		
#100	94.2		
#200	93.8		

* (no specification provided)

Soil Description

Fines, Trace Gravel, Trace Sand

Atterberg Limits

PL= LL= PI=

Coefficients

D_{85}= D_{60}= D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= AASHTO=

Remarks

Sample No.: 14-125 Source of Sample: B-45 Composite Date: 02-24-2014
Location: B-45 Composite Elev./Depth: 2' - 10'

SJB SERVICES, INC.

Client: Mensch Capital Partners
Project: Westwood Country Club development Project
Project No: BE-13-192 Plate 14-125

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Rochester Office
535 Summit Point Drive
Henrietta, NY 14467

LABORATORY D.I.P.R.A. TESTS

Project: Westwood Country Club

Project Number: BE-13-192

Town /City: N/A

Date: 02-24-2014

Client: Mensch Capital Partners

Technician: William Gilmore

Summary of Laboratory Analysis Soil

Lab ID:	Location:	Resistivity (Ohm-cm)	Redox (mv)	PH	Sulfides (+,T,-)	% Moisture Content (wet, moist, dry)	TOTAL POINTS
		Points	*Points*	*Points*	*Points*	*Points*	
14-125	B-45 Composite	*2,700*	*9.0*	*7.55*	-	*Wet (23.9%)*	7
	Depth = 2' – 10'	*1*	*4*	*0*	*0*	2	

Per the Ductile Iron Pipe Research Association (DIPRA), point totals 10 or greater should be considered for Cathodic Protection.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SJB SERVICES, INC.
Contract Drilling and Testing

Rochester Office
535 Summit Point Drive
Henrietta, NY 14467
Phone: 585-359-2730
Fax: 585-359-9668

Summary of Laboratory Testing

Project: Westwood Country Club Development Project **Date:** 02-24-2014
Client: Mensch Capital Project
Project Number: BE-13-192

Lab#	Location	Depth (Feet)	Chlorides (ppm)	Sulfates (ppm)
14-125	B-6 Composite	2 –10	18	ND

SJB Laboratory Technician: William Gilmore

Respectfully submitted:
SJB Services, Inc.

Chuck Guzzetta
District Manager

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

APPENDIX C

EXISTING SITE INFORMATION

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

APPENDIX C1

SOIL SURVEY INFORMATION

Unified Soil Classification (Surface)—Erie County, New York
(Westwood Country Club)

Map Scale: 1:8,660 if printed on A portrait (8.5" x 11") sheet.

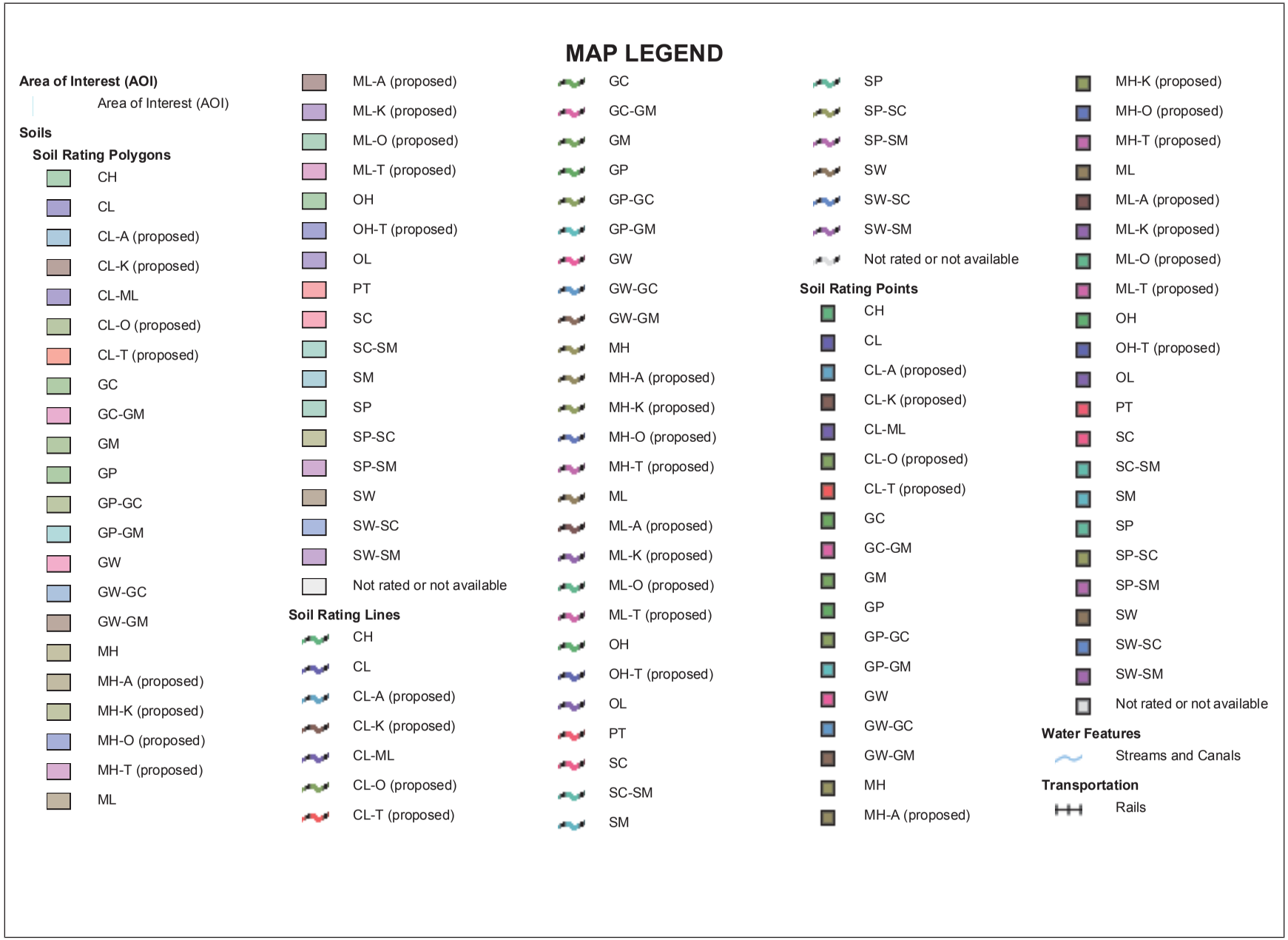
N

Meters
0 100 200 400 600

Feet
0 400 800 1600 2400

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)



Packet Pg. 712
13.A.3.a
Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

MAP INFORMATION

Interstate Highways

US Routes

Major Roads

Local Roads

Background

Aerial Photography

The soil surveys that comprise your AOI were mapped at 1:15,800.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Erie County, New York
Survey Area Data: Version 11, Dec 1, 2011

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 2, 2010—Jul 1, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Packet Pg. 713
13.A.3.a
Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Unified Soil Classification (Surface)

Unified Soil Classification (Surface)— Summary by Map Unit — Erie County, New York (NY029)				
Map unit symbol	**Map unit name**	**Rating**	**Acres in AOI**	**Percent of AOI**
CrA	Claverack loamy fine sand, 0 to 3 percent slopes	SM	36.1	14.9%
Cv	Cosad loamy fine sand	SM	25.9	10.7%
La	Lakemont silt loam	CL	8.2	3.4%
Od	Odessa silt loam	ML	77.6	32.0%
SaA	Schoharie silt loam, 0 to 3 percent slopes	CL	7.4	3.1%
SaB	Schoharie silt loam, 3 to 8 percent slopes	CL	41.8	17.2%
Sw	Swormville clay loam	CL	8.2	3.4%
Te	Teel silt loam	CL	15.4	6.3%
Ut	Urban land-Odessa complex		13.4	5.5%
W	Water		2.9	1.2%
Wd	Wayland silt loam	ML	5.9	2.4%
Totals for Area of Interest			**242.8**	**100.0%**

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Description

The Unified soil classification system classifies mineral and organic mineral soils for engineering purposes on the basis of particle-size characteristics, liquid limit, and plasticity index. It identifies three major soil divisions: (i) coarse-grained soils having less than 50 percent, by weight, particles smaller than 0.074 mm in diameter; (ii) fine-grained soils having 50 percent or more, by weight, particles smaller than 0.074 mm in diameter; and (iii) highly organic soils that demonstrate certain organic characteristics. These divisions are further subdivided into a total of 15 basic soil groups. The major soil divisions and basic soil groups are determined on the basis of estimated or measured values for grain-size distribution and Atterberg limits. ASTM D 2487 shows the criteria chart used for classifying soil in the Unified system and the 15 basic soil groups of the system and the plasticity chart for the Unified system.

The various groupings of this classification correlate in a general way with the engineering behavior of soils. This correlation provides a useful first step in any field or laboratory investigation for engineering purposes. It can serve to make some general interpretations relating to probable performance of the soil for engineering uses.

For each soil horizon in the database one or more Unified soil classifications may be listed. One is marked as the representative or most commonly occurring. The representative classification is shown here for the surface layer of the soil.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: *None Specified*

Tie-break Rule: Lower

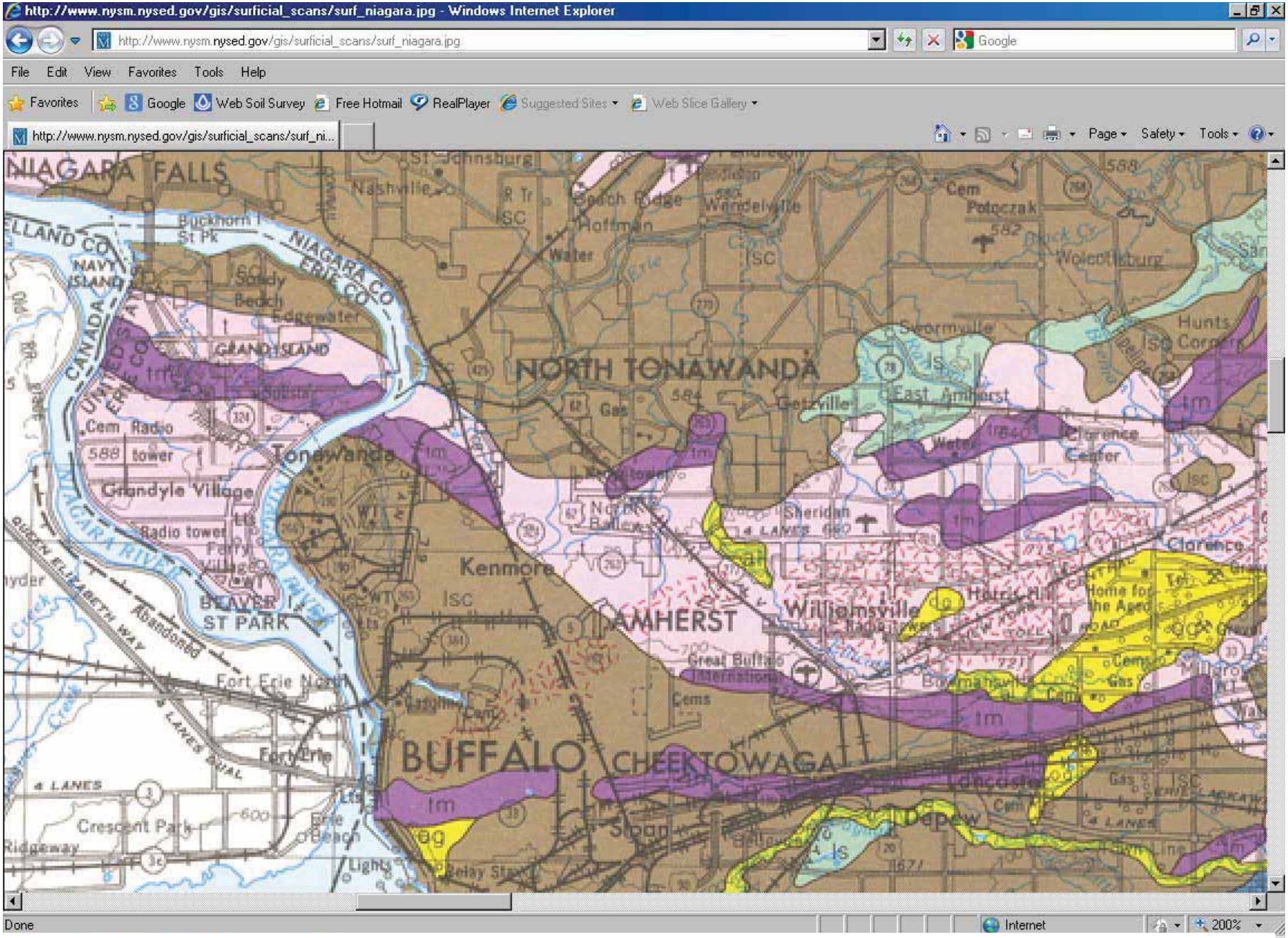
Layer Options (Horizon Aggregation Method): Surface Layer (Not applicable)

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

APPENDIX C2

SURFICIAL AND BEDROCK GEOLOGY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NORTH TONAWANDA
AMHERST
BUFFALO
CHEEKTOWAGA
Tonawanda
Kenmore
Williamsville
Clarence
Grandyle Village
BEAVER ISLAND ST PARK
Crescent Park
Fort Erie
Sheridan
Getzville
East Amherst
Clarence Center
Hunts Corners
Wolcottsburg
Swormville
Nashville
Hoffman
Potoczak
Sandy Beach
Edgewater
GRAND ISLAND
NAVY ISLAND
Buckhorn St Pk
NIAGARA CO
ERIE CO
CANADA
Radio tower
Ferry Village
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Home for the Aged
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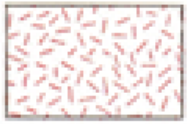
generally more permeable than till,
deposition adjacent to ice,
more variably drained,
may include ablation till,
thickness variable (10–30 meters).

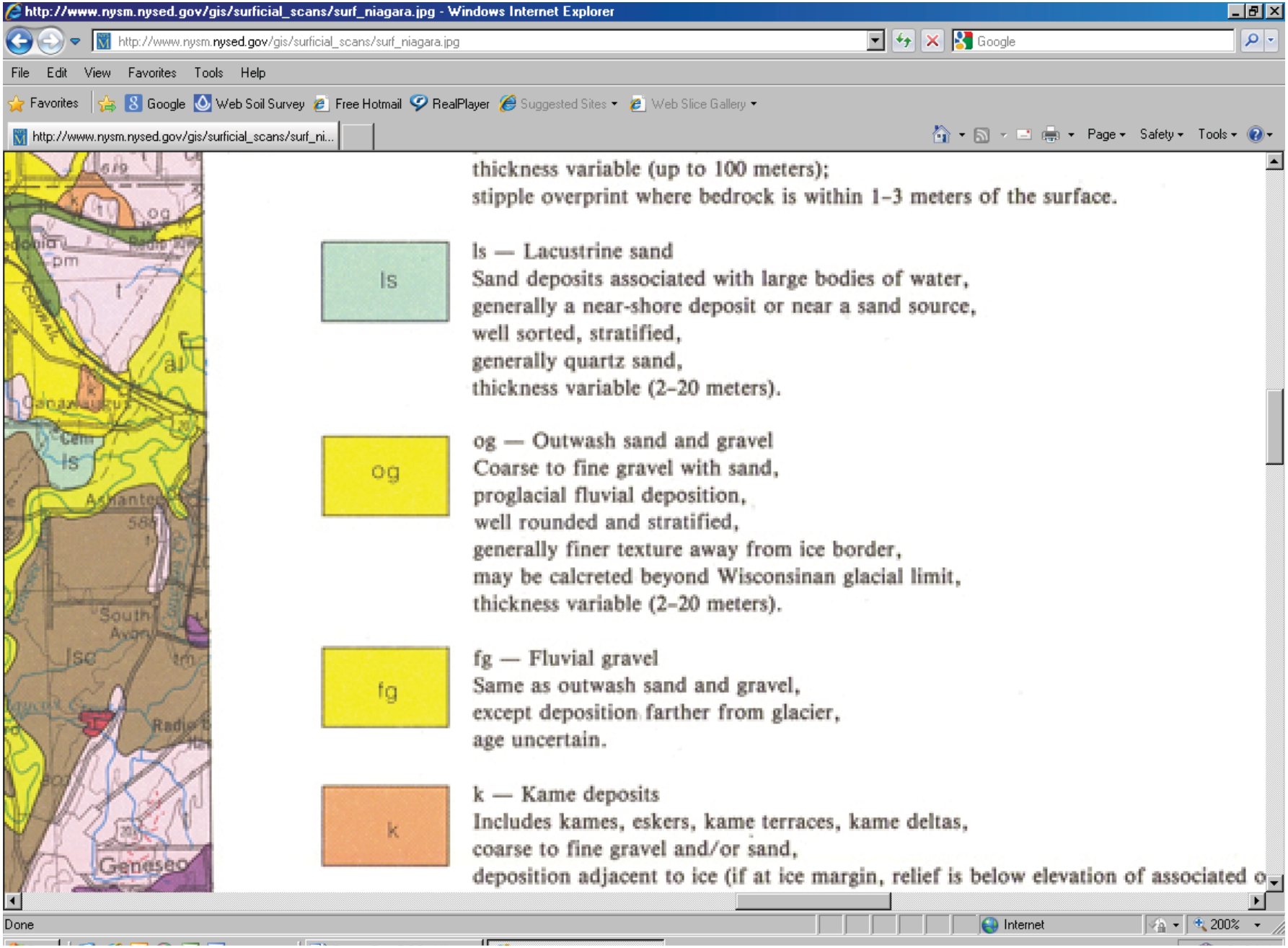
t — Till
Variable texture (e.g. clay, silt-clay, boulder clay),
usually poorly sorted diamict,
deposition beneath glacier ice,
relatively impermeable (loamy matrix),
variable clast content — ranging from abundant well-rounded diverse lithologies in valley tills to relatively angular, more limited lithologies in upland tills, tends to be sandy in areas underlain by gneiss or sandstone,
potential land instability on steep slopes,
thickness variable (1–50 meters).

r — Bedrock
Exposed or generally within 1 meter of the surface.



Bedrock stipple overprint
Bedrock may be within 1–3 meters of the surface,
may sporadically crop out,
variable mantle of rock debris and glacial till.

MAP SYMBOLS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thickness variable (up to 100 meters);
stipple overprint where bedrock is within 1–3 meters of the surface.
ls
ls — Lacustrine sand
Sand deposits associated with large bodies of water,
generally a near-shore deposit or near a sand source,
well sorted, stratified,
generally quartz sand,
thickness variable (2–20 meters).
og
og — Outwash sand and gravel
Coarse to fine gravel with sand,
proglacial fluvial deposition,
well rounded and stratified,
generally finer texture away from ice border,
may be calcreted beyond Wisconsinan glacial limit,
thickness variable (2–20 meters).
fg
fg — Fluvial gravel
Same as outwash sand and gravel,
except deposition farther from glacier,
age uncertain.
k
k — Kame deposits
Includes kames, eskers, kame terraces, kame deltas,
coarse to fine gravel and/or sand,
deposition adjacent to ice (if at ice margin, relief is below elevation of associated o
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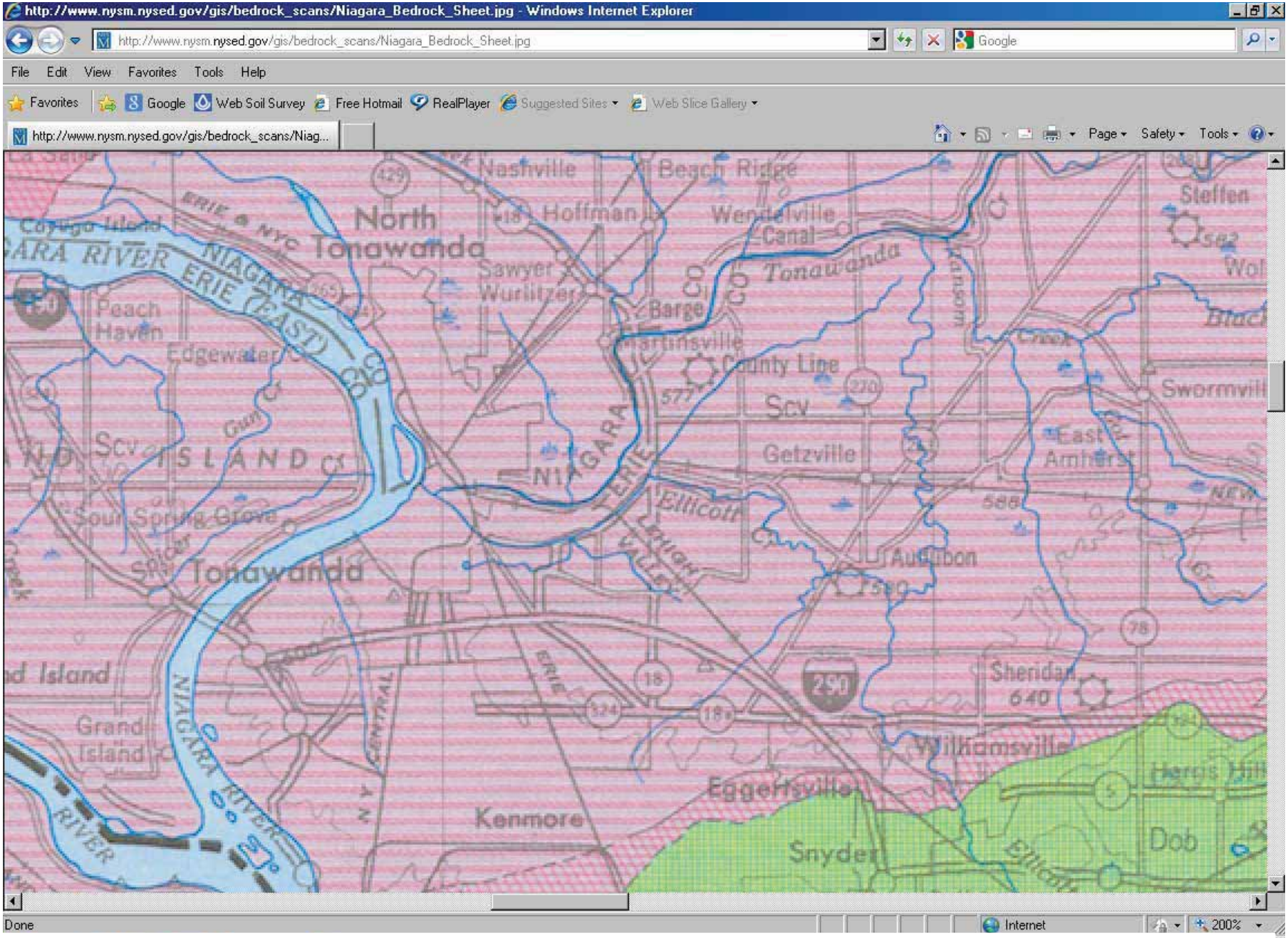
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Nashville
Beach Ridge
Hoffman
Wendelville
Canal
Steffen
North Tonawanda
Tonawanda
Sawyer
Wurlitzer
Barge
Martinsville
County Line
Peach Haven
Edgewater
Getzville
East Amherst
Swormville
Grand Island
Tonawanda
Ellicott
Audubon
Sheridan
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Williamsville
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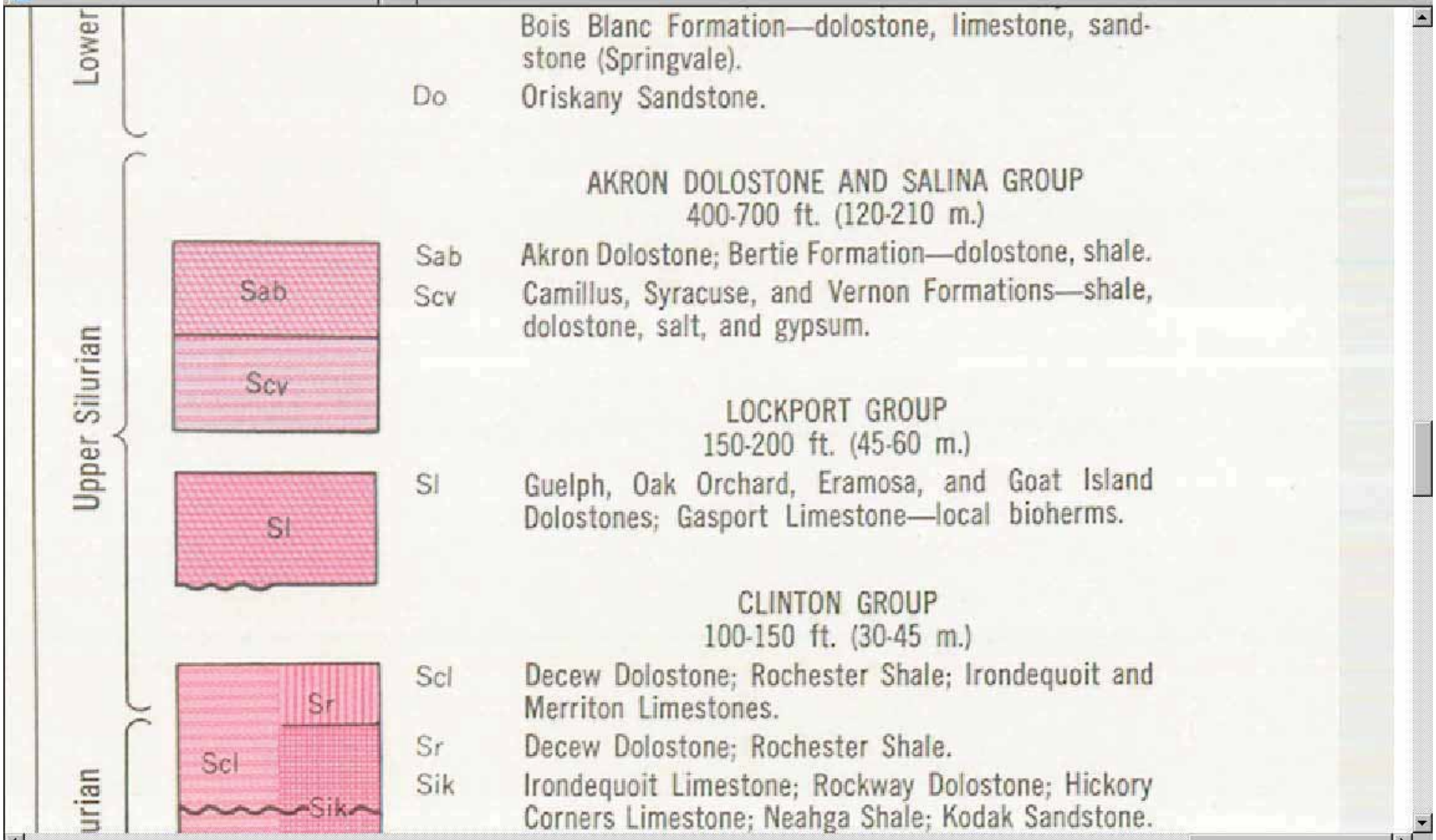

Bois Blanc Formation—dolostone, limestone, sandstone (Springvale).

Do Oriskany Sandstone.

AKRON DOLOSTONE AND SALINA GROUP
400-700 ft. (120-210 m.)

Sab Akron Dolostone; Bertie Formation—dolostone, shale.

Scv Camillus, Syracuse, and Vernon Formations—shale, dolostone, salt, and gypsum.

LOCKPORT GROUP
150-200 ft. (45-60 m.)

Sl Guelph, Oak Orchard, Eramosa, and Goat Island Dolostones; Gasport Limestone—local bioherms.

CLINTON GROUP
100-150 ft. (30-45 m.)

Scl Decew Dolostone; Rochester Shale; Irondequoit and Merriton Limestones.

Sr Decew Dolostone; Rochester Shale.

Sik Irondequoit Limestone; Rockway Dolostone; Hickory Corners Limestone; Neahga Shale; Kodak Sandstone.

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APPENDIX C3

FLOOD PLAIN MAPPING

Erie County On-Line Mapping System

Legend

- Base Flood Elevation
- Flood Hazard Lines
  - <all other values>
  - 0.2 PCT ANNUAL CHANCE FLOO
  - 0.2 PCT ANNUAL CHANCE FLOO
  - 1 PCT ANNUAL CHANCE FLOOD
  - 1 PCT ANNUAL CHNACE FLOOD
  - APPARENT LIMIT
  - AREA NOT INCLUDED
  - END OF SPATIAL EXTENT
  - FLOODWAY
  - ZONE BREAK/ FLOODWAY
  - FLOWAGE EASEMENT BOUNDAI
  - LIMIT OF DETAILED STUDY
  - LIMIT OF DETAILED STUDY/ ZON
  - LIMIT OF FLOODWAY
  - LIMIT OF FLOODWAY/ ZONE BRE
  - LIMIT OF STUDY
  - SOURCE BOUNDARY
  - STATE ENCROACHEMENT LINE
  - ZONE BREAK
  - ZONE D
  - Not Printed / ZONE D
- Cross Section Lines
- Streets and Highways
  - Interstate
  - Primary State Road
  - Secondary State Road
  - County Road
  - Local Road
- Parcels

1: 10,476

Notes

Enter Map Description

.3 0 0.17 0.3 Miles

rie County and its officials and employees assume no responsibility or legal liability for the accuracy, completeness, liability, timeliness, or usefulness of any information provided. Tax parcel data was prepared for tax purposes only and not to

ERIE COUNTY, NEW YORK
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GEOGRAPHIC INFORMATION SERVICES

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APPENDIX D

GEOTECHNICAL REPORT LIMITATIONS

GEOTECHNICAL REPORT LIMITATIONS

Empire Geo-Services, Inc. (Empire) has endeavored to meet the generally accepted standard of care for the services completed, and in doing so is obliged to advise the geotechnical report user of our report limitations. Empire believes that providing information about the report preparation and limitations is essential to help the user reduce geotechnical-related delays, cost over-runs, and other problems that can develop during the design and construction process. Empire would be pleased to answer any questions regarding the following limitations and use of our report to assist the user in assessing risks and planning for site development and construction.

PROJECT SPECIFIC FACTORS: The conclusions and recommendations provided in our geotechnical report were prepared based on project specific factors described in the report, such as size, loading, and intended use of structures; general configuration of structures, roadways, and parking lots; existing and proposed site grading; and any other pertinent project information. Changes to the project details may alter the factors considered in development of the report conclusions and recommendations. *Accordingly, Empire cannot accept responsibility for problems which may develop if we are not consulted regarding any changes to the project specific factors that were assumed during the report preparation.*

SUBSURFACE CONDITIONS: The site exploration investigated subsurface conditions only at discrete test locations. Empire has used judgement to infer subsurface conditions between the discrete test locations, and on this basis the conclusions and recommendations in our geotechnical report were developed. It should be understood that the overall subsurface conditions inferred by Empire may vary from those revealed during construction, and these variations may impact on the assumptions made in developing the report conclusions and recommendations. *For this reason, Empire should be retained during construction to confirm that conditions are as expected, and to refine our conclusions and recommendations in the event that conditions are encountered that were not disclosed during the site exploration program.*

USE OF GEOTECHNICAL REPORT: Unless indicated otherwise, our geotechnical report has been prepared for the use of our client for specific application to the site and project conditions described in the report. *Without consulting with Empire, our geotechnical report should not be applied by any party to other sites or for any uses other than those originally intended.*

CHANGES IN SITE CONDITIONS: Surface and subsurface conditions are subject to change at a project site subsequent to preparation of the geotechnical report. Changes may include, but are not limited to, floods, earthquakes, groundwater fluctuations, and construction activities at the site and/or adjoining properties. *Empire should be informed of any such changes to determine if additional investigative and/or evaluation work is warranted.*

MISINTERPRETATION OF REPORT: The conclusions and recommendations contained in our geotechnical report are subject to misinterpretation. *To limit this possibility, Empire should review project plans and specifications relative to geotechnical issues to confirm that the recommendations contained in our report have been properly interpreted and applied.*

Subsurface exploration logs and other report data are also subject to misinterpretation by others if they are separated from the geotechnical report. This often occurs when copies of logs are given to contractors during the bid preparation process. *To minimize the potential for misinterpretation, the subsurface logs should not be separated from our geotechnical report and the use of excerpted or incomplete portions of the report should be avoided.*

OTHER LIMITATIONS: Geotechnical engineering is less exact than other design disciplines, as it is based partly on judgement and opinion. For this reason, our geotechnical report may include clauses that identify the limits of Empire's responsibility, or that may describe other limitations specific to a project. These clauses are intended to help all parties recognize their responsibilities and to assist them in assessing risks and decision making. Empire would be pleased to discuss these clauses and to answer any questions that may arise.

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Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

APPENDIX B

HEALTH AND SAFETY PLAN

Health and Safety Plan
for
Amherst Central Park-South

Amherst Central Park-South
772 North Forest Road
Amherst, Erie County, New York

Prepared by

C&S Engineers, Inc.
141 Elm Street, Suite 100
Buffalo, New York 14203

December, 2023

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EMERGENCY PHONE NUMBERS

Emergency Medical Service 911

Police Department.....911

Fire Department.....911

Millard Fillmore Suburban Hospital.....(716) 568-3600

National Response Center .....(800) 424-8802

Poison Control Center .....(800) 222-1222

Center for Disease Control .....(800) 311-3435

NYSDEC Region 9 (Buffalo, New York).....(716) 851-7201

C&S Engineers.....(315) 455-2000

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FIGURES

Figure 1 Site Location
Figure 2 Site Detail

Attachment A – Map and Directions to Hospital

Appendix A – Guidance on Incident Investigation and Reporting

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SECTION 1 – GENERAL INFORMATION

This Health and Safety Plan (HASP) addresses health and safety considerations for the activities that personnel employed by C&S Engineers, Inc., (C&S) may be engaged in during site investigation at the Amherst Central Park- South located in Amherst, New York (Site). **Figure 1** and **Figure 2** shows the location and layout of the Site. This HASP will be implemented by the Health and Safety Officer (HSO) during site work.

Compliance with this HASP is required of C&S personnel who enter this Site. The content of the HASP may change or undergo revision based upon additional information made available to the health, safety, and training (H&S) committee, monitoring results or changes in the technical scope of work. Any changes proposed must be reviewed by the H&S committee.

1.1 Responsibilities

Project Manager……	Dan Riker Phone: (716) 847-1630
Health and Safety Manager……	Brent Testut Phone: (315) 703-4376 Cell: (707) 631-8846
Site Health and Safety Officer……..	Cody Martin Phone: (716) 955-3021
Emergency Coordinator……..	Cody Martin Phone: (716) 955-3021

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SECTION 2 - HEALTH AND SAFETY PERSONNEL

The following information briefly describes the health and safety designations and general responsibilities for this Site.

2.1 Project Manager (PM)

The PM is responsible for the overall project including the implementation of the HASP. Specifically, this includes allocating adequate manpower, equipment, and time resources to conduct Site activities safely.

2.2 Health and Safety Manager

- Has the overall responsibility for coordinating and reporting health and safety activities and the health and safety of Site Workers.
- Must have completed, at a minimum, the OSHA 30-Hour Construction Safety Training, and either the 24-Hour training course for the Occasional Hazardous Waste Site Worker or the 40-Hour training course for the Hazardous Waste Operations Worker that meets OHSA 29 CFR 1910.
- Must have completed the 8-Hour Site supervisor/manager's course for supervisors and managers having responsibilities for hazardous waste Site operations and management.
- Directs and coordinates health and safety monitoring activities.
- Ensures that field teams utilize proper personal protective equipment (PPE).
- Conducts initial on-site specific training prior to Site Workers commencing work.
- Conducts and documents daily and periodic safety briefings.
- Ensures that field team members comply with this HASP.
- Immediately notifies the Project Manager of all accident/incidents.
- Determines upgrading or downgrading of PPE based on Site conditions and/or real time monitoring results.
- Ensures that monitoring instruments are calibrated daily or as the manufacturer's instructions determine.
- Provides daily summaries of field operations and progress to the Project Manager.
- Submits and maintains all documentation required in this HASP and any other pertinent health and safety documentation.

2.3 Health and Safety Officer (HSO)

- Must be designated by the Health and Safety Manager and at a minimum, have the 40-Hour training course for the Hazardous Waste Operations Worker that meets OHSA 29 CFR 1910, as well as the OSHA 10-Hour Construction Safety Training.
- Must schedule and attend a Pre-Construction Safety Meeting with the Health and Safety Manager to discuss the Subcontractor Safety Requirements and must attend the Weekly Subcontractor Coordination Meeting.
- Responsible for ensuring subcontractors and their lower tier contractors comply with project safety requirements.

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- Must make frequent and regular inspections of their work areas and activities and ensure hazards that are under their control are corrected immediately and all other hazards are reported to the Project Manager and Health and Safety Manager.
- Must report all work related injuries, regardless of severity, to the Project Manager and the Health and Safety Manager within 24 hours after they occur.

2.4 Emergency Coordinator

- Will at a minimum, have the 40-Hour training course for the Hazardous Waste Operations Worker that meets OHSA 29 CFR 1910, as well as the OSHA 10-Hour Construction Safety Training.
- The Emergency Coordinator or his on-site designee will, in coordination with Town of Amherst, implement the emergency response procedures outlined in Section 12 whenever conditions at the Site warrant such action.
- The Emergency Coordinator or his on-site designee will be responsible for assuring the evacuation, emergency treatment, emergency transport of C&S personnel as necessary, and notification of emergency response units (refer to phone listing in the beginning of this HASP) and the appropriate management staff.

2.5 Site Workers

- Report any unsafe or potentially hazardous conditions to the Health and Safety Manager.
- Maintain knowledge of the information, instructions, and emergency response actions contained in the HASP.
- Comply with rules, regulations, and procedures as set forth in this HASP, including any revisions that are instituted.
- Prevent unauthorized personnel from entering work Site.

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SECTION 3 - PERTINENT SITE INFORMATION

3.1 Site Location and General History

The Site is located at 772 North Forest Road, Amherst, New York (Tax Parcel ID# 68.01-1-1.2). The Site is 18 acres in size and sits on the southern portion of the former Westwood Country Club.

The previous owner completed preliminary sampling of surface soils to determine if long-term, historic use of golf-course-related pesticides impacted the property. Contamination was identified and the owner entered into the New York State Brownfield Cleanup Program (BCP) in 2015 (NYSDEC Site No. C915291). After several long negotiations between the owner and the Town of Amherst, the property was sold to the Town and the 2015 Brownfield Cleanup Agreement was terminated.

Previous investigations revealed the contamination present on the Site:

- Metals historically commonly used in pesticides with concentrations above Restricted Residential Use SCOs throughout the site
- Surface water samples with exceedances for PFOs and Benzo(k)fluoranthene

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SECTION 4 – TRAINING

4.1 Site-Specific Training

Training will be provided that specifically addresses the activities, procedures, monitoring, and equipment for the Site operations prior to going on site. Training will include familiarization with Site and facility layout, known and potential hazards, and emergency services at the Site, and details all provisions contained within this HASP. This training will also allow Site Workers to clarify anything they do not understand and to reinforce their responsibilities regarding safety and operations for their particular activity.

4.2 Safety Briefings

C&S project personnel will be given briefings by the HSO on a daily or as needed basis to further assist Site workers in conducting their activities safely. Pertinent information will be provided when new operations are to be conducted. Changes in work practices must be implemented due to new information made available, or if Site or environmental conditions change. Briefings will also be given to facilitate conformance with prescribed safety practices. When conformance with these practices is not occurring or if deficiencies are identified during safety audits, the project manager will be notified.

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SECTION 5 - PERSONAL PROTECTIVE EQUIPMENT

5.1 General

The level of protection to be worn by field personnel will be defined and controlled by the HSO. Depending upon the type and levels of material present or anticipated at the site, varying degrees of protective equipment will be needed. If the possible hazards are unknown, a reasonable level of protection will be taken until sampling and monitoring results can ascertain potential risks. The levels of protection listed below are based on USEPA Guidelines. A list of the appropriate clothing for each level is also provided.

Level A protection must be worn when a reasonable determination has been made that the highest available level of respiratory, skin, eye, and mucous membrane protection is needed. It should be noted that while Level A provides maximum available protection, it does not protect against all possible hazards. Consideration of the heat stress that can arise from wearing Level A protection should also enter into the decision making process. Level A protection includes:

- Open circuit, pressure-demand self-contained breathing apparatus (SCBA)
- Totally encapsulated chemical resistant suit
- Gloves, inner (surgical type)
- Gloves, outer, chemical protective
- Boots, chemical protective

Level B protection must be used when the highest level of respiratory protection is needed, but hazardous material exposure to the few unprotected areas of the body (e.g., the back of the neck) is unlikely. Level B protection includes:

- Open circuit, pressure-demand SCBA or pressure airline with escape air bottle
- Chemical protective clothing: Overalls and long sleeved jacket; disposal chemical resistant coveralls; coveralls; one or two piece chemical splash suit with hood
- Gloves, inner (surgical type)
- Gloves, outer, chemical protective
- Boots, chemical protective

Level C must be used when the required level of respiratory protection is known, or reasonably assumed to be, not greater than the level of protection afforded by air purifying respirators; and hazardous materials exposure to the few unprotected areas of the body (e.g. the back of the neck) is unlikely. Level C protection includes:

- Full or half face air-purifying respirator
- Chemical protective clothing: Overalls and long-sleeve jacket; disposable chemical resistant coveralls; coveralls; one or two piece chemical splash suit
- Gloves, inner (surgical type)
- Gloves, outer, chemical protective
- Boots, chemical protective

Level D is the basic work uniform. It cannot be worn on any site where respiratory or skin hazards exist. Level D protection includes:

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- Safety boots/shoes
- Safety glasses
- Hard hat with optional face shield

Note that the use of SCBA and airline equipment is contingent upon the user receiving special training in the proper use and maintenance of such equipment.

5.2 Personal Protective Equipment – Site Specific

Level D with some modification will be required when working in the work zone on this Site. In addition to the basic work uniform specified by Level D protection, Nitrile gloves will be required when contact with soil or ground water is likely. Hearing protection will be worn when power equipment is used to perform subsurface investigation work. An upgrade to a higher level (Level C) of protection may occur if determined necessary by the HSO.

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SECTION 6 - MONITORING PROCEDURES

6.1 Monitoring During Site Operations

All Site environmental monitoring should be accompanied by periodic meteorological monitoring of appropriate climatic conditions.

6.1.1 Drilling Operations (Monitoring Well Installation and Subsurface Borings)

Monitoring will be performed by the HSO or drilling observer during the conduct of work. A photoionization detector (PID) equipped with an appropriate map (e.g. 10.6 or 11.7 eV) will be utilized to monitor for the presence of volatile organic vapors within the breathing zone, the borehole, and subsurface samples upon their retrieval. Drill cuttings and excavation spoils will also be monitored by use of the PID. The PID will be field checked for calibration accuracy three times per day (morning, lunch, and end of day. If subsurface conditions warrant, a combustible gas indicator (CGI) with oxygen alarm may also be used to monitor the borehole for the presence of combustible gases. Similar monitoring of fluids produced during well development will also be conducted.

6.2 Action Levels

The action threshold for VOCs established in the CAMP is 5ppm above background. If this value is exceeded for the 15-minute average work will be halted and work may resume once instantaneous readings will also be conducted.

The action level for dust is 100 (µg/m3) over background during a 15-minute average. If this limit is exceeded, dust suppression techniques will be employed, including using water to wet the area.

The NYSDEC will be notified of any exceedances in CAMP monitoring which persist for the 15-minute average within 24-hours. CAMP monitoring and reporting will be submitted to the DEC following sampling.

6.3 Personal Monitoring Procedures

Personal monitoring shall be performed as a contingency measure in the event that VOC concentrations are consistently above the 10 ppm action level as detected by the PID. If the concentration of VOCs is above this action level, then amendments to the HASP must be made before work can continue at the Site.

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SECTION 7 – COMMUNICATIONS

Cell phones will be the primary means of communicating with emergency support services/facilities.

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SECTION 8 - SAFETY CONSIDERATIONS FOR SITE OPERATIONS

8.1 General

Standard safe work practices that will be followed include:

- Do not climb over/under drums, or other obstacles.
- Do not enter the work zone alone.
- Practice contamination avoidance, on and off-site.
- Plan activities ahead of time, use caution when conducting concurrently running activities.
- No eating, drinking, chewing or smoking is permitted in work zones.
- Due to the unknown nature of waste placement at the Site, extreme caution should be practiced during excavation activities.
- Apply immediate first aid to any and all cuts, scratches, abrasions, etc.
- Be alert to your own physical condition. Watch your buddy for signs of fatigue, exposure, etc.
- A work/rest regimen will be initiated when ambient temperatures and protective clothing create a potential heat or cold stress situation.
- No work will be conducted without adequate natural light or without appropriate supervision.
- Task safety briefings will be held prior to onset of task work.
- Ignition of flammable liquids within or through improvised heating devices (barrels, etc.) or space heaters is forbidden.
- Entry into areas of spaces where toxic or explosive concentrations of gases or dust may exist without proper equipment is prohibited.
- Any injury or unusual health effect must be reported to the Site health and safety officer.
- Prevent splashing or spilling of potentially contaminated materials.
- Use of contact lenses is prohibited while on site.
- Beards and other facial hair that would impair the effectiveness of respiratory protection are prohibited if respiratory protection is necessary.
- Field crew members should be familiar with the physical characteristics of investigations, including:

    - Wind direction in relation to potential sources
    - Accessibility to co-workers, equipment, and vehicles
    - Communication
    - Hot zones (areas of known or suspected contamination)
    - Site access
    - Nearest water sources

- The number of personnel and equipment in potentially contaminated areas should be minimized consistent with site operations.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

8.2 Field Operations

The HSO or designee will be present on-site during all intrusive work (e.g., drilling operations, excavations, trenching) and will provide monitoring to oversee that appropriate levels of protection and safety procedures are utilized by C&S personnel. The use of salamanders or other equipment with an open flame is prohibited and the use of protective clothing, especially hard hats and boots, will be required during drilling or other heavy equipment operations.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SECTION 9 - DECONTAMINATION PROCEDURES

Decontamination involves physically removing contaminants and/or converting them chemically into innocuous substances. Only general guidance can be given on methods and techniques for decontamination. Decontamination procedures are designed to:

- Remove contaminant(s).
- Avoid spreading the contamination from the work zone.
- Avoid exposing unprotected personnel outside of the work zone to contaminants.

Contamination avoidance is the first and best method for preventing spread of contamination from a hazardous site. Each person involved in site operations must practice the basic methods of contamination avoidance listed below. Additional precautions may be required in the HASP.

- Know the limitations of all protective equipment being used.
- Do not enter a contaminated area unless it is necessary to carry out a specific objective.
- When in a contaminated area, avoid touching anything unnecessarily.
- Walk around pools of liquids, discolored areas, or any area that shows evidence of possible contamination.
- Walk upwind of contamination, if possible.
- Do not sit or lean against anything in a contaminated area. If you must kneel (e.g., to take samples), use a plastic ground sheet.
- If at all possible, do not set sampling equipment directly on contaminated areas. Place equipment on a protective cover such as a ground cloth.
- Use the proper tools necessary to safely conduct the work.

Specific methods that may reduce the chance of contamination are:

- Use of remote sampling techniques.
- Opening containers by non-manual means.
- Bagging monitoring instruments.
- Use of drum grapplers.
- Watering down dusty areas.

Equipment which will need to be decontaminated includes tools, monitoring equipment, and personal protective equipment. Items to be decontaminated will be brushed off, rinsed, and dropped into a plastic container supplied for that purpose. They will then be washed with a detergent solution and rinsed with clean water. Monitoring instruments may be wrapped in plastic bags prior to entering the field in order to reduce the potential for contamination. Instrumentation that is contaminated during field operations will be carefully wiped down. Heavy equipment, if utilized for operations where it may be contaminated, will have prescribed decontamination procedures to prevent contaminant materials from potentially leaving the Site. On-site contractors, such as drillers or backhoe operators, will be responsible for decontaminating all construction equipment prior to demobilization.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SECTION 10 – DISPOSAL PROCEDURES

All discarded materials, waste materials, or other objects shall be handled in such a way as to reduce or eliminate the potential for spreading contamination, creating a sanitary hazard, or causing litter to be left on-site. All potentially contaminated materials, e.g., clothing, gloves, etc., will be bagged or drummed as necessary and segregated for proper disposal. All contaminated waste materials shall be disposed of as required by the provisions included in the contract and consistent with regulatory provisions. All non-contaminated materials shall be collected and bagged for appropriate disposal. Investigation Derived Waste (IDW) will be managed and characterized. Characterization of IDW may require TCLP sampling and analysis consistent with the work plan for the Site and DER-10 Technical Guidance for Site Investigation and Remediation.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SECTION 11 - EMERGENCY RESPONSE PROCEDURES

As a result of the hazards at the Site, and the conditions under which operations are conducted, there is the possibility of emergency situations. This section establishes procedures for the implementation of an emergency plan.

11.1 Emergency Coordinator

Emergency Coordinator:..... Cody Martin .....Work Phone: (716) 955-3021

The Emergency Coordinator or his on-site designee will, in concert with the Town of Amherst, implement the emergency response procedures whenever conditions at the Site warrant such action. The Emergency Coordinator or his on-site designee will be responsible for assuring the evacuation, emergency treatment, emergency transport of C&S personnel as necessary, and notification of emergency response units (**refer to phone listing** in the beginning of this HASP) and the appropriate management staff.

11.2 Evacuation

In the event of an emergency situation, such as fire, explosion, significant release of toxic gases, etc., all personnel will evacuate and assemble in a designated assembly area. The Emergency Coordinator or his on-site designee will have authority to contact outside services as required. Under no circumstances will incoming personnel or visitors be allowed to proceed into the area once the emergency signal has been given. The Emergency Coordinator or his on-site designee must see that access for emergency equipment is provided and that all ignition sources have been shut down once the emergency situation is established. Once the safety of all personnel is established, the Fire Department and other emergency response groups will be notified by telephone of the emergency.

11.3 Potential or Actual Fire or Explosion

Immediately evacuate the Site and notify local fire and police departments, and other appropriate emergency response groups, if LEL values are above 25% in the work zone or if an actual fire or explosion has taken place.

11.4 Environmental Incident (spread or release of contamination)

Control or stop the spread of contamination if possible. Notify the Emergency Coordinator and the Project Manager. Other appropriate response groups will be notified as appropriate.

11.5 Personnel Injury

Emergency first aid shall be applied on-site as necessary. Then, decontaminate (en route if necessary) and transport the individual to nearest medical facility if needed. The ambulance/rescue squad shall be contacted for transport as necessary in an emergency. A map of directions to the nearest hospital is shown in **Attachment A**.

11.6 Personnel Exposure

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

- *Skin Contact*: Use copious amounts of soap and water. Wash/rinse affected area thoroughly, and then provide appropriate medical attention. Eyes should be thoroughly rinsed with water for at least 15 minutes.
- *Inhalation*: Move to fresh air and/or, if necessary, decontaminate and transport to emergency medical facility.
- *Ingestion*: Decontaminate and transport to emergency medical facility.
- *Puncture Wound/Laceration*: Decontaminate, if possible, and transport to emergency medical facility.

11.7 Adverse Weather Conditions

In the event of adverse weather conditions, the HSO will determine if work can continue without sacrificing the health and safety of field workers.

11.8 Incident Investigation and Reporting

In the event of an incident, procedures discussed in the Medical Emergency/Incident Response Protocol, presented in **Appendix A** of this HASP, shall be followed.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SECTION 12 – COMMUNITY RELATIONS

13.1 Community Health and Safety Plan

13.1.1 Community Health and Safety Monitoring

As part of the site work, three general types of efforts are scheduled, *update as necessary:* including, non-intrusive reconnaissance tasks, sampling or monitoring tasks (monitoring point sampling), and intrusive tasks (test trenching, subsurface borings, monitoring well installation). During completion of general reconnaissance and sampling or monitoring tasks, potential for health and safety risks to off-site landowners or the local community are not anticipated.

During completion of intrusive efforts at or adjacent to the Site; health and safety monitoring efforts will be concentrated on the area or areas in which intrusive efforts are being completed. Since the air pathway is the most available and likely avenue for the release of potential contaminants to the atmosphere at or near the Site, in addition to limiting public or community access to the areas in which intrusive efforts are completed, health and safety measures will primarily consist of monitoring the air pathway for worker exposure.

13.1.2 Community Air Monitoring Plan

Efforts will be taken to complete field work in a manner which will minimize the creation of airborne dust or particulates. Under dry conditions, work areas may be wetted to control dust. During periods of extreme wind, intrusive field work may be halted until such time as the potential for creating airborne dust or particulate matter as a result of investigation activities is limited. Periodic monitoring following the guidelines of the site's Community Air Monitoring Plan (CAMP) will be implemented during all non-intrusive Site investigation activities, including surface soil and sediment sampling, and collection of groundwater samples from groundwater monitoring wells.

During completion of Site investigation, a CAMP will be implemented for the duration of intrusive activities. These additional air monitoring activities will include establishment of background conditions, continuous monitoring for volatile organic compounds and/or particulates at the downwind work area (exclusion zone) perimeter, recording of monitoring data, and institution and documentation of response levels and appropriate actions consistent with NYSDOH guidance.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

SECTION 13 - AUTHORIZATIONS

Personnel authorized to enter the Site while operations are being conducted must be approved by the HSO. Authorization will involve completion of appropriate training courses, medical examination requirements, and review and sign-off of this HASP. No C&S personnel should enter the work zone alone. Each site visitor should check in with the HSO or Project Manager prior to entering the work zones.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

FIGURE 1

SITE LOCATION MAP

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

C&S COMPANIES®

Figure 1

Site Location

2024 Phase 1 Constrution

Former Westwood Country Club Property

N

0 1,000 2,000 4,000 Ft

1 in. = 2,000 feet
When printed at 11 in. by 17 in.

Amherst Central Park South Phase 1 Construction Characterization

Sources: . Created by C&S Engineers, Inc.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

FIGURE 2

SITE DETAIL PHOTO

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

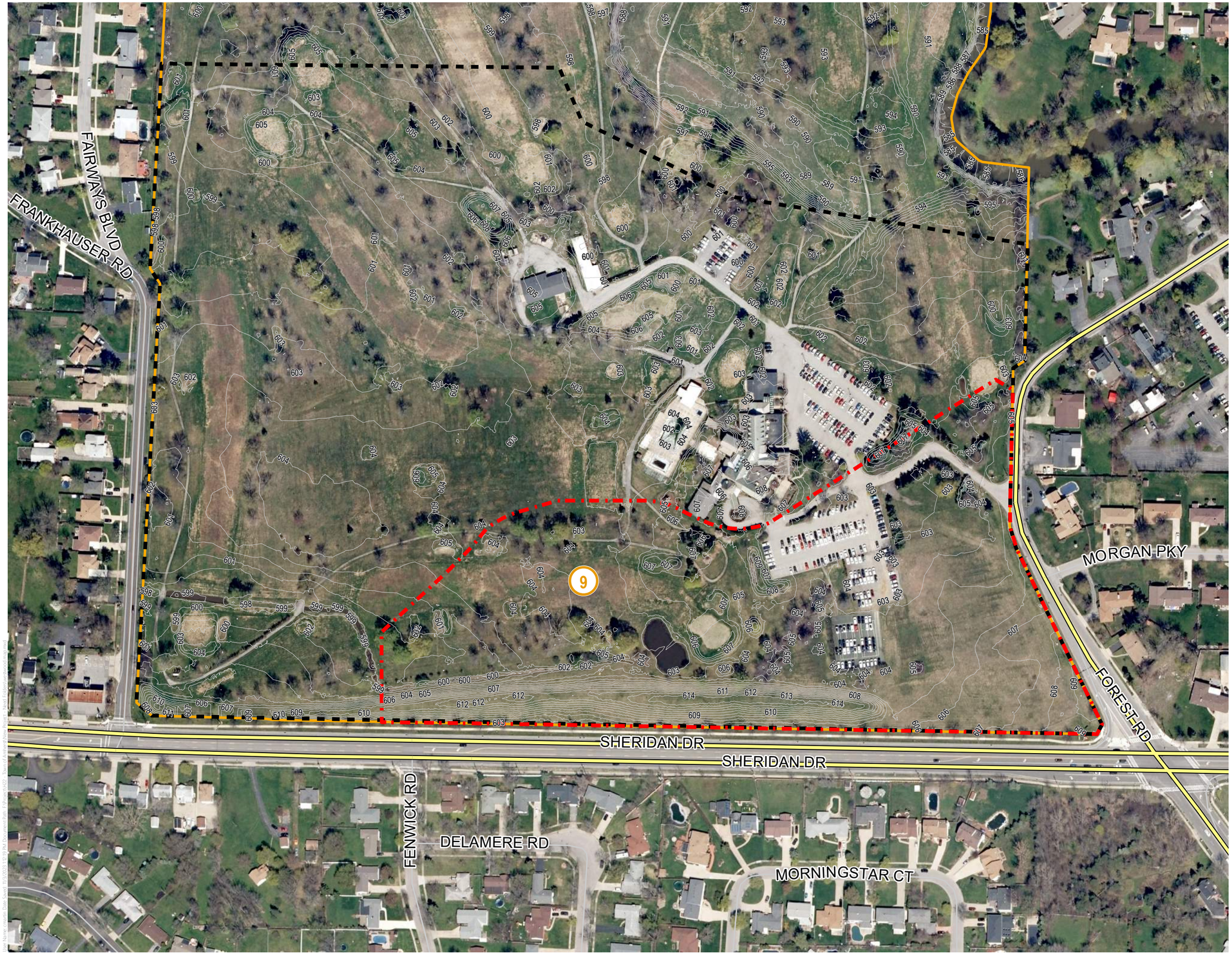


Figure 2

Site Map

- 2024 Phase 1 Construction
- Amherst Central Park South
- Former Westwood Country Club Property
- Elevation Contour
- 11 Golf Course Hole Number

N

0 100 200 400 FT

1 in. = 200 feet
When printed at 11 in. by 17 in.

Amherst Central Park South Phase 1 Construction Charactaerization

Sources: . Created by C&S Engineers, Inc.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ATTACHMENT A

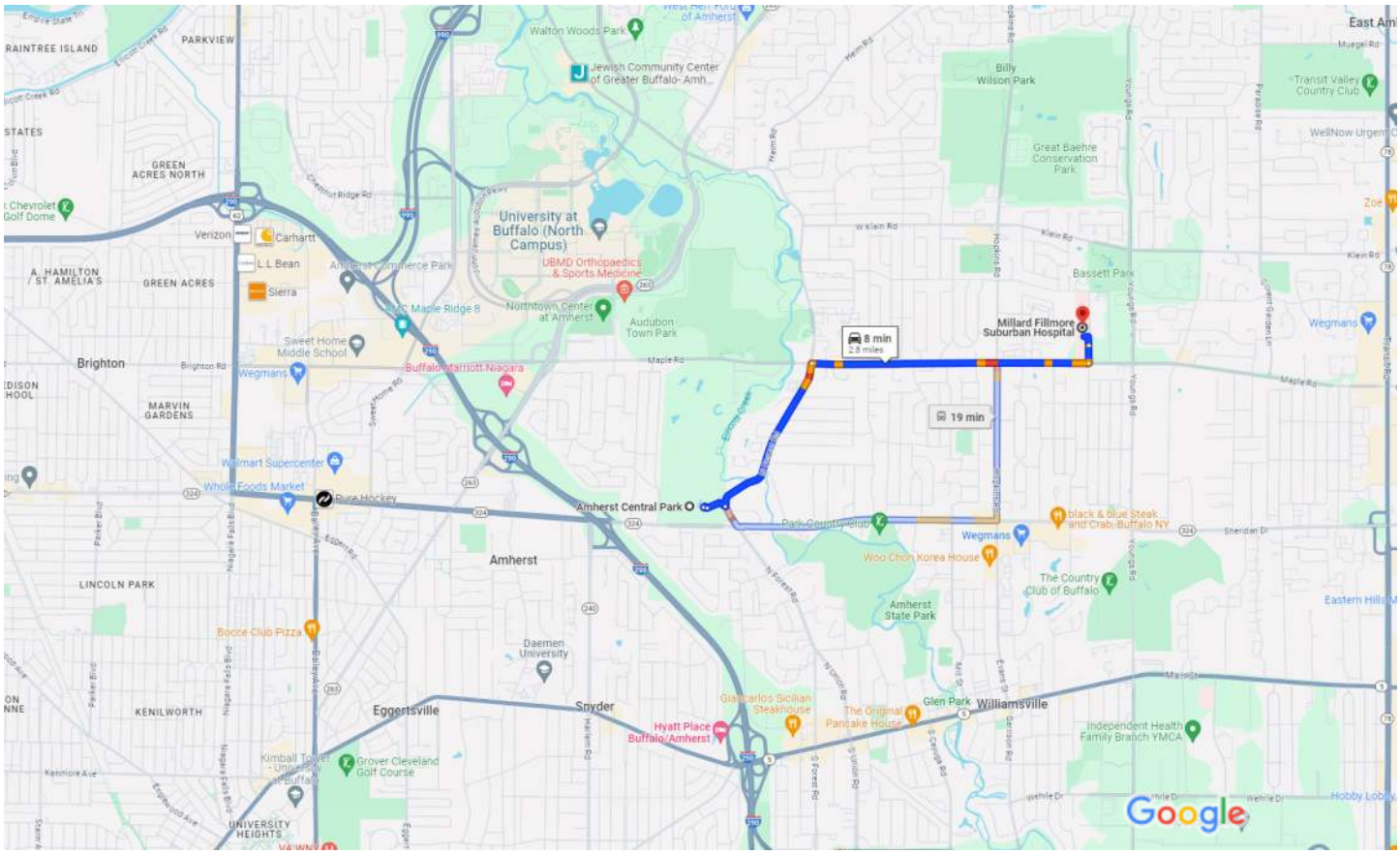
MAP TO HOSPITAL

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Google Maps

Amherst Central Park, Amherst, NY 14221 to Millard Fillmore Suburban Hospital

Drive 2.8 miles, 8 min



Map data ©2023 Google 2000 ft

Amherst Central Park
Amherst, NY 14221

1. Head northeast
   151 ft
2. Turn left toward N Forest Rd
   0.1 mi
3. Turn left onto N Forest Rd
   1.0 mi
4. Turn right onto Maple Rd
   1.5 mi
5. Turn left onto MacArthur Dr
   0.1 mi
6. Continue straight
   Destination will be on the right
   377 ft

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

Appendix A

GUIDANCE ON INCIDENT INVESTIGATION AND REPORTING

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

MEDICAL EMERGENCY / INCIDENT RESPONSE PROTOCOL

1.0 PURPOSE

From time to time employees of C&S Engineers, Inc. will sustain an injury while working on the job. While every effort is being made to prevent this, in the event of an injury or illness on the job, the following procedures will be implemented. This format may also be utilized in the event of a property damage incident.

2.0 SCOPE

This guideline applies to all C&S Engineers, Inc. job sites and employees.

3.0 GUIDELINES

Upon notification or awareness of an incident/accident with injuries or illness the Emergency Coordinator or his On-Site Designee will:

1. Ensure that the injured employee is receiving immediate first aid and medical care.
2. Notify Emergency Services (911) if injuries are severe.
3. Stabilize the work area; ensure that no one else can be injured.
4. Notify the Project Manager at the earliest possible convenience**.**
5. Notify the Owner/Client at the earliest possible convenience.

To assist the Health and Safety Manager in the root cause analysis, the Emergency Coordinator or his On-Site Designee will also make an attempt to:

1. Obtain the names and phone numbers of witnesses.
2. Preserve the accident scene if possible for analysis.

3.1 Injury Management

1. If the patient is stable with non-life threatening injuries, the foreman will ensure the employee is transported to the emergency medical facility listed in Section 1 of the HASP. Directions to the nearest emergency medical facility are located in **Attachment A** of the HASP.

At no time will an injured employee drive themselves to medical care.

2. If the patient has serious or life threatening injuries, the emergency coordinator or his on- site designee will notify the emergency services for the area for treatment and transport to a hospital or emergency room. Serious injuries can be considered but not limited to head injuries, loss of consciousness, severe laceration or amputation, fractured bones, burns and eye injuries.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

3. Following the treatment and care of the injured employee, the emergency coordinator or his on-site designee and the project manager will initiate the completion of the first injury report. The Health & Safety Manager will assist.

3.2 Project Manager

1. Upon notification of a personal injury or illness on the job site, will notify C&S Engineers, Inc, President and Corporate Legal and C&S Companies Health and Safety Manager.
2. Will report to the worksite to initiate the first injury report.
3. Will report to the treatment facility to check on the well being of the injured employee.
4. The project manager will ensure that the treatment facility is aware that this is a workers compensation case.
5. Will assist the Health and Safety Manager in the analysis of the incident.

3.3 Health & Safety Manager

1. Upon notification of the personal injury will determined if it is necessary to report to the treatment facility or the accident site, depending on the nature of the injuries and the circumstances of the accident.
2. Will report to the worksite to begin a root cause analysis investigation of the accident.
3. The investigation may include interview of witnesses, field crew , and project manager, the photographing of the scene, reconstruction of the accident scene, using test instruments and taking measurements. The Health and Safety Manager may draw diagrams from the information learned.
4. The Health and Safety Manager will work with the owner/client as necessary to investigate the accident.
5. The Health & Safety manager will ensure that the site is safe to resume work.
6. The Health & Safety Manager shall initiate the New York State Compensation form requirements (C-2) and forward a copy of the C-2 to the C & S Engineers, Inc. controller for transmittal to the Compensation Carrier within 8 hrs of notification of the incident or by the end of the next business day.
7. The Health and Safety manager, upon completion of the investigation, will provide the
8. Project Manager with a written investigative report (copy to the President)
9. The accident will be reviewed at the next Project Managers meeting with the intent to prevent further or similar events on other projects.
10. The Health & Safety Manager will assess the incident to determine OSHA record ability and make record if necessary on the OSHA 300 form, within five working days.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

4.0 INCIDENT RESPONSE

4.1 Purpose

To prevent the occurrence of accidents on C&S Engineers, Inc., work sites and to establish a procedure for investigation and reporting of incidents occurring in, or related to C&S work activities.

4.2 Scope

Applies to all incidents related to C&S Engineers, Inc. work activities.

4.3 Definitions

Accident - An undesired event resulting in personal injury and/or property damage, and/or equipment failure.

Fatality - An injury or illness resulting in death of the individual.

Incident - Any occurrence which results in, or could potentially result in, the need for medical care or property damage. Such incidents shall include lost time accidents or illness, medical treatment cases, unplanned exposure to toxic materials or any other significant occurrence resulting in property damage or in "near misses."

Incidence Rate - the number of injuries, illnesses, or lost workdays related to a common exposure base of 100 full-time workers. The rate is calculated as:

N/EH x 200,000

N = number of injuries and illnesses or lost workday cases; EH = total hours worked by all associates during calendar year. 200,000 = base for 100 full-time equivalent workers (working 40 hours per week, 50 weeks per year).

Injury - An injury such as a cut, fracture, sprain, amputation, etc. which results from a work accident or from a single instantaneous event in the work environment.

Lost Workday Case - A lost workday case occurs when an injured or ill employee experiences days away from work beginning with the next scheduled work day. Lost workday cases do not occur unless the employee is effected beyond the day of injury or onset of illness.

Recordable Illness - An illness that results from the course of employment and must be entered on the OSHA 300 Log and Summary of Occupational Injuries and Illnesses. These illnesses require medical treatment and evaluation of work related injury. For example, dermatitis, bronchitis, irritation of eyes, nose, and throat can result from work and non-work related incidents.

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Recordable Injury - An injury that results from the course of employment and must be entered on the OSHA 300 Log and Summary of Occupational Injuries and Illnesses. These injuries require medical treatment; may involve loss of consciousness; may result in restriction of work or motion or transfer to another job; or result in a fatality.

Near Miss - An incident which, if occurring at a different time or in a different personnel or equipment configuration, would have resulted in an incident.

4.4 Responsibilities

Employees - It shall be the responsibility of all C&S Engineers, Inc. employees to report all incidents as soon as possible to the HSC, regardless of the severity.

Human Resources - has overall responsibility for maintaining accident/ incident reporting and investigations according to current regulations and recording injuries/ illness on the OSHA 300 log, and posting the OSHA 300 log.

Emergency Coordinator - It is the responsibility of the Emergency Coordinator to investigate and prepare an appropriate report of all accidents, illnesses, and incidents occurring on or related to C&S Engineers, Inc. work. The Emergency Coordinator shall complete **Attachment A** within 24 hours of the incident occurrence.

Health and Safety Manager (HSM) - It is the responsibility of the HSM to investigate and prepare an appropriate report of all lost time injuries and illnesses and significant incidents occurring on or related to C&S Companies. The HSM shall maintain the OSHA 300 form.

Project Managers (PM) - It shall be the PM's responsibility to promptly correct any deficiencies in personnel, training, actions, or any site or equipment deficiencies that were determined to cause or contribute to the incident investigated.

5.0 GUIDELINES

5.1 Incident Investigation

The Project Manager will immediately investigate the circumstances surrounding the incident and will make recommendations to prevent recurrence. The HSM shall be immediately notified by telephone if a serious accident/ incident occurs. The incident shall be evaluated to determine whether it is OSHA recordable. If the incident is determined to be OSHA 300 recordable, it shall be entered on the OSHA 300 form.

The Project Manager with assistance from the HSM must submit to the office an incident report form pertaining to any incident resulting in injury or property damage.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

5.2 Incident Report

The completed incident report must be completed by the Project Manager within 12 hours of the incident and distributed to the HSM, and Human Resources. This form shall be maintained by Human Resources for at least five years for all OSHA recordable cases. This form serves as an equivalent to the OSHA 101 form.

5.3 Incident Follow-up Report

The Incident Follow-Up Report (**Attachment B**) shall be distributed with the Incident Report within one week of the incident. Delay in filing this report shall be explained in a brief memorandum.

5.4 Reporting of Fatalities or Multiple Hospitalization Accidents

Fatalities or accidents resulting in the hospitalization of three or more employees must be reported to OSHA verbally or in writing within 8 hours. The report must contain 1) circumstances surrounding the accident(s), 2) the number of fatalities, and 3) the extent of any injuries.

5.5 OSHA 300A Summary Form

Recordable cases must be entered on the log within six workdays of receipt of the information that a recordable case has occurred. The OSHA log must be kept updated to within 45 calendar days.

OSHA 300 forms must be updated during the 5 year retention period, if there is a change in the extent or outcome of an injury or illness which affects an entry on a log. If a change is necessary, the original entry should be lined out and a corrected entry made on that log. New entries should be made for previously unrecorded cases that are discovered or for cases that initially weren't recorded but were found to be recordable after the end of the year. Log totals should also be modified to reflect these changes.

5.6 Posting

The log must be summarized at the end of the calendar year and the summary must be posted from February 1 through May 31.

5.7 OSHA 300A

Facilities selected by the Bureau of Labor Statistics (BLS) to participate in surveys of occupational injuries and illnesses will receive the OSHA 300A. The data from the annual summary on the OSHA 300 log should be transferred to the OSHA 300A, other requested information provided and the form returned as instructed by the BLS.

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

5.8 Access to OSHA Records

All OSHA records (accident reporting forms and OSHA 300 logs) should be available for inspection and copying by authorized Federal and State government officials.

Employees, former employees, and their representatives must be given access for inspection and copying to only the log, OSHA No. 300, for the establishment in which the employee currently works or formerly worked.

6.0 REFERENCES

29 CFR Part 1904

7.0 ATTACHMENTS

Attachment A - Incident Investigation Form
Attachment B - Incident Follow-Up Report
Attachment C - Establishing Recordability

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ATTACHMENT A

INCIDENT INVESTIGATION FORM

Accident investigation should include:

Location: _____

Time of Day: _____

Accident Type: _____

Victim:_____

Nature of Injury:_____

Released Injury:_____

Hazardous Material:_____

Unsafe Acts:_____

Unsafe Conditions:_____

Policies, Decisions:_____

_____

Personal Factors:_____

_____

Environmental Factors:_____

_____

_____

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ATTACHMENT B

INCIDENT FOLLOW-UP REPORT

Date _____

Foreman: _____

Date of Incident: _____

Site: _____

Brief description of incident: _____

_____

_____

_____

_____

Outcome of incident: _____

_____

_____

_____

Physician's recommendations: _____

_____

_____

_____

Date the injured returned to work: _____

Project Manager Signature: _____

Date: _____

ATTACH ANY ADDITIONAL INFORMATION TO THIS FORM

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

ATTACHMENT C

ESTABLISHING RECORDABILITY

1. Deciding whether to record a case and how to classify the case.

   Determine whether a fatality, injury or illness is recordable.

   A fatality is recordable if:

   - Results from employment

   An injury is recordable if:

   - Results from employment and
   - It requires medical treatment beyond first aid or
   - Results in restricted work activity or job transfer, or
   - Results in lost work day or
   - Results in loss of consciousness

   An illness is recordable if:

   - It results from employment

2. Definition of "Resulting from Employment"

   Resulting from employment is when the injury or illness results from an event or exposure in the work environment. The work environment is primarily composed of: 1) The employer's premises, and 2) other locations where associates are engaged in work-related activities or are present as a condition of their employment.

   The employer's premises include company rest rooms, hallways, cafeterias, sidewalks and parking lots. Injuries occurring in these places are generally considered work related.

   The employer's premises EXCLUDES employer controlled ball fields, tennis courts, golf courses, parks, swimming pools, gyms, and other similar recreational facilities, used by associates on a voluntary basis for their own benefit, primarily during off work hours.

   Ordinary and customary commute, is not generally considered work related.

   Employees injured or taken ill while engaged in consuming food, as part of a normal break or activity is not considered work related. Employees injured or taken ill as the result of smoking, consuming illegal drugs, alcohol or applying make up are generally not considered work related. Employee injured by un authorized horseplay is generally not considered work related, however, an employee injured as a result of a fight or other workplace violence act, may be considered work related.

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Associates who travel on company business are considered to be engaged in work related activities all the time they spend in the interest of the company. This includes travel to and from customer contacts, and entertaining or being entertained for purpose of promoting or discussing business. Incidents occurring during normal living activities (eating, sleeping, recreation) or if the associate deviates from a reasonably direct route of travel are not considered OSHA recordable.

3. Distinction between Medical Treatment and First Aid.

First aid:

Any one-time treatment, and any follow up visit for the purpose of observation, of minor scratches, cuts, burns, splinters, etc., which do not ordinarily require medical care. Such one time treatment, and follow up visit for the purpose of observation, is considered first aid even though provided by a physician or registered professional personnel.

Medical Treatment (recordable):

a) Must be treated only by a physician or licensed medical personnel.
b) Impairs bodily function (i.e. normal use of senses, limbs, etc.).
c) Results in damage to physical structure of a non-superficial nature (fractures).
d) Involves complications requiring follow up medical treatment.

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EXHIBIT C

[Date]

[Respondent name and address]

RE: Satisfactory Completion/No Further Action Letter
Site No.:
Site Name:

Dear Respondent:

This letter is sent to notify Respondent that it has satisfactorily completed the [***Site Characterization/Interim Remedial Measure***] of the remediation project that Respondent undertook under the Consent Order Index No. _____ for [Address, County], New York [Tax Map/Parcel No.] (the "Site"). The New York State Department of Environmental Conservation ("Department") has determined, subject to the Department's reservation of rights outlined below, contained in the Consent Order, or existing at law, based upon our inspection of the above-referenced Site and upon our review of the documents you have submitted, that you completed the project in accordance with the terms and conditions of the above-referenced Consent Order and no further remedial action (other than implementation of the Site Management Plan if required) is necessary. As a result, the Department is issuing this Satisfactory Completion/No Further Action Letter for the project.

Notwithstanding that the Department has determined that no further remedial action is necessary with respect to the Site, the Department reserves any and all rights and authority, including rights concerning any claim for natural resource damages or the authority to engage in or require any further investigation or remediation the Department deems necessary. The Department retains all its respective rights concerning circumstances where Respondent, their lessees, sublessees, successors, or assigns cause or permit a Release or threat of Release at the site of any hazardous substance (as that term is defined at 42 USC 9601[14]) or petroleum (as that term is defined in Navigation Law § 172[15]).

Additionally, with respect to the site, nothing contained in this letter shall be construed to:

- preclude the State of New York on behalf of the New York State Environmental Protection and Spill Compensation Fund from recovering a claim of any kind or nature against any party;

- prejudice any rights of the Department to take any investigatory action or remediation or corrective measures it may deem necessary if Respondent fails to

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comply with the Consent Order or if contamination other than contamination within the present knowledge of the Department is encountered at the Site;

- prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers.

In conclusion, the Department is pleased to be part of this effort to return the Site to productive use and benefit to the entire community.

If you have any questions, please do not hesitate to contact [project manager], site project manager, at [phone number/email].

Sincerely,

Andrew O. Guglielmi
Director
Division of Environmental Remediation

ec: [TBD]

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APPENDIX A

STANDARD CLAUSES FOR ALL NEW YORK STATE SUPERFUND ADMINISTRATIVE ORDERS

Attachment: ACP Application_and resolution_09_18_2023 (RES-2024-133 : "P" Order for NYSDEC Oversight - Amherst Central Park)

APPENDIX A

STANDARD CLAUSES FOR ALL NEW YORK STATE SUPERFUND ADMINISTRATIVE ORDERS

The parties to the State Superfund Order (hereinafter "Order") agree to be bound by the following clauses which are hereby made a part of the Order. The word "Respondent" herein refers to any party to the Order, other than the New York State Department of Environmental Conservation (hereinafter "Department").

I. Citizen Participation Plan

Within twenty (20) days after the effective date of this Order, Respondent shall submit for review and approval a written citizen participation plan prepared in accordance with the requirements of ECL §27-1417 and 6 NYCRR sections 375-1.10 and 375-3.10. Upon approval, the Citizen Participation Plan shall be deemed to be incorporated into and made a part of this Order.

II. Initial Submittal

Within thirty (30) days after the effective date of this Order, Respondent shall submit to the Department a Records Search Report prepared in accordance with Exhibit "B" attached to the Order. The Records Search Report can be limited if the Department notifies Respondent that prior submissions satisfy specific items required for the Records Search Report.

III. Development, Performance, and Reporting of Work Plans

A. Work Plan Requirements

All activities at the Site that comprise any element of an Inactive Hazardous Waste Disposal Site Remedial Program shall be conducted pursuant to one or more Department-approved work plans ("Work Plan" or "Work Plans") and this Order and all activities shall be consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. Part 300, as required under CERCLA, 42 U.S.C. § 9600 *et seq*. The Work Plan(s) under this Order shall address both on-Site and off-Site conditions and shall be developed and implemented in accordance with 6 NYCRR § 375-1.6(a), 375-3.6, and 375-6. All Department-approved Work Plans shall be incorporated into and become enforceable parts of this Order. Upon approval of a Work Plan by the Department, Respondent shall implement such Work Plan in accordance with the schedule contained therein. Nothing in this Subparagraph shall mandate that any particular Work Plan be submitted.

The Work Plans shall be captioned as follows:

1. Site Characterization ("SC") Work Plan: a Work Plan which provides for the identification of the presence of any hazardous waste disposal at the Site;

2. Remedial Investigation/Feasibility Study ("RI/FS") Work Plan: a Work Plan which provides for the investigation of the nature and extent of contamination within the boundaries of the Site and emanating from such Site and a study of remedial alternatives to address such on-site and off-site contamination;

3. Remedial Design/Remedial Action ("RD/RA") Work Plan: a Work Plan which provides for the development and implementation of final plans and specifications for implementing the remedial alternative set forth in the ROD;

4. "IRM Work Plan" if the Work Plan provides for an interim remedial measure;

5. "Site Management Plan" if the Work Plan provides for the identification and implementation of institutional and/or engineering controls as well as any necessary monitoring and/or operation and maintenance of the remedy; or

6. "Supplemental" if additional work plans other than those set forth in II.A.1-5 are required to be prepared and implemented.

B. Submission/Implementation of Work Plans

1. Respondent may opt to propose one or more additional or supplemental Work Plans (including one or more IRM Work Plans) at any time, which the Department shall review for appropriateness and technical sufficiency.

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2. Any proposed Work Plan shall be submitted for the Department's review and approval and shall include, at a minimum, a chronological description of the anticipated activities, a schedule for performance of those activities, and sufficient detail to allow the Department to evaluate that Work Plan.

i. The Department shall notify Respondent in writing if the Department determines that any element of a Department-approved Work Plan needs to be modified in order to achieve the objectives of the Work Plan as set forth in Subparagraph III.A or to ensure that the Remedial Program otherwise protects human health and the environment. Upon receipt of such notification, Respondent shall, subject to dispute resolution pursuant to Paragraph XV, modify the Work Plan.

ii. The Department may request, subject to dispute resolution pursuant to Paragraph XV, that Respondent submit additional or supplemental Work Plans for the Site to complete the current remedial phase within thirty (30) Days after the Department's written request.

3. A Site Management Plan, if necessary, shall be submitted in accordance with the schedule set forth in the IRM Work Plan or Remedial Work Plan.

4. During all field activities conducted under a Department-approved Work Plan, Respondent shall have on-Site a representative who is qualified to supervise the activities undertaken in accordance with the provisions of 6 NYCRR 375-1.6(a)(3).

5. A Professional Engineer licensed and registered in New York State must stamp and sign all Work Plans other than SC or RI/FS Work Plans.

C. Submission of Final Reports and Periodic Reports

1. In accordance with the schedule contained in a Work Plan, Respondent shall submit a final report as provided at 6 NYCRR 375-1.6(b) and a final engineering report as provided at 6 NYCRR 375-1.6(c).

2. Any final report or final engineering report that includes construction activities shall include "as built" drawings showing any changes made to the remedial design or the IRM.

3. In the event that the final engineering report for the Site requires Site management, Respondent shall submit an initial periodic report by in accordance with the schedule in the Site Management Plan and thereafter in accordance with a schedule determined by the Department. Such periodic report shall be signed by a Professional Engineer or by such other qualified environmental professional as the Department may find acceptable and shall contain a certification as provided at 6 NYCRR 375-1.8(h)(3). Respondent may petition the Department for a determination that the institutional and/or engineering controls may be terminated. Such petition must be supported by a statement by a Professional Engineer that such controls are no longer necessary for the protection of public health and the environment. The Department shall not unreasonably withhold its approval of such petition.

4. Within sixty (60) days of the Department's approval of a Final Report, Respondent shall submit such additional Work Plans as is required by the Department in its approval letter of such Final Report. Failure to submit any additional Work Plans within such period shall be a violation of this Order.

D. Review of Submittals

1. The Department shall make a good faith effort to review and respond in writing to each submittal Respondent makes pursuant to this Order within sixty (60) Days. The Department's response shall include, in accordance with 6 NYCRR 375-1.6(d), an approval, modification request, or disapproval of the submittal, in whole or in part.

i. Upon the Department's written approval of a Work Plan, such Department-approved Work Plan shall be deemed to be incorporated into and made a part of this Order and shall be implemented in accordance with the schedule contained therein.

ii. If the Department modifies or requests modifications to a submittal, it shall specify the reasons for such modification(s). Within fifteen (15) Days after the date of the Department's written notice that Respondent's submittal has been disapproved, Respondent shall notify the Department of its election in accordance with 6 NYCRR 375-1.6(d)(3). If Respondent elects to modify or accept the Department's modifications to the submittal, Respondent shall make a revised submittal that

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incorporates all of the Department's modifications to the first submittal in accordance with the time period set forth in 6 NYCRR 375-1.6(d)(3). In the event that Respondent's revised submittal is disapproved, the Department shall set forth its reasons for such disapproval in writing and Respondent shall be in violation of this Order unless it invokes dispute resolution pursuant to Paragraph XV and its position prevails. Failure to make an election or failure to comply with the election is a violation of this Order.

iii. If the Department disapproves a submittal, it shall specify the reasons for its disapproval. Within fifteen (15) Days after the date of the Department's written notice that Respondent's submittal has been disapproved, Respondent shall notify the Department of its election in accordance with 6 NYCRR 375-1.6(d)(4). If Respondent elects to modify the submittal, Respondent shall make a revised submittal that addresses all of the Department's stated reasons for disapproving the first submittal in accordance with the time period set forth in 6 NYCRR 375-1.6(d)(4). In the event that Respondent's revised submittal is disapproved, the Department shall set forth its reasons for such disapproval in writing and Respondent shall be in violation of this Order unless it invokes dispute resolution pursuant to Paragraph XV and its position prevails. Failure to make an election or failure to comply with the election is a violation of this Order.

2. Within thirty (30) Days after the Department's approval of a final report, Respondent shall submit such final report, as well as all data gathered and drawings and submittals made pursuant to such Work Plan, in an electronic format acceptable to the Department. If any document cannot be converted into electronic format, Respondent shall submit such document in an alternative format acceptable to the Department.

E. Department's Issuance of a ROD

1. Respondent shall cooperate with the Department and provide reasonable assistance, consistent with the Citizen Participation Plan, in soliciting public comment on the proposed remedial action plan ("PRAP"), if any. After the close of the public comment period, the Department shall select a final remedial alternative for the Site in a ROD. Nothing in this Order shall be construed to abridge any rights of Respondent, as provided by law, to judicially challenge the Department's ROD.

2. Respondent shall have 60 days from the date of the Department's issuance of the ROD to notify the Department in writing whether it will implement the remedial activities required by such ROD. If the Respondent elects not to implement the required remedial activities, then this order shall terminate in accordance with Paragraph XIV.A. Failure to make an election or failure to comply with the election is a violation of this Order.

F. Institutional/Engineering Control Certification

In the event that the remedy for the Site, if any, or any Work Plan for the Site, requires institutional or engineering controls, Respondent shall submit a written certification in accordance with 6 NYCRR 375-1.8(h)(3) and 375-3.8(h)(2).

IV. Penalties

A. 1. Respondent's failure to comply with any term of this Order constitutes a violation of this Order, the ECL, and 6 NYCRR 375-2.11(a)(4). Nothing herein abridges Respondent's right to contest any allegation that it has failed to comply with this Order.

2. Payment of any penalties shall not in any way alter Respondent's obligations under this Order.

B. 1. Respondent shall not suffer any penalty or be subject to any proceeding or action in the event it cannot comply with any requirement of this Order as a result of any Force Majeure Event as provided at 6 NYCRR 375-1.5(b)(4). Respondent must use best efforts to anticipate the potential Force Majeure Event, best efforts to address any such event as it is occurring, and best efforts following the Force Majeure Event to minimize delay to the greatest extent possible. "Force Majeure" does not include Respondent's economic inability to comply with any obligation, the failure of Respondent to make complete and timely application for any required approval or permit, and non-attainment of the goals, standards, and requirements of this Order.

2. Respondent shall notify the Department in writing within five (5) Days of the onset of any Force Majeure Event. Failure to give such notice within such five (5) Day period constitutes a waiver of any claim that a delay is not subject to penalties. Respondent shall be deemed to know of any

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circumstance which it, any entity controlled by it, or its contractors knew or should have known.

3. Respondent shall have the burden of proving by a preponderance of the evidence that (i) the delay or anticipated delay has been or will be caused by a Force Majeure Event; (ii) the duration of the delay or the extension sought is warranted under the circumstances; (iii) best efforts were exercised to avoid and mitigate the effects of the delay; and (iv) Respondent complied with the requirements of Subparagraph IV.B.2 regarding timely notification.

4. If the Department agrees that the delay or anticipated delay is attributable to a Force Majeure Event, the time for performance of the obligations that are affected by the Force Majeure Event shall be extended for a period of time equivalent to the time lost because of the Force majeure event, in accordance with 375-1.5(4).

5. If the Department rejects Respondent's assertion that an event provides a defense to non-compliance with this Order pursuant to Subparagraph IV.B, Respondent shall be in violation of this Order unless it invokes dispute resolution pursuant to Paragraph XV and Respondent's position prevails.

V. Entry upon Site

A. Respondent hereby consents, upon reasonable notice under the circumstances presented, to entry upon the Site (or areas in the vicinity of the Site which may be under the control of Respondent) by any duly designated officer or employee of the Department or any State agency having jurisdiction with respect to matters addressed pursuant to this Order, and by any agent, consultant, contractor, or other person so authorized by the Commissioner, all of whom shall abide by the health and safety rules in effect for the Site, for inspecting, sampling, copying records related to the contamination at the Site, testing, and any other activities necessary to ensure Respondent's compliance with this Order. Upon request, Respondent shall (i) provide the Department with suitable work space at the Site, including access to a telephone, to the extent available, and (ii) permit the Department full access to all non-privileged records relating to matters addressed by this Order. Raw data is not considered privileged and that portion of any privileged document containing raw data must be provided to the Department. In the event Respondent is unable to obtain any authorization from third-party property owners necessary to perform its obligations under this Order, the Department may, consistent with its legal authority, assist in obtaining such authorizations.

B. The Department shall have the right to take its own samples and scientific measurements and the Department and Respondent shall each have the right to obtain split samples, duplicate samples, or both, of all substances and materials sampled. The Department shall make the results of any such sampling and scientific measurements available to Respondent.

VI. Payment of State Costs

A. Within forty-five (45) days after receipt of an itemized invoice from the Department, Respondent shall pay to the Department a sum of money which shall represent reimbursement for State Costs as provided by 6 NYCRR 375-1.5 (b)(3)(i). Failure to timely pay any invoice will be subject to late payment charge and interest at a rate of 9% from the date the payment is due until the date the payment is made.

B. Costs shall be documented as provided by 6 NYCRR 375-1.5(b)(3). The Department shall not be required to provide any other documentation of costs, provided however, that the Department's records shall be available consistent with, and in accordance with, Article 6 of the Public Officers Law.

C. Each such payment shall be made payable to the New York State Department of Environmental Conservation and shall be sent to:

Director, Bureau of Program Management
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-7012

D. The Department shall provide written notification to the Respondent of any change in the foregoing addresses.

E. If Respondent objects to any invoiced costs under this Order, the provisions of 6 NYCRR 375-1.5 (b)(3)(v) and (vi) shall apply. Objections shall be sent to the Department as provided under subparagraph VI.C above.

F. In the event of non-payment of any invoice within the 45 days provided herein, the Department may seek enforcement of this provision pursuant to

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Paragraph IV or the Department may commence an enforcement action for non-compliance with ECL '27-1423 and ECL 71-4003.

VII. Release and Covenant Not to Sue

Upon the Department's issuance of a Certificate of Completion as provided at 6 NYCRR 375-1.9 and 375-2.9, Respondent shall obtain the benefits conferred by such provisions, subject to the terms and conditions described therein.

VIII. Reservation of Rights

A. Except as provided at 6 NYCRR 375-1.9 and 375-2.9, nothing contained in this Order shall be construed as barring, diminishing, adjudicating, or in any way affecting any of the Department's rights or authorities, including, but not limited to, the right to require performance of further investigations and/or response action(s), to recover natural resource damages, and/or to exercise any summary abatement powers with respect to any person, including Respondent.

B. Except as otherwise provided in this Order, Respondent specifically reserves all rights and defenses under applicable law respecting any Departmental assertion of remedial liability and/or natural resource damages against Respondent, and further reserves all rights respecting the enforcement of this Order, including the rights to notice, to be heard, to appeal, and to any other due process. The existence of this Order or Respondent's compliance with it shall not be construed as an admission of liability, fault, wrongdoing, or breach of standard of care by Respondent, and shall not give rise to any presumption of law or finding of fact, or create any rights, or grant any cause of action, which shall inure to the benefit of any third party. Further, Respondent reserves such rights as it may have to seek and obtain contribution, indemnification, and/or any other form of recovery from its insurers and from other potentially responsible parties or their insurers for past or future response and/or cleanup costs or such other costs or damages arising from the contamination at the Site as may be provided by law, including but not limited to rights of contribution under section 113(f)(3)(B) of CERCLA, 42 U.S.C. § 9613(f)(3)(B).

IX. Indemnification

Respondent shall indemnify and hold the Department, the State of New York, the Trustee of the State's natural resources, and their representatives and employees harmless as provided by 6 NYCRR 375-2.5(a)(3)(i).

X. Public Notice

A. Within thirty (30) Days after the effective date of this Order, Respondent shall provide notice as required by 6 NYCRR 375-1.5(a). Within sixty (60) Days of such filing, Respondent shall provide the Department with a copy of such instrument certified by the recording officer to be a true and faithful copy.

B. If Respondent proposes to transfer by sale or lease the whole or any part of Respondent's interest in the Site, or becomes aware of such transfer, Respondent shall, not fewer than forty-five (45) Days before the date of transfer, or within forty-five (45) Days after becoming aware of such conveyance, notify the Department in writing of the identity of the transferee and of the nature and proposed or actual date of the conveyance, and shall notify the transferee in writing, with a copy to the Department, of the applicability of this Order. However, such obligation shall not extend to a conveyance by means of a corporate reorganization or merger or the granting of any rights under any mortgage, deed, trust, assignment, judgment, lien, pledge, security agreement, lease, or any other right accruing to a person not affiliated with Respondent to secure the repayment of money or the performance of a duty or obligation.

XI. Change of Use

Respondent shall notify the Department at least sixty (60) days in advance of any change of use, as defined in 6 NYCRR 375-2.2(a), which is proposed for the Site, in accordance with the provisions of 6 NYCRR 375-1.11(d). In the event the Department determines that the proposed change of use is prohibited, the Department shall notify Respondent of such determination within forty-five (45) days of receipt of such notice.

XII. Environmental Easement

A. If a Record of Decision for the Site relies upon one or more institutional and/or engineering controls, Respondent (or the owner of the Site) shall submit to the Department for approval an Environmental Easement to run with the land in favor of the State which complies with the requirements of ECL Article 71, Title 36, and 6 NYCRR 375-1.8(h)(2). Upon acceptance of the Environmental

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Easement by the State, Respondent shall comply with the requirements of 6 NYCRR 375-1.8(h)(2).

B. If the ROD provides for no action other than implementation of one or more institutional controls, Respondent shall cause an environmental easement to be recorded under the provisions of Subparagraph XII.A.

C. If Respondent does not cause such environmental easement to be recorded in accordance with 6 NYCRR 375-1.8(h)(2), Respondent will not be entitled to the benefits conferred by 6 NYCRR 375-1.9 and 375-2.9 and the Department may file an Environmental Notice on the site.

XIII. Progress Reports

Respondent shall submit a written progress report of its actions under this Order to the parties identified in Subparagraph IV.A.1 of the Order by the 10th day of each month commencing with the month subsequent to the approval of the first Work Plan and ending with the Termination date as set forth in Paragraph XIV, unless a different frequency is set forth in a Work Plan. Such reports shall, at a minimum, include: all actions relative to the Site during the previous reporting period and those anticipated for the next reporting period; all approved activity modifications (changes of work scope and/or schedule); all results of sampling and tests and all other data received or generated by or on behalf of Respondent in connection with this Site, whether under this Order or otherwise, in the previous reporting period, including quality assurance/quality control information; information regarding percentage of completion; unresolved delays encountered or anticipated that may affect the future schedule and efforts made to mitigate such delays; and information regarding activities undertaken in support of the Citizen Participation Plan during the previous reporting period and those anticipated for the next reporting period.

XIV. Termination of Order

A. This Order will terminate upon the earlier of the following events:

1. Respondent's election in accordance with Paragraph III.E.2 not to implement the remedial activities required pursuant to the ROD. In the event of termination in accordance with this Subparagraph, this Order shall terminate effective the 5th Day after the Department's receipt of the written notification, provided, however, that if there are one or more Work Plan(s) for which a final report has not been approved at the time of Respondent's notification of its election not to implement the remedial activities in accordance with the ROD, Respondent shall complete the activities required by such previously approved Work Plan(s) consistent with the schedules contained therein. Thereafter, this Order shall terminate effective the 5th Day after the Department's approval of the final report for all previously approved Work Plans; or

2. The Department's written determination that Respondent has completed all phases of the Remedial Program (including Site Management), in which event the termination shall be effective on the 5th Day after the date of the Department's letter stating that all phases of the remedial program have been completed.

B. Notwithstanding the foregoing, the provisions contained in Paragraphs VI and IX shall survive the termination of this Order and any violation of such surviving Paragraphs shall be a violation of this Order, the ECL, and 6 NYCRR 375-2.11(a)(4), subjecting Respondent to penalties as provided under Paragraph IV so long as such obligations accrued on or prior to the Termination Date.

C. If the Order is terminated pursuant to Subparagraph XIV.A.1, neither this Order nor its termination shall affect any liability of Respondent for remediation of the Site and/or for payment of State Costs, including implementation of removal and remedial actions, interest, enforcement, and any and all other response costs as defined under CERCLA, nor shall it affect any defenses to such liability that may be asserted by Respondent. Respondent shall also ensure that it does not leave the Site in a condition, from the perspective of human health and environmental protection, worse than that which existed before any activities under this Order were commenced. Further, the Department's efforts in obtaining and overseeing compliance with this Order shall constitute reasonable efforts under law to obtain a voluntary commitment from Respondent for any further activities to be undertaken as part of a Remedial Program for the Site.

XV. Dispute Resolution

A. In the event disputes arise under this Order, Respondent may, within fifteen (15) Days after Respondent knew or should have known of the facts

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which are the basis of the dispute, initiate dispute resolution in accordance with the provisions of 6 NYCRR 375-1.5(b)(2).

B. All cost incurred by the Department associated with dispute resolution are State costs subject to reimbursement pursuant to this Order.

C. Nothing contained in this Order shall be construed to authorize Respondent to invoke dispute resolution with respect to the remedy selected by the Department in the ROD or any element of such remedy, nor to impair any right of Respondent to seek judicial review of the Department's selection of any remedy.

XVI. Miscellaneous

A. Respondent agrees to comply with and be bound by the provisions of 6 NYCRR Subparts 375-1 and 375-2; the provisions of such Subparts that are referenced herein are referenced for clarity and convenience only and the failure of this Order to specifically reference any particular regulatory provision is not intended to imply that such provision is not applicable to activities performed under this Order.

B. The Department may exempt Respondent from the requirement to obtain any state or local permit or other authorization for any activity conducted pursuant to this Order in accordance with 6 NYCRR 375-1.12(b), (c), and (d).

C. 1. Respondent shall use best efforts to obtain all Site access, permits, easements, approvals, institutional controls, and/or authorizations necessary to perform Respondent's obligations under this Order, including all Department-approved Work Plans and the schedules contained therein. If, despite Respondent's best efforts, any access, permits, easements, approvals, institutional controls, or authorizations cannot be obtained, Respondent shall promptly notify the Department and include a summary of the steps taken. The Department may, as it deems appropriate and within its authority, assist Respondent in obtaining same.

2. If an interest in property is needed to implement an institutional control required by a Work Plan and such interest cannot be obtained, the Department may require Respondent to modify the Work Plan pursuant to 6 NYCRR 375-1.6(d)(3) to reflect changes necessitated by Respondent's inability to obtain such interest.

D. The paragraph headings set forth in this Order are included for convenience of reference only and shall be disregarded in the construction and interpretation of any provisions of this Order.

E. 1. The terms of this Order shall constitute the complete and entire agreement between the Department and Respondent concerning the implementation of the activities required by this Order. No term, condition, understanding, or agreement purporting to modify or vary any term of this Order shall be binding unless made in writing and subscribed by the party to be bound. No informal advice, guidance, suggestion, or comment by the Department shall be construed as relieving Respondent of Respondent's obligation to obtain such formal approvals as may be required by this Order. In the event of a conflict between the terms of this Order and any Work Plan submitted pursuant to this Order, the terms of this Order shall control over the terms of the Work Plan(s). Respondent consents to and agrees not to contest the authority and jurisdiction of the Department to enter into or enforce this Order.

2. i. Except as set forth herein, if Respondent desires that any provision of this Order be changed, Respondent shall make timely written application to the Commissioner with copies to the parties listed in Subparagraph IV.A.1.

ii. If Respondent seeks to modify an approved Work Plan, a written request shall be made to the Department's project manager, with copies to the parties listed in Subparagraph IV.A.1.

iii. Requests for a change to a time frame set forth in this Order shall be made in writing to the Department's project attorney and project manager; such requests shall not be unreasonably denied and a written response to such requests shall be sent to Respondent promptly.

F. 1. If there are multiple parties signing this Order, the term "Respondent" shall be read in the plural, the obligations of each such party under this Order are joint and several, and the insolvency of or failure by any Respondent to implement any obligations under this Order shall not affect the obligations of the remaining Respondent(s) under this Order.

2. If Respondent is a partnership, the obligations of all general partners (including limited

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partners who act as general partners) under this Order are joint and several and the insolvency or failure of any general partner to implement any obligations under this Order shall not affect the obligations of the remaining partner(s) under this Order.

3. Notwithstanding the foregoing Subparagraphs XVI.F.1 and 2, if multiple parties sign this Order as Respondents but not all of the signing parties elect to implement a Work Plan, all Respondents are jointly and severally liable for each and every obligation under this Order through the completion of activities in such Work Plan that all such parties consented to; thereafter, only those Respondents electing to perform additional work shall be jointly and severally liable under this Order for the obligations and activities under such additional Work Plan(s). The parties electing not to implement the additional Work Plan(s) shall have no obligations under this Order relative to the activities set forth in such Work Plan(s). Further, only those Respondents electing to implement such additional Work Plan(s) shall be eligible to receive the release and covenant not to sue referenced in Paragraph VII.

G. Respondent shall be entitled to receive contribution protection and/or to seek contribution to the extent authorized by ECL 27-1421(6) and 6 NYCRR 375-1.5(b)(5).

H. Unless otherwise expressly provided herein, terms used in this Order which are defined in ECL Article 27 or in regulations promulgated thereunder shall have the meaning assigned to them under said statute or regulations.

I. Respondent's obligations under this Order represent payment for or reimbursement of response costs, and shall not be deemed to constitute any type of fine or penalty.

J. Respondent and Respondent's successors and assigns shall be bound by this Order. Any change in ownership or corporate status of Respondent shall in no way alter Respondent's responsibilities under this Order.

K. This Order may be executed for the convenience of the parties hereto, individually or in combination, in one or more counterparts, each of which shall be deemed to have the status of an executed original and all of which shall together constitute one and the same instrument.

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 28590 **RESOLUTION 2024-134** **ADOPTED**

License Agreement - 400 Wehrle Drive (CRS #4578)

AGENDA ITEM - FEBRUARY 5th, 2024

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **January 29, 2024**

RE: **License Agreement (400 Wehrle Drive)**
Verizon Wireless - CRS #4578

Kindly adopt a resolution authorizing the Town Supervisor to execute a License Agreement that would permit Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless allowing for use of space on a lightpole structure to install, maintain and operate communications equipment pending successful completion of the CRS.

Thank you.

MAP:nmb:hs
c: Timothy Koller, Deputy Town Clerk
(**Agenda Item : February 5, 2024**)

2/5/2023
Consent

FINANCIAL IMPACT:

$18,000 per year, payable in montlhy payments of $1,500 (A0001.02410)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 28553 **RESOLUTION 2024-135** **ADOPTED**

Site Access Agreement (400 Wehrle Drive) (CRS #4566)

AGENDA ITEM - FEBRUARY 5th, 2024

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **January 31, 2024**

RE: **Site Access Agreement (400 Wehrle Drive)**
Verizon Wireless - CRS #4566

Kindly adopt a resolution authorizing the Town Supervisor to execute the attached Site Access Agreement permitting Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless site access to assess the suitability of the above property for the placement, maintenance and use of a communications facility pending successful completion of the CRS.

Thank you.

MAP:nmb:hs
c: Timothy Koller, Deputy Town Clerk
(**Agenda Item : February 5, 2024**)

2/5/2023
Consent

FINANCIAL IMPACT:

None for the purposes of this Resolution.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

VZW Site ID: 5000942488
VZW Site Name: Hurxley

SITE ACCESS AGREEMENT

This Site Access Agreement (this **"Agreement"**) is executed by **Bell Atlantic Mobile Systems LLC dba Verizon Wireless (**the "**Licensee**"), with a business address of One Verizon Way, Mail Stop 4AW100, Basking Ridge, NJ 07920, and the **Town of Amherst,** (the **"Licensor"**) whose mailing address is 5583 Main St, Williamsville, NY 14221.

BACKGROUND

As part of Licensee's consideration of real property (the **"Property"**) located at 400 Wehrle Drive, Amherst, NY, as more fully described in Exhibit "A", attached, for the placement, maintenance and use of a communications facility and appurtenant uses, the Licensor has agreed to grant to Licensee and other persons described herein, a license, to enter upon the Property to conduct activities to help Licensee assess the suitability of the Property for its intended use. These activities may include, among other things, environmental inspection, testing and sampling activities ("Site Investigations") at the Property.

The purpose of this Agreement is to enter into a site access license governing the Site Investigations that may be conducted by Licensee's authorized agents, contractors, consultants and employees.

Licensee and Licensor agree as follows:

1. **Authority to Grant a License.** Licensor represents that it has the authority to grant the access allowed by this Agreement and that there is no need to obtain the approval or consent of any other party. The Licensor hereby grants a license to Licensee to conduct the Site Investigation.

2. **Access to Property and Licensor's Consent.** Licensor grants to Licensee and its agents, advisors, employees, consultants, representatives, and independent contractors, including environmental contractors and consultants hired directly or indirectly by Licensee (collectively, the **"Licensee Representatives"**), the right, but not the obligation, of ingress to, egress from, and access under, above, and through, the Property for the purpose of performing the Site Investigation. The Site Investigation may include, but is not necessarily limited to, activities intended to (1) review environmental, safety and health conditions;(2) conduct radio tests, including the placing of radio broadcast/receive equipment on the Property for necessary periods; (3) conduct physical, structural and geotechnical testing; and (4) perform boundary and other surveys. These activities may, among other things, include the collection and testing of samples of soil, water, building materials and other substances. Without limiting the generality of the foregoing, the Licensee Representatives may drill into the soil, remove reasonable amounts of soil, install and sample monitoring wells, and perform other tests, actions, evaluations, procedures, and treatments to complete its investigations. The Licensee Representatives shall undertake all activities on the Property in compliance with all applicable laws and shall use commercially reasonable efforts to minimize the extent and duration of any interference with Licensor's business operations on the Property. The cost of all such activities shall be the responsibility of Licensee (or the Licensee Representatives as arranged between the Licensee Representative and the Licensee) and not Licensor.

Attachment: VZW.Amherst Little League Hurxley_New_Build_Site_Access_Agreement_011724 (RES-2024-135 : Site Access Agreement (400

3. **Advance Notice.** Licensee or Licensee Representatives shall give Licensor at least twenty four (24) hours advance notice, either orally (by telephone or in person) or by electronic message of a planned activity that can reasonably be expected to require invasive activities into the Property's subsurface, including notice of the areas of the Property that are expected to be materially affected by any sampling, monitoring, installation, or similar action. Licensee Representatives shall cooperate with Licensor to schedule the activities so as to minimize the extent and duration of any interference with Licensor's operations.

4. **Installation, Sampling, and Removal.** Licensor shall cooperate with the Licensee Representatives regarding all installation, monitoring, sampling, removal and related activities that Licensee Representatives desire to conduct on the Property. To the extent Licensor has records indicating the locations of buried utilities and improvements on the Property, it shall cooperate in locating buried utilities and improvements on the Property at the request of Licensee Representative and shall assist the Licensee Representatives in avoiding impacts to such buried or concealed features. At the Licensor's specific request, Licensee Representatives shall use commercially reasonable efforts to schedule its activities to avoid times of peak business activity on the Property. Licensor authorizes Licensee Representatives to obstruct temporarily, but for a reasonable period of time, access to, or use of, limited areas of the Property to conduct Site Investigations. Licensee Representatives may use any electrical or other utility outlets or connections on the Property to conduct its activities. Licensee Representatives shall split all samples with Licensor upon Licensor's request, so long as Licensor pays for any and all additional costs incurred by the Licensee Representatives in this regard. After completing the activities contemplated by this Agreement, Licensee or Licensee Representatives shall remove their equipment and restore any part of the Property that was affected by its activities to a condition that is reasonably similar to the condition of the Property at the time immediately preceding the commencement of said activities.

5. **Insurance**. Licensee shall maintain at all times during the term hereof sufficient insurance as may be required by the Town to protect licensee and the Town from and against all claims, demands and causes of action arising by reason of any use or work performed bylicensee. Work shall not commence work under this Agreement until licensee has obtained all insurance required under this section, a certificate of insurance has been provided to the Town of Amherst and such insurance has been reasonably approved by the Town of Amherst

(a) Workers' Compensation Insurance: licensee shall take out and maintain during the life of this Agreement, Workers' Compensation Insurance In compliance with the statutory requirements of the state(s) of operation and employer's liability with limits of$1,000,000 each accident/disease/policy limitfor its employees to be assigned to the work hereto under.

(b) Commercial General Liability Insurance: licensee shall take out and maintain during the life of this Agreement, commercial general liability insurance with limits of $1,000,000.00 per occurrence for bodily injury, (including death) and property damage and $2,000,000 general aggregate including personal and advertising injury which may arise from operations under this Agreement.

Attachment: VZW.Amherst Little League Hurxley_New_Build_Site_Access_Agreement_011724 (RES-2024-135 : Site Access Agreement (400

(d) licensee shall require all contractors and subcontractors to obtain and maintain substantially the same insurance as required of licensee with limits commensurate with the work or service to be provided.

(e) licensee shall furnish the above certificates of insurance, including subcontractors' insurances, to the Town of Amherst and shall also include the Town of Amherst as an additional insured as their interest may appear under this Agreement on a primary and noncontributory basis in said policies.

6. Indemnification. (a) Licensee shall indemnify and hold harmless Licensor for any penalties, damages or costs that result from the negligence or willful misconduct, misrepresentation or breach of warranty in this agreement by Licensee or Licensee representatives.

(b) Licensor shall indemnify and hold harmless Licensee and Licensee Representatives for any penalties, damages or costs that result from the negligence or willful misconduct, misrepresentation or breach of warranty in this agreement by Licensor including any damages or injuries to Licensee Representatives persons and/or property which arise from or relate to any existing hazardous waste, pollutant or hazardous substance presence or release associated with or related to the Property.

(c) The indemnification in this agreement shall only apply if prompt notice is provided to the indemnifying party. The indemnity is conditioned on the following: (i) the indemnifying party has the opportunity to fully manage any indemnified matter as it deems appropriate (including any required remediation or defense of claims) with employees, agents, contractors, consultants and attorneys of the indemnifying party's choosing and (ii) the reasonable cooperation of any indemnified party (including the signing of any properly completed forms that will allow for the continued current use of the property).

(d) The site access granted to the Licensee and/or Licensee Representatives pursuant to this Agreement extends to any repair or restoration work required to remediate any damage to the Property that is indemnified pursuant to this Section.

76. **Test Results.**

(a) Licensor understands and acknowledges that the environmental testing to be undertaken may create legal duties applicable to Licensor if conditions of pollution are discovered and that except to the extent required by law, neither Licensee nor Licensee Representatives have an obligation to report any test results or conditions to any party as a result of this Agreement. Licensee and Licensee Representatives will provide copies of test results to Licensor unless Licensor specifically requests, in writing, prior to the start of testing, not to receive the test results from Licensee's review. Licensor acknowledges that these tests are performed for Licensee's specific purposes and cannot be relied on by Licensor in any way as being accurate or sufficient for any purposes. Licensor agrees and acknowledges that it is not authorized to share, provide, disseminate, present, and/or make available the test results to any third party unless required by law.

(b) In certain cases test results regarding the environmental conditions of the property may result in a reporting obligation specific to Licensee or Licensee Representatives. In any of those cases, Licensee or Licensee Representative shall, if reasonably possible, notify Licensor at least twenty

Attachment: VZW.Amherst Little League Hurxley_New_Build_Site_Access_Agreement_011724 (RES-2024-135 : Site Access Agreement (400

four (24) hours prior to making the notification but in any case within seventy two (72) hours after making the notification to the appropriate agency. Licensor agrees that Licensee and Licensee Representatives bear no responsibility for the costs resulting from that reporting and that Licensee shall not become responsible for any conditions that it discovers during the Site Investigation.

(c) Licensor acknowledges and agrees that any samples that are taken during the activities undertaken pursuant to this Agreement and any investigation-derived media (i.e., drill cuttings, well purge water) generated by the investigation may require off-site disposal based upon test results. Licensor agrees to execute all properly completed waste manifests or other documents required for proper disposal of test results. Licensor's obligation to sign any properly completed waste manifests or other documents required for proper disposal survives this Agreement so long as those items that require disposal were generated pursuant to this Agreement. The cost of off-site disposal of media will be paid for by Licensee or the appropriate Licensee Representative, not Licensor.

(d) Licensee may use the results of the Site Investigation as it deems appropriate and may share the results with third parties, including, but not necessarily limited to attorneys, consultants, contractors, employees and regulators.

87. **Termination.** This Agreement shall terminate automatically on the earlier of: (1) execution of a lease agreement for any part of the Property between Licensee and Licensor, or (2) a decision by Licensee that the site is unsuitable, notice of which shall be provided to the Licensee to the Licensor, or (3) one year from the full execution of this agreement.

9. **Waiver; Modification; Severability.** An extension, amendment, modification, cancellation, or termination of this Agreement will be valid and effective only if it is in writing and signed by each party to this Agreement, except as provided otherwise in this Agreement. In addition, a waiver of any duty, obligation, or responsibility of a party under this Agreement will be valid and effective only if it is evidenced by a writing signed by, or on behalf of, the party against whom the waiver or discharge is sought to be enforced. Whenever possible, each provision of this Agreement should be construed and interpreted so that it is valid and enforceable under applicable law. However, if a provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, that provision will be deemed severable from the remaining provisions of this Agreement and will not affect the validity, interpretation, or effect of the other provisions of this Agreement or the application of that provision to other circumstances in which it is valid and enforceable.

10. **Assignment; Third Party Beneficiaries.** This Agreement is not assignable by Licensee. Neither the entry of this Agreement or any action taken by Licensee hereunder shall create any third party beneficiary or third party beneficiary rights.

11. **Legal Matters.** The validity, construction, enforcement, and interpretation of this Agreement are governed by the laws of the State where the Property is located and the federal laws of the United States of America.

12. **Notices.** Except for oral notices specifically authorized in this agreement, notices permitted by this Agreement will be valid only if such notice is in writing, delivered personally or by e-mail,

Attachment: VZW.Amherst Little League Hurxley_New_Build_Site_Access_Agreement_011724 (RES-2024-135 : Site Access Agreement (400

telecopy, commercial courier, or first class, postage prepaid, United States mail (whether or not certified or registered and regardless of whether a return receipt is requested or received by the sender), and addressed by the sender to the intended recipient at its address set forth in the first paragraph of this Agreement, or to such other address as the intended recipient may designate by notice given to the sender in accordance with this section. A validly given notice, consent, demand, request, or approval will be effective on the earlier of its receipt, if delivered personally or by e-mail, telecopy, or commercial courier, or the third day after it is postmarked by the United States Postal Service, if delivered by first class, postage prepaid, United States mail. Each party promptly shall notify the other of any change in its mailing address or telephone contact number stated in this Agreement.

13. **Complete Agreement; Survival.** This Agreement records the entire understanding between the parties regarding the subjects addressed in it and supersedes any previous or contemporaneous agreement, understanding, or representation, oral or written, by either of them.

14. **Execution and Effectiveness.** The parties may execute this Agreement in counterparts. Each executed counterpart will constitute an original document, and all executed counterparts, together, will constitute the same agreement. This Agreement will become effective upon the last signatory's delivery of the fully executed document to the other party, and the last signatory shall fill in the EXECUTED date below prior to such delivery.

Attachment: VZW.Amherst Little League Hurxley_New_Build_Site_Access_Agreement_011724 (RES-2024-135 : Site Access Agreement (400

EXECUTED: _____, 20___.

LICENSOR:

Town of Amherst

By: _____

Print Name:_____

Title: _____

Date: _____

LICENSEE:

Bell Atlantic Mobile Systems LLC dba Verizon Wireless

By: _____

Print Name: _____

Title: _____

Date: _____

[SIGNATURE(S) OF LICENSEE REPRESENTATIVE(S) THAT WILL CONDUCT SITE INVESTIGATION ON FOLLOWING PAGE]

Attachment: VZW.Amherst Little League Hurxley_New_Build_Site_Access_Agreement_011724 (RES-2024-135 : Site Access Agreement (400

The undersigned "Licensee Representative" has reviewed this Agreement and hereby agrees to comply with all obligations pertaining to, and imposed on, Licensee Representatives contained herein.

Agreed to and accepted by:

_____

By:_____

Name: _____

Title: _____

Date:_____

Attachment: VZW.Amherst Little League Hurxley_New_Build_Site_Access_Agreement_011724 (RES-2024-135 : Site Access Agreement (400

VZW Site ID: 5000942488
VZW Site Name: Hurxley

EXHIBIT A
LEGAL DESCRIPTION

SITE NAME	SITE ADDRESS
Hurxley	400 Wehrle Drive Town of Amherst Erie County, NY Property (SBL) Tax# - 80.15-1-50.121

Attachment: VZW.Amherst Little League Hurxley_New_Build_Site_Access_Agreement_011724 (RES-2024-135 : Site Access Agreement (400

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
01/24/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Aon Risk Services Northeast, Inc.
New York NY Office
One Liberty Plaza
165 Broadway, Suite 3201
New York NY 10006 USA

CONTACT NAME:
PHONE (A/C. No. Ext): (866) 283-7122
FAX (A/C. No.): (800) 363-0105
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A:	Liberty Mutual Fire Ins Co	23035
INSURER B:	LM Insurance Corporation	33600
INSURER C:	Liberty Insurance Corporation	42404
INSURER D:		
INSURER E:		
INSURER F:		

INSURED
Verizon Wireless, LLC
1095 Avenue of the Americas
New York NY 10036 USA

COVERAGES **CERTIFICATE NUMBER:** 570103690809 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			TB2691550588143	06/30/2023	06/30/2024	EACH OCCURRENCE	$1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$2,000,000
	X XCU Coverage is Included						MED EXP (Any one person)	$10,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY	$1,000,000
	X POLICY PRO-JECT LOC						GENERAL AGGREGATE	$2,000,000
	OTHER:						PRODUCTS - COMP/OP AGG	$2,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	
	ANY AUTO						BODILY INJURY (Per person)	
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	
	DED RETENTION							
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			WA569D550588093	06/30/2023	06/30/2024	X PER STATUTE OTH-ER	
	Y/N			AOS				
B	ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? N	N / A		WC5691550588083	06/30/2023	06/30/2024	E.L. EACH ACCIDENT	$1,000,000
	(Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			WI, MN			E.L. DISEASE-EA EMPLOYEE	$1,000,000
							E.L. DISEASE-POLICY LIMIT	$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Named Insured includes: Bell Atlantic Mobile Systems LLC dba Verizon Wireless. RE: Project No. 17078289, Location No. 5000942488, Project Name: Hurxley, Project Location: 400 Wehrle Drive, Amherst, NY 14225. Town of Amherst is included as Additional Insured with respect to the General Liability policy. The General Liability policy shall apply as Primary Insurance & Non-Contributory to each Additional Insured listed herein.

CERTIFICATE HOLDER

Town of Amherst
5583 Main Street
Williamsville NY 14221 USA

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Aon Risk Services Northeast, Inc.

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Attachment: Verizon - Town of Amherst - 2401232937296l - 570103690809 (RES-2024-135 : Site Access Agreement (400 Wehrle Drive) (CRS

AGENCY CUSTOMER ID: 570000027366

LOC #:

ADDITIONAL REMARKS SCHEDULE

AGENCY	NAMED INSURED
Aon Risk Services Northeast, Inc.	Verizon Wireless, LLC
POLICY NUMBER: See Certificate Number: 570103690809	
CARRIER: See Certificate Number: 570103690809 / NAIC CODE:	EFFECTIVE DATE:

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: ACORD 25 **FORM TITLE:** Certificate of Liability Insurance

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER	
INSURER	
INSURER	
INSURER	

ADDITIONAL POLICIES If a policy below does not include limit information, refer to the corresponding policy on the ACORD certificate form for policy limits.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
	WORKERS COMPENSATION							
C		N/A		WA769D550588073 MA	06/30/2023	06/30/2024		

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Attachment: Verizon - Town of Amherst - 24012329372961 - 570103690809 (RES-2024-135 : Site Access Agreement (400 Wehrle Drive) (CRS

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name & Address of Insured (use street address only)	1b. Business Telephone Number of Insured
Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless 1095 Avenue of the Americas New York NY 10036 Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)* RE: Swormville - NB (5000921671) Project Location: 1265 Smith Road East Amherst, NY 14051.	908-559-6176 1c. NYS Unemployment Insurance Employer Registration Number of Insured 26-70019 1d. Federal Employer Identification Number of Insured or Social Security Number 22-2483217
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst 5583 Main Street Williamsville NY 14221	3a. Name of Insurance Carrier LM Insurance Corporation 3b. Policy Number of Entity Listed in Box "1a" WA5-69D-550588-093 3c. Policy effective period 6/30/2023 to 6/30/2024 3d. The Proprietor, Partners or Executive Officers are ☑ included. (Only check box if all partners/officers included) ☐ all excluded or certain partners/officers excluded.

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. **(To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy).** The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) **Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.**

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: Abby Nolan
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: _____ 1/24/2024
(Signature) (Date)

Title: _____

Telephone Number of authorized representative or licensed agent of insurance carrier: _____

Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.

C-105.2 (9-17) www.wcb.ny.gov

Attachment: Verizon WC 78335166 (1) Wehrle (RES-2024-135 : Site Access Agreement (400 Wehrle Drive) (CRS #4566))

Workers' Compensation Law

Section 57. Restriction on issue of permits and the entering into contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

Attachment: Verizon WC 78335166 (1) Wehrle (RES-2024-135 : Site Access Agreement (400 Wehrle Drive) (CRS #4566))

NEW YORK STATE Workers' Compensation Board

CERTIFICATE OF INSURANCE COVERAGE
NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by NYS Disability and Paid Family Leave benefits carrier or licensed insurance agent of that carrier

1a. Legal Name & Address of Insured (use street address only)

CELLCO PARTNERSHIP DBA VERIZON WIRELESS
1209 ORANGE STREET
WILMINGTON, DE 19801

Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)*

1b. Business Telephone Number of Insured

5853215458

1c. Federal Employer Identification Number of Insured or Social Security Number

223372889

2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)

Town of Amherst
5583 Main Street
Williamsville, NY 14221
Swormville - NB
1265 Smith Road
East Amherst, NY 14051

3a. Name of Insurance Carrier

HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY

3b. Policy Number of Entity Listed in Box 1a

LNY728193005

3c. Policy effective period

01-01-2024 to 12-31-2024

4. Policy provides the following benefits:

- [X] A. Both disability and Paid Family Leave benefits.
- [ ] B. Disability benefits only.
- [ ] C. Paid Family Leave benefits only.

5. Policy covers:

- [X] A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.
- [ ] B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the nam insured has NYS Disability and/or Paid Family Leave benefits insurance coverage as described above.

Date Signed 01-24-2024 By Elizabeth Tello

(Signature of insurance carrier's authorized representative or NYS licensed insurance agent of that insurance carrier)

Telephone Number (212) 553-8074 Name and Title: ELIZABETH TELLO – ASSISTANT DIRECTOR, STATUTORY SERVICES

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be emailed to PAU@wcb.ny.gov or it can be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4B, 4C or 5B have been checked)

State of New York
Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law (Article 9 of the Workers' Compensation Law) with respect to all of their employee

Date Signed By

(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number Name and Title

Please Note: *Only insurance carriers licensed to write NYS disability and Paid Family Leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1.* ***Insurance brokers are NOT authorized to issue this form.***

Attachment: Swormville- Verizon DB 120.1 1.24.24 Wehrle (RES-2024-135 : Site Access Agreement (400 Wehrle Drive) (CRS #4566))

Additional Instructions for Form DB-120.1

By signing this form, the insurance carrier identified in Box 3 on this form is certifying that it is insuring the business referenced in Box 1a for disability and/or Paid Family Leave benefits under the NYS Disability and Paid Family Leave Benefits Law. The insurance carrier or its licensed agent will send this Certificate of Insurance Coverage (Certificate) to the entity listed as the certificate holder in Box 2.

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is cancelled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in Box 3c, whichever is earlier.

This Certificate is issued as a matter of information only and confers no rights upon the certificate holder. This Certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This Certificate may be used as evidence of a NYS disability and/or Paid Family Leave benefits contract of insurance only while the underlying policy is in effect.

Please Note: Upon the cancellation of the disability and/or Paid Family Leave benefits policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Insurance Coverage for NYS disability and/or Paid Family Leave Benefits or other authorized proof that the business is complying with the mandatory coverage requirements of the NYS Disability and Paid Family Leave Benefits Law.

NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

§220. Subd. 8

(a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and not withstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand and twenty-one, the payment of family leave benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand eighteen, the payment of family leave benefits for all employees has been secured as provided by this article.

Attachment: Swormville- Verizon DB 120.1 1.24.24 Wehrle (RES-2024-135 : Site Access Agreement (400 Wehrle Drive) (CRS #4566))

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 28555 **RESOLUTION 2024-136** **ADOPTED**

Site Access Agreement (1265 Smith Road) (CRS #4567)

AGENDA ITEM - FEBRUARY 5th, 2024

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **January 31, 2024**

RE: **Site Access Agreement (1265 Smith Road)**
Verizon Wireless - CRS #4567

Kindly adopt a resolution authorizing the Town Supervisor to execute the attached Site Access Agreement permitting Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless site access to assess the suitability of the above property for the placement, maintenance and use of a communications facility pending successful completion of the CRS.

Thank you.

MAP:nmb:hs
Attachment
c: Timothy Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : February 5, 2024**)

2/5/2023
Consent

FINANCIAL IMPACT:

None for the purposes of this Resolution.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

VZW Site ID: 5000921671
VZW Site Name: Swormville

Attachment: VZW.Swormville_New_Build_Site_Access_Agreement_012424 (RES-2024-136 : Site Access Agreement (1265 Smith Road) (CRS

SITE ACCESS AGREEMENT

This Site Access Agreement (this **"Agreement"**) is executed by **Bell Atlantic Mobile Systems LLC dba Verizon Wireless (**the "**Licensee**"), with a business address of One Verizon Way, Mail Stop 4AW100, Basking Ridge, NJ 07920, and the **Town of Amherst,** (the **"Licensor"**) whose mailing address is 5583 Main St, Williamsville, NY 14221.

BACKGROUND

As part of Licensee's consideration of real property (the **"Property"**) located at 1265 Smith Road, Amherst, NY, as more fully described in Exhibit "A", attached, for the placement, maintenance and use of a communications facility and appurtenant uses, the Licensor has agreed to grant to Licensee and other persons described herein, a license, to enter upon the Property to conduct activities to help Licensee assess the suitability of the Property for its intended use. These activities may include, among other things, environmental inspection, testing and sampling activities ("Site Investigations") at the Property.

The purpose of this Agreement is to enter into a site access license governing the Site Investigations that may be conducted by Licensee's authorized agents, contractors, consultants and employees.

Licensee and Licensor agree as follows:

1. **Authority to Grant a License.** Licensor represents that it has the authority to grant the access allowed by this Agreement and that there is no need to obtain the approval or consent of any other party. The Licensor hereby grants a license to Licensee to conduct the Site Investigation.

2. **Access to Property and Licensor's Consent.** Licensor grants to Licensee and its agents, advisors, employees, consultants, representatives, and independent contractors, including environmental contractors and consultants hired directly or indirectly by Licensee (collectively, the **"Licensee Representatives"**), the right, but not the obligation, of ingress to, egress from, and access under, above, and through, the Property for the purpose of performing the Site Investigation. The Site Investigation may include, but is not necessarily limited to, activities intended to (1) review environmental, safety and health conditions;(2) conduct radio tests, including the placing of radio broadcast/receive equipment on the Property for necessary periods; (3) conduct physical, structural and geotechnical testing; and (4) perform boundary and other surveys. These activities may, among other things, include the collection and testing of samples of soil, water, building materials and other substances. Without limiting the generality of the foregoing, the Licensee Representatives may drill into the soil, remove reasonable amounts of soil, install and sample monitoring wells, and perform other tests, actions, evaluations, procedures, and treatments to complete its investigations. The Licensee Representatives shall undertake all activities on the Property in compliance with all applicable laws and shall use commercially reasonable efforts to minimize the extent and duration of any interference with Licensor's business operations on the Property. The cost of all such activities shall be the responsibility of Licensee (or the Licensee Representatives as arranged between the Licensee Representative and the Licensee) and not Licensor.

3. **Advance Notice.** Licensee or Licensee Representatives shall give Licensor at least twenty four (24) hours advance notice, either orally (by telephone or in person) or by electronic message of a planned activity that can reasonably be expected to require invasive activities into the Property's subsurface, including notice of the areas of the Property that are expected to be materially affected by any sampling, monitoring, installation, or similar action. Licensee Representatives shall cooperate with Licensor to schedule the activities so as to minimize the extent and duration of any interference with Licensor's operations.

4. **Installation, Sampling, and Removal.** Licensor shall cooperate with the Licensee Representatives regarding all installation, monitoring, sampling, removal and related activities that Licensee Representatives desire to conduct on the Property. To the extent Licensor has records indicating the locations of buried utilities and improvements on the Property, it shall cooperate in locating buried utilities and improvements on the Property at the request of Licensee Representative and shall assist the Licensee Representatives in avoiding impacts to such buried or concealed features. At the Licensor's specific request, Licensee Representatives shall use commercially reasonable efforts to schedule its activities to avoid times of peak business activity on the Property. Licensor authorizes Licensee Representatives to obstruct temporarily, but for a reasonable period of time, access to, or use of, limited areas of the Property to conduct Site Investigations. Licensee Representatives may use any electrical or other utility outlets or connections on the Property to conduct its activities. Licensee Representatives shall split all samples with Licensor upon Licensor's request, so long as Licensor pays for any and all additional costs incurred by the Licensee Representatives in this regard. After completing the activities contemplated by this Agreement, Licensee or Licensee Representatives shall remove their equipment and restore any part of the Property that was affected by its activities to a condition that is reasonably similar to the condition of the Property at the time immediately preceding the commencement of said activities.

5. **Insurance**. Licensee shall maintain at all times during the term hereof sufficient insurance as may be required by the Town to protect licensee and the Town from and against all claims, demands and causes of action arising by reason of any use or work performed by licensee. Work shall not commence work under this Agreement until licensee has obtained all insurance required under this section, a certificate of insurance has been provided to the Town of Amherst and such insurance has been reasonably approved by the Town of Amherst

(a) Workers' Compensation Insurance: licensee shall take out and maintain during the life of this Agreement, Workers' Compensation Insurance In compliance with the statutory requirements of the state(s) of operation and employer's liability with limits of$1,000,000 each accident/disease/policy limit for its employees to be assigned to the work hereto under.

(b) Commercial General Liability Insurance: licensee shall take out and maintain during the life of this Agreement, commercial general liability insurance with limits of $1,000,000.00 per occurrence for bodily injury, (including death) and property damage and $2,000,000 general aggregate including personal and advertising injury which may arise from operations under this Agreement.

Attachment: VZW.Swormville_New_Build_Site_Access_Agreement_012424 (RES-2024-136 : Site Access Agreement (1265 Smith Road) (CRS

Attachment: VZW.Swormville_New_Build_Site_Access_Agreement_012424 (RES-2024-136 : Site Access Agreement (1265 Smith Road) (CRS

(c) licensee shall require all contractors and subcontractors to obtain and maintain substantially the same insurance as required of licensee with limits commensurate with the work or service to be provided.

(d) licensee shall furnish the above certificates of insurance, including subcontractors' insurances, to the Town of Amherst and shall also include the Town of Amherst as an additional insured as their interest may appear under this Agreement on a primary and noncontributory basis in said policies.

6. Indemnification. (a) Licensee shall indemnify and hold harmless Licensor for any penalties, damages or costs that result from the negligence or willful misconduct, misrepresentation or breach of warranty in this agreement by Licensee or Licensee representatives.

(b) Licensor shall indemnify and hold harmless Licensee and Licensee Representatives for any penalties, damages or costs that result from the negligence or willful misconduct, misrepresentation or breach of warranty in this agreement by Licensor including any damages or injuries to Licensee Representatives persons and/or property which arise from or relate to any existing hazardous waste, pollutant or hazardous substance presence or release associated with or related to the Property.

(c) The indemnification in this agreement shall only apply if prompt notice is provided to the indemnifying party. The indemnity is conditioned on the following: (i) the indemnifying party has the opportunity to fully manage any indemnified matter as it deems appropriate (including any required remediation or defense of claims) with employees, agents, contractors, consultants and attorneys of the indemnifying party's choosing and (ii) the reasonable cooperation of any indemnified party (including the signing of any properly completed forms that will allow for the continued current use of the property).

(d) The site access granted to the Licensee and/or Licensee Representatives pursuant to this Agreement extends to any repair or restoration work required to remediate any damage to the Property that is indemnified pursuant to this Section.

76. **Test Results.**

(a) Licensor understands and acknowledges that the environmental testing to be undertaken may create legal duties applicable to Licensor if conditions of pollution are discovered and that except to the extent required by law, neither Licensee nor Licensee Representatives have an obligation to report any test results or conditions to any party as a result of this Agreement. Licensee and Licensee Representatives will provide copies of test results to Licensor unless Licensor specifically requests, in writing, prior to the start of testing, not to receive the test results from Licensee's review. Licensor acknowledges that these tests are performed for Licensee's specific purposes and cannot be relied on by Licensor in any way as being accurate or sufficient for any purposes. Licensor agrees and acknowledges that it is not authorized to share, provide, disseminate, present, and/or make available the test results to any third party unless required by law.

(b) In certain cases test results regarding the environmental conditions of the property may result in a reporting obligation specific to Licensee or Licensee Representatives. In any of those cases, Licensee or Licensee Representative shall, if reasonably possible, notify Licensor at least twenty

four (24) hours prior to making the notification but in any case within seventy two (72) hours after making the notification to the appropriate agency. Licensor agrees that Licensee and Licensee Representatives bear no responsibility for the costs resulting from that reporting and that Licensee shall not become responsible for any conditions that it discovers during the Site Investigation.

(c) Licensor acknowledges and agrees that any samples that are taken during the activities undertaken pursuant to this Agreement and any investigation-derived media (i.e., drill cuttings, well purge water) generated by the investigation may require off-site disposal based upon test results. Licensor agrees to execute all properly completed waste manifests or other documents required for proper disposal of test results. Licensor's obligation to sign any properly completed waste manifests or other documents required for proper disposal survives this Agreement so long as those items that require disposal were generated pursuant to this Agreement. The cost of off-site disposal of media will be paid for by Licensee or the appropriate Licensee Representative, not Licensor.

(d) Licensee may use the results of the Site Investigation as it deems appropriate and may share the results with third parties, including, but not necessarily limited to attorneys, consultants, contractors, employees and regulators.

87. **Termination.** This Agreement shall terminate automatically on the earlier of: (1) execution of a lease agreement for any part of the Property between Licensee and Licensor, or (2) a decision by Licensee that the site is unsuitable, notice of which shall be provided to the Licensee to the Licensor, or (3) one year from the full execution of this agreement.

9. **Waiver; Modification; Severability.** An extension, amendment, modification, cancellation, or termination of this Agreement will be valid and effective only if it is in writing and signed by each party to this Agreement, except as provided otherwise in this Agreement. In addition, a waiver of any duty, obligation, or responsibility of a party under this Agreement will be valid and effective only if it is evidenced by a writing signed by, or on behalf of, the party against whom the waiver or discharge is sought to be enforced. Whenever possible, each provision of this Agreement should be construed and interpreted so that it is valid and enforceable under applicable law. However, if a provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, that provision will be deemed severable from the remaining provisions of this Agreement and will not affect the validity, interpretation, or effect of the other provisions of this Agreement or the application of that provision to other circumstances in which it is valid and enforceable.

10. **Assignment; Third Party Beneficiaries.** This Agreement is not assignable by Licensee. Neither the entry of this Agreement or any action taken by Licensee hereunder shall create any third party beneficiary or third party beneficiary rights.

11. **Legal Matters.** The validity, construction, enforcement, and interpretation of this Agreement are governed by the laws of the State where the Property is located and the federal laws of the United States of America.

12. **Notices.** Except for oral notices specifically authorized in this agreement, notices permitted by this Agreement will be valid only if such notice is in writing, delivered personally or by e-mail,

Attachment: VZW.Swormville_New_Build_Site_Access_Agreement_012424 (RES-2024-136 : Site Access Agreement (1265 Smith Road) (CRS

telecopy, commercial courier, or first class, postage prepaid, United States mail (whether or not certified or registered and regardless of whether a return receipt is requested or received by the sender), and addressed by the sender to the intended recipient at its address set forth in the first paragraph of this Agreement, or to such other address as the intended recipient may designate by notice given to the sender in accordance with this section. A validly given notice, consent, demand, request, or approval will be effective on the earlier of its receipt, if delivered personally or by e-mail, telecopy, or commercial courier, or the third day after it is postmarked by the United States Postal Service, if delivered by first class, postage prepaid, United States mail. Each party promptly shall notify the other of any change in its mailing address or telephone contact number stated in this Agreement.

13. **Complete Agreement; Survival.** This Agreement records the entire understanding between the parties regarding the subjects addressed in it and supersedes any previous or contemporaneous agreement, understanding, or representation, oral or written, by either of them.

14. **Execution and Effectiveness.** The parties may execute this Agreement in counterparts. Each executed counterpart will constitute an original document, and all executed counterparts, together, will constitute the same agreement. This Agreement will become effective upon the last signatory's delivery of the fully executed document to the other party, and the last signatory shall fill in the EXECUTED date below prior to such delivery.

Attachment: VZW.Swormville_New_Build_Site_Access_Agreement_012424 (RES-2024-136 : Site Access Agreement (1265 Smith Road) (CRS

VZW Site ID: 5000921671
VZW Site Name: Swormville

EXECUTED: _____, 20___.

LICENSOR:

Town of Amherst

By: _____

Print Name:_____

Title: _____

Date: _____

LICENSEE:

Bell Atlantic Mobile Systems LLC dba Verizon Wireless

By: _____

Print Name: _____

Title: _____

Date: _____

[SIGNATURE(S) OF LICENSEE REPRESENTATIVE(S) THAT WILL CONDUCT SITE INVESTIGATION ON FOLLOWING PAGE]

Attachment: VZW.Swormville_New_Build_Site_Access_Agreement_012424 (RES-2024-136 : Site Access Agreement (1265 Smith Road) (CRS

The undersigned "Licensee Representative" has reviewed this Agreement and hereby agrees to comply with all obligations pertaining to, and imposed on, Licensee Representatives contained herein.

Agreed to and accepted by:

_____

By:_____

Name: _____

Title: _____

Date:_____

Attachment: VZW.Swormville_New_Build_Site_Access_Agreement_012424 (RES-2024-136 : Site Access Agreement (1265 Smith Road) (CRS

VZW Site ID: 5000921671
VZW Site Name: Swormville

EXHIBIT A

LEGAL DESCRIPTION

SITE NAME	**SITE ADDRESS**
Swormville	1265 Smith Road Town of Amherst Erie County, NY Property (SBL) Tax# - 28.04-1-45

Attachment: VZW.Swormville_New_Build_Site_Access_Agreement_012424 (RES-2024-136 : Site Access Agreement (1265 Smith Road) (CRS

CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY) 01/24/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Aon Risk Services Northeast, Inc.
New York NY Office
One Liberty Plaza
165 Broadway, Suite 3201
New York NY 10006 USA

CONTACT NAME:
PHONE (A/C. No. Ext): (866) 283-7122 **FAX (A/C. No.):** (800) 363-0105
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A:	Liberty Mutual Fire Ins Co	23035
INSURER B:	LM Insurance Corporation	33600
INSURER C:	Liberty Insurance Corporation	42404
INSURER D:		
INSURER E:		
INSURER F:		

INSURED
Verizon Wireless, LLC
1095 Avenue of the Americas
New York NY 10036 USA

COVERAGES **CERTIFICATE NUMBER:** 570103693930 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			TB2691550588143	06/30/2023	06/30/2024	EACH OCCURRENCE	$1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$2,000,000
	X XCU Coverage is Included						MED EXP (Any one person)	$10,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY	$1,000,000
	X POLICY PRO-JECT LOC						GENERAL AGGREGATE	$2,000,000
	OTHER:						PRODUCTS - COMP/OP AGG	$2,000,000
A	AUTOMOBILE LIABILITY			AS2-691-550588-123 AOS	06/30/2023	06/30/2024	COMBINED SINGLE LIMIT (Ea accident)	$2,000,000
A	X ANY AUTO			AS2-691-550588-133 NH - Primary	06/30/2023	06/30/2024	BODILY INJURY (Per person)	
A	OWNED AUTOS ONLY / HIRED AUTOS ONLY / SCHEDULED AUTOS / NON-OWNED AUTOS ONLY			TL2-691-550588-183 NH - Excess	06/30/2023	06/30/2024	BODILY INJURY (Per accident)	
							PROPERTY DAMAGE (Per accident)	
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	
	DED RETENTION							
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N			WA569D550588093 AOS	06/30/2023	06/30/2024	X PER STATUTE OTH-ER	
B	ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N	N / A	WC5691550588083 WI, MN	06/30/2023	06/30/2024	E.L. EACH ACCIDENT	$1,000,000
							E.L. DISEASE-EA EMPLOYEE	$1,000,000
							E.L. DISEASE-POLICY LIMIT	$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Named Insured includes: Bell Atlantic Mobile Systems LLC dba Verizon Wireless. RE: Project No. 17022527, Location No. 5000921671, Project Name: Swormville - NB, Project Location: 1265 Smith Road, East Amherst, NY 14051. Town of Amherst is included as Additional Insured with respect to the General Liability policy.

CERTIFICATE HOLDER

Town of Amherst
Attn: Nicole Burroughs
5583 Main Street
Williamsville NY 14221 USA

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Aon Risk Services Northeast, Inc.

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Attachment: Verizon - Town of Amherst - 2401242938055 4 - 570103693930 (1) Smith Road (RES-2024-136 : Site Access Agreement (1265 Smith

AGENCY CUSTOMER ID: 570000027366

LOC #:

ADDITIONAL REMARKS SCHEDULE

AGENCY	NAMED INSURED
Aon Risk Services Northeast, Inc.	Verizon Wireless, LLC
POLICY NUMBER: See Certificate Number: 570103693930	
CARRIER: See Certificate Number: 570103693930 / NAIC CODE	EFFECTIVE DATE:

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: ACORD 25 **FORM TITLE:** Certificate of Liability Insurance

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER	
INSURER	
INSURER	
INSURER	

ADDITIONAL POLICIES If a policy below does not include limit information, refer to the corresponding policy on the ACORD certificate form for policy limits.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
	WORKERS COMPENSATION							
C		N/A		WA769D550588073 MA	06/30/2023	06/30/2024		

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Attachment: Verizon - Town of Amherst - 240124293805554 - 570103693930 (1) Smith Road (RES-2024-136 : Site Access Agreement (1265 Smith

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name & Address of Insured (use street address only)	1b. Business Telephone Number of Insured
Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless 1095 Avenue of the Americas New York NY 10036 Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)* RE: Swormville - NB (5000921671) Project Location: 1265 Smith Road East Amherst, NY 14051.	908-559-6176 1c. NYS Unemployment Insurance Employer Registration Number of Insured 26-70019 1d. Federal Employer Identification Number of Insured or Social Security Number 22-2483217
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst 5583 Main Street Williamsville NY 14221	3a. Name of Insurance Carrier LM Insurance Corporation 3b. Policy Number of Entity Listed in Box "1a" WA5-69D-550588-093 3c. Policy effective period 6/30/2023 to 6/30/2024 3d. The Proprietor, Partners or Executive Officers are ☑ included. (Only check box if all partners/officers included) ☐ all excluded or certain partners/officers excluded.

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. **(To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy).** The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) **Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.**

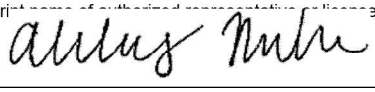
This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: Abby Nolan
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by:  1/24/2024
(Signature) (Date)

Title: _____

Telephone Number of authorized representative or licensed agent of insurance carrier: _____

Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.

C-105.2 (9-17) www.wcb.ny.gov

Attachment: Verizon WC 78335166 (1) Smith Road (RES-2024-136 : Site Access Agreement (1265 Smith Road) (CRS #4567))

Workers' Compensation Law

Section 57. Restriction on issue of permits and the entering into contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

Attachment: Verizon WC 78335166 (1) Smith Road (RES-2024-136 : Site Access Agreement (1265 Smith Road) (CRS #4567))

NEW YORK STATE Workers' Compensation Board

CERTIFICATE OF INSURANCE COVERAGE
NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by NYS Disability and Paid Family Leave benefits carrier or licensed insurance agent of that carrier

1a. Legal Name & Address of Insured (use street address only)

CELLCO PARTNERSHIP DBA VERIZON WIRELESS
1209 ORANGE STREET
WILMINGTON, DE 19801

Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)*

1b. Business Telephone Number of Insured

5853215458

1c. Federal Employer Identification Number of Insured or Social Security Number

223372889

2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)

Town of Amherst
5583 Main Street
Williamsville, NY 14221
Swormville - NB
1265 Smith Road
East Amherst, NY 14051

3a. Name of Insurance Carrier

HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY

3b. Policy Number of Entity Listed in Box 1a

LNY728193005

3c. Policy effective period

01-01-2024 to 12-31-2024

4. Policy provides the following benefits:

- [X] A. Both disability and Paid Family Leave benefits.
- [ ] B. Disability benefits only.
- [ ] C. Paid Family Leave benefits only.

5. Policy covers:

- [X] A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.
- [ ] B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the nam insured has NYS Disability and/or Paid Family Leave benefits insurance coverage as described above.

Date Signed 01-24-2024 By *Elizabeth Tello*

(Signature of insurance carrier's authorized representative or NYS licensed insurance agent of that insurance carrier)

Telephone Number (212) 553-8074 Name and Title: ELIZABETH TELLO – ASSISTANT DIRECTOR, STATUTORY SERVICES

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be emailed to PAU@wcb.ny.gov or it can be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4B, 4C or 5B have been checked)

State of New York
Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law (Article 9 of the Workers' Compensation Law) with respect to all of their employee

Date Signed By

(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number Name and Title

Please Note: *Only insurance carriers licensed to write NYS disability and Paid Family Leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1.* ***Insurance brokers are NOT authorized to issue this form.***

Attachment: Swormville- Verizon DB 120.1 1.24.24 Smith Road (RES-2024-136 : Site Access Agreement (1265 Smith Road) (CRS #4567))

Additional Instructions for Form DB-120.1

By signing this form, the insurance carrier identified in Box 3 on this form is certifying that it is insuring the business referenced in Box 1a for disability and/or Paid Family Leave benefits under the NYS Disability and Paid Family Leave Benefits Law. The insurance carrier or its licensed agent will send this Certificate of Insurance Coverage (Certificate) to the entity listed as the certificate holder in Box 2.

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is cancelled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in Box 3c, whichever is earlier.

This Certificate is issued as a matter of information only and confers no rights upon the certificate holder. This Certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This Certificate may be used as evidence of a NYS disability and/or Paid Family Leave benefits contract of insurance only while the underlying policy is in effect.

Please Note: Upon the cancellation of the disability and/or Paid Family Leave benefits policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Insurance Coverage for NYS disability and/or Paid Family Leave Benefits or other authorized proof that the business is complying with the mandatory coverage requirements of the NYS Disability and Paid Family Leave Benefits Law.

NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

§220. Subd. 8

(a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and not withstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand and twenty-one, the payment of family leave benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand eighteen, the payment of family leave benefits for all employees has been secured as provided by this article.

Attachment: Swormville- Verizon DB 120.1 1.24.24 Smith Road (RES-2024-136 : Site Access Agreement (1265 Smith Road) (CRS #4567))

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A Alba**
Co-Sponsored by:

DOC ID: 28578 **RESOLUTION 2024-137** **ADOPTED**

Settlement of Article 7 Matter - Dent Tower A/K/A Sheridan Equity Partners I, LLC V. Town of Amherst

AGENDA ITEM : FEBRUARY 5TH, 2024

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Senior Deputy Town Attorney**

DATE: **January 31, 2024**

RE: **Settlement of Article 7 Matter**
Dent Tower a/k/a Sheridan Equity Partners I, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

(1) Settlement of the above matter as detailed in the attached Consent Order; and

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Consent Order as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : February 5th, 2024**)
Emily Murphy, Town Assessor

2/5/2023
Consent

FINANCIAL IMPACT:

Assessment

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

At a Special Term of the Supreme Court, Erie County, held at 50 Delaware Avenue, Buffalo, New York, on the ___ day of _____, 2023.

PRESENT: HON. RAYMOND W. WALTER, J.S.C.
Presiding

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

DENT TOWER AKA SHERIDAN EQUITY PARTNERS I LLC

Petitioner,

v.

CONSENT ORDER

TOWN OF AMHERST

Index No.: 808511/2023

Respondent,

AND

SWEET HOME CENTRAL SCHOOL DISTRICT

Intervenor.

FOR REVIEW OF THE 2023-2024 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST, NEW YORK

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as 3980 Sheridan Drive in Amherst, New York, S.B.L. #68.09-1-9.21 for the tax year 2023-2024 having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Sweet Home Central School District, and the Attorney for Petitioner, and it further

Attachment: Dent Tower aka Sheridan Equity Partners I LLC v. Amherst (RES-2024-137 : Settlement of Article 7 Matter - Dent Tower A/K/A

appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the County of Erie, the Town of Amherst and the Sweet Home Central School District, it is hereby

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax year 2023-2024 for the premises at 3980 Sheridan Drive be set at $6,200,000 assessed value, and it is further

ORDERED, STIPULATED, AND ADJUDGED that thereafter, the Assessment shall be set at a town-wide revaluation assessment for Town, County and Special District purposes, however, insofar as the Sweet Home Central School District only, the September 2024 School tax bill (tax year 2024-2025) shall be based upon the following formula: the 2024-2025 Town-wide revaluation assessed value less $3,800,000 assessed value, multiplied by the applicable tax rate, and it is further

ORDERED, STIPULATED, AND ADJUDGED that said Petitioner in any instrument or agreement transferring any part or all of the subject property or any interest therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and/or assigns that they shall be bound by the terms of this Consent Order and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms thereof, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event that the assessment is increased for any stated year at a level higher than provided herein when there has been no assessable addition or improvement to the property, Petitioner retains the right to reinstate and reinstitute its Article 7 proceedings herein settled with respect to that parcel only, and Respondents waive any objection based upon statute of limitations grounds, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County,

Attachment: Dent Tower aka Sheridan Equity Partners I LLC v. Amherst (RES-2024-137 : Settlement of Article 7 Matter - Dent Tower A/K/A

the Town of Amherst, Sweet Home Central School District, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Wolfgang & Weinmann, as attorneys and agents for Petitioner, accompanied by a calculation sheet, such attorneys to hold the proceeds as trust funds for appropriate distribution, and are to remain subject to the further jurisdiction of this Court relative to their attorney's lien pursuant to Judiciary Law Section 475, or in the event that any such tax payment has not been paid, issue corrected tax bills which reflect the proper reduced assessment for the property, with a copy of corrected tax bills sent to the attorneys for Petitioner, said corrected tax bills to be paid without interest or penalty if paid within 45 days of receipt of said corrected bills, with the exception that Petitioner waives tax year 2023-2024 property tax refunds from the Sweet Home Central School District only, and it is further

ORDERED, STIPULATED, AND ADJUDGED that this Court shall retain jurisdiction over this proceeding pending the expiration of the periods herein recited, and that all applications to enforce any or all of the terms of this Consent Order shall be brought by motion before this Court, and it is further

ORDERED, STIPULATED, AND ADJUDGED that Petitioner shall have the right to seek specific enforcement of this Order, Stipulation and Judgment by all means provided by law, and it is further

ORDERED, STIPULATED, AND ADJUDGED that this Order, Stipulation and Judgment hereby constitutes and represents the entire understanding and agreement amongst the parties, and the full settlement of the tax certiorari herein; there are no costs or disbursements awarded to, by or against any party, and upon compliance with the terms of this Order,

Attachment: Dent Tower aka Sheridan Equity Partners I LLC v. Amherst (RES-2024-137 : Settlement of Article 7 Matter - Dent Tower A/K/A

Stipulation and Judgment, the proceedings herein shall be, and the same hereby are, settled and discontinued with prejudice.

_____
HON. RAYMOND W. WALTER, J.S.C.

DATED:

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER
DENT TOWER AKA SHERIDAN
EQUITY PARTNERS I LLC

By: _____
PETER ALLEN WEINMANN, ESQ.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
TOWN OF AMHERST

By: _____
SAMUEL A. ALBA, ESQ.
Attorney for Respondent

Date: _____

FOR PETITIONER
DENT TOWER AKA SHERIDAN
EQUITY PARTNERS I LLC

By: _____
JOHN YURTCHUK
As Agent

Date: _____

FOR INTERVENOR
SWEET HOME CENTRAL
SCHOOL DISTRICT

By: _____
JOHN K. ROTTARIS, ESQ.
Attorney for Intervenor

Date: _____

Attachment: Dent Tower aka Sheridan Equity Partners I LLC v. Amherst (RES-2024-137 : Settlement of Article 7 Matter - Dent Tower A/K/A

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A Alba**
Co-Sponsored by:

DOC ID: 28606 **RESOLUTION 2024-138** **ADOPTED**

Settlement of Article 7 Matter - R&F Amherst, LLC V. Town of Amherst

AGENDA ITEM : FEBRUARY 5TH, 2024

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Senior Deputy Town Attorney**

DATE: **January 31, 2024**

RE: **Settlement of Article 7 Matter**
R&F Amherst, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

(1) Settlement of the above matter as detailed in the attached Stipulation of Settlement and Order; and

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Stipulation of Settlement and Order as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : February 5th, 2024**)
Emily Murphy, Town Assessor

2/5/2023
Consent

FINANCIAL IMPACT:

Assessment

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application of
R & F Amherst, LLC,

Petitioner,

vs.

THE TOWN OF AMHERST, NEW YORK AND ITS ASSESSOR AND BOARD OF ASSESSMENT REVIEW,

Respondents,

SWEET HOME CENTRAL SCHOOL DISTRICT and COUNTY OF ERIE,

Intervenors-Respondents.

STIPULATION OF SETTLEMENT AND ORDER

Index No. 809365/2023

Hon. Raymond Walter

WHEREAS, Petitioner commenced judicial review proceeding pursuant to Real Property Tax Law Article 7 against the Town of Amherst for tax year 2023/24 to review the assessment on real property it owns in the Town of Amherst identified as Tax ID No. 54.14-1-2 and located at 1459 Niagara Falls Boulevard (hereinafter the "Subject Property"); and

WHEREAS, the Respondent Town filed a notice of appearance on September 19,2023 noting that all allegations of the Petitions were deemed denied pursuant to RPTL 712; and

WHEREAS, the Sweet Home Central School District and the County of Erie intervened by filing Notices of Appearance on August 15, 2023 and December 26, 2023, respectively; and

WHEREAS, the parties entered into extensive settlement discussions and are desirous of settling and discontinuing the above-captioned proceedings based upon this Stipulation of Settlement and Order;

Attachment: R_F - Stipulation of Settlement and Order (RES-2024-138 : Settlement of Article 7 Matter - R&F Amherst, LLC V. Town of Amherst)

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties herein, that:

1. The assessment on the Subject Property shall be reduced on 2023 final assessment roll from $5,180,000 to $4,750,000 as shown in the following chart:

Assessment Roll Year	Tax Year	Final Assessment	Final State Equalization Rate	Equalized FMV	Stipulated Reduced FMV	Stipulated Reduced Assessment
2023	2023/24	$5,180,000	62%	$8,354,839	$7,661,290	$4,750,000

2. The provisions of RPTL 727 shall apply to the subsequent three tax years—i.e., 2024/25, 2025/26, 2026/27, (2024, 2025, and 2026 assessment rolls, respectively) as modified by paragraphs (a) through (d) below:

    a. For the 2024 assessment roll, the assessment of the Subject Property shall not exceed the assessment computed by applying the uniform percentage of value available at the time the tentative assessment roll is filed to a fair market value of $6,967,741, even in the event of a town-wide revaluation as defined in RPTL 727(2)(a); and

    b. For the 2025 assessment roll, the assessment of the Subject Property shall not exceed the assessment computed by applying the uniform percentage of value available at the time the tentative assessment roll is filed to a fair market value of $7,661,290, even in the event of a town-wide revaluation as defined in RPTL 727(2)(a);

    c. For the 2026 assessment roll, the assessment of the Subject Property will not exceed the assessment set forth in subparagraph “b” above; and

    d. For tax year 2024/25 only (i.e. the 2024 assessment roll), the parties waive the provisions of RPTL 727 (2), with the exception of RPTL 727 (2)(e) [concerning destruction of property], which remains in effect.

3. Provided that the 2024, 2025 and 2026 assessments do not exceed those set forth in paragraph 2 above, Petitioner agrees not to file an RPTL Article 7 petition.

4. The officials of the Town of Amherst, the County of Erie, the Sweet Home Central

Attachment: R_F - Stipulation of Settlement and Order (RES-2024-138 : Settlement of Article 7 Matter - R&F Amherst, LLC V. Town of Amherst)

School District and every other taxing entity, district or municipal corporation having custody of or levying taxes upon the basis of said assessment rolls or any copy thereof, be directed and so ordered to make or cause to be made on the proper books and records the entries and changes necessary to correct said assessments pursuant to the provisions in paragraph 1 above.

5. Petitioner agrees to waive any refunds related to the reduction in assessment on the 2023 assessment roll (tax year 2023/24).
6. Approval of this settlement and all required authorizations and enactments by the necessary parties shall be made in good faith and as expeditiously as possible.
7. The parties shall have the right to seek specific enforcement of the terms of this Stipulation of Settlement and any Order entered thereon, and to otherwise enforce the terms by whatever means provided by law.
8. The parties acknowledge that this Stipulation of Settlement is entered into for good and valuable consideration and that no costs or allowances shall be awarded to, by or against either party and that upon compliance with the terms of this Stipulation of Settlement and Order, the above-captioned proceeding shall be and the same is settled and discontinued**.**
9. It is hereby stipulated and agreed that the Assessor of the Town of Amherst be directed and ordered to correct the assessment in accordance with the terms of this Stipulation.
10. The parties further agree that this Stipulation and Order:
    a. Shall not affect the assessments levied upon any other parcel or parcels of real property in the Town of Amherst; and

Attachment: R_F - Stipulation of Settlement and Order (RES-2024-138 : Settlement of Article 7 Matter - R&F Amherst, LLC V. Town of Amherst)

b. Is entered into to resolve the pending proceedings and in no event shall it be offered or admitted in any other proceeding by the parties or by any third parties as competent evidence of any fact; and

c. Shall be filed in the office of the Erie County Clerk's Office.

11. The within Stipulation of Settlement and Order shall also be filed among the records of the Assessor of the Town of Amherst.

Dated: February ___, 2024

BARCLAY DAMON LLP

By:_____
Debra C. Sullivan, Esq.
Attorneys for Petitioner
125 East Jefferson Street
Syracuse, New York 13202

Dated: January ___, 2024

TOWN OF AMHERST

By_____
Samuel A. Alba, Esq.
Senior Deputy Attorney
Attorneys for Respondents
Town Attorney's Office
Amherst Town Hall
5583 Main Street
Williamsville, NY 14221

Dated: February ____, 2024

GROSS SHUMAN P.C.

By_____
John K. Rottaris, Esq.
Attorneys for Intervenor-Respondent
Sweet Home Central School District
465 Main Street, Suite 600
Buffalo, NY 14203

Dated: February ___, 2024

LIPPES MATHIAS LLP

By_____
Margaret A. Hurley, Esq.
Attorneys for Intervenor-Respondent
County of Erie
50 Fountain Plaza, Suite 1700
Buffalo, NY 14202

ENTERED

SO ORDERED:

Attachment: R_F - Stipulation of Settlement and Order (RES-2024-138 : Settlement of Article 7 Matter - R&F Amherst, LLC V. Town of Amherst)

Dated: February ___. 2024

Hon. Raymond Walter, J.S.C.

Attachment: R_F - Stipulation of Settlement and Order (RES-2024-138 : Settlement of Article 7 Matter - R&F Amherst, LLC V. Town of Amherst)

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A Alba**
Co-Sponsored by:

DOC ID: 28608 **RESOLUTION 2024-139** **ADOPTED**

Settlement of Article 7 Matter - Amherst II VF, LLC V. Town of Amherst

AGENDA ITEM : FEBRUARY 5TH, 2024

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Senior Deputy Town Attorney**

DATE: **January 31, 2024**

RE: **Settlement of Article 7 Matter**
Amherst II VF, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

(1) Settlement of the above matter as detailed in the attached Consent Judgment; and

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Consent Judgment as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : February 5th, 2024**)
Emily Murphy, Town Assessor

2/5/2023
Consent

FINANCIAL IMPACT:

Assessment

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

500-0045

Our File #500-0045

At a Special Term of the Supreme Court, State of New York, County of Erie, held at New York on the day of 2024.

P R E S E N T
Hon. DEBORAH CHIMES
Justice

----------X

CONSENT JUDGMENT

In the Matter of the Application of:

AMHERST II VF LLC	**Index #**	**Tax Year**
Petitioners,		
-against-	**808460/2023**	**2023/24**

THE ASSESSOR, THE BOARD OF ASSESSORS AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF AMHERST AND THE TOWN OF AMHESRT

Respondents,

For Review of a Tax Assessment Under Article 7 of the Real Property Tax Law.

----------X

Proceedings having been brought by AMHERST II VF LLC , the Petitioner herein, to review the assessments by the Respondents located in the Town of Amherst, designated as 67.06-1-18.001 and 67.06-1-28.001 on the tax maps and assessment rolls of the Town of Amherst and owned by the Petitioner herein for the taxable status dates of March 1, 2023 (Tax Year: 2023/24), and

The issues of these proceedings having duly come before an IAS Part of the Court and the Petitioner, having appeared by BRIAN M. TROY, ESQ. of CRONIN & CRONIN LAW FIRM, PLLC, the Respondents, Town of Amherst, by their attorney, SAMUEL A. ALBA, ESQ. of the Town of Amherst Law Department, and

Attachment: Consent Order (RES-2024-139 : Settlement of Article 7 Matter - Amherst II VF, LLC V. Town of Amherst)

the Intervenor-Respondents, County of Erie, by their attorney, MARGARET A. HURLEY, ESQ. of LIPPES MATHIAS LLP, and the Intervenor-Respondents, Sweet Home Central School District of Amherst and Tonawanda, New York, by their attorney, JOHN K. ROTTARIS, ESQ., of Counsel of GROSS SHUMAN P.C., and the parties having agreed to a settlement of these proceedings;

NOW, upon the consent of the parties indicated by the signatures of the attorneys for each of the respective parties indicated hereon and due deliberation having been had thereon, it is

ORDERED, that the assessments on the property designated as 67.06-1-18.001 and 67.06-1-28.001 on the tax maps and for the taxable status dates of March 1, 2023 (Tax Year: 2023/24), shall be amended and reduced to read as follows:

Desc. 67.06-1-18.001:

Taxable Status Date (Tax Yr.)	Original Assessed Valuation	Amount of Reduction	Total Final Assessed Valuation
March 1, 2023 (2023/24)	$20,000,000	$5,385,312	$14,614,688

Desc. 67.06-1-28.001:

Taxable Status Date (Tax Yr.)	Original Assessed Valuation	Amount of Reduction	Total Final Assessed Valuation
March 1, 2023 (2023/24)	$2,060,000	$554,688	$1,505,312

ORDERED AND DIRECTED that the two tax lots that make up the Subject Property as noted above shall remain assessed at a cumulative Fair Market Value of $26,000,000 in the 2024/25 tax year, and the Assessed Values shall

Attachment: Consent Order (RES-2024-139 : Settlement of Article 7 Matter - Amherst II VF, LLC V. Town of Amherst)

be determined by the Town of Amherst's Equalization Rate for the 2024/25 tax year as applied to those fair market values.

ORDERED AND DIRECTED that the Erie County Department of Real Property Tax Services be and hereby is directed and authorized to audit, allow, and pay to CRONIN & CRONIN LAW FIRM, PLLC, as attorneys for the Petitioner, AMHERST II VF LLC , the amounts, if any, of County taxes paid by the Petitioner as taxes against the said erroneous assessments in excess of what the taxes should have been if the said assessments had been determined by this Order, without interest thereon, if payment is made within sixty (60) days of service of a certified copy of this Order upon the Treasurer of the County of Erie. If payment is not made within sixty (60) days after the service of a certified copy of this Order upon the Erie County Department of Real Property Tax Services, then statutory interest will be paid on the amount of any refund made, from the date of payment of the taxes as provided by Section 726 of the Real Property Tax Law, and upon the service of a certified copy of an Order upon the Erie County Department of Real Property Tax Services, and it is further

ORDERED AND DIRECTED that the Receiver of Taxes of the Town of Amherst be and hereby is directed and authorized to audit, allow, and pay to CRONIN & CRONIN LAW FIRM, PLLC, as attorneys for the Petitioner, AMHERST II VF LLC , the amounts, if any, of Town and ad valorem Special Districts taxes paid by the Petitioner as taxes against the said erroneous assessments in excess of what the taxes should have been if the said assessments had been determined by this Order, without interest thereon, if payment is made within sixty (60) days of service of a certified copy of this Order upon the Receiver of Taxes of the Town of Amherst . If payment is not made within

Attachment: Consent Order (RES-2024-139 : Settlement of Article 7 Matter - Amherst II VF, LLC V. Town of Amherst)

sixty (60) days after the service of a certified copy of this Order upon the Receiver of Taxes of the Town of Amherst , then statutory interest will be paid on the amount of any refund, from the date of payment of taxes as provided by Section 726 of the Real Property Tax Law, and upon the service of a certified copy of an Order upon the Receiver of Taxes of the Town of Amherst, and it is furtherORDERED AND DIRECTED that the Trustees of the Sweet Home Central School District of Amherst and Tonawanda, New York, unless sooner paid, at the next budget or other appropriate meeting following the entry of this Order, shall audit, allow and pay to CRONIN & CRONIN LAW FIRM, PLLC, as attorneys for the Petitioner, AMHERST II VF LLC , that part of the taxes representing the School taxes which is in excess of what such taxes would have been if the assessment complained of had been herein audited and determined by this Order, without interest thereon if payment of one-half the total excess taxes is made within sixty (60) days of service of a certified copy of this Order upon the Trustees of the Sweet Home Central School District of Amherst and Tonawanda, New York, and payment of the remaining one-half of the total excess taxes is made within sixty (60) days of July 5, 2024. If payment is not made within sixty (60) days of the stated occurrences and dates previously noted, then statutory interest will be paid on the amount of any refund, from the date of payment of taxes as provided by Section 726 of the Real Property Tax Law, and upon the service of a certified copy of an Order upon the Trustees of the Sweet Home Central School District of Amherst and Tonawanda, New York, and it is further

ORDERED AND DIRECTED that the 2024 Town and County tax bill(s) for the Subject Property shall be immediately, within 15 days of service of Notice

Attachment: Consent Order (RES-2024-139 : Settlement of Article 7 Matter - Amherst II VF, LLC V. Town of Amherst)

of Entry of this Order, corrected to comport to this Order and effectuate its terms without further action of any party or this Court. Petitioner(s) shall not be required to pay the uncorrected 2024 Town and County bill(s) as uncorrected and instead may pay such corrected tax bill(s) without fees, penalties or interest within 45 days of issuance, and it is further

ORDERED AND DIRECTED that upon compliance with the terms of this Order, the above captioned proceedings be, and the same hereby are discontinued without costs to either party as against the other.

Date:

E N T E R:

_____
J.S.C.

Entry of the foregoing Order is hereby consented to:

CRONIN & CRONIN LAW FIRM, PLLC
Attorney for Petitioner

_____
BY: BRIAN M. TROY, ESQ.
100 E. Old Country Road
Suite 2
Mineola, New York 11501

Town of Amherst
Attorneys for Respondents

_____
BY: SAMUEL A. ALBA, ESQ.

Attachment: Consent Order (RES-2024-139 : Settlement of Article 7 Matter - Amherst II VF, LLC V. Town of Amherst)

5583 Main Street
Amherst, NY 14221

County of Erie
Attorneys for Intervenor-Respondents

BY: MARGARET A. HURLEY, ESQ.
LIPPES MATHIAS LLP
50 Fountain Plaza, Suite 1700
Buffalo, New York 14202

Sweet Home Central School District of
Amherst and Tonawanda, New York
Attorneys for Intervenor-Respondents

BY: JOHN K. ROTTARIS, ESQ. of Counsel
GROSS SHUMAN, P.C.
465 Main Street, Suite 600
Buffalo, New York 14203

Attachment: Consent Order (RES-2024-139 : Settlement of Article 7 Matter - Amherst II VF, LLC V. Town of Amherst)

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A Alba**
Co-Sponsored by:

DOC ID: 28613 **RESOLUTION 2024-140** **ADOPTED**

Settlement of Article 7 Matter - Delta Sonic Car Wash Systems, Inc. V. Town of Amherst

AGENDA ITEM : FEBRUARY 5TH, 2024

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Senior Deputy Town Attorney**

DATE: **January 31, 2024**

RE: **Settlement of Article 7 Matter**
Delta Sonic Car Wash Systems, Inc. v. Town of Amherst

Kindly adopt a resolution authorizing the following:

(1) Settlement of the above matter as detailed in the attached Consent Order and Judgment; and

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Consent Order and Judgment as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : February 5th, 2024**)
Emily Murphy, Town Assessor

2/5/2023
Consent

FINANCIAL IMPACT:

Assessment

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

At an IAS Term of the Supreme Court of the State of New York, held for the County of Erie, Buffalo, New York on the ___ day of _____, 2024.

PRESENT: HON. JOHN B. LICATA

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION FOR REVIEW UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW OF A TAX ASSESSMENT BY DELTA SONIC CAR WASH SYSTEMS, INC.

Petitioner,

-vs.-

THE BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF AMHERST; THE ASSESSOR OF THE TOWN OF AMHERST; and THE TOWN OF AMHERST, NEW YORK

Respondents.

For Review of the Assessment of Certain Real Property known as 3100 Niagara Falls Blvd in the said Town of Amherst for the 2022-23 and 2023-24 Tax Years.

CONSENT ORDER AND JUDGMENT

Index Nos.:
808278/2022
809137/2023

WHEREAS Petitioner has heretofore commenced the within proceedings under Article 7 of the Real Property Tax Law to review the assessment of a certain parcel of real property located at and known as 3100 Niagara Falls Blvd (SBL #26.03-1-29.21) in the Town of Amherst, County of Erie and State of New York for the tax years 2022-23 and 2023-24, and

WHEREAS these proceedings have duly come before an IAS Term of this Court, and Kavinoky Cook LLP, Scott C. Becker, Esq., of counsel, having appeared for the Petitioner, Samuel A. Alba, Esq., Town of Amherst Counsel, having appeared for the Respondent Town of Amherst, Gross Shuman, P.C., John K. Rottaris, Esq., of counsel, having appeared for the Intervenor-Respondent Sweet Home Central School District of Amherst and Tonawanda and Lippes Mathias

Attachment: Rvsd O&J3100 Niagara FallsDelta Sonic (RES-2024-140 : Settlement of Article 7 Matter - Delta Sonic Car Wash Systems, Inc. V.

LLP, Margaret A. Hurley, Esq., of counsel, having appeared for the Intervenor-Respondents County of Erie, and the parties having agreed to a settlement of these proceedings, it is hereby

STIPULATED, ORDERED and ADJUDGED, that the assessment on the property designated as SBL #26.03-1-29.21 on the tax assessment roll of the Town of Amherst for the following tax year, has been and shall remain as follows:

Assessment Year	Assessment
2022-23	$4,530,000
2023-24	$11,080,000

and it is further

STIPULATED, ORDERED and ADJUDGED, that the assessment on the property designated as SBL #26.03-1-29.21 on the tax assessment roll of the Town of Amherst for the following tax years, shall be as follows:

Assessment Year	Assessment
2024-25	The assessment for the 2024-25 tax year will be based on a FMV of $6,043,000
2025-26	The assessment for the 2025-26 tax year will be based on a FMV of $6,043,000
2026-27	The assessment for the 2026-27 tax year will be based on a FMV of $6,043,000

and it is further

STIPULATED, ORDERED and ADJUDGED, that the assessments as reduced, corrected and adjusted herein are fair, equitable and proper for the purposed of this settlement, and it is further

STIPULATED, ORDERED and ADJUDGED, that the officer or officers having custody of the aforesaid assessment rolls and the tax rolls of the Town of Amherst shall make or cause to be made upon the proper books and records of said Town the entries, changes and corrections necessary to conform said assessments to such corrected and reduced valuations that the appropriate financial officers are hereby directed and authorized to calculate and disburse any resulting refunds of taxes, and it is further

Attachment: Rvsd O&J3100 Niagara FallsDelta Sonic (RES-2024-140 : Settlement of Article 7 Matter - Delta Sonic Car Wash Systems, Inc. V.

STIPULATED, ORDERED and ADJUDGED, that the provisions of Section 727 of the Real Property Tax Law shall apply to this settlement, and it is further

STIPULATED, ORDERED and ADJUDGED, that Petitioner shall have the right to seek specific enforcement of this Consent Order and Judgment by whatever means provided by law, and it is further

STIPULATED, ORDERED and ADJUDGED, that this Consent Order and Judgment hereby constitutes and represents the entire understanding and agreement among the parties and the full settlement of the assessment review proceeding herein, that there are no costs or disbursements awarded to, by, or against any party and that upon compliance with the terms of this Consent Order and Judgment, the above proceeding shall be, and the same hereby is, settled and discontinued with prejudice, and it is further

STIPULATED, ORDERED and ADJUDGED, that this Consent Order and Judgment may be executed in multiple counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

Signing and entry of the within Order and
Judgment is hereby consented to:

KAVINOKY COOK LLP

Dated: _____

By: _____
Scott C. Becker, Esq.
Attorneys for Petitioner
726 Exchange Street, Suite 800
Buffalo, New York 14210

TOWN OF AMHERST

Dated:_____

By: _____
Samuel A. Alba, Esq.
Senior Deputy Attorney
Attorney for Respondent, Town of Amherst
5583 Main Street
Williamsville, New York 14221

Attachment: Rvsd O&J3100 Niagara FallsDelta Sonic (RES-2024-140 : Settlement of Article 7 Matter - Delta Sonic Car Wash Systems, Inc. V.

GROSS SHUMAN, P.C.

Dated:_____ By: _____

John K. Rottaris, Esq.
Attorneys for Intervenor-Respondent, Sweet Home Central School District of Amherst and Tonawanda
465 Main Street, Suite 600
Buffalo, New York 14203

LIPPES MATHIAS LLP

Dated: _____ By: _____

Margaret A. Hurley, Esq.
Attorneys for Intervenor-Respondent, County of Erie
50 Fountain Plaza, Suite 1700
Buffalo, New York 14202

SO ORDERED:

_____
HON. JOHN B. LICATA

ENTER:

0000052/0037254/625587

Attachment: Rvsd O&J3100 Niagara FallsDelta Sonic (RES-2024-140 : Settlement of Article 7 Matter - Delta Sonic Car Wash Systems, Inc. V.

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Building/Building Maintenance
Initiated by: **Daniel Rizzo**
Co-Sponsored by:

DOC ID: 28580 **RESOLUTION 2024-141** **ADOPTED**

U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement CRS #4529, 4530 & 4531

Please authorize the Supervisor to sign contract between Town of Amherst and U&S Services, Inc. 95 Stark St, Tonawanda, NY 14150 CRS#4531. Below are annual payments for Police Dept.

2024 - $12,980.00
2025 - $13,360.00
2026 - #13,760.00

Please authorize the Supervisor to sign contract between Town of Amherst and the U&S Services, Inc. 95 Stark St, Tonawanda, NY 14150 CRS#4529. Below are the annual payments for Senior Center.

2024 - $7,500.00
2025 - $7,700.00
2026 - $7,900.00

Please authorize the Supervisor to sign contract between the Town of Amherst and U&S Services, Inc. 95 Stark St, Tonawanda, NY 14150 CRS#4530. Below are the annual payments for Town Hall.

2024 - $6,900.00
2025 - $7,100.00
2026 - $7,300.00

Thank you.

2/5/2023
Consent

FINANCIAL IMPACT:

A3120 4110-4220

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Integration

Attachment: 4529_original_contract_10098 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

HVAC AMHERST TOWN HALL HVAC PREVENTIVE MAINTENANCE AGREEMENT

12/05/2023

U & S Services, LLC. shall provide qualified personnel, equipment, supplies, and material to accomplish, promptly and satisfactorily, all work required under this preventive maintenance agreement. The owner shall be advised, in writing, of the designated service representative from U & S Services. The following is a detailed list of services we offer as part of a preventive maintenance program. For specific coverage included in this preventive maintenance agreement please see "SPECIFIC SERVICES INCLUDED".

LOANER EQUIPMENT: All equipment that is currently manufactured which would be required to maintain operation of all the systems for the project is stocked locally and is immediately available in the event of a failure. A spare or loaner piece of equipment shall be installed immediately should a failure occur that requires repair at the manufacturer's location.

ON-SITE SERVICE CALL is defined as a service call received by U & S Services, LLC, which must be performed at the customer's facility. During the contract period, U & S Services shall provide qualified personnel to service your system during normal working hours. Normal working hours are from 8:00 AM until 4:30 PM Monday through Friday, excluding legal holidays. For service calls needing immediate attention outside the normal working hours, U & S Services shall furnish the Owner with a telephone number where a service representative can be reached at all times. U & S Services' representative shall be ready to service the covered system within three hours during normal working hours. Any service work performed on any related equipment not covered under this agreement shall be billed on a preferred time and material basis.

REMOTE SERVICE CALL is defined as a service call received by U & S Services, which can be performed by a data communication hookup from the U & S Services office. This shall include any program changes requested by the facility, which can be completed via the telephone line.

RECORDS AND LOGS shall be kept of each maintenance task and a continuous log shall be maintained. A complete maintenance log shall be on file for the Owner's review upon request.

SPECIAL CONSIDERATION by the Owner to provide U & S Services personnel with keys as required to expeditiously execute the terms of this contract. The owner shall be responsible for providing parking for U & S Services service vehicles within reasonable proximity of the building.

U & S Services shall indemnify and hold the Town of Amherst, its officers, agents, and employees, harmless from any and all liability, demands, claims or expenses, awards or judgments imposed upon the Town of Amherst, its officers, agents, and/or employees arising from the negligence, active or passive, of U & S Services.

U & S Services shall not commence work under this Contract until it has obtained all insurance required under this paragraph and such insurance has been approved by the Town of Amherst.

(a) Compensation Insurance: U & S Services shall take out and maintain during the life of this Contract, Workers' Compensation Insurance for its' employees to be assigned to the work hereto under.

(b) General Liability and Property Damage Insurance: U & S Services shall take out and maintain during the life of this Contract, such general liability and property damage insurance as shall protect it from claims for damages for personal injury, including accidental death, as well as from claims for property damage, which may arise from operations under this Contract. The amount of such insurance shall be as follows:General liability insurance in an amount not less that $1,000,000.00 per occurrence for bodily injury and property damage, including wrongful death, and $2,000,000.00 aggregate. U & S Services shall furnish the above insurances to the Town of Amherst and shall also name the Town of Amherst as a primary additional insured on said policies.

(c) Any accident shall be reported to the Office of the Town Attorney as soon as possible and not later than twenty-four (24) hours from the time of such accident. A detailed written report must be submitted to the Town of Amherst as soon thereafter as possible and not later than three (3) days after the date of such accident.

Stark TECH

Integration

INSURANCE documents shall be provided to prove Workman's Compensation and casualty liability coverage upon request.Any additional coverage requirements outside our standard limits will be reviewed by our insurance representative and we will advise Owner of additional cost.

HVAC SYSTEM SOFTWARE MODIFICATIONS AND WORK REQUESTS by the Owner should be made 24 hours in advance barring an emergency.

HVAC SYSTEM SOFTWARE MAINTENANCE AND SUPPORT The system software shall be backed-up as required at a minimum of once per year. A copy shall be stored on electronic medium at the Owner's facilities and at our Tonawanda location. U & S Services shall provide all telephone support and software support as required for services. Any changes made in the software logic shall be immediately re-documented on electronic medium.

SOFTWARE REVISION UPGRADE is defined as an upgrade in revision to the existing manufactures software. Upgrades will only be done that add benefit and reliability to the systems as determined by U&S Services technical team. Upgrades include labor and manufacturers software only; all PC hardware and OS upgrade cost are not covered under this agreement.

TEMPORARY COMPUTER EQUIPMENT SUPPORT: U & S Services shall provide, at no additional charge, temporary equipment required to maintain service to the facility while factory repairs are made. (see "Equipment Coverage")

TRAINING shall be provided for the specific purpose of training operational personnel. The training shall be on-site with the customer's system during the preventive maintenance inspections.

24 HOUR EMERGENCY SERVICE if covered by this agreement shall include repair calls seven (7) days per week, twenty-four (24) hours per day at no additional charge. U & S Services guarantees a voice response within 30-60 minutes and onsite response, if necessary, within two hours. Items considered "daily operational functions" (e.g., request for set-point changes, deletion/addition of users, schedule changes, etc.) are not covered by the 24 hour emergency service.

SPECIFIC SERVICES INCLUDED

YES	NO	QTY.	SERVICE DESCRIPTION - **HVAC**
X		4	On-site service calls at no additional charge.
X		6	Remote service calls at no additional charge.
X			24-hour emergency service.
	X		Software revision upgrade.
X			Customer training (accumulative four hours).
X		1	Preventive maintenance inspection: ▪ Cleaning and operational tests of the central processing unit (CPU), all peripheral equipment, and field panels. ▪ Inter panel connections shall be inspected and re-tightened where necessary. ▪ Emergency battery load test, of all panel mounted UPS systems. ▪ Each field input/output shall be verified operational through data acquisition. Any points proving poor operation shall be calibrated or replaced. ▪ Where applicable, system diagnostics shall be run. ▪ System software shall be inspected to allow for recommendations (fine tuning loops) or upgrades. All recommendations will be given to the operator for approval. ▪ Cleaning and fan replacement of PC when workstation hardware is included (see "Equipment Coverage"). ▪ A copy of the software shall be backed-up on storage medium. ▪ All problems reported by the operator will be addressed.

Attachment: 4529_original_contract_10098 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Integration

YES	NO	QTY.	EQUIPMENT COVERAGE* - **HVAC**
X			Andover Controls controller equipment.
X			Computer(s), computer(s) hardware and printer(s).
	X		Laptop computer(s) hardware.
X			Andover loaner equipment.
X			Control panel equipment.
X			Temp. sensor(s), current transducer(s), and relay(s).
	X		Control valves.
X			Control valves actuators.
X			Damper actuators.

YES	NO	QTY.	SYSTEM SOFTWARE MAINTENANCE & SUPPORT* - **HVAC**
X			Microsoft Workstation software.
X			SQL data base software.
X			Cyber station workstation software.
X			Custom ACC microprocessor software.
X			Two software back-ups on storage medium.

*Coverage only applies to equipment provided by U & S Services, LLC Components no longer manufactured or deemed un-repairable are not covered.

LIMITATIONS: This service agreement does not include any material or work required as a result of damage to the system by lightning, water, temperature, or other factors which do not constitute normal wear out or breakdown. If, during or within 90 days after the term of this agreement, customer engages any U&S Services employee who has performed work under this or any other agreement between customer and U&S Services, customer shall pay U&S Services an amount equal to the employee's latest annual salary.This agreement does not include internet contamination such as viruses, worms, hackers, etc. U & S Services, LLC. is not responsible for anti-virus software implementation, anti-virus software upgrades, Microsoft fix packs, or any other software that may reside on the workstation(s)/file server not related to the operation of the system but causes malfunction of the system software.

Continuum Cyberstation, protection from Cyberspace viruses, Microsoft fix packs and third-party software. Due to recent Cyberspace infections, we at U&S Services, LLC find it our responsibility to bring to your attention that the DDC Continuum Workstation(s) can be affected if not properly protected. The Workstation you purchased from us and is your property/responsibility and resides on your network. The best way to ensure its integrity from Cyberspace attacks is to have your IT personnel install and maintain anti-virus software. Microsoft fix packs are not required to be maintained for the proper operation of the Continuum Software. However, if the Continuum Workstation is being used for other operations outside of the original intend of operating the Andover Controls Systems Microsoft Fix Packs may be required for other operations. Microsoft Fix Packs listed as CRITICAL by Microsoft should be verified for compatibility by this office ASAP. Not all Microsoft Fix Packs have been qualified by Andover Controls and if installed may cause malfunction of the Graphics, before installing any Fix Packs please contact this office for current qualifications. Third party applications can affect the operation of the Continuum Workstation, before installing any third-party software, contact this office for current qualifications. If your facility does not have the resources to provide this type of PC maintenance, contact U&S Services, LLC so we may provide a written proposal outlining our work and cost.

Attachment: 4529_original_contract_10098 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Integration

DATE: 12/05/2023

CUSTOMER: Town of Amherst

LOCATION: Senior Center
370 John James Audubon Parkway, Amherst, NY 14228

SPECIAL CONDITIONS/PROVISIONS:

1. All parts will be priced as per the NYS Contract PT69752.

DURATION:

This agreement shall remain in effect for an original term of three (3) year(s) beginning January 1, 2024, and from year to year thereafter unless at least 30 days prior to the expiration date of the original term or any extended term, either party gives the other written notice of its intention to terminate the agreement.

PRICE AND PAYMENT TERMS:

Customer shall pay annually in advance.

01/01/2024 – 12/31/2024	$7,500.00
01/01/2025 – 12/31/2025	$7,700.00
01/01/2026 – 12/31/2026	$7,900.00

ADDITIONAL PRICE PAYMENT TERMS: New York State sales tax is not included in this agreement. Tax exempt organizations must supply U&S Services with a current Form ST 119.1 each year to comply with NYS tax laws. If this exempt organization certificate is not supplied New York State tax will be charged on invoices.

This Proposal is valid for 120 days past the date of this proposal.

U&S Services, LLC.		**Customer**	
By:	Patricia Corrigan	By:	
Signature	Patricia Corrigan	Signature	
Title	Client Solutions Rep.	Title	
Date	12/05/2023	Date	

Attachment: 4529_original_contract_10098 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

November 22, 2023

Town of Amherst
Town hall
5583 Main Street
Amherst, NY 14228

Dear Mr. Rizzo:

At the request of U&S Services I would like to confirm that U&S Services is the only authorized Schneider Electric Building Division Partner representing the Andover product line in the eight (8) western counties of the state of New York.

U&S Services has been a representative for Schneider Electric for better than 30 years and has been consistently ranked as one of our top performing Partners. They have been factory trained and have the full support of Schneider Electric for the sales, service, and installation of our products. I am sure that they will be able to provide you the level of support that you require.

If you have any questions or would like to discuss further, please feel free to contact me

Sincerely,

Frank Yoder

Frank Yoder
Regional Partner Expert
Northeast Partners
Frank.Yoder@schneider-electric.com
(302) 212-9255

Schneider **Electric** | **Buildings Business**
1650 West Crosby Road
Carrollton, TX 75006 USA
Tel. +1 972 323 1111 Fax +1 972 242 0026
www.schneider-electric.com/buildings

Attachment: 4529_original_contract_10098 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

IRAN DIVESTMENT ACT CERTIFICATION

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a provision was added to the State Finance Law (SFL), Section 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will develop a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). This list is posted on the OGS website.

By submitting a response to this solicitation, or by assuming the responsibility under a Contract/Lease awarded hereunder, Bidder/Contractor/Vendor (or any assignee) certifies that it will not utilize on such Contract/Lease any subcontractor that is identified on the prohibited entities list.

Additionally, Bidder/Contractor/Vendor is advised that any Bidder/ Contractor/Vendor seeking to renew or extend a Contract/Lease (or assume responsibility of a Contract/Lease awarded must certify at the time the Contract/Lease is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract/Lease, should the Town of Amherst (Town) receive information that a person is in violation of the above-referenced certification, the Town will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the Town shall take such action as appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Bidder/Contractor/Vendor in default.

The Town reserves the right to reject any Contract/Lease or request for assignment for an entity that appears on the prohibited entities list prior to the award of a Contract/Lease, and to pursue a responsibility review with respect to any entity that is awarded a Contract/Lease and appears on the prohibited entities list after Contract/Lease award.

Company Name: U & S Services LLC

Signature: Patricia E Corrigan

Print Name: Patricia E Corrigan

Title: Client Solutions Rep

Date: 12/18/2023

Sworn To Before Me This

18th Day of Dec., 2023

Notary Public

NOREEN ANN STICKNEY
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01ST6064162
Qualified in Niagara County
My Commission Expires 9-17-25

Revised 4.2017

Attachment: 4529_original_contract_10098 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Attachment: 4529_original_contract_10098 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Addendum to Contract Major Exposure

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.

2. No rules, requirements or customs of any society or association of professional Contractors or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.

3. To the fullest extent permitted by law, Contractor shall indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, or expenses, awards or judgments imposed upon the Town, its officers, agents, and/or employees, arising out of the work of the Contractor its officers, agents, subcontractors, and/or employees as well as the negligence, active or passive, of the Contractor, its officers, agents, subcontractors, and/or employees.

4. Contractor shall not commence work under this Agreement until it has obtained all insurance specified below, produced satisfactory proof of the same and such insurance has been approved by the Town.

(a) Workers' Compensation Insurance: Contractor shall take out and maintain during the life of this Agreement, Workers' Compensation Insurance (both Part A and Part B) for its employees to be assigned to the work hereto under.

(b) General Liability, Professional (if applicable) Liability and Property Damage Insurance: Contractor shall take out and maintain during the life of this Agreement, such general liability and property damage insurance as shall protect it and the Town of Amherst from claims for damages for personal injury, including accidental death, as well as from claims for property damage, which may arise from operations under this Agreement. The amounts of such insurance shall be as follows in an amount not less than $1,000,000.00 per occurrence for bodily injury and property damage including wrongful death, and $2,000,000.00 aggregate. Umbrella coverage shall be in an amount of at least $5,000,000.00.

(c) Contractor shall furnish the above insurances, including subcontractors' insurances, to the Town and shall also assure that any policy procured by it shall name the Town as an additional insured on a primary and non-contributory basis.

(d) Contractor shall ensure all its subcontractors, if any, have obtained all the above insurances and shall also assure that any policy procured by any subcontractor or sub-subcontractor shall name the Town as an additional insured on a primary and non-contributory basis.

Attachment: 4529_original_contract_10098 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

9. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules, regulations or ordinances for any state other than New York State, to the laws, statutes, rules, regulations or ordinances for any county other than Erie County, New York or to the laws, statutes, rules, regulations or ordinances for any municipality other than the Town of Amherst, then the laws, statutes, rules, regulations or ordinances for New York State, Erie county and/or the Town of Amherst shall apply as applicable. Any and all legal action necessary to enforce the Agreement will be venued in Supreme Court, Erie County, New York or in the United States District Court for the Western District of New York, Buffalo Division.

10. It is hereby acknowledged that performance of this Contract will be undertaken in accordance with the specifications and pricing on which the bid was submitted.

Authority for execution on behalf of Town: The Supervisor has executed this Agreement pursuant to a Resolution adopted by the Town Board of the Town, at a meeting thereof held on _____. Brian J. Kulpa, the Supervisor whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an Agreement on behalf of the Town as a result of that Resolution. This instrument shall be executed in triplicate. At least one (1) copy shall be permanently filed, after execution thereof, in the office of the Town Clerk of Town.

Agreed to and Accepted by:

U & S Services LLC
Print Name of Company

By: Patricia E Corrigan
Signature

Patricia E Corrigan
Printed name

Date: 12/18/2023

Agreed to and Accepted by:

Town of Amherst

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Revised 12.30..19

U&SSERV-01

TBRZEZINSKI

DATE (MM/DD/YYYY) 5/1/2023

CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 1009544 Lawley Construction Solutions 361 Delaware Avenue Buffalo, NY 14202	CONTACT NAME: Traci Brzezinski PHONE (A/C, No, Ext): (716) 849-8217 8217 FAX (A/C, No): (716) 849-8291 E-MAIL ADDRESS: tbrzezinski@lawleyinsurance.com
INSURED U&S Services LLC 95 Stark Street Tonawanda, NY 14150	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : Zurich American Insurance Co — 16535 INSURER B : American Zurich Insurance Co — 40142 INSURER C : Ace American Ins Co-BONDS only — INSURER D : Merchants National Insurance — 12775 INSURER E : Princeton Excess & Surplus Ines Insurance Co — 10786 INSURER F :

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE [X] OCCUR X Contractual Included GEN'L AGGREGATE LIMIT APPLIES PER: POLICY [X] PRO-JECT [X] LOC OTHER:			GLO509899703	5/1/2023	5/1/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG EMPLOYEE BENEFI	$ 1,000,0 $ 100,0 $ 10,0 $ 1,000,0 $ 2,000,0 $ 2,000,0 $ 1,000,0
B	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY / SCHEDULED AUTOS HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY			BAP509899803	5/1/2023	5/1/2024	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,0 $ $ $
C	X UMBRELLA LIAB [X] OCCUR EXCESS LIAB CLAIMS-MADE DED [X] RETENTION $ 10,000			N10841872010	5/1/2023	5/1/2024	EACH OCCURRENCE AGGREGATE	$ 5,000,0 $ 5,000,0
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N [N] N/A If yes, describe under DESCRIPTION OF OPERATIONS below			WC509899603	5/1/2023	5/1/2024	X PER STATUTE / OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,0 $ 1,000,0 $ 1,000,0
D	Excess Liability			EXL0001357	5/1/2023	5/1/2024	5,000,000	5,000,0
E	Excess Liability			60A3FF0000613-00	5/1/2023	5/1/2024	5,000,000	5,000,0

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Additional Insured and Waiver of Subrogation coverage shown above and marked with an X. Terms set forth as evidenced by the attached endorsement(s) identified on the ACORD 101.

CERTIFICATE HOLDER

Town of Amherst
Amherst Town Hall
5583 Main St.
Williamsville, NY 14221

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

ACORD 25 (2016/03)

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Attachment: 4529_original_contract_10098 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

AGENCY CUSTOMER ID: U&SSERV-01 TBRZEZINSKI
LOC #: 1

ADDITIONAL REMARKS SCHEDULE

AGENCY	License # 1009544	NAMED INSURED
Lawley Construction Solutions		U&S Services LLC 95 Stark Street Tonawanda, NY 14150
POLICY NUMBER		
SEE PAGE 1		
CARRIER	NAIC CODE	EFFECTIVE DATE: SEE PAGE 1
SEE PAGE 1	SEE P 1	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

When required by executed written contract the following:
endorsements apply:

General Liability:

CG2503 (05/09) Designated Construction Project(s) General Aggregate Limit
CG2032 (04/13) Additional insured - Engineers, Architects, or Surveyors Not engaged by Named Insured
CG2007 (04/13) Additional insured - Engineers, Architects, or Surveyors
UGL1060 (04/13) Additional Insured - Lessor of Leased Equipment
UGL2162 Additional Insured - Automatic --Owners, Lessees Or Contractors
UGL925B CW (12/01) Waiver of Subrogation (Blanket) Endorsement

Auto:
CA2048 (10/13) - Designated Insured
CA2001 - Additional Insured - All Lessors
UCA424GNY - Coverage Extension Endorsement

Worker's Compensation:
WC00 03 13 (4/84) Waiver of Our Right To Recover From Others Endorsement

Umbrella (Ace American):
XS-41864 - Waiver of Our Right to Recover Payment
XS-41851- Aggregate Limits of Insurance (Per Project)
XS-41887A - Other Valid and Collectible Insurance (Additional Insured)

Excess Liability (Merchants):
MN-02 – Per Project Aggregate
EX87140910 – Primary and Non-Contributing Insurance
CX0001 – Commercial Excess Liability Coverage Form

Excess Liability (Princeton):
General Endorsement - Per Project Aggregate Limit of Insurance with Aggregate
CXE 01 16 02 10 Policy Changes - Primary and Non-Contributing Insurance
CX0001 – Commercial Excess Liability Coverage Form

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Attachment: 4529_original_contract_10098 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name and address of Insured (Use street address only)	1b. Business Telephone Number of Insured
U&S Services LLC 95 Stark Street Tonawanda, NY 14150	716-693-4490 **1c. NYS Unemployment Insurance Employer Registration Number of Insured**
Work Location of Insured *(Only required if coverage is specifically limited to certain location in New York State, i.e. a Wrap-Up Policy)*	**1d. Federal Employer Indentification Number of Insured or Social Security Number** 81-5324510
2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst 5583 Main Street Williamsville, NY 14221	**3a.Name of Insurance Carrier** American Zurich Insurance Co **3b. Policy Number of entity listed in box "1a":** WC 5098996-03 **3c. Policy effective period:** 5/1/2023-5/1/2024 **3d. The Proprietor, Partners or Executive Officers are:** ☑ **included** (Only check box if all partners/officers included) ☐ **all excluded or certain partners/officers excluded**

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensatio under the New York State Workers' Compensation Law. (To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy). The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, exten or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced polic

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that tl named insured has the coverage as depicted on this form.

Approved By: William Lawley Jr.
(Print name of authorized representative or licensed agent of insurance carrier)

Approved By: _____ 12/22/23
(Signature) (Date)

Title: Managing Partner

Telephone Number of authorized representative or licensed agent of insurance carrier: CarrierPhone

Please Note: Only insurance carriers and their licensed agents are authorized to issue the C-105.2 form. Insurance brokers are NOT authorized to issue it.

Attachment: 4529_original_contract_10098 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Workers' Compensation Law

Section 57. Restriction on issue of permits and the entering contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

C-105.2 (9-17) REVERSE

Attachment: 4529_original_contract_10098 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF INSURANCE COVERAGE
NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by NYS disability and Paid Family Leave benefits carrier or licensed insurance agent of that carrier

1a. Legal Name & Address of Insured (use street address only) U & S Services LLC 95 Stark Street Tonawanda NY 14150 Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)*	1b. Business Telephone Number of Insured 716 693 4490 1c. Federal Employer Identification Number of Insured or Social Security Number 16 1364177
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst 5583 Main Street Williamsville, NY 14221	3a. Name of Insurance Carrier **The Guardian Life Insurance Company of America** 3b. Policy Number of Entity Listed in Box 1a 00970362 - 0029 3c. Policy Effective Period 01/01/2023 to 01/01/2024

4. Policy provides the following benefits:
   - [x] A. Both disability and Paid Family Leave benefits.
   - [ ] B. Disability benefits only.
   - [ ] C. Paid Family Leave benefits only.
5. Policy covers:
   - [x] A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.
   - [ ] B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS disability and/or Paid Family Leave benefits insurance coverage as described above.

Date Signed 01/25/2023 By _____
(Signature of insurance carrier's authorized representative or NYS licensed insurance agent of that insurance carrier)

Telephone Number 1-888-278-4542 Name and Title Michael Prestileo, Head of Group Benefits Strategy, Product & Underwriting

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be emailed to PAU@wcb.ny.gov or it can be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4B, 4C or 5B have been checked)

State of New York
Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law(Article 9 of the Workers' Compensation Law) with respect to all of their employees.

Date Signed _____ By _____
(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number _____ Name and Title _____

Please Note: *Only insurance carriers licensed to write NYS disability and Paid Family Leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1.* ***Insurance brokers are NOT authorized to issue this form.***

DB-120.1 (12-21)

DB-120.1 (12-21)

Attachment: 4529_original_contract_10098 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Additional Instructions for Form DB-120.1

By signing this form, the insurance carrier identified in Box 3 on this form is certifying that it is insuring the business referenced in Box 1a for disability and/or Paid Family Leave benefits under the NYS Disability and Paid Family Leave Benefits Law. The insurance carrier or its licensed agent will send this Certificate of Insurance Coverage (Certificate) to the entity listed as the certificate holder in Box 2.

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is cancelled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in Box 3c, whichever is earlier.

This Certificate is issued as a matter of information only and confers no rights upon the certificate holder. This Certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This Certificate may be used as evidence of a NYS disability and/or Paid Family Leave benefits contract of insurance only while the underlying policy is in effect.

Please Note: Upon the cancellation of the disability and/or Paid Family Leave benefits policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Insurance Coverage for NYS disability and/or Paid Family Leave Benefits or other authorized proof that the business is complying with the mandatory coverage requirements of the NYS Disability and Paid Family Leave Benefits Law.

NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

§220. Subd. 8

(a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and not withstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand and twenty-one, the payment of family leave benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand eighteen, the payment of family leave benefits for all employees has been secured as provided by this article.

Attachment: 4529_original_contract_10098 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Integration

Attachment: 4530_original_contract_10099 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

HVAC AMHERST TOWN HALL HVAC PREVENTIVE MAINTENANCE AGREEMENT

12/05/2023

U & S Services, LLC. shall provide qualified personnel, equipment, supplies, and material to accomplish, promptly and satisfactorily, all work required under this preventive maintenance agreement. The owner shall be advised, in writing, of the designated service representative from U & S Services. The following is a detailed list of services we offer as part of a preventive maintenance program. For specific coverage included in this preventive maintenance agreement please see "SPECIFIC SERVICES INCLUDED".

LOANER EQUIPMENT: All equipment that is currently manufactured which would be required to maintain operation of all the systems for the project is stocked locally and is immediately available in the event of a failure. A spare or loaner piece of equipment shall be installed immediately should a failure occur that requires repair at the manufacturer's location.

ON-SITE SERVICE CALL is defined as a service call received by U & S Services, LLC, which must be performed at the customer's facility. During the contract period, U & S Services shall provide qualified personnel to service your system during normal working hours. Normal working hours are from 8:00 AM until 4:30 PM Monday through Friday, excluding legal holidays. For service calls needing immediate attention outside the normal working hours, U & S Services shall furnish the Owner with a telephone number where a service representative can be reached at all times. U & S Services' representative shall be ready to service the covered system within three hours during normal working hours. Any service work performed on any related equipment not covered under this agreement shall be billed on a preferred time and material basis.

REMOTE SERVICE CALL is defined as a service call received by U & S Services, which can be performed by a data communication hookup from the U & S Services office. This shall include any program changes requested by the facility, which can be completed via the telephone line.

RECORDS AND LOGS shall be kept of each maintenance task and a continuous log shall be maintained. A complete maintenance log shall be on file for the Owner's review upon request.

SPECIAL CONSIDERATION by the Owner to provide U & S Services personnel with keys as required to expeditiously execute the terms of this contract. The owner shall be responsible for providing parking for U & S Services service vehicles within reasonable proximity of the building.

U & S Services shall indemnify and hold the Town of Amherst, its officers, agents, and employees, harmless from any and all liability, demands, claims or expenses, awards or judgments imposed upon the Town of Amherst, its officers, agents, and/or employees arising from the negligence, active or passive, of U & S Services.

U & S Services shall not commence work under this Contract until it has obtained all insurance required under this paragraph and such insurance has been approved by the Town of Amherst.

(a) Compensation Insurance: U & S Services shall take out and maintain during the life of this Contract, Workers' Compensation Insurance for its' employees to be assigned to the work hereto under.

(b) General Liability and Property Damage Insurance: U & S Services shall take out and maintain during the life of this Contract, such general liability and property damage insurance as shall protect it from claims for damages for personal injury, including accidental death, as well as from claims for property damage, which may arise from operations under this Contract. The amount of such insurance shall be as follows:General liability insurance in an amount not less that $1,000,000.00 per occurrence for bodily injury and property damage, including wrongful death, and $2,000,000.00 aggregate. U & S Services shall furnish the above insurances to the Town of Amherst and shall also name the Town of Amherst as a primary additional insured on said policies.

(c) Any accident shall be reported to the Office of the Town Attorney as soon as possible and not later than twenty-four (24) hours from the time of such accident. A detailed written report must be submitted to the Town of Amherst as soon thereafter as possible and not later than three (3) days after the date of such accident.

Stark TECH

Integration

INSURANCE documents shall be provided to prove Workman's Compensation and casualty liability coverage upon request.Any additional coverage requirements outside our standard limits will be reviewed by our insurance representative and we will advise Owner of additional cost.

HVAC SYSTEM SOFTWARE MODIFICATIONS AND WORK REQUESTS by the Owner should be made 24 hours in advance barring an emergency.

HVAC SYSTEM SOFTWARE MAINTENANCE AND SUPPORT The system software shall be backed-up as required at a minimum of once per year. A copy shall be stored on electronic medium at the Owner's facilities and at our Tonawanda location. U & S Services shall provide all telephone support and software support as required for services. Any changes made in the software logic shall be immediately re-documented on electronic medium.

SOFTWARE REVISION UPGRADE is defined as an upgrade in revision to the existing manufactures software. Upgrades will only be done that add benefit and reliability to the systems as determined by U&S Services technical team. Upgrades include labor and manufacturers software only; all PC hardware and OS upgrade cost are not covered under this agreement.

TEMPORARY COMPUTER EQUIPMENT SUPPORT: U & S Services shall provide, at no additional charge, temporary equipment required to maintain service to the facility while factory repairs are made. (see "Equipment Coverage")

TRAINING shall be provided for the specific purpose of training operational personnel. The training shall be on-site with the customer's system during the preventive maintenance inspections.

24 HOUR EMERGENCY SERVICE if covered by this agreement shall include repair calls seven (7) days per week, twenty-four (24) hours per day at no additional charge. U & S Services guarantees a voice response within 30-60 minutes and onsite response, if necessary, within two hours. Items considered "daily operational functions" (e.g., request for set-point changes, deletion/addition of users, schedule changes, etc.) are not covered by the 24 hour emergency service.

SPECIFIC SERVICES INCLUDED

YES	NO	QTY.	SERVICE DESCRIPTION - **HVAC**
X		4	On-site service calls at no additional charge.
X		6	Remote service calls at no additional charge.
X			24-hour emergency service.
	X		Software revision upgrade.
X			Customer training (accumulative four hours).
X		1	Preventive maintenance inspection: ▪ Cleaning and operational tests of the central processing unit (CPU), all peripheral equipment, and field panels. ▪ Inter panel connections shall be inspected and re-tightened where necessary. ▪ Emergency battery load test, of all panel mounted UPS systems. ▪ Each field input/output shall be verified operational through data acquisition. Any points proving poor operation shall be calibrated or replaced. ▪ Where applicable, system diagnostics shall be run. ▪ System software shall be inspected to allow for recommendations (fine tuning loops) or upgrades. All recommendations will be given to the operator for approval. ▪ Cleaning and fan replacement of PC when workstation hardware is included (see "Equipment Coverage"). ▪ A copy of the software shall be backed-up on storage medium. ▪ All problems reported by the operator will be addressed.

Attachment: 4530_original_contract_10099 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Stark TECH

Integration

YES	NO	QTY.	EQUIPMENT COVERAGE* - **HVAC**
X			Andover Controls controller equipment.
X			Computer(s), computer(s) hardware and printer(s).
	X		Laptop computer(s) hardware.
X			Andover loaner equipment.
X			Control panel equipment.
X			Temp. sensor(s), current transducer(s), and relay(s).
	X		Control valves.
X			Control valves actuators.
X			Damper actuators.

YES	NO	QTY.	SYSTEM SOFTWARE MAINTENANCE & SUPPORT* - **HVAC**
X			Microsoft Workstation software.
X			SQL data base software.
X			Cyber station workstation software.
X			Custom ACC microprocessor software.
X			Two software back-ups on storage medium.

*Coverage only applies to equipment provided by U & S Services, LLC Components no longer manufactured or deemed un-repairable are not covered.

LIMITATIONS: This service agreement does not include any material or work required as a result of damage to the system by lightning, water, temperature, or other factors which do not constitute normal wear out or breakdown. If, during or within 90 days after the term of this agreement, customer engages any U&S Services employee who has performed work under this or any other agreement between customer and U&S Services, customer shall pay U&S Services an amount equal to the employee's latest annual salary.This agreement does not include internet contamination such as viruses, worms, hackers, etc. U & S Services, LLC. is not responsible for anti-virus software implementation, anti-virus software upgrades, Microsoft fix packs, or any other software that may reside on the workstation(s)/file server not related to the operation of the system but causes malfunction of the system software.

Continuum Cyberstation, protection from Cyberspace viruses, Microsoft fix packs and third-party software. Due to recent Cyberspace infections, we at U&S Services, LLC find it our responsibility to bring to your attention that the DDC Continuum Workstation(s) can be affected if not properly protected. The Workstation you purchased from us and is your property/responsibility and resides on your network. The best way to ensure its integrity from Cyberspace attacks is to have your IT personnel install and maintain anti-virus software. Microsoft fix packs are not required to be maintained for the proper operation of the Continuum Software. However, if the Continuum Workstation is being used for other operations outside of the original intend of operating the Andover Controls Systems Microsoft Fix Packs may be required for other operations. Microsoft Fix Packs listed as CRITICAL by Microsoft should be verified for compatibility by this office ASAP. Not all Microsoft Fix Packs have been qualified by Andover Controls and if installed may cause malfunction of the Graphics, before installing any Fix Packs please contact this office for current qualifications. Third party applications can affect the operation of the Continuum Workstation, before installing any third-party software, contact this office for current qualifications. If your facility does not have the resources to provide this type of PC maintenance, contact U&S Services, LLC so we may provide a written proposal outlining our work and cost.

Attachment: 4530_original_contract_10099 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Integration

DATE: 12/05/2023

CUSTOMER: Town of Amherst

LOCATION: Town Hall
5583 Main Street, Amherst, NY 14221

SPECIAL CONDITIONS/PROVISIONS:

1. All parts will be priced as per the NYS Contract PT69752.

DURATION:

This agreement shall remain in effect for an original term of three (3) year(s) beginning January 1, 2024, and from year to year thereafter unless at least 30 days prior to the expiration date of the original term or any extended term, either party gives the other written notice of its intention to terminate the agreement.

PRICE AND PAYMENT TERMS:

Customer shall pay annually in advance.

01/01/2024 – 12/31/2024	$6,900.00
01/01/2025 – 12/31/2025	$7,100.00
01/01/2026 – 12/31/2026	$7,300.00

ADDITIONAL PRICE PAYMENT TERMS: New York State sales tax is not included in this agreement. Tax exempt organizations must supply U&S Services with a current Form ST 119.1 each year to comply with NYS tax laws. If this exempt organization certificate is not supplied New York State tax will be charged on invoices.

This Proposal is valid for 120 days past the date of this proposal.

U&S Services, LLC.		**Customer**	
By:	Patricia Corrigan	By:	
Signature	Patricia Corrigan	Signature	
Title	Client Solutions Rep.	Title	
Date	12/05/2023	Date	

Attachment: 4530_original_contract_10099 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Attachment: 4530_original_contract_10099 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Stark TECH

2023 U&S Services Labor Rates:

	Automation Technician	Preferred Automation Technician	Maintenance Technician	Preferred Maintenance Technician	Engineering Services	Preferred Engineering Services	IT Specialist
Regular	$182.00	$142.00	$143.00	$127.00	$196.00	$168.00	$174.00
Overtime	$237.00	$184.00	$186.00	$163.00	$255.00	$216.00	$225.00
Sundays/Holidays	$306.00	$233.00	$236.00	$209.00	$323.00	$273.00	$290.00
Emergency			$236.00	$209.00			

Additional Services:

IP/Modem Connection Per Problem	$150.00
Modem Software Re-load or Save	$150.00
Boom Lift Daily Rental	Market Price
Computer/DVR Rental/Badge Printer	$200.00 Per Week

Any facility requiring field labor shall be charge our hourly rate from portal to portal.

During normal business hours, on-site or remote service labor shall be charged a minimum of one hour followed by ½ hour increments.

Any field labor after normal business hours (Monday through Friday, 8:00am through 5:00pm) shall have a minimum charge of two hours for remote service and a minimum of four hours for on-site labor and shall be charged at the Overtime Rate.

Any labor on Sundays or the following holidays shall be charged at the Holiday Rate:

- *Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Easter, Memorial Day, Fourth of July, Labor Day, Thanksgiving*

Effective: 01/20/2023

November 22, 2023

Town of Amherst
Town hall
5583 Main Street
Amherst, NY 14228

Dear Mr. Rizzo:

At the request of U&S Services I would like to confirm that U&S Services is the only authorized Schneider Electric Building Division Partner representing the Andover product line in the eight (8) western counties of the state of New York.

U&S Services has been a representative for Schneider Electric for better than 30 years and has been consistently ranked as one of our top performing Partners. They have been factory trained and have the full support of Schneider Electric for the sales, service, and installation of our products. I am sure that they will be able to provide you the level of support that you require.

If you have any questions or would like to discuss further, please feel free to contact me

Sincerely,

Frank Yoder

Frank Yoder
Regional Partner Expert
Northeast Partners
Frank.Yoder@schneider-electric.com
(302) 212-9255

Schneider **Electric** | **Buildings Business**
1650 West Crosby Road
Carrollton, TX 75006 USA
Tel. +1 972 323 1111 Fax +1 972 242 0026
www.schneider-electric.com/buildings

Attachment: 4530_original_contract_10099 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Attachment: 4530_original_contract_10099 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Addendum to Contract Major Exposure

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.

2. No rules, requirements or customs of any society or association of professional Contractors or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.

3. To the fullest extent permitted by law, Contractor shall indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, or expenses, awards or judgments imposed upon the Town, its officers, agents, and/or employees, arising out of the work of the Contractor its officers, agents, subcontractors, and/or employees as well as the negligence, active or passive, of the Contractor, its officers, agents, subcontractors, and/or employees.

4. Contractor shall not commence work under this Agreement until it has obtained all insurance specified below, produced satisfactory proof of the same and such insurance has been approved by the Town.

(a) Workers' Compensation Insurance: Contractor shall take out and maintain during the life of this Agreement, Workers' Compensation Insurance (both Part A and Part B) for its employees to be assigned to the work hereto under.

(b) General Liability, Professional (if applicable) Liability and Property Damage Insurance: Contractor shall take out and maintain during the life of this Agreement, such general liability and property damage insurance as shall protect it and the Town of Amherst from claims for damages for personal injury, including accidental death, as well as from claims for property damage, which may arise from operations under this Agreement. The amounts of such insurance shall be as follows in an amount not less than $1,000,000.00 per occurrence for bodily injury and property damage including wrongful death, and $2,000,000.00 aggregate. Umbrella coverage shall be in an amount of at least $5,000,000.00.

(c) Contractor shall furnish the above insurances, including subcontractors' insurances, to the Town and shall also assure that any policy procured by it shall name the Town as an additional insured on a primary and non-contributory basis.

(d) Contractor shall ensure all its subcontractors, if any, have obtained all the above insurances and shall also assure that any policy procured by any subcontractor or sub-subcontractor shall name the Town as an additional insured on a primary and non-contributory basis.

Attachment: 4530_original_contract_10099 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

9. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules, regulations or ordinances for any state other than New York State, to the laws, statutes, rules, regulations or ordinances for any county other than Erie County, New York or to the laws, statutes, rules, regulations or ordinances for any municipality other than the Town of Amherst, then the laws, statutes, rules, regulations or ordinances for New York State, Erie county and/or the Town of Amherst shall apply as applicable. Any and all legal action necessary to enforce the Agreement will be venued in Supreme Court, Erie County, New York or in the United States District Court for the Western District of New York, Buffalo Division.

10. It is hereby acknowledged that performance of this Contract will be undertaken in accordance with the specifications and pricing on which the bid was submitted.

Authority for execution on behalf of Town: The Supervisor has executed this Agreement pursuant to a Resolution adopted by the Town Board of the Town, at a meeting thereof held on _____. Brian J. Kulpa, the Supervisor whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an Agreement on behalf of the Town as a result of that Resolution. This instrument shall be executed in triplicate. At least one (1) copy shall be permanently filed, after execution thereof, in the office of the Town Clerk of Town.

Agreed to and Accepted by:

U & S Services LLC
Print Name of Company

By: Patricia E Corrigan
Signature

Patricia E Corrigan
Printed name

Date: 12/18/2023

Agreed to and Accepted by:

Town of Amherst

By: _____
Brian J. Kulpa, Supervisor

Date: _____

IRAN DIVESTMENT ACT CERTIFICATION

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a provision was added to the State Finance Law (SFL), Section 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will develop a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). This list is posted on the OGS website.

By submitting a response to this solicitation, or by assuming the responsibility under a Contract/Lease awarded hereunder, Bidder/Contractor/Vendor (or any assignee) certifies that it will not utilize on such Contract/Lease any subcontractor that is identified on the prohibited entities list.

Additionally, Bidder/Contractor/Vendor is advised that any Bidder/ Contractor/Vendor seeking to renew or extend a Contract/Lease (or assume responsibility of a Contract/Lease awarded must certify at the time the Contract/Lease is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract/Lease, should the Town of Amherst (Town) receive information that a person is in violation of the above-referenced certification, the Town will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the Town shall take such action as appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Bidder/Contractor/Vendor in default.

The Town reserves the right to reject any Contract/Lease or request for assignment for an entity that appears on the prohibited entities list prior to the award of a Contract/Lease, and to pursue a responsibility review with respect to any entity that is awarded a Contract/Lease and appears on the prohibited entities list after Contract/Lease award.

Company Name: U & S Services LLC

Signature: Patricia ECorrigan

Print Name: Patricia E Corrigan

Title: Client Solutions Rep

Date: 12/18/2023

Sworn To Before Me This

18th Day of Dec. 2023

Notary Public

NOREEN ANN STICKNEY
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01ST6064162
Qualified in Niagara County
My Commission Expires 9-17-25

Revised 4.2017

Attachment: 4530_original_contract_10099 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

U&SSERV-01 TBRZEZINSKI

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 5/1/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 1009544
Lawley Construction Solutions
361 Delaware Avenue
Buffalo, NY 14202

CONTACT NAME: Traci Brzezinski
PHONE (A/C, No, Ext): (716) 849-8217 8217
FAX (A/C, No): (716) 849-8291
E-MAIL ADDRESS: tbrzezinski@lawleyinsurance.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Zurich American Insurance Co	16535
INSURER B : American Zurich Insurance Co	40142
INSURER C : Ace American Ins Co-BONDS only	
INSURER D : Merchants National Insurance	12775
INSURER E : Princeton Excess & Surplus Ines Insurance Co	10786
INSURER F :	

INSURED
U&S Services LLC
95 Stark Street
Tonawanda, NY 14150

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE [X] OCCUR X Contractual Included GEN'L AGGREGATE LIMIT APPLIES PER: POLICY [X] PRO-JECT [X] LOC OTHER:			GLO509899703	5/1/2023	5/1/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG EMPLOYEE BENEFI	$ 1,000,0 $ 100,0 $ 10,0 $ 1,000,0 $ 2,000,0 $ 2,000,0 $ 1,000,0
B	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY / SCHEDULED AUTOS HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY			BAP509899803	5/1/2023	5/1/2024	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,0 $ $ $
C	X UMBRELLA LIAB [X] OCCUR EXCESS LIAB CLAIMS-MADE DED [X] RETENTION $ 10,000			N10841872010	5/1/2023	5/1/2024	EACH OCCURRENCE AGGREGATE	$ 5,000,0 $ 5,000,0
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N [N] N/A If yes, describe under DESCRIPTION OF OPERATIONS below			WC509899603	5/1/2023	5/1/2024	X PER STATUTE / OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,0 $ 1,000,0 $ 1,000,0
D	Excess Liability			EXL0001357	5/1/2023	5/1/2024	5,000,000	5,000,0
E	Excess Liability			60A3FF0000613-00	5/1/2023	5/1/2024	5,000,000	5,000,0

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Additional Insured and Waiver of Subrogation coverage shown above and marked with an X. Terms set forth as evidenced by the attached endorsement(s) identified on the ACORD 101.

CERTIFICATE HOLDER

Town of Amherst
Amherst Town Hall
5583 Main St.
Williamsville, NY 14221

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Attachment: 4530_original_contract_10099 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

AGENCY CUSTOMER ID: U&SSERV-01 TBRZEZINSKI
LOC #: 1

ACORD

ADDITIONAL REMARKS SCHEDULE

AGENCY	License # 1009544	NAMED INSURED
Lawley Construction Solutions		U&S Services LLC 95 Stark Street Tonawanda, NY 14150
POLICY NUMBER		
SEE PAGE 1		
CARRIER	NAIC CODE	EFFECTIVE DATE: SEE PAGE 1
SEE PAGE 1	SEE P 1	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

When required by executed written contract the following:
endorsements apply:

General Liability:

CG2503 (05/09) Designated Construction Project(s) General Aggregate Limit
CG2032 (04/13) Additional insured - Engineers, Architects, or Surveyors Not engaged by Named Insured
CG2007 (04/13) Additional insured - Engineers, Architects, or Surveyors
UGL1060 (04/13) Additional Insured - Lessor of Leased Equipment
UGL2162 Additional Insured - Automatic --Owners, Lessees Or Contractors
UGL925B CW (12/01) Waiver of Subrogation (Blanket) Endorsement

Auto:
CA2048 (10/13) - Designated Insured
CA2001 - Additional Insured - All Lessors
UCA424GNY - Coverage Extension Endorsement

Worker's Compensation:
WC00 03 13 (4/84) Waiver of Our Right To Recover From Others Endorsement

Umbrella (Ace American):
XS-41864 - Waiver of Our Right to Recover Payment
XS-41851- Aggregate Limits of Insurance (Per Project)
XS-41887A - Other Valid and Collectible Insurance (Additional Insured)

Excess Liability (Merchants):
MN-02 – Per Project Aggregate
EX87140910 – Primary and Non-Contributing Insurance
CX0001 – Commercial Excess Liability Coverage Form

Excess Liability (Princeton):
General Endorsement - Per Project Aggregate Limit of Insurance with Aggregate
CXE 01 16 02 10 Policy Changes - Primary and Non-Contributing Insurance
CX0001 – Commercial Excess Liability Coverage Form

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Attachment: 4530_original_contract_10099 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name and address of Insured (Use street address only)	1b. Business Telephone Number of Insured
U&S Services LLC 95 Stark Street Tonawanda, NY 14150	716-693-4490
Work Location of Insured *(Only required if coverage is specifically limited to certain location in New York State, i.e. a Wrap-Up Policy)*	**1c. NYS Unemployment Insurance Employer Registration Number of Insured** **1d. Federal Employer Indentification Number of Insured or Social Security Number** 81-5324510
2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)	**3a.Name of Insurance Carrier**
Town of Amherst 5583 Main Street Williamsville, NY 14221	American Zurich Insurance Co **3b. Policy Number of entity listed in box "1a":** WC 5098996-03 **3c. Policy effective period:** 5/1/2023-5/1/2024 **3d. The Proprietor, Partners or Executive Officers are:** ☑ **included** (Only check box if all partners/officers included) ☐ **all excluded or certain partners/officers excluded**

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensatio under the New York State Workers' Compensation Law. (To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy). The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, exten or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced polic

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that th named insured has the coverage as depicted on this form.

Approved By: William Lawley Jr.
(Print name of authorized representative or licensed agent of insurance carrier)

Approved By: _____ 12/22/23
(Signature) (Date)

Title: Managing Partner

Telephone Number of authorized representative or licensed agent of insurance carrier: CarrierPhone

Please Note: Only insurance carriers and their licensed agents are authorized to issue the C-105.2 form. Insurance brokers are NOT authorized to issue it.

Attachment: 4530_original_contract_10099 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Workers' Compensation Law

Section 57. Restriction on issue of permits and the entering contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

C-105.2 (9-17) REVERSE

Attachment: 4530_original_contract_10099 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF INSURANCE COVERAGE
NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by NYS disability and Paid Family Leave benefits carrier or licensed insurance agent of that carrier

1a. Legal Name & Address of Insured (use street address only) U & S Services LLC 95 Stark Street Tonawanda NY 14150 Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)*	1b. Business Telephone Number of Insured 716 693 4490 1c. Federal Employer Identification Number of Insured or Social Security Number 16 1364177
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst 5583 Main Street Williamsville, NY 14221	3a. Name of Insurance Carrier **The Guardian Life Insurance Company of America** 3b. Policy Number of Entity Listed in Box 1a 00970362 - 0029 3c. Policy Effective Period 01/01/2023 to 01/01/2024

4. Policy provides the following benefits:
   - [x] A. Both disability and Paid Family Leave benefits.
   - [ ] B. Disability benefits only.
   - [ ] C. Paid Family Leave benefits only.
5. Policy covers:
   - [x] A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.
   - [ ] B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS disability and/or Paid Family Leave benefits insurance coverage as described above.

Date Signed 01/25/2023 By _____
(Signature of insurance carrier's authorized representative or NYS licensed insurance agent of that insurance carrier)

Telephone Number 1-888-278-4542 Name and Title Michael Prestileo, Head of Group Benefits Strategy, Product & Underwriting

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be emailed to PAU@wcb.ny.gov or it can be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4B, 4C or 5B have been checked)

State of New York
Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law(Article 9 of the Workers' Compensation Law) with respect to all of their employees.

Date Signed _____ By _____
(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number _____ Name and Title _____

Please Note: *Only insurance carriers licensed to write NYS disability and Paid Family Leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1.* ***Insurance brokers are NOT authorized to issue this form.***

DB-120.1 (12-21)

DB-120.1 (12-21)

Attachment: 4530_original_contract_10099 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Additional Instructions for Form DB-120.1

By signing this form, the insurance carrier identified in Box 3 on this form is certifying that it is insuring the business referenced in Box 1a for disability and/or Paid Family Leave benefits under the NYS Disability and Paid Family Leave Benefits Law. The insurance carrier or its licensed agent will send this Certificate of Insurance Coverage (Certificate) to the entity listed as the certificate holder in Box 2.

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is cancelled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in Box 3c, whichever is earlier.

This Certificate is issued as a matter of information only and confers no rights upon the certificate holder. This Certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This Certificate may be used as evidence of a NYS disability and/or Paid Family Leave benefits contract of insurance only while the underlying policy is in effect.

Please Note: Upon the cancellation of the disability and/or Paid Family Leave benefits policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Insurance Coverage for NYS disability and/or Paid Family Leave Benefits or other authorized proof that the business is complying with the mandatory coverage requirements of the NYS Disability and Paid Family Leave Benefits Law.

NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

§220. Subd. 8

(a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and not withstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand and twenty-one, the payment of family leave benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand eighteen, the payment of family leave benefits for all employees has been secured as provided by this article.

Attachment: 4530_original_contract_10099 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Integration

Attachment: 4531_original_contract_10097 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

HVAC AMHERST TOWN HALL HVAC PREVENTIVE MAINTENANCE AGREEMENT

12/5/2023

U & S Services, LLC. shall provide qualified personnel, equipment, supplies, and material to accomplish, promptly and satisfactorily, all work required under this preventive maintenance agreement. The owner shall be advised, in writing, of the designated service representative from U & S Services. The following is a detailed list of services we offer as part of a preventive maintenance program. For specific coverage included in this preventive maintenance agreement please see "SPECIFIC SERVICES INCLUDED".

LOANER EQUIPMENT: All equipment that is currently manufactured which would be required to maintain operation of all the systems for the project is stocked locally and is immediately available in the event of a failure. A spare or loaner piece of equipment shall be installed immediately should a failure occur that requires repair at the manufacturer's location.

ON-SITE SERVICE CALL is defined as a service call received by U & S Services, LLC, which must be performed at the customer's facility. During the contract period, U & S Services shall provide qualified personnel to service your system during normal working hours. Normal working hours are from 8:00 AM until 4:30 PM Monday through Friday, excluding legal holidays. For service calls needing immediate attention outside the normal working hours, U & S Services shall furnish the Owner with a telephone number where a service representative can be reached at all times. U & S Services' representative shall be ready to service the covered system within three hours during normal working hours. Any service work performed on any related equipment not covered under this agreement shall be billed on a preferred time and material basis.

REMOTE SERVICE CALL is defined as a service call received by U & S Services, which can be performed by a data communication hookup from the U & S Services office. This shall include any program changes requested by the facility, which can be completed via the telephone line.

RECORDS AND LOGS shall be kept of each maintenance task and a continuous log shall be maintained. A complete maintenance log shall be on file for the Owner's review upon request.

SPECIAL CONSIDERATION by the Owner to provide U & S Services personnel with keys as required to expeditiously execute the terms of this contract. The owner shall be responsible for providing parking for U & S Services service vehicles within reasonable proximity of the building.

U & S Services shall indemnify and hold the Town of Amherst, its officers, agents, and employees, harmless from any and all liability, demands, claims or expenses, awards or judgments imposed upon the Town of Amherst, its officers, agents, and/or employees arising from the negligence, active or passive, of U & S Services.

U & S Services shall not commence work under this Contract until it has obtained all insurance required under this paragraph and such insurance has been approved by the Town of Amherst.

(a) Compensation Insurance: U & S Services shall take out and maintain during the life of this Contract, Workers' Compensation Insurance for its' employees to be assigned to the work hereto under.

(b) General Liability and Property Damage Insurance: U & S Services shall take out and maintain during the life of this Contract, such general liability and property damage insurance as shall protect it from claims for damages for persona injury, including accidental death, as well as from claims for property damage, which may arise from operations under this Contract. The amount of such insurance shall be as follows:General liability insurance in an amount not less tha $1,000,000.00 per occurrence for bodily injury and property damage, including wrongful death, and $2,000,000.0(aggregate. U & S Services shall furnish the above insurances to the Town of Amherst and shall also name the Town o Amherst as a primary additional insured on said policies.

(c) Any accident shall be reported to the Office of the Town Attorney as soon as possible and not later than twenty-four (24 hours from the time of such accident. A detailed written report must be submitted to the Town of Amherst as soon thereafte as possible and not later than three (3) days after the date of such accident.

Stark TECH

Integration

INSURANCE documents shall be provided to prove Workman's Compensation and casualty liability coverage upon request.Any additional coverage requirements outside our standard limits will be reviewed by our insurance representative and we will advise Owner of additional cost.

HVAC SYSTEM SOFTWARE MODIFICATIONS AND WORK REQUESTS by the Owner should be made 24 hours in advance barring an emergency.

HVAC SYSTEM SOFTWARE MAINTENANCE AND SUPPORT The system software shall be backed-up as required at a minimum of once per year. A copy shall be stored on electronic medium at the Owner's facilities and at our Tonawanda location. U & S Services shall provide all telephone support and software support as required for services. Any changes made in the software logic shall be immediately re-documented on electronic medium.

SOFTWARE REVISION UPGRADE is defined as an upgrade in revision to the existing manufactures software. Upgrades will only be done that add benefit and reliability to the systems as determined by U&S Services technical team. Upgrades include labor and manufacturers software only; all PC hardware and OS upgrade cost are not covered under this agreement.

TEMPORARY COMPUTER EQUIPMENT SUPPORT: U & S Services shall provide, at no additional charge, temporary equipment required to maintain service to the facility while factory repairs are made. (see "Equipment Coverage")

TRAINING shall be provided for the specific purpose of training operational personnel. The training shall be on-site with the customer's system during the preventive maintenance inspections.

24 HOUR EMERGENCY SERVICE if covered by this agreement shall include repair calls seven (7) days per week, twenty-four (24) hours per day at no additional charge. U & S Services guarantees a voice response within 30-60 minutes and onsite response, if necessary, within two hours. Items considered "daily operational functions" (e.g., request for set-point changes, deletion/addition of users, schedule changes, etc.) are not covered by the 24 hour emergency service.

SPECIFIC SERVICES INCLUDED

YES	NO	QTY.	SERVICE DESCRIPTION - **HVAC**
X		4	On-site service calls at no additional charge.
X		6	Remote service calls at no additional charge.
X			24-hour emergency service.
	X		Software revision upgrade.
X			Customer training (accumulative four hours).
X		1	Preventive maintenance inspection: ▪ Cleaning and operational tests of the central processing unit (CPU), all peripheral equipment, and field panels. ▪ Inter panel connections shall be inspected and re-tightened where necessary. ▪ Emergency battery load test, of all panel mounted UPS systems. ▪ Each field input/output shall be verified operational through data acquisition. Any points proving poor operation shall be calibrated or replaced. ▪ Where applicable, system diagnostics shall be run. ▪ System software shall be inspected to allow for recommendations (fine tuning loops) or upgrades. All recommendations will be given to the operator for approval. ▪ Cleaning and fan replacement of PC when workstation hardware is included (see "Equipment Coverage"). ▪ A copy of the software shall be backed-up on storage medium. ▪ All problems reported by the operator will be addressed.

Attachment: 4531_original_contract_10097 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Integration

YES	NO	QTY.	EQUIPMENT COVERAGE* - **HVAC**
X			Andover Controls controller equipment.
X			Computer(s), computer(s) hardware and printer(s).
	X		Laptop computer(s) hardware.
X			Andover loaner equipment.
X			Control panel equipment.
X			Temp. sensor(s), current transducer(s), and relay(s).
	X		Control valves.
X			Control valves actuators.
X			Damper actuators.

YES	NO	QTY.	SYSTEM SOFTWARE MAINTENANCE & SUPPORT* - **HVAC**
X			Microsoft Workstation software.
X			SQL data base software.
X			Cyber station workstation software.
X			Custom ACC microprocessor software.
X			Two software back-ups on storage medium.

*Coverage only applies to equipment provided by U & S Services, LLC Components no longer manufactured or deemed un-repairable are not covered.

LIMITATIONS: This service agreement does not include any material or work required as a result of damage to the system by lightning, water, temperature, or other factors which do not constitute normal wear out or breakdown. If, during or within 90 days after the term of this agreement, customer engages any U&S Services employee who has performed work under this or any other agreement between customer and U&S Services, customer shall pay U&S Services an amount equal to the employee's latest annual salary.This agreement does not include internet contamination such as viruses, worms, hackers, etc. U & S Services, LLC. is not responsible for anti-virus software implementation, anti-virus software upgrades, Microsoft fix packs, or any other software that may reside on the workstation(s)/file server not related to the operation of the system but causes malfunction of the system software.

Continuum Cyberstation, protection from Cyberspace viruses, Microsoft fix packs and third-party software. Due to recent Cyberspace infections, we at U&S Services, LLC find it our responsibility to bring to your attention that the DDC Continuum Workstation(s) can be affected if not properly protected. The Workstation you purchased from us and is your property/responsibility and resides on your network. The best way to ensure its integrity from Cyberspace attacks is to have your IT personnel install and maintain anti-virus software. Microsoft fix packs are not required to be maintained for the proper operation of the Continuum Software. However, if the Continuum Workstation is being used for other operations outside of the original intend of operating the Andover Controls Systems Microsoft Fix Packs may be required for other operations. Microsoft Fix Packs listed as CRITICAL by Microsoft should be verified for compatibility by this office ASAP. Not all Microsoft Fix Packs have been qualified by Andover Controls and if installed may cause malfunction of the Graphics, before installing any Fix Packs please contact this office for current qualifications. Third party applications can affect the operation of the Continuum Workstation, before installing any third-party software, contact this office for current qualifications. If your facility does not have the resources to provide this type of PC maintenance, contact U&S Services, LLC so we may provide a written proposal outlining our work and cost.

Attachment: 4531_original_contract_10097 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Integration

DATE: 12/05/2023

CUSTOMER: Town of Amherst

LOCATION: **Police and Court Building**
500 and 400 John James Audubon Parkway,Amherst, NY 14228

SPECIAL CONDITIONS/PROVISIONS:

1. All parts will be priced as per the NYS Contract PT69752.

DURATION:

This agreement shall remain in effect for an original term of three (3) year(s) beginning January 1, 2024, and from year to year thereafter unless at least 30 days prior to the expiration date of the original term or any extended term, either party gives the other written notice of its intention to terminate the agreement.

PRICE AND PAYMENT TERMS:

Customer shall pay annually in advance.

01/01/2024 – 12/31/2024	$12,980.00
01/01/2025 – 12/31/2025	$13,360.00
01/01/2026 – 12/31/2026	$13,760.00

ADDITIONAL PRICE PAYMENT TERMS: New York State sales tax is not included in this agreement. Tax exempt organizations must supply U&S Services with a current Form ST 119.1 each year to comply with NYS tax laws. If this exempt organization certificate is not supplied New York State tax will be charged on invoices.

This Proposal is valid for 120 days past the date of this proposal.

U&S Services, LLC.		**Customer**	
By:	Patricia Corrigan	By:	
Signature	Patricia Corrigan	Signature	
Title	Client Solutions Rep.	Title	
Date	12/05/2023	Date	

Attachment: 4531_original_contract_10097 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

2023 U&S Services Labor Rates:

	Automation Technician	Preferred Automation Technician	Maintenance Technician	Preferred Maintenance Technician	Engineering Services	Preferred Engineering Services	IT Specialist
Regular	$182.00	$142.00	$143.00	$127.00	$196.00	$168.00	$174.00
Overtime	$237.00	$184.00	$186.00	$163.00	$255.00	$216.00	$225.00
Sundays/Holidays	$306.00	$233.00	$236.00	$209.00	$323.00	$273.00	$290.00
Emergency			$236.00	$209.00			

Additional Services:

IP/Modem Connection Per Problem	$150.00
Modem Software Re-load or Save	$150.00
Boom Lift Daily Rental	Market Price
Computer/DVR Rental/Badge Printer	$200.00 Per Week

Any facility requiring field labor shall be charge our hourly rate from portal to portal.

During normal business hours, on-site or remote service labor shall be charged a minimum of one hour followed by ½ hour increments.

Any field labor after normal business hours (Monday through Friday, 8:00am through 5:00pm) shall have a minimum charge of two hours for remote service and a minimum of four hours for on-site labor and shall be charged at the Overtime Rate.

Any labor on Sundays or the following holidays shall be charged at the Holiday Rate:

- *Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Easter, Memorial Day, Fourth of July, Labor Day, Thanksgiving*

ffective: 01/20/2023

Packet Pg. 864
Attachment: 4531_original_contract_10097 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement
13.D.1.c

November 22, 2023

Town of Amherst
Town hall
5583 Main Street
Amherst, NY 14228

Dear Mr. Rizzo:

At the request of U&S Services I would like to confirm that U&S Services is the only authorized Schneider Electric Building Division Partner representing the Andover product line in the eight (8) western counties of the state of New York.

U&S Services has been a representative for Schneider Electric for better than 30 years and has been consistently ranked as one of our top performing Partners. They have been factory trained and have the full support of Schneider Electric for the sales, service, and installation of our products. I am sure that they will be able to provide you the level of support that you require.

If you have any questions or would like to discuss further, please feel free to contact me

Sincerely,

Frank Yoder

Frank Yoder
Regional Partner Expert
Northeast Partners
Frank.Yoder@schneider-electric.com
(302) 212-9255

Schneider **Electric** | **Buildings Business**
1650 West Crosby Road
Carrollton, TX 75006 USA
Tel. +1 972 323 1111 Fax +1 972 242 0026
www.schneider-electric.com/buildings

Attachment: 4531_original_contract_10097 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

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Addendum to Contract Major Exposure

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.

2. No rules, requirements or customs of any society or association of professional Contractors or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.

3. To the fullest extent permitted by law, Contractor shall indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, or expenses, awards or judgments imposed upon the Town, its officers, agents, and/or employees, arising out of the work of the Contractor its officers, agents, subcontractors, and/or employees as well as the negligence, active or passive, of the Contractor, its officers, agents, subcontractors, and/or employees.

4. Contractor shall not commence work under this Agreement until it has obtained all insurance specified below, produced satisfactory proof of the same and such insurance has been approved by the Town.

(a) Workers' Compensation Insurance: Contractor shall take out and maintain during the life of this Agreement, Workers' Compensation Insurance (both Part A and Part B) for its employees to be assigned to the work hereto under.

(b) General Liability, Professional (if applicable) Liability and Property Damage Insurance: Contractor shall take out and maintain during the life of this Agreement, such general liability and property damage insurance as shall protect it and the Town of Amherst from claims for damages for personal injury, including accidental death, as well as from claims for property damage, which may arise from operations under this Agreement. The amounts of such insurance shall be as follows in an amount not less than $1,000,000.00 per occurrence for bodily injury and property damage including wrongful death, and $2,000,000.00 aggregate. Umbrella coverage shall be in an amount of at least $5,000,000.00.

(c) Contractor shall furnish the above insurances, including subcontractors' insurances, to the Town and shall also assure that any policy procured by it shall name the Town as an additional insured on a primary and non-contributory basis.

(d) Contractor shall ensure all its subcontractors, if any, have obtained all the above insurances and shall also assure that any policy procured by any subcontractor or sub-subcontractor shall name the Town as an additional insured on a primary and non-contributory basis.

9. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules, regulations or ordinances for any state other than New York State, to the laws, statutes, rules, regulations or ordinances for any county other than Erie County, New York or to the laws, statutes, rules, regulations or ordinances for any municipality other than the Town of Amherst, then the laws, statutes, rules, regulations or ordinances for New York State, Erie county and/or the Town of Amherst shall apply as applicable. Any and all legal action necessary to enforce the Agreement will be venued in Supreme Court, Erie County, New York or in the United States District Court for the Western District of New York, Buffalo Division.

10. It is hereby acknowledged that performance of this Contract will be undertaken in accordance with the specifications and pricing on which the bid was submitted.

Authority for execution on behalf of Town: The Supervisor has executed this Agreement pursuant to a Resolution adopted by the Town Board of the Town, at a meeting thereof held on _____. Brian J. Kulpa, the Supervisor whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an Agreement on behalf of the Town as a result of that Resolution. This instrument shall be executed in triplicate. At least one (1) copy shall be permanently filed, after execution thereof, in the office of the Town Clerk of Town.

Agreed to and Accepted by:

U & S Services LLC
Print Name of Company

By: Patricia E Corrigan
Signature

Patricia E Corrigan
Printed name

Date: 12/18/2023

Agreed to and Accepted by:

Town of Amherst

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Attachment: 4531_original_contract_10097 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

IRAN DIVESTMENT ACT CERTIFICATION

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a provision was added to the State Finance Law (SFL), Section 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will develop a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). This list is posted on the OGS website.

By submitting a response to this solicitation, or by assuming the responsibility under a Contract/Lease awarded hereunder, Bidder/Contractor/Vendor (or any assignee) certifies that it will not utilize on such Contract/Lease any subcontractor that is identified on the prohibited entities list.

Additionally, Bidder/Contractor/Vendor is advised that any Bidder/ Contractor/Vendor seeking to renew or extend a Contract/Lease (or assume responsibility of a Contract/Lease awarded must certify at the time the Contract/Lease is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract/Lease, should the Town of Amherst (Town) receive information that a person is in violation of the above-referenced certification, the Town will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the Town shall take such action as appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Bidder/Contractor/Vendor in default.

The Town reserves the right to reject any Contract/Lease or request for assignment for an entity that appears on the prohibited entities list prior to the award of a Contract/Lease, and to pursue a responsibility review with respect to any entity that is awarded a Contract/Lease and appears on the prohibited entities list after Contract/Lease award.

Company Name: U & S Services LLC

Signature: Patricia E Corrigan

Print Name: Patricia E Corrigan

Title: Client Solutions Rep.

Date: 12/18/2023

Sworn To Before Me This

18th Day of Dec., 2023

Noreen Ann Stickney

Notary Public

NOREEN ANN STICKNEY
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01ST6064162
Qualified in Niagara County
My Commission Expires 9-17-25

Revised 4.2017

Attachment: 4531_original_contract_10097 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

U&SSERV-01 TBRZEZINSKI

DATE (MM/DD/YYYY) 5/1/2023

CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 1009544
Lawley Construction Solutions
361 Delaware Avenue
Buffalo, NY 14202

CONTACT NAME: Traci Brzezinski
PHONE (A/C, No, Ext): (716) 849-8217 8217
FAX (A/C, No): (716) 849-8291
E-MAIL ADDRESS: tbrzezinski@lawleyinsurance.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Zurich American Insurance Co	16535
INSURER B : American Zurich Insurance Co	40142
INSURER C : Ace American Ins Co-BONDS only	
INSURER D : Merchants National Insurance	12775
INSURER E : Princeton Excess & Surplus Ines Insurance Co	10786
INSURER F :	

INSURED
U&S Services LLC
95 Stark Street
Tonawanda, NY 14150

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR X Contractual Included GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT X LOC OTHER:			GLO509899703	5/1/2023	5/1/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG EMPLOYEE BENEFI	$ 1,000,0 $ 100,0 $ 10,0 $ 1,000,0 $ 2,000,0 $ 2,000,0 $ 1,000,0
B	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY SCHEDULED AUTOS HIRED AUTOS ONLY NON-OWNED AUTOS ONLY			BAP509899803	5/1/2023	5/1/2024	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,0 $ $ $
C	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 10,000			N10841872010	5/1/2023	5/1/2024	EACH OCCURRENCE AGGREGATE	$ 5,000,0 $ 5,000,0
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		WC509899603	5/1/2023	5/1/2024	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,0 $ 1,000,0 $ 1,000,0
D	Excess Liability			EXL0001357	5/1/2023	5/1/2024	5,000,000	5,000,0
E	Excess Liability			60A3FF0000613-00	5/1/2023	5/1/2024	5,000,000	5,000,0

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Additional Insured and Waiver of Subrogation coverage shown above and marked with an X. Terms set forth as evidenced by the attached endorsement(s) identified on the ACORD 101.

CERTIFICATE HOLDER

Town of Amherst
Amherst Town Hall
5583 Main St.
Williamsville, NY 14221

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFOR THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED I ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

ACORD 25 (2016/03)
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Attachment: 4531_original_contract_10097 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

AGENCY CUSTOMER ID: U&SSERV-01 TBRZEZINSKI
LOC #: 1

ACORD ADDITIONAL REMARKS SCHEDULE

AGENCY	License # 1009544	NAMED INSURED
Lawley Construction Solutions		U&S Services LLC 95 Stark Street Tonawanda, NY 14150
POLICY NUMBER SEE PAGE 1		
CARRIER SEE PAGE 1	NAIC CODE SEE P 1	EFFECTIVE DATE: SEE PAGE 1

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

When required by executed written contract the following:
endorsements apply:

General Liability:

CG2503 (05/09) Designated Construction Project(s) General Aggregate Limit
CG2032 (04/13) Additional insured - Engineers, Architects, or Surveyors Not engaged by Named Insured
CG2007 (04/13) Additional insured - Engineers, Architects, or Surveyors
UGL1060 (04/13) Additional Insured - Lessor of Leased Equipment
UGL2162 Additional Insured - Automatic --Owners, Lessees Or Contractors
UGL925B CW (12/01) Waiver of Subrogation (Blanket) Endorsement

Auto:
CA2048 (10/13) - Designated Insured
CA2001 - Additional Insured - All Lessors
UCA424GNY - Coverage Extension Endorsement

Worker's Compensation:
WC00 03 13 (4/84) Waiver of Our Right To Recover From Others Endorsement

Umbrella (Ace American):
XS-41864 - Waiver of Our Right to Recover Payment
XS-41851- Aggregate Limits of Insurance (Per Project)
XS-41887A - Other Valid and Collectible Insurance (Additional Insured)

Excess Liability (Merchants):
MN-02 – Per Project Aggregate
EX87140910 – Primary and Non-Contributing Insurance
CX0001 – Commercial Excess Liability Coverage Form

Excess Liability (Princeton):
General Endorsement - Per Project Aggregate Limit of Insurance with Aggregate
CXE 01 16 02 10 Policy Changes - Primary and Non-Contributing Insurance
CX0001 – Commercial Excess Liability Coverage Form

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Attachment: 4531_original_contract_10097 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name and address of Insured (Use street address only)	1b. Business Telephone Number of Insured
U&S Services LLC 95 Stark Street Tonawanda, NY 14150	716-693-4490 **1c. NYS Unemployment Insurance Employer Registration Number of Insured**
Work Location of Insured *(Only required if coverage is specifically limited to certain location in New York State, i.e. a Wrap-Up Policy)*	**1d. Federal Employer Indentification Number of Insured or Social Security Number** 81-5324510
2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst 5583 Main Street Williamsville, NY 14221	**3a.Name of Insurance Carrier** American Zurich Insurance Co **3b. Policy Number of entity listed in box "1a":** WC 5098996-03 **3c. Policy effective period:** 5/1/2023-5/1/2024 **3d. The Proprietor, Partners or Executive Officers are:** ☑ **included** (Only check box if all partners/officers included) ☐ **all excluded or certain partners/officers excluded**

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. (To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy). The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that th named insured has the coverage as depicted on this form.

Approved By: **William Lawley Jr.**
(Print name of authorized representative or licensed agent of insurance carrier)

Approved By: _____ 12/22/23
(Signature) (Date)

Title: Managing Partner

Telephone Number of authorized representative or licensed agent of insurance carrier: CarrierPhone

Please Note: Only insurance carriers and their licensed agents are authorized to issue the C-105.2 form. Insurance brokers are NOT authorized to issue it.

Attachment: 4531_original_contract_10097 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Workers' Compensation Law

Section 57. Restriction on issue of permits and the entering contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

C-105.2 (9-17) REVERSE

Attachment: 4531_original_contract_10097 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF INSURANCE COVERAGE
NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by NYS disability and Paid Family Leave benefits carrier or licensed insurance agent of that carrier

1a. Legal Name & Address of Insured (use street address only) U & S Services LLC 95 Stark Street Tonawanda NY 14150 Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)*	1b. Business Telephone Number of Insured 716 693 4490 1c. Federal Employer Identification Number of Insured or Social Security Number 16 1364177
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst 5583 Main Street Williamsville, NY 14221	3a. Name of Insurance Carrier **The Guardian Life Insurance Company of America** 3b. Policy Number of Entity Listed in Box 1a 00970362 - 0029 3c. Policy Effective Period 01/01/2023 to 01/01/2024

4. Policy provides the following benefits:
   - [x] A. Both disability and Paid Family Leave benefits.
   - [ ] B. Disability benefits only.
   - [ ] C. Paid Family Leave benefits only.
5. Policy covers:
   - [x] A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.
   - [ ] B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS disability and/or Paid Family Leave benefits insurance coverage as described above.

Date Signed 01/25/2023 By _____
(Signature of insurance carrier's authorized representative or NYS licensed insurance agent of that insurance carrier)

Telephone Number 1-888-278-4542 Name and Title Michael Prestileo, Head of Group Benefits Strategy, Product & Underwriting

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be emailed to PAU@wcb.ny.gov or it can be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4B, 4C or 5B have been checked)

State of New York
Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law(Article 9 of the Workers' Compensation Law) with respect to all of their employees.

Date Signed _____ By _____
(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number _____ Name and Title _____

Please Note: *Only insurance carriers licensed to write NYS disability and Paid Family Leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1.* ***Insurance brokers are NOT authorized to issue this form.***

DB-120.1 (12-21)

DB-120.1 (12-21)

Attachment: 4531_original_contract_10097 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

Additional Instructions for Form DB-120.1

By signing this form, the insurance carrier identified in Box 3 on this form is certifying that it is insuring the business referenced in Box 1a for disability and/or Paid Family Leave benefits under the NYS Disability and Paid Family Leave Benefits Law. The insurance carrier or its licensed agent will send this Certificate of Insurance Coverage (Certificate) to the entity listed as the certificate holder in Box 2.

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is cancelled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in Box 3c, whichever is earlier.

This Certificate is issued as a matter of information only and confers no rights upon the certificate holder. This Certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This Certificate may be used as evidence of a NYS disability and/or Paid Family Leave benefits contract of insurance only while the underlying policy is in effect.

Please Note: Upon the cancellation of the disability and/or Paid Family Leave benefits policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Insurance Coverage for NYS disability and/or Paid Family Leave Benefits or other authorized proof that the business is complying with the mandatory coverage requirements of the NYS Disability and Paid Family Leave Benefits Law.

NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

§220. Subd. 8

(a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and not withstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand and twenty-one, the payment of family leave benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand eighteen, the payment of family leave benefits for all employees has been secured as provided by this article.

Attachment: 4531_original_contract_10097 (RES-2024-141 : U&S Services Inc (Stark Tech) HVAC Preventative Maintenance Agreement

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Comptroller
Initiated by: **Daryl Bramer**
Co-Sponsored by:

DOC ID: 28595 **RESOLUTION 2024-142** **ADOPTED**

Budget Transfers and Amendments

For February 5, 2024 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 01/31/2024
Re: Various Department Budget Transfers / Amendments

I have received the following request(s) requiring budget transfers and / or amendments. Based on my review, I ask that the Town Board approve the following list;

BUDGET TRANSFERS - 2023

FROM: ***TO:***

BUDGET TRANSFERS - 2024

FROM: ***TO:***

A1950.4190 Taxes on Town Property $1,404.29 A7253.4600 Ice Rink - Property Taxes $1,404.29
To transfer funds for 2024 Town & County bills on Town owned property.

A7450.2150 Building Improvements $24,150.07 A7450.9000 Interfund Transfers $24,150.07
To transfers funds from A7450 Museum into Capital Fund KP2234 Museum Improvements for roof repair.

BUDGET AMENDMENTS - 2023

INCREASE: ***INCREASE:***

A3649.04589 ARPA Federal Aid $191,487.50 A3649.2600 ARPA- Other $191,487.50
To recognize P.O. #22214351 B, C, E under ARPA.

A3122.02410 Bailey Ave Rentals $4,200.00 A3122.4220 Bldgs. & Grounds $4,200.00
To recognize revenue received for bailey avenue training facility.

BUDGET AMENDMENTS - 2024

INCREASE: ***INCREASE:***

N2340.02785 AMH HOME- PI $14,660.10 N2340.4000 Contractual $14,660.10
N2354.02785 HOME Admin- PI $1,628.90 N2354.4003 10% Admin $1,628.90
To recognize Community Development program income from 352 N. Ivyhurst, Amherst.

KP2403.05031 Interfund Transfers $100,000 KP2403.4971 Design $100,000
To setup capital project KP2403 BCD Design, Planning, Legal, (A8020.9000).

N2341.02785 AMH 1St Time Homebuyer $5,662.01 N2341.4000 Contractual $5,662.01
To recognize Community Development program income from 80 Groton, Amherst.

N2323.02785 CDBG & VG- PI $5,844.00 N2323.4000 Contractual $5,844.00
N2325.02785 CDBG Admin- PI $1,461.00 N2325.1000 Personal Svcs $1,357.18

N2325.8030 FICA $103.82
N2340.02785 AMH HOME- PI $4,802.40 N2340.4000 Contractual $4,802.40
N2354.02785 HOME Admin- PI $533.60 N2354.4003 10% Admin $533.60
To recognize Community Development program income from 112 Larch, Amherst.

C3623.02800 Town Match Grants $30,000.00 C3623.1000 Personal Services $25,000.00
C3623.03089 State Aid Grants $30,000.00 C3623.8030 FICA $2,000
C3621.4110 Contractual $30,000.00
C3621.4040 Travel $3,000.00
To setup the budget for Amherst Organics Management Plan CRS# 3633.

KP2234.05031 Interfund Transfers $24,150.07 KP2234.4972 Construction $24,150.07
To setup the budget for interfund transfers from A7450 into KP2234 Museum Improvements for roof repair.

BUDGET AMENDMENTS - 2024

DECREASE: ***INCREASE:***

A 0909 Assigned Fund Balance $100,000 A8020.9000 Interfund Transfers $100,000
To transfer funds from Assigned Fund Balance for Community Benefit to Planning Department for Interfund Transfers into KP2403 BCD Design, Planning, Legal.

2/5/2023
Consent

FINANCIAL IMPACT:

See Descriptions.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Comptroller
Initiated by: **Daryl Bramer**
Co-Sponsored by:

DOC ID: 28597 **RESOLUTION 2024-143** **ADOPTED**

Interfund Loan

Please approve an interfund loan and the appropriate budget amendments from the Drainage Fund (H) to the Capital Fund, KP2401 for Reist Street Culvert Replacement Over Ditch 10, CRS#4376, Bridge NY Local Project Agreement. Total cost of the project is $797,950 which is fully reimbursable from New York State Department of Transportation (NYSDOT). The 2024 loan will be $159,768.89 for design costs (KP2401.4971) with the balance of $638,181.11 (less any reimbursements) (KP2401.4972) for construction to be loaned in 2025.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 28316 **RESOLUTION 2024-144** **ADOPTED**

Award RFP #202307 for Sale of Athletic Venue Advertising - CRS #4484

WHEREAS, the Contract Compliance and Administration Department received proposals on November 15, 2023 for RFP #202307 for Sale of Athletic Venue Advertising; and

WHEREAS, the RFP process resulted in responses from one (1) vendor;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this RFP to Gibby Consulting Group, LLC; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with Gibby Consulting Group, LLC; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the fact that we are currently without a contract.

2/5/2023
Consent

FINANCIAL IMPACT:

A7253-02725; Amount TBD (30% of sales)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 28390 **RESOLUTION 2024-145** **ADOPTED**

Award Bid #2023056 Thomas Conveyor Replacement Parts - CRS #4525

WHEREAS, the Contract Compliance and Administration Department received bids on December 14, 2023 for Bid #2023052 for Thomas Conveyor Replacement Parts; and

WHEREAS, the bid process resulted in a response from one (1) vendor, as per the attached bid analysis form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award to James Eagen Sons Co.; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with James Eagen Sons Co..

2/5/2023
Consent

FINANCIAL IMPACT:

KP2136-2150; Amount TBD

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Attachment: Bid Analysis Thomas Conveyor Parts (RES-2024-145 : Award Bid #2023056 Thomas Conveyor Replacement Parts - CRS #4525)

Bid #2023056 Thomas Conveyor Replacement Parts

Low Bidder				James Eagen Sons Co.	
Item #	QTY	U/M		Unit Price	Total Price
1	1	EA	Conveyor 610 (3): 15" OD X 29' 7-1/8" lg RH Shaftless spiral screw, consisting 1" thk X 4" wide high strength alloy 250 Brinell spiral; assembly includes 4" schd 40 304SS torque-tube that is 304SS bushed and drilled for 3-7/16" dia 3-bolt drive shaft	$9,947.000	$9,947.00
2	1	EA	Conveyor 611 (4): 17" OD X 31'-2-3/4" lg RH shaftless spiral screw, consisting of 1" thk X 4" wide high strength alloy 250 brinell spiral; assembly includes 4" schd 40 304SS torque-tube that is 304SS bushed and drilled for 3-7/16" dia 3-bolt drive shaft	$12,199.000	$12,199.00
3	1	EA	Conveyor 612 (5): 15" OD X 38'-8" lg RH shaftless spiral screw, consisting of 1" thk X 4" wide high strength alloy 250 brinell spiral; assembly includes 4" schd 40 304SS torque-tube that is 304SS bushed and drilled for 3-7/16" dia 3-bolt drive shaft	$13,407.00	$13,407.00
4	9	EA	7/8" dia X 5-1/2" lg 304 SS 304 SS coupling bolts with lock nuts	$10.00	$90.00
5	3	EA	3-7/16" dia 304SS 3-bolt drive shaft for Dodge SCXT625 screw conveyor drive	$1,407.00	$4,221.00
6	10	EA	UHMW Trough Liners: ½ inch thick X 37 5/8" X 4 foot length	NO BID	NO BID
7	20	EA	UHMW Trough Liners ¾ inch X 40 11/16 inch X 4 foot length	NO BID	NO BID
8	$2,000	%	PRIMARY METHOD - This percentage off list price is to cover parts, materials, and/or components to fit our Thomas Conveyors. Percentage _____ % from list price.	NO BID	NO BID
9	$2,000	%	SECONDARY METHOD - This percentage mark up over cost is to cover parts, materials, and/or components that DO NOT have a list price for parts to fit our Thomas Conveyors. Percentage _____ % mark-up over cost	NO BID	NO BID
			NO ADDITIONAL COST WILL BE CONSIDERED		

NOTES:

Bid Item #1: Parts will be OEM; 8 weeks lead time; Bid Item #2: Parts will be OEM; 8 weeks lead time.

Bid Item #3: Parts will be OEM; 8 weeks lead time; Bid Item #4: Parts will be OEM; 8 weeks lead time.

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 28541 **RESOLUTION 2024-146** **ADOPTED**

Award Bid #2024002 Demolition of BNHV Storage Barn - CRS 4568

WHEREAS, the Contract Compliance and Administration Department received bids on January 19, 2024 for Bid #2024002 for the Demolition of BNHV Storage Barn; and

WHEREAS, the bid process resulted in responses from fourteen (14) vendors, as per the attached bid analysis form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to Durable Demolition LLC; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with Durable Demolition LLC; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to safety concerns at site.

2/5/2023
Consent

FINANCIAL IMPACT:

KP2234-4972; $10,275

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Bid #2024002 Demolition of Storage Barn at BNHV

Low Bidder			Vendor Name:	Durable Demolition LLC	Titan Development Inc.	Regional Environmental Demolition, Inc.	Geiter Done of WNY Inc.	Metro Contracting & Environmental, Inc.	Stancor, LLC DBA Wasteaway Dumpster Service of WNY	J&D's Seal Tech Corp.	Allgaier Construction Corp.	Empire Dismantlement Corp	Zuke's Excavating LLC	Empire Building Diagnostics, Inc	RJ Sitework & Snowplowing	Guard Construction and Contracting Corp.	Wargo Enterprises, Inc
Item #	QTY	U/M															
1	1	Job	Base Bid for Demolition of Building as per specifications and documents	$10,275.00	$16,999.00	$19,500.00	$22,000.00	$53,400.00	$16,695.95	$42,000.00	$30,400.00	$17,700.00	$24,378.00	$39,480.00	$75,972.00	$38,093.00	$30,765.00
Notes:																	

Attachment: 2024002 -Bid Tab Demo of BNHV Storage Barn (RES-2024-146 : Award Bid #2024002 Demolition of BNHV Storage Barn - CRS 4568)

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 28562 **RESOLUTION 2024-147** **ADOPTED**

Award of Bid #2024006 NYS OGS Mini-Bid for (2) Ford F350 Trucks with Dump Body and Plow - CRS #4572

WHEREAS, Contract Compliance issued Bid #2024006 through NYS OGS for two (2) 2024 Ford F350 trucks with dump body and plow; and

WHEREAS, bids were received from four (4) vendors as per the attached Bid Tabulation Form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Mini-Bid be awarded to Delacy Ford for their low bid of $142,247.76; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with Delacy Ford; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the need to place the order with the vendor as soon as possible due to the long lead time.

2/5/2023
Consent

FINANCIAL IMPACT:

KP2224-2250 - $71,123.88

KP2118-2250 - $71,123.88

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Rank	Total Quantity	Chassis Make & Model	Chassis Mode Code	Body Make & Model	Body Model Code	Mini-Bid #	Contractor	Contract #	NYS Discount (Chassis)	NYS Base Price (Chassis)	Total Price for Mini Bid (Chassis)	NYS Base Price (Body)	Total Price For Mini-Bid (Bodies)	Grand Total Price for Mini-Bid	Built to Spec or Inventory	Estimated # of days if built to spec	Notes
1	2	2024 Ford F-350 XL	F3G	2024 Galion 133 Stainless	201	2024006	Delacy Ford	PC68978	9.50%	$47,308.88	$94,617.76	$23,815.00	$47,630.00	$142,247.76	Built to Spec	90-180	
2	2	2024 Chevrolet Silverado 3500 HD Chassis 84" CA	CK31403	2024 Galion 11' Stainless Steel Dump Body	133U11	2024006	DeNooyer Chevrolet, Inc	PC69048	4.30%	$52,486.67	$104,973.34	$22,198.00	$44,396.00	$149,369.34	Built to Spec	150	Order bank is only open until 5 PM on 1/25.
3	2	2024 Ford F-350 XL Regular Cab Chassis DRW	F3H	2024 AirFlo 11" 4 yard stainless steel dump body	N/A	2024006	C Basil Ford Inc	PC68991	9.09%	$57,047.15	$114,094.30	$19,204.00	$38,408.00	$152,502.30	Built to Spec	TBD	
4	2	2024 Chevrolet Silverado 3500	CK31403	2024 Galion 11' Stainless Steel Dump Body	133U11	2024006	G AND H AUTO GROUP DBA MOHAWK CHEVROLET	PC69382	4.00%	$58,500.48	$117,000.96	$21,385.00	$42,770.00	$159,770.96	Built to Spec	N/a	

Late Bids Received for Mini-Bid

Mini-Bid #	Contractor	Contract #	Date/Time Bid Arrived
2024006	Main Motor Car	PC68941	1/24/24 @ 12:25 PM EST

Attachment: Mini Bid 2024006 - Bid Tab (RES-2024-147 : Award of Bid #2024006 NYS OGS Mini-Bid for (2) Ford F350 Trucks with Dump Body

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 28563 **RESOLUTION 2024-148** **ADOPTED**

Award of Bid #2024007 NYS OGS Mini-Bid for (1) Ford F350 Truck with Dump Body - CRS #4573

WHEREAS, Contract Compliance issued Bid #2024007 through NYS OGS for one (1) 2024 Ford F350 truck with dump body; and

WHEREAS, bids were received from three (3) vendors as per the attached Bid Tabulation Form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Mini-Bid be awarded to Delacy Ford for their low bid of $64,053.88; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with Delacy Ford; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the need to place the order with the vendor as soon as possible due to the long lead time.

2/5/2023
Consent

FINANCIAL IMPACT:

KP2224-2250 - $64,053.88

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Rank	Total Quantity	Chassis Make & Model	Chassis Mode Code	Body Make & Model	Body Model Code	Mini-Bid #	Contractor	Contract #	NYS Discount (Chassis)	NYS Base Price (Chassis)	NYS Base Price (Body)	Grand Total Price for Mini-Bid	Built to Spec or Inventory	Estimated # of days if built to spec	Notes
1	1	2024 Ford F350 XL	F3G	Galion 133U Stainless Steel	201	2024007	Delacy Ford	PC68978	9.50%	$47,308.88	$16,745.00	$64,053.88	Built to Spec	90-180	
2	1	2024 Ford F-350 Regular Can Chassis DRW	F3G	2024 AirFlo 11' AirFlo 4 yard stainless steel dump body	N/A	2024007	C Basil Ford Inc	PC68991	9.02%	$47,559.80	$19,204.00	$66,763.80	Built to Spec	TBD	
3	1	2024 Chevrolet Silverado 3500HD Chassis 84" CA	CK31403	Galion 11' Stainless Steel Dump Body	133U11	2024007	DeNooyer Chevrolet, Inc	PC69048	4.30%	$52,486.67	$17,498.00	$69,984.67	Built to Spec	150	Prder cutoff is at 5 pm on 1/25.

Late Bids Received for Mini-Bid

Mini-Bid #	Contractor	Contract #	Date/Time Bid Arrived
2024007	Main Motor Car	PC68941	1/24/24 @ 12:29 PM EST
2024007	G AND H AUTO GROUP DBA MOHAWK CHEVROLET	PC69382	1/24/24 @ 12:03 PM EST

Attachment: Mini Bid 2024007 - Bid Tab (RES-2024-148 : Award of Bid #2024007 NYS OGS Mini-Bid for (1) Ford F350 Truck with Dump Body -

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 28565 **RESOLUTION 2024-149** **ADOPTED**

Award of Bid #2024009 NYS OGS Mini-Bid for (2) Ford F550 Trucks with Dump Body - CRS #4574

WHEREAS, Contract Compliance issued Bid #2024009 through NYS OGS for two (2) 2024 Ford F550 trucks with dump body; and

WHEREAS, bids were received from seven (7) vendors as per the attached Bid Tabulation Form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Mini-Bid be awarded to Delacy Ford for their low bid of $143,817.46; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with Delacy Ford; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the need to place the order with the vendor as soon as possible due to the long lead time.

2/5/2023
Consent

FINANCIAL IMPACT:

KP2341-2250 - $143,817.46

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Rank	Total Quantity	Chassis Make & Model	Chassis Mode Code	Body Make & Model	Body Model Code	Mini-Bid #	Contractor	Contract #	NYS Discount (Chassis)	NYS Base Price (Chassis)	Total Price for Mini Bid (Chassis)	NYS Base Price (Body)	Total Price For Mini-Bid (Bodies)	Grand Total Price for Mini-Bid	Built to Spec or Inventory	Estimated # of days if built to spec	Notes
1	2	2024 Ford F550 XL	F5H	Galion 133U Stainless Steel	201-2B	2024009	Delacy Ford	PC68978	9.90%	$55,163.73	$110,327.46	$16,745.00	$33,490.00	$143,817.46	Built to Spec	90-180	
2	2	2024 Ford F-550 Reg Cab Chassis DRW	F5H	AirFlo 11' AirFlo 4 yard Stainless Steel Dump Body	N/A	2024009	C Basil Ford Inc	PC68991	9.19%	$55,439.51	$110,879.02	$19,204.00	$38,408.00	$149,287.02	Built to Spec	TBD	
3	2	2024 Ford F550 Reg Cab Chassis 4x4 Gasoline	F5H	Unicell	N/A	2024009	BJA 1675 LLC GENESEE VALLEY FORD AVON	PC69260	8.27%	$56,196.00	$112,392.00	$19,204.00	$38,408.00	$150,800.00	Built to Spec	TBD	
4	2	2024 Ford F-550 XL R/C	F5H	2024 Rugby Eliminator Stainless 11' 3-4 YD	Eliminator Stainless	2024009	Van Bortel Ford	PC68953	9.75%	$55,390.94	$110,781.88	$21,910.00	$43,820.00	$154,601.88	Built to Spec	225 +/-	
5	2	2023 Chevrolet Silverado 4500HD Regular Cab	CK56403	2024 Galion 11' Dump Body	133U11	2024009	DeNooyer Chevrolet - Offer 2	PC69048	4.90%	$63,992.79	$127,985.58	$16,998.00	$33,996.00	$161,981.58	Chassis is pre-existing, body is built to spec	60	
6	2	2023 Chevrolet Solverado 5500WT	CK56403	Galion 11' Dump Body	133U11	2024009	G AND H AUTO GROUP DBA MOHAWK CHEVROLET	PC69382	13.00%	$64,410.45	$128,820.90	$17,162.00	$34,324.00	$163,144.90	Pre-Existing Investing		
7	2	2023 Chevrolet Silverado 6500HD Regular Can	CK56403	2024 Galion 11' Dump Body	133U11	2024009	DeNooyer Chevrolet - Offer 1	PC69048	8.55%	$69,995.83	$139,991.66	$16,998.00	$33,996.00	$173,987.66	Chassis is pre-existing, body is built to spec	60	

Late Bids Received for Mini-Bid

Mini-Bid #	Contractor	Contract #	Date/Time Bid Arrived
2024006	**Main Motor Car**	**PC68941**	**1/24/24 @ 12:15 PM EST**

Attachment: Mini Bid 2024009 - Bid Tab (RES-2024-149 : Award of Bid #2024009 NYS OGS Mini-Bid for (2) Ford F550 Trucks with Dump Body -

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 28596 **RESOLUTION 2024-150** **ADOPTED**

Resolution Amendment – Robinhill Rd. & Swanson Terr. Waterline Replacement TOA Project No. 2021.042

As per Resolution 2023-516, the above referenced project was awarded from accounts KP2309.4972 and KP2120.4972 and subsequently amended as per Resolution 2023-981 on December 4, 2023. At this time and in effort to further maximize available funds for current and future waterline repairs, we recommend and request further amendment of the above resolutions as per the following allocation for this project award:

Account	Original Award Allocation	Dec 4, 2023 Amendment	Current Proposed Amendment
KP2309.4972	$831,979.25	$735,097.25	$681,338.14
KP2120.4972	$40,925.00	$137,625.00	$191,384.11
Totals	$872,722.25	$872,722.25	$872,722.25

Thank you for considering this request.

2/5/2023
Consent

FINANCIAL IMPACT:

KP2309.4972 - $681,338.14, KP2120.4972 - $191,384.11 Current Proposed Amendment total $872,722.25

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Amherst Town Board
5583 Main Street
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Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 28598 **RESOLUTION 2024-151** **ADOPTED**

Evergreen Landing Street Lighting Engineering Services TOA Job# 2016.054A

Please authorize the comptroller's office to pay Wendel Invoice #EGD1 in the amount of $30,000 for initial design work associated with a new street lighting system within Evergreen Landing Subdivision. Funding is available in account E9997-4090.

Thank you for considering this request.

2/5/2023
Consent

FINANCIAL IMPACT:

Funding is available in account E9997-4090.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
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Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Highway
Initiated by: **Stephen Bryan**
Co-Sponsored by:

DOC ID: 28575 **RESOLUTION 2024-152** **ADOPTED**

Authorize Quotation with FM Communications (CRS# 4575) and Northeast Site and Tower, Inc. (CRS #4576) – Radio Antenna Upgrade

WHEREAS, Quotation 102003251 for Highway Department allows for the project to be completed with FM COMMUNICATIONS INC, 1914 Colvin Boulevard, Tonawanda, NYvin the amount of $7,125.00 for the antenna upgrade replacement.

WHEREAS AS, the HIGHWAY DEPARTMENT is requesting approval for FM COMMUNICATIONS INC (CRS#4575) and NORTHEAST SITE AND TOWER INC (CRS#4576) to complete the project.

This contract is subject to the Contract Routing System and the approval of the Town Attorney.

2/5/2023
Consent

FINANCIAL IMPACT:

A5132 - 4220 $7,125.00, NTE

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

1914 Colvin Blvd
Tonawanda, NY 14150-6
Phone: (716) 832-2
www.fmcommunications.
www.facebook.com/fmcommunication

SALES QUOTATION 102003251

Bill To:
AMHERST HIGHWAY DEPARTMENT
1042 NORTH FOREST ROAD
WILLIAMSVILLE, NY 14221

Ship To:
AMHERST HIGHWAY DEPARTMENT
1042 NORTH FOREST ROAD
WILLIAMSVILLE, NY 14221

Vehicle #:
E #:
Order Status:
P.O. #:

Date: 11/06/2023	Customer Rep: Jamie Olson		Terms: NET 30 DAYS	
Qty	Item	Description	Unit Price	Extende
6	Labor - Road	Technicians Road Labor FM COMMUNICATIONS LABOR FOR INSIDE TUNING, CABLING AND TESTING	125.00	750.(
1	*MISC ITEM	LABOR TO REMOVE ANTENNA AND COAX FROM EXISTING TOWER AND INSTALL NEW. TOWER WORK TO BE DONE BY NORTHEAST SITE AND TOWER INC. END USER TO SEAL ANY ROOF PENETRATIONS IF NEEDED.	3,500.00	3,500.(
1	*MISC ITEM	DB-224 ANTENNA, LMR-900 CABLE, CONNECTORS, GROUNDING KIT, AND POLYPHASER	2,875.00	2,875.(

AMHERST HIGHWAY DEPT
2023 NOV 30 AM

Thank you for the opportunity to quote the above items. Please do not hesitate to call, fax, or e-mail any additional questions or concerns.

If requested to drill holes into a fixture (headlight, taillight, housing, etc.), we do not warranty any issues that may arise from making these modifications. Customer approval needed prior to work performed. _____

(Signature, Print & Date)

Subtotal :	$7,125.0(
Tax :	$0.0(
Total Quote :	$7,125.0(

Quote valid for 60 days

Attachment: Northeast SiteTower (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

Addendum to Contract Major Exposure

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.

2. No rules, requirements or customs of any society or association of professional Contractors or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.

3. To the fullest extent permitted by law, Contractor shall indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, or expenses, awards or judgments imposed upon the Town, its officers, agents, and/or employees, arising out of the work of the Contractor its officers, agents, subcontractors, and/or employees as well as the negligence, active or passive, of the Contractor, its officers, agents, subcontractors, and/or employees.

4. Contractor shall not commence work under this Agreement until it has obtained all insurance specified below, produced satisfactory proof of the same and such insurance has been approved by the Town.

(a) Workers' Compensation Insurance: Contractor shall take out and maintain during the life of this Agreement, Workers' Compensation Insurance (both Part A and Part B) for its employees to be assigned to the work hereto under.

(b) General Liability, Professional (if applicable) Liability and Property Damage Insurance: Contractor shall take out and maintain during the life of this Agreement, such general liability and property damage insurance as shall protect it and the Town of Amherst from claims for damages for personal injury, including accidental death, as well as from claims for property damage, which may arise from operations under this Agreement. The amounts of such insurance shall be as follows in an amount not less than $1,000,000.00 per occurrence for bodily injury and property damage including wrongful death, and $2,000,000.00 aggregate. Umbrella coverage shall be in an amount of at least $5,000,000.00.

(c) Contractor shall furnish the above insurances, including subcontractors' insurances, to the Town and shall also assure that any policy procured by it shall name the Town as an additional insured on a primary and non-contributory basis.

(d) Contractor shall ensure all its subcontractors, if any, have obtained all the above insurances and shall also assure that any policy procured by any subcontractor or sub-subcontractor shall name the Town as an additional insured on a primary and non-contributory basis. A failure by Contractor to assure that any policy procured by any subcontractor or sub-subcontractor name the Town as an additional insured on a primary and non-contributory basis, shall be considered a material breach of the

Attachment: Northeast SiteTower (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

underlying contact and subject the Contactor to forfeiture of its performance bond, if any, and to pay liquidated damages to the Town of no less than $2,000,00.00 or the Town's actual expenses, whichever is higher, including, but not limited to all attorney fees and expenses related to the prosecution of a breach of the insurance procurement requirements suit regardless of whether the Town is successful in said suit.

(e) A failure by Contractor to procure the General Liability, Professional Liability and/or Property Damage policies referenced above, or the failure to have the Town of Amherst as an additional insured on a primary, non-contributory basis on said policies, shall be considered a material breach of the underlying contact and subject the Contactor to forfeiture of its performance bond, if any, and to pay liquidated damages to the Town of no less than $2,000,00.00 or the Town's actual expenses, whichever is higher, including, but not limited to all attorney fees and expenses related to the prosecution of a breach of the insurance procurement requirements suit and/or of the indemnification provisions regardless of whether the Town is successful in said suit.

5. Any accident shall be reported to the Office of the Town Attorney as soon as possible and not later than twenty-four (24) hours from the time of such accident. A detailed written report must be submitted to the Town of Amherst as soon thereafter as possible as and no later than three (3) days after the date of such accident.

6. No Assignment: In accordance with the provisions of section 109 of the General Municipal Law, the Contractor is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in this agreement, or its power to execute this Agreement, to any other person or corporation without the previous consent in writing of the Town.

7. Required Provisions of Law: Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party this Agreement shall be physically amended forthwith to make such insertion. In particular, the Contractor shall, among other things, fully comply with:

(a) Article 8 of the NYS Labor Law for public work contracts and Article 9 of the Labor Law regarding prevailing wage for Building Service employees.
(b) Labor Law Section 220-e and Executive Law Sections 291-299 and the Civil Rights Law relating to prohibition against discrimination and equal opportunity.
(c) Affirmative action as required by the Labor Law.
(d) Prevention of dust hazard required by Labor Law Section 222-a.
(e) Preference in employment of persons required by Labor Law Section 222.
(f) Eight-hour workday as required by Labor Law Section 220(2).
(g) Chapter 32 of the Town of Amherst: Minority Women and Business

Attachment: Northeast SiteTower (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

Utilization Commitment.

(h) Chapter 163 of the Town of Amherst: Registration of Sex Offenders.

8. The Contractor, in accordance with its status as an independent Contractor, covenants and agrees that it will conduct itself consistent with such status. It will neither hold itself out as nor claim to be, an officer or employee of the Town by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Town, including, but not limited to: workers' compensation coverage, unemployment insurance benefits, Social Security coverage, or retirement membership or credit.

Waiver: No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

9. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules, regulations or ordinances for any state other than New York State, to the laws, statutes, rules, regulations or ordinances for any county other than Erie County, New York or to the laws, statutes, rules, regulations or ordinances for any municipality other than the Town of Amherst, then the laws, statutes, rules, regulations or ordinances for New York State, Erie county and/or the Town of Amherst shall apply as applicable. Any and all legal action necessary to enforce the Agreement will be venued in Supreme Court, Erie County, New York or in the United States District Court for the Western District of New York, Buffalo Division.

10. It is hereby acknowledged that performance of this Contract will be undertaken in accordance with the specifications and pricing on which the bid was submitted.

Authority for execution on behalf of Town: The Supervisor has executed this Agreement pursuant to a Resolution adopted by the Town Board of the Town, at a meeting thereof held on _____. Brian J. Kulpa, the Supervisor whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an Agreement on behalf of the Town as a result of that Resolution. This instrument shall be executed in triplicate. At least one (1) copy shall be permanently filed, after execution thereof, in the office of the Town Clerk of Town.

Agreed to and Accepted by:

Northeast Site and Tower LLC
Print Name of Company

By: _____
Signature

Michael Cortese
Printed name

Date: 1-22-2024

Agreed to and Accepted by:

Town of Amherst

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Attachment: Northeast SiteTower (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

IRAN DIVESTMENT ACT CERTIFICATION

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a provision was added to the State Finance Law (SFL), Section 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will develop a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). This list is posted on the OGS website.

By submitting a response to this solicitation, or by assuming the responsibility under a Contract/Lease awarded hereunder, Bidder/Contractor/Vendor (or any assignee) certifies that it will not utilize on such Contract/Lease any subcontractor that is identified on the prohibited entities list.

Additionally, Bidder/Contractor/Vendor is advised that any Bidder/ Contractor/Vendor seeking to renew or extend a Contract/Lease (or assume responsibility of a Contract/Lease awarded must certify at the time the Contract/Lease is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract/Lease, should the Town of Amherst (Town) receive information that a person is in violation of the above-referenced certification, the Town will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the Town shall take such action as appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Bidder/Contractor/Vendor in default.

The Town reserves the right to reject any Contract/Lease or request for assignment for an entity that appears on the prohibited entities list prior to the award of a Contract/Lease, and to pursue a responsibility review with respect to any entity that is awarded a Contract/Lease and appears on the prohibited entities list after Contract/Lease award.

Company Name: Northeast Site and Tower LLC

Signature:

Print Name: Michael Cortese

Title: President

Date: 1-24-2024

Sworn To Before Me This

24th Day of January, 2024

Elizabeth D Scott

Notary Public

ELIZABETH D. SCOTT
No. 01SC6331514
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 10/13/2027

Revised 4.2017

Attachment: Northeast SiteTower (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

Prevailing Wage

· Wage Schedule · Submit Notice Of Award · Submit Notice Of Project Completion

PRC#: 2024000845
Type of Contracting Agency: Town
Acceptance Status: Accepted Article 8

Contracting Agency

Town of Amherst - Highway Depa
Stephen Bryan
Contract Administrator
Stephen Bryan
Contract Administrator
1042 North Forest Road
Williamsville NY 14221

(716) 631-7117
(716) 631- 7265 Fax
sbryan@amherst.ny.us

Send Reply To

Project Information

Project Title	TOA Highway Public Safety Comm
Description of Work	Public Safety Communications Equipment and Services under LOT 2 for radio equipment and services which includes radio equipment, installation, integration & Maintenance
Contract Id No.	2024-87
Project Locations(s)	VARIOUS
Route No / Street Address	1042 North Forest Road
Village / City	Williamsville
Town	Amherst
State / Zip	NY 14221
Nature of Project	Other Reconstruction, Maintenance, Repair or Alteration
Approximate Bid Date	02/01/2024
Checked Occupation(s)	Construction (Building, Heavy & Highway, Sewer, Water, Tunnel)

Applicable Counties

Erie

Attachment: Northeast SiteTower (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 01/22/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Lora Wehrmann
Eastern Shore Associates An ISU Network Member P.O. Box 480, 101 Cayuga St. Fulton NY 13069	PHONE (A/C, No, Ext): (315) 598-6000 FAX (A/C, No): (315) 598-1183 E-MAIL ADDRESS: lwehrmann@esainsurance.com

INSURED	INSURER(S) AFFORDING COVERAGE	NAIC #
Northeast Site and Tower Inc. 4487 Abbey Road Syracuse NY 13215	INSURER A: Admiral Insurance Company	24856
	INSURER B: Ace American Insurance Company	22667
	INSURER C: Merchants Mutual Ins. Co.	23329
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 23-24 Master **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR [X] CG2010 0413,CG2037 0413 [X] CG2404 0509 GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [X] PRO-JECT [ ] LOC [ ] OTHER:			CA000017446-11	03/01/2023	03/01/2024	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 50,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
								$
	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	$
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
B	[X] UMBRELLA LIAB [X] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [X] RETENTION $ 10,000			N06571451010	03/01/2023	03/01/2024	EACH OCCURRENCE	$ 5,000,000
							AGGREGATE	$ 5,000,000
								$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N [ ] If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					[ ] PER STATUTE [ ] OTH-ER	
							E.L. EACH ACCIDENT	$
							E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$
C	Excess Liability			EXL0001697	03/01/2023	03/01/2024	Occurrence	5,000,000
							Aggregate	5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

Town of Amherst
5583 Main St
Williamsville NY 14221

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Attachment: Northeast SiteTower (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

NYSIF
New York State Insurance Fund

PO Box 66699, Albany, NY 12206
| nysif.com

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

^^^^^^ 262305390
EASTERN SHORE ASSOCIATES
101 CAYUGA ST
PO BOX 480
FULTON NY 13069

SCAN TO VALIDATE
AND SUBSCRIBE

POLICYHOLDER	CERTIFICATE HOLDER
NORTHEAST SITE AND TOWER INC 4487 ABBEY ROAD SYRACUSE NY 13215	TOWN OF AMHERST 5583 MAIN STREET WILLIAMSVILLE NY 14221

POLICY NUMBER	CERTIFICATE NUMBER	POLICY PERIOD	DATE
S1375 035-1	164109	12/10/2023 TO 12/10/2024	1/22/2024

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 1375 035-1, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW, AND, WITH RESPECT TO OPERATIONS OUTSIDE OF NEW YORK, TO THE POLICYHOLDER'S REGULAR NEW YORK STATE EMPLOYEES ONLY.

IF YOU WISH TO RECEIVE NOTIFICATIONS REGARDING SAID POLICY, INCLUDING ANY NOTIFICATION OF CANCELLATIONS, OR TO VALIDATE THIS CERTIFICATE, VISIT OUR WEBSITE AT HTTPS://WWW.NYSIF.COM/CERT/CERTVAL.ASP. THE NEW YORK STATE INSURANCE FUND IS NOT LIABLE IN THE EVENT OF FAILURE TO GIVE SUCH NOTIFICATIONS.

THE POLICY INCLUDES A WAIVER OF SUBROGATION ENDORSEMENT UNDER WHICH NYSIF AGREES TO WAIVE ITS RIGHT OF SUBROGATION TO BRING AN ACTION AGAINST THE CERTIFICATE HOLDER TO RECOVER AMOUNTS WE PAID IN WORKERS' COMPENSATION AND/OR MEDICAL BENEFITS TO OR ON BEHALF OF AN EMPLOYEE OF OUR INSURED IN THE EVENT THAT, PRIOR TO THE DATE OF THE ACCIDENT, THE CERTIFICATE HOLDER HAS ENTERED INTO A WRITTEN CONTRACT WITH OUR INSURED THAT REQUIRES THAT SUCH RIGHT OF SUBROGATION BE WAIVED.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.

NEW YORK STATE INSURANCE FUND

DIRECTOR,INSURANCE FUND UNDERWRITING

VALIDATION NUMBER: 317954382

U-26.3

Attachment: Northeast SiteTower (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF INSURANCE COVERAGE

NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by NYS disability and Paid Family Leave benefits carrier or licensed insurance agent of that carrier

1a. Legal Name & Address of Insured (use street address only)
NORTHEAST SITE AND TOWER INC
4487 ABBEY ROAD
SYRACUSE, NY 13215

Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)*

1b. Business Telephone Number of Insured
315-427-7422

1c. Federal Employer Identification Number of Insured or Social Security Number
262305390

2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)
Town of Amherst
5583 Main Street
Williamsville, NY 14221

3a. Name of Insurance Carrier
ShelterPoint Life Insurance Company

3b. Policy Number of Entity Listed in Box "1a"
DBL309750

3c. Policy effective period
06/15/2023 to 06/14/2025

4. Policy provides the following benefits:
- [x] A. Both disability and paid family leave benefits.
- [ ] B. Disability benefits only.
- [ ] C. Paid family leave benefits only.

5. Policy covers:
- [x] A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.
- [ ] B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 1/22/2024 By _____
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number 516-829-8100 Name and Title Richard White, Chief Executive Officer

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be emailed to PAU@wcb.ny.gov or it can be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4B, 4C or 5B have been checked)

State of New York
Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law(Article 9 of the Workers' Compensation Law) with respect to all of their employees.

Date Signed _____ By _____
(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number _____ Name and Title _____

Please Note: *Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1.* ***Insurance brokers are NOT authorized to issue this form.***

DB-120.1 (12-21)

DB-120.1 (12-21)

Attachment: Northeast SiteTower (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

Additional Instructions for Form DB-120.1

By signing this form, the insurance carrier identified in Box 3 on this form is certifying that it is insuring the business referenced in Box 1a for disability and/or Paid Family Leave benefits under the NYS Disability and Paid Family Leave Benefits Law. The insurance carrier or its licensed agent will send this Certificate of Insurance Coverage (Certificate) to the entity listed as the certificate holder in Box 2.

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is cancelled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in Box 3c, whichever is earlier.

This Certificate is issued as a matter of information only and confers no rights upon the certificate holder. This Certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This Certificate may be used as evidence of a NYS disability and/or Paid Family Leave benefits contract of insurance only while the underlying policy is in effect.

Please Note: Upon the cancellation of the disability and/or Paid Family Leave benefits policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Insurance Coverage for NYS disability and/ or Paid Family Leave Benefits or other authorized proof that the business is complying with the mandatory coverage requirements of the NYS Disability and Paid Family Leave Benefits Law.

NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

§220. Subd. 8

(a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and not withstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand and twenty-one, the payment of family leave benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand eighteen, the payment of family leave benefits for all employees has been secured as provided by this article.

Attachment: Northeast SiteTower (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

1914 Colvin Blvd
Tonawanda, NY 14150-6
Phone: (716) 832-2
www.fmcommunications.
www.facebook.com/fmcommunication

SALES QUOTATION 102003251

Page

Bill To:
AMHERST HIGHWAY DEPARTMENT
1042 NORTH FOREST ROAD
WILLIAMSVILLE, NY 14221

Ship To:
AMHERST HIGHWAY DEPARTMENT
1042 NORTH FOREST ROAD
WILLIAMSVILLE, NY 14221

Vehicle #:
E #:
Order Status:
P.O. #:

Date: 11/06/2023	Customer Rep: Jamie Olson		Terms: NET 30 DAYS	
Qty	Item	Description	Unit Price	Extende
6	Labor - Road	Technicians Road Labor FM COMMUNICATIONS LABOR FOR INSIDE TUNING, CABLING AND TESTING	125.00	750.(
1	*MISC ITEM	LABOR TO REMOVE ANTENNA AND COAX FROM EXISTING TOWER AND INSTALL NEW. TOWER WORK TO BE DONE BY NORTHEAST SITE AND TOWER INC. END USER TO SEAL ANY ROOF PENETRATIONS IF NEEDED.	3,500.00	3,500.(
1	*MISC ITEM	DB-224 ANTENNA, LMR-900 CABLE, CONNECTORS, GROUNDING KIT, AND POLYPHASER	2,875.00	2,875.(

AMHERST HIGHWAY DEPT
2023 NOV 30 AM

Thank you for the opportunity to quote the above items. Please do not hesitate to call, fax, or e-mail any additional questions or concerns.

If requested to drill holes into a fixture (headlight, taillight, housing, etc.), we do not warranty any issues that may arise from making these modifications. Customer approval needed prior to work performed. _____

(Signature, Print & Date)

Subtotal :	$7,125.0(
Tax :	$0.0(
Total Quote :	$7,125.0(

Quote valid for 60 days

Attachment: FM Communications (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

Addendum to Contract VENDOR ON SITE Minor

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.

2. No rules, requirements or customs of any society or association of professional Vendors or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.

3. To the fullest extent permitted by law, Vendor shall indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, or expenses, awards or judgments imposed upon the Town, its officers, agents, and/or employees, arising out of the work of the Vendor its officers, agents, sub-Vendors, and/or employees as well as the negligence, active or passive, of the Vendor, its officers, agents, sub-Vendors, and/or employees.

4. Vendor shall not commence work under this Agreement until it has obtained all insurance specified below, produced satisfactory proof of the same and such insurance has been approved by the Town.

(a) Workers' Compensation Insurance: Vendor shall take out and maintain during the life of this Agreement, Workers' Compensation Insurance (both Part A and Part B) for its employees to be assigned to the work hereto under.

(b) General Liability, Professional (if applicable) Liability and Property Damage Insurance: Vendor shall take out and maintain during the life of this Agreement, such general liability and property damage insurance as shall protect it and the Town of Amherst from claims for damages for personal injury, including accidental death, as well as from claims for property damage, which may arise from operations under this Agreement. The amounts of such insurance shall be as follows in an amount not less than $1,000,000.00 per occurrence for bodily injury and property damage including wrongful death, and $2,000,000.00 aggregate.

(c) Vendor shall furnish the above insurances, including sub-Vendors' insurances, to the Town and shall also assure that any policy procured by it shall name the Town as an additional insured on a primary and non-contributory basis. Vendor shall ensure all its subs, if any, have obtained all the above insurances and shall also assure that any policy procured by any subvendor or sub-subvendor shall name the Town as an additional insured on a primary and non-contributory basis. A failure by Vendor to assure that any policy procured by any sub or sub-sub to name the Town as an additional insured on a primary and non-contributory basis, shall be considered a material breach of the underlying contact and subject the Contactor to forfeiture of its performance bond, if any, and to pay liquidated damages to the Town of no less than $2,000,00.00 or the Town's actual expenses, whichever is higher, including, but

Attachment: FM Communications (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

not limited to all attorney fees and expenses related to the prosecution of a breach of the insurance procurement requirements suit regardless of whether the Town is successful in said suit.

(d) A failure by Vendor to procure the General Liability, Professional Liability and/or Property Damage policies referenced above, or the failure to have the Town of Amherst as an additional insured on a primary, non-contributory basis on said policies, shall be considered a material breach of the underlying contact and subject the Contactor to forfeiture of its performance bond, if any, and to pay liquidated damages to the Town of no less than $2,000,00.00 or the Town's actual expenses, whichever is higher, including, but not limited to all attorney fees and expenses related to the prosecution of a breach of the insurance procurement requirements suit and/or of the indemnification provisions regardless of whether the Town is successful in said suit.

5. Any accident shall be reported to the Office of the Town Attorney as soon as possible and not later than twenty-four (24) hours from the time of such accident. A detailed written report must be submitted to the Town of Amherst as soon thereafter as possible as and no later than three (3) days after the date of such accident.

6. No Assignment: In accordance with the provisions of Section 109 of the General Municipal Law, the Vendor is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in this agreement, or its power to execute this Agreement, to any other person or corporation without the previous consent in writing of the Town.

7. Required Provisions of Law: Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party this Agreement shall be physically amended forthwith to make such insertion. In particular, the Vendor shall, among other things, fully comply with:

(a) Article 8 of the NYS Labor Law for public work contracts and Article 9 of the Labor Law regarding prevailing wage for Building Service employees.
(b) Labor Law Section 220-e and Executive Law Sections 291-299 and the Civil Rights Law relating to prohibition against discrimination and equal opportunity.
(c) Affirmative action as required by the Labor Law.
(d) Prevention of dust hazard required by Labor Law Section 222-a.
(e) Preference in employment of persons required by Labor Law Section 222.
(f) Eight-hour workday as required by Labor Law Section 220(2).
(g) Chapter 32 of the Town of Amherst: Minority Women and Business Utilization Commitment.
(h) Chapter 163 of the Town of Amherst: Registration of Sex Offenders.

Attachment: FM Communications (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

8. The Vendor, in accordance with its status as an independent Vendor, covenants and agrees that it will conduct itself consistent with such status. It will neither hold itself out as nor claim to be, an officer or employee of the Town by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Town, including, but not limited to: workers' compensation coverage, unemployment insurance benefits, Social Security coverage, or retirement membership or credit.

Waiver: No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

9. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules, regulations or ordinances for any state other than New York State, to the laws, statutes, rules, regulations or ordinances for any county other than Erie County, New York or to the laws, statutes, rules, regulations or ordinances for any municipality other than the Town of Amherst, then the laws, statutes, rules, regulations or ordinances for New York State, Erie county and/or the Town of Amherst shall apply as applicable. Any and all legal action necessary to enforce the Agreement will be venued in Supreme Court, Erie County, New York or in the United States District Court for the Western District of New York, Buffalo Division.

10. It is hereby acknowledged that performance of this Contract will be undertaken in accordance with the specifications and pricing on which the bid was submitted.

Authority for execution on behalf of Town: The Supervisor has executed this Agreement pursuant to a Resolution adopted by the Town Board of the Town, at a meeting thereof held on _____. Brian J. Kulpa, the Supervisor whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an Agreement on behalf of the Town as a result of that Resolution. This instrument shall be executed in triplicate. At least one (1) copy shall be permanently filed, after execution thereof, in the office of the Town Clerk of Town.

Agreed to and Accepted by:

FM Communications, Inc.
Print Name of Company

By: _____
Signature

Jamie Olsen
Printed name

Date: 12/28/23

Agreed to and Accepted by:

Town of Amherst

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Revised 10-31-22 SIS

Attachment: FM Communications (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

IRAN DIVESTMENT ACT CERTIFICATION

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a provision was added to the State Finance Law (SFL), Section 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will develop a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). This list is posted on the OGS website.

By submitting a response to this solicitation, or by assuming the responsibility under a Contract/Lease awarded hereunder, Bidder/Contractor/Vendor (or any assignee) certifies that it will not utilize on such Contract/Lease any subcontractor that is identified on the prohibited entities list.

Additionally, Bidder/Contractor/Vendor is advised that any Bidder/ Contractor/Vendor seeking to renew or extend a Contract/Lease (or assume responsibility of a Contract/Lease awarded must certify at the time the Contract/Lease is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract/Lease, should the Town of Amherst (Town) receive information that a person is in violation of the above-referenced certification, the Town will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the Town shall take such action as appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Bidder/Contractor/Vendor in default.

The Town reserves the right to reject any Contract/Lease or request for assignment for an entity that appears on the prohibited entities list prior to the award of a Contract/Lease, and to pursue a responsibility review with respect to any entity that is awarded a Contract/Lease and appears on the prohibited entities list after Contract/Lease award.

Company Name: FM Communications, Inc

Signature: [signature]

Print Name: Jamie Olson

Title: Vice President

Date: 12/28/23

Sworn To Before Me This
28th Day of December, 2023
Elizabeth D Scott
Notary Public

ELIZABETH D. SCOTT
No. 01SC6331514
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 10/13/2027

Revised 4.2017

Attachment: FM Communications (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

13.M.1.b

Prevailing Wage

PRC#: 2024000845
Type of Contracting Agency: Town

Acceptance Status: Accepted Article 8

Contracting Agency

Town of Amherst - Highway Depa
Stephen Bryan
Contract Administrator
Stephen Bryan
Contract Administrator
1042 North Forest Road
Williamsville NY 14221

(716) 631-7117
(716) 631- 7265 Fax
sbryan@amherst.ny.us

Send Reply To

Project Information

Project Title	TOA Highway Public Safety Comm
Description of Work	Public Safety Communications Equipment and Services under LOT 2 for radio equipment and services which includes radio equipment, installation, integration & Maintenance
Contract Id No.	2024-87
Project Locations(s)	VARIOUS
Route No / Street Address	1042 North Forest Road
Village / City	Williamsville
Town	Amherst
State / Zip	NY 14221
Nature of Project	Other Reconstruction, Maintenance, Repair or Alteration
Approximate Bid Date	02/01/2024
Checked Occupation(s)	Construction (Building, Heavy & Highway, Sewer, Water, Tunnel)

Applicable Counties

Erie

Attachment: FM Communications (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

FMCOMMU-01

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 12/27/20

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. T CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLI BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORI REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endor If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statemer this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Potter, Harris & Scherrer Agency 8810 Main Street Williamsville, NY 14221	CONTACT NAME: PHONE (A/C, No, Ext): (716) 634-5656 FAX (A/C, No): (716) 626-50 E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAI
INSURER A : American Fire & Casualty Company	24066
INSURER B : West American Insurance Company	44393
INSURER C : Ohio Casualty Insurance Company	24074
INSURER D :	
INSURER E :	
INSURER F :	

INSURED

F M Communications Inc
R 1914 Colvin Blvd
Tonawanda, NY 14150

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PER INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH T CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TER EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC OTHER:	X		BKA53280983	12/15/2023	12/15/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,0 $ 3 $ 1 $ 1,0 $ 2,0 $ 2,0
B	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY X SCHEDULED AUTOS X HIRED AUTOS ONLY X NON-OWNED AUTOS ONLY			BAW53280983	12/15/2023	12/15/2024	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,00 $ $ $
C	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 10,000			USO53280983	12/15/2023	12/15/2024	EACH OCCURRENCE AGGREGATE	$ 2,00 $ 2,00
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N If yes, describe under DESCRIPTION OF OPERATIONS below	N / A					PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ $ $

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Town of Amherst is included as Additional Insured on a primary & non- contributory basis as required by written contract.

CERTIFICATE HOLDER

Town of Amherst
5583 Main St
Williamsville, NY 14221

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFO THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATIO
The ACORD name and logo are registered marks of ACORD

Attachment: FM Communications (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

NYSIF
New York State Insurance Fund

PO Box 66699, Albany, NY 12206
| nysif.com

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

^^^^^ 160977514

KEEVILY, SPERO-WHITELAW INC.
500 MAMARONECK AVENUE
HARRISON NY 10528

SCAN TO VALIDATE
AND SUBSCRIBE

POLICYHOLDER	CERTIFICATE HOLDER
F M COMMUNICATIONS INC 1914 COLVIN BLVD TONAWANDA NY 14150	TOWN OF AMHERST 5583 MAIN STREET AMHERST NY 14221

POLICY NUMBER	CERTIFICATE NUMBER	POLICY PERIOD	DATE
G 762 608-8	697681	11/01/2023 TO 11/01/2024	11/21/2023

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 762 608-8, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW, AND, WITH RESPECT TO OPERATIONS OUTSIDE OF NEW YORK, TO THE POLICYHOLDER'S REGULAR NEW YORK STATE EMPLOYEES ONLY.

IF YOU WISH TO RECEIVE NOTIFICATIONS REGARDING SAID POLICY, INCLUDING ANY NOTIFICATION OF CANCELLATIONS, OR TO VALIDATE THIS CERTIFICATE, VISIT OUR WEBSITE AT HTTPS://WWW.NYSIF.COM/CERT/CERTVAL.ASP. THE NEW YORK STATE INSURANCE FUND IS NOT LIABLE IN THE EVENT OF FAILURE TO GIVE SUCH NOTIFICATIONS.

THE POLICY INCLUDES A WAIVER OF SUBROGATION ENDORSEMENT UNDER WHICH NYSIF AGREES TO WAIVE ITS RIGHT OF SUBROGATION TO BRING AN ACTION AGAINST THE CERTIFICATE HOLDER TO RECOVER AMOUNTS WE PAID IN WORKERS' COMPENSATION AND/OR MEDICAL BENEFITS TO OR ON BEHALF OF AN EMPLOYEE OF OUR INSURED IN THE EVENT THAT, PRIOR TO THE DATE OF THE ACCIDENT, THE CERTIFICATE HOLDER HAS ENTERED INTO A WRITTEN CONTRACT WITH OUR INSURED THAT REQUIRES THAT SUCH RIGHT OF SUBROGATION BE WAIVED.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.

NEW YORK STATE INSURANCE FUN

DIRECTOR, INSURANCE FUND UNDERWRITING

VALIDATION NUMBER: 1061447543

00000000000121321691

[0000000000012132169110001-0000076260881T##GW16269-081fCert NoP-CERT 11101-000011

Attachment: FM Communications (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF INSURANCE COVERAGE
NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by NYS disability and Paid Family Leave benefits carrier or licensed insurance agent of that carri

1a. Legal Name & Address of Insured (use street address only)
F M COMMUNICATIONS INC
1914 COLVIN BOULEVARD
TONAWANDA, NY 14150

Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)*

1b. Business Telephone Number of Insured

1c. Federal Employer Identification Number of Insured or Social Security Number
160977514

2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)
Town of Amherst
5583 Main Street
Amherst, NY 14221

3a. Name of Insurance Carrier
ShelterPoint Life Insurance Company

3b. Policy Number of Entity Listed in Box "1a"
DBL603102

3c. Policy effective period
01/01/2023 to 12/31/2024

4. Policy provides the following benefits:
- [X] A. Both disability and paid family leave benefits.
- [ ] B. Disability benefits only.
- [ ] C. Paid family leave benefits only.

5. Policy covers:
- [X] A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.
- [ ] B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 12/11/2023 By _____
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number 516-829-8100 Name and Title Richard White, Chief Executive Officer

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be emailed to PAU@wcb.ny.gov or it can be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4B, 4C or 5B have been checked)

State of New York
Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law(Article 9 of the Workers' Compensation Law) with respect to all of their employees.

Date Signed _____ By _____
(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number _____ Name and Title _____

Please Note: *Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1.* ***Insurance brokers are NOT authorized to issue this form.***

DB-120.1 (12-21)

DB-120.1 (12-21)

Attachment: FM Communications (RES-2024-152 : Authorize Quotation with FM Communications Radio Antenna Upgrade)

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 28583 **RESOLUTION 2024-153** **ADOPTED**

Recreation Attendant - PT/Youth & Recreation (2 Positions)

Recreation Attendant - PT/Youth & Recreation, Effective February 6, 2024, Temporary, $15.30 ph, Step 2 for Matteo Evola and Coleman Feldmann.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 28584 **RESOLUTION 2024-154** **ADOPTED**

Recreation Attendant - PT/Youth & Recreation (8 Positions)

Recreation Attendant - PT/Youth & Recreation, Effective February 6, 2024, Temporary, $15.50 ph, Step 1 for Thomas Errico, Nolan French, Dennis Majdandzic, Giovanni Maldonado, Matthew Parrish, Natalie Puccio, Anna Simpson and Noah Williams.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 28585 **RESOLUTION 2024-155** **ADOPTED**

Recreation Attendant - PT/Youth & Recreation

Recreation Attendant - PT/Youth & Recreation, Effective February 6, 2024, Temporary, $15.80 ph, Step 2 for Jack Foster.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 28586 **RESOLUTION 2024-156** **ADOPTED**

Recreation Attendant - PT/Youth & Recreation

Recreation Attendant - PT/ Youth & Recreation, Effective February 6, 2024, Temporary, $16.00 ph, Step 1 for Erik Soucy.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 28587 **RESOLUTION 2024-157** **ADOPTED**

Recreation Attendant - PT/Youth & Recreation (2 Positions)

Recreation Attendant - PT/Youth & Recreation, Effective February 6, 2024, Temporary, $16.50 ph, Step 1 for Lauren Pease and Diana Kane.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 28588 **RESOLUTION 2024-158** **ADOPTED**

Wastewater Treatment Plant Operator -Trainee/Eng./Plant #16

Please appoint a Wastewater Treatment Plant Operator-Trainee to the Engineering Department/Plant #16. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective February 6, 2024 at an hourly rate of $25.57, Grade 4, Step 2 for Richard Steele.

This is a Permanent appointment for a current employee who has been serving Provisionally.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 28589 **RESOLUTION 2024-159** **ADOPTED**

Wastewater Treatment Plant Operator-Trainee/Eng./Plant #16

Please appoint a Wastewater Treatment Plant Operator-Trainee to the Engineering Department/Plant #16. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective February 6, 2024 at an hourly rate of $24.26, Grade 4, Step 1 for Kevin Kohut.

This is a Permanent appointment for a current employee who has been serving Provisionally.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 28592 **RESOLUTION 2024-160** **ADOPTED**

Project Manager-Construction/Engineering Department

Please appoint a Project Manager-Contruction to the Engineering Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective February 6, 2024 at an annual salary of $87,761.77, Grade 2, Step E of the Exempt Non-Department Head Salary Schedule for Christopher Schregel.

This is a promotion for an employee currently serving as a Project Manager-Construction.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 28593 **RESOLUTION 2024-161** **ADOPTED**

Project Manager-Construction/Engineering Department

Please appoint a Project Manager-Contruction to the Engineering Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective February 6, 2024 at an annual salary of $85,621.24, Grade 2, Step D of the Exempt Non-Department Head Salary Schedule for Jessica Boudreau.

This is a promotion for an employee currently serving as a Project Manager.

2/5/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Information Technology
Initiated by: **David J. Willer**
Co-Sponsored by: **Councilmember Shawn Lavin**

DOC ID: 28540 **RESOLUTION 2024-162** **ADOPTED**

Request to Use Trust and Agency Funds - Account No. T4011

We respectfully request approval to spend up to $750 in Trust and Agency Funds, Account No. T4011-4002.

These funds were received from PEG Grant monies and will be used to purchase assistive audio equipment for Council Chambers, consisting of wireless audio receivers, headphones and sanitary disposable headphone ear covers.

The account balance as of January 24, 2024 is $69,500.00.

2/5/2023
Consent

FINANCIAL IMPACT:

$750 from Account T4011-4002

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Shawn Lavin
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Planning
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 28566 **RESOLUTION 2024-163** **ADOPTED**

SEQR Notice of Intent to be Lead Agency (West Side Interceptor Force Main and Pump Station)

WHEREAS, pursuant to 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Town Code Chapter 104, as amended, the Town Board is deemed the SEQR Lead Agency for those actions which it has sole discretionary power, including but not limited to purchases, rezoning decisions and adoptions of local laws, and

WHEREAS, this Town Board is proposing the construction of a major capital sanitary sewer improvement project within the Boulevard Central District to improve the Town's West Side Interceptor Sewer and desires to initiate the required State Environmental Quality Review (SEQR) to allow for the proposed construction of such project, and

WHEREAS, the proposed sanitary sewer project will involve other involved agencies for its approval,

NOW THEREFORE BE IT RESOLVED, that the that Engineering Department with the assistance of the Planning Department be hereby directed to solicit all involved/interested agencies for concurrence with the Town's desire to act as SEQR lead agency for its proposed West Side Interceptor Force Main and Pump Station Project, thus, permitting this Town Board to may make the required determination of environmental significance prior to the Town commencing construction.

2/5/2023
Consent

FINANCIAL IMPACT:

Starting the required SEQR review will not have a financial impact.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 28581 **RESOLUTION 2024-164** **ADOPTED**

To Adopt the 2024 CDBG/HOME Annual Action Plan and to Authorize the Supervisor to Submit the Plan to the Department of Housing and Urban Development

WHEREAS, the Town has prepared an Action Plan delineating the use of CDBG and HOME funds for Fiscal Year 2024 to address housing and community development needs identified in the 2020-2024 Five Year Consolidated Plan; and

WHEREAS, the Town has complied with HUD requirements that at least two public hearings be held. The first hearing was on October 17, 2023 and a second was held on January 22, 2024 to inform citizens of the availability of CDBG and HOME funds for Program Year 2024, now, therefore, be it

RESOLVED that the Amherst Town Board hereby adopts the 2024 CDBG/HOME Annual Action Plan for April 1, 2024-March 31, 2025, and authorizes the Supervisor to act as the official representative of the Town in submitting the Action Plan and amendments thereto, all understandings and assurances contained therein, and authorizes him to act in connection with the submission of the Action Plan and to provide such additional information as may be required by the Department of Housing and Urban Development.

2/5/2023
Consent

FINANCIAL IMPACT:

Adoption of the proposed resolution involves no local monetary consideration and will have no impact on the Town Budget or tax rate.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard,
Planning Direct

Daniel J. Ulatowski, AICI
Assistant Planning D r

January 31, 2024

Agenda of February 5, 2024

Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Subject: Adoption of the 2024 Community Development Annual Action Plan and Authorization for the Supervisor to submit the Plan to HUD

Honorable Members:

The 2020-2024 Consolidated Plan was adopted in 2020 and addresses community needs in the Consortium Towns of Amherst, Cheektowaga and Tonawanda, and sets up guidelines for the use of Community Development Block Grant (CDBG) and HOME Investment Partnerships Program funds in the Towns. The Annual Action Plan includes budgets for the (CDBG) and (HOME) Programs for each program year. The Town Board held public hearings on the 2024 Annual Action Plan on October 17, 2023 and January 22, 2024. On December 13, 2023 copies of the draft Action Plan were made available in the Town's libraries, the Town Clerk's Office and Williamsville Village Clerk's Office. Copies of the complete draft Action Plan and budgets were also posted to the Town's website and provided to the Councilmember's Office.

Attached please find a draft summary of a budget that was sent to you previously. Upon adoption of the Plan, this will become the fiscal year 2024 Community Development budget. This budget was formulated so any changes in funding allocations by HUD can be absorbed by the CDBG and HOME Rehabilitation Program.

The program year for the Action Plan begins on April 1, 2024. The Town must submit its 2024 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) within 60 days after the final allocations are announced. A proposed resolution to adopt the 2024 Annual Action Plan and authorize the Supervisor to submit the Plan is attached for your consideration.

Please contact James Quinn at (716) 631-7104 with any questions. Thank you for your assistance with this matter.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

Att.
X:\Community Development\New Structure\ANNUAL PLAN\Data 2024\TB_letter_approval_2.5.24.docx

Attachment: tb letter-01302024140504 (RES-2024-164 : Adoption of the 2024 Community Development Annual Plan)

2024 CDBG Allocation					
Town of Amherst & Village of Williamsville			**$**	**628,000**	
Village of Williamsville (7% Portion per Cooperation Agreement)			**$**	**43,960**	
Section House & Meeting House					
Town of Amherst Portion			**$**	**584,040**	
	Rehab	CD Payroll			Expected C
HOUSING ACTIVITIES	$ 163,240	$110,800			$110,000
CDBG Homeowner Rehab (Includes 3/4 Bldg. Insp. & 9/10 Clerk Typist)*			$	274,040	$ 10(
Lead Testing, Risk Assessments, Clearance Testing			$	-	
Weatherization Services			$	10,000	
Veterans Housing Rehab			$	10,000	
Total Housing Activities			***$***	***294,040***	***$ 10(***
PUBLIC SERVICES					
Meals on Wheels			$	42,500	
Belmont Housing Counseling			$	16,500	
Buffalo Urban League			$	8,000	
Child and Family Services of Erie County (Haven House)			$	20,000	
Total Public Services			***$***	***87,000***	***$***
PUBLIC FACILITES					
Public Infrastructure, Facilities in LMI Areas			$	82,000	
Total Public Facilities			***$***	***82,000***	
Admin. Staff and Fringe Benefits			$	108,000	$ 1(
Office Expenses			$	-	
Public Information (advertising)			$	3,000	
Fair Housing Counseling-HOME			$	10,000	
Total Administration/Planning			***$***	***121,000***	***$ 1(***
Activities Total			**$**	**584,040**	***$ 11(***
CDBG Allocation	$ 628,000				
2023 Program Income*	$ 113,844	YTD			
Total CDBG	**$ 741,844**				

2024 HOME Allocation				**Est. PI***
Amherst - Cheektowaga - Tonawanda HOME Consortium		**$**	**1,000,000**	**$ 40(**
Consortium Expenses				3 Towr
3 Town Administration/Program Delivery (10% of total)		$	100,000	
Remaining portion to be split by the 3 Towns	$300,000 (other towns)	***$***	***900,000***	
Town of Amherst Portion of Remainder of HOME Grant		**$**	**300,000**	**$ 10(**
Program Income Admin Portion				$ 1(
Town of Amherst Projects				
Housing Rehabilitation Loans		$	-	$
HOME Rental Subsidy		$	300,000	$ 90,0(
First-Time Homebuyer Assistance		$	-	$
		$	**300,000**	***$ 10(***

**Denotes funding from the estimated program income receipts.

Attachment: budget-01302024141025 (RES-2024-164 : Adoption of the 2024 Community Development Annual Plan)

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 28544 **RESOLUTION 2024-165** **ADOPTED**

Request for Additional Funds 2023 Asset Forfeiture Trust Account

Town Board Agenda Item: February 5, 2024

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **Request for Additional Funds**
2023 Asset Forfeiture Trust Account

Kindly adopt a resolution authorizing the approval to spend up to an additional $5,000.00 from T2917 Asset Forfeiture Trust Account. This account is federally regulated by instituted guidelines regarding the expenditure of funds.

Thank you.

SPC: msl
C: Tim Koller, Deputy Town Clerk (**Agenda Item: February 5, 2024**)

2/5/2023
Consent

FINANCIAL IMPACT:

T2917: $5,000.00

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 28545 **RESOLUTION 2024-166** **ADOPTED**

Training & Travel Request Network Intrusion Response Program

TOWN BOARD AGENDA ITEM : FEBRUARY 5, 2024

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **Travel & Training Request**
Network Intrusion Response Program

Kindly adopt a resolution authorizing One (1) Police Officer to attend a Network Intrusion Response Program Training Course in Hoover, Alabama. This course is being held from March 17, 2024 to April 5, 2024. The cost for travel associated with this course is $848.20.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: February 5, 2024)**

2/5/2023
Consent

FINANCIAL IMPACT:

A 3121 .4050: $848.20

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ Travel in New York State and under $750 - Department Head Approval

☐ Travel in New York State $750 and over - Department Head Approval and Town Board Approval

☒ Travel out of New York State - Department Head Approval and Town Board Approval

	Department	Phone Number
	Police	716-689-1311

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
March 17, 2024	April 5, 2024	Hoover, AL	Network Intrusion Response Program

Expenses	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ $0.67			
Tolls			
Parking			
Local Transportation (bus/taxi)			
Plane/Rail/Bus	$848.20		
Lodging:			
# nights @ $			
Meals:			
IRS Per Diem Per Day:			
1st & Last Day of Travel @ 75%			
# Breakfasts @ $			
# Lunches @ $			
# Dinners @ $			
# Incidentals @ $			
Registration/Conference Fee			
Other			
Subtotal			N/A
Contingency - 10% of subtotal or $200			N/A
TOTAL	$848.20		

Request Approved By:

Department Head Signature

1/25/2024

Date

Town Board :

Town Board Resolution & Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

Employee Signature Date

Print Employee Name

Reimbursement Approved By:

Department Head Signature Date

Complete Shaded Area
For Expense Reimbursement

Attachment: RedactedTravelRequestNetworkIntrusionResponseProgram3.17-4.5.2024 2.5.2024_0001 (RES-2024-166 : Travel & Training

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 28556 **RESOLUTION 2024-167** **ADOPTED**

Training & Travel Request Advanced Forensics Training

TOWN BOARD AGENDA ITEM : FEBRUARY 5, 2024

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **Training & Travel Request**
Advanced Forensics Training

Kindly adopt a resolution authorizing One (1) Police Officer to attend the Advanced Forensics Training Course in Hoover, Alabama. This course is being held from April 7, 2024 to April 19, 2024. The cost for the training and travel for this course is paid for by the organization teaching the course.

Thank you.

SPC:msl
C: Tim Koller, Deputy Town Clerk **(Agenda Item: February 5, 2024)**

2/5/2023
Consent

FINANCIAL IMPACT:

None for the purposes of this resolution

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ Travel in New York State and under $750 - Department Head Approval

☐ Travel in New York State $750 and over - Department Head Approval and Town Board Approval

☒ Travel out of New York State - Department Head Approval and Town Board Approval

	Department	Phone Number
[redacted]	Police	716-689-1311

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
April 7, 2024	April 19, 2024	Hoover, AL	Advanced Forensics Training

Expenses	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ $0.67			
Tolls			
Parking			
Local Transportation (bus/taxi)			
Plane/Rail/Bus			
Lodging:			
# nights @ $			
Meals:			
IRS Per Diem Per Day:			
1st & Last Day of Travel @ 75%			
# Breakfasts @ $			
# Lunches @ $			
# Dinners @ $			
# Incidentals @ $			
Registration/Conference Fee			N/A
Other			N/A
Subtotal			
Contingency - 10% of subtotal or $200			
TOTAL	0		

Request Approved By:

Department Head Signature

Date 1/26/2024

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

Employee Signature — Date

Print Employee Name

Reimbursement Approved By:

Department Head Signature — Date

Town Board :

Town Board Resolution & Date

Complete Shaded Area
For Expense Reimbursement

Revised 1.2024

Attachment: RedactedTravelRequestAdvancedForensicsTraining 4.7-4.19.2024 2.5.2024_0001_0001 (RES-2024-167 : Travel & Training Request:

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 28557 **RESOLUTION 2024-168** **ADOPTED**

Travel & Training Request Call Detail Record Analysis

TOWN BOARD AGENDA ITEM : FEBRUARY 5, 2024

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **Travel & Training Request**
Call Detail Record Analysis

Kindly adopt a resolution authorizing One (1) Police Officer to attend the Call Detail Record Analysis Training Course in Hoover, Alabama. This course is being held from May 13, 2024 to May 17, 2024. The cost for the training and travel for this course is paid for by the organization teaching the course.

Thank you.

SPC:msl
C: Tim Koller, Deputy Town Clerk **(Agenda Item: February 5, 2024)**

2/5/2023
Consent

FINANCIAL IMPACT:

None for the purposes of this resolution

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ Travel in New York State and under $750 - Department Head Approval

☐ Travel in New York State $750 and over - Department Head Approval and Town Board Approval

☒ Travel out of New York State - Department Head Approval and Town Board Approval

	Department	Phone Number
[redacted]	Police	716-689-1311

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
May 13, 2024	May 17, 2024	Hoover, AL	Call Detail Record Analysis

Expenses	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ $0.67			
Tolls			
Parking			
Local Transportation (bus/taxi)			
Plane/Rail/Bus			
Lodging:			
# nights @ $			
Meals:			
IRS Per Diem Per Day:			
1st & Last Day of Travel @ 75%			
# Breakfasts @ $			
# Lunches @ $			
# Dinners @ $			
# Incidentals @ $			
Registration/Conference Fee			N/A
Other			N/A
Subtotal			
Contingency - 10% of subtotal or $200			
TOTAL	0		

Request Approved By:

Department Head Signature

1/26/2024

Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

Employee Signature — Date

Print Employee Name

Reimbursement Approved By:

Department Head Signature — Date

Complete Shaded Area For Expense Reimbursement

Town Board :

Town Board Resolution & Date

Revised 1.20[illegible]

Attachment: RedactedTravelRequestCallDetailRecordAnalysis 5.13-5.17.2024 2.5.2024 (RES-2024-168 : Travel & Training Request: Call Detail

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 28577 **RESOLUTION 2024-169** **ADOPTED**

Gun Involved Violence Elimination (GIVE) Grant Agreement (CRS #4564) New York State Division of Criminal Justice Services (NYSDCJS)

TOWN BOARD AGENDA ITEM: FEBRUARY 5, 2024

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **Gun Involved Violence Elimination (GIVE) Grant Agreement (CRS#4564)**
New York State Division of Criminal Justice Services (NYSDCJS)

Kindly adopt a resolution authorizing the Supervisor to adopt and execute the attached grant agreement between the Town of Amherst (Police) and the New York State Division of Criminal Justice Services (NYSDCJS) with regard to the above-entitled matter. Approval of this grant agreement is contingent upon the successful completion of the Contract Routing Process.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk (**Agenda Item: February 5, 2024**)

2/5/2023
Consent

FINANCIAL IMPACT:

Grant Funding: ($100,000.00)

Account Number TBD

No Matching Funds Required

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

MEMORANDUM OF UNDERSTANDING

GUN INVOLVED VIOLENCE ELIMINATION (GIVE 10)

BUFFALO/ERIE COUNTY

WHEREAS, the Gun Involved Violence Elimination (GIVE) Grant Initiative, a New York State Division of Criminal Justice Services violent street crime reduction initiative that provides violent gun crime enforcement by calling on the response efforts of multiple agencies and, as a result, brings the full force of resources to support evidence-based strategies that will focus on four core elements: people: the top offenders; places: key gun violence locations; alliance with other local violence prevention efforts and; engagement: of community stakeholders in identified at-risk neighborhoods experiencing high gun crime in various neighborhoods in Buffalo; and

WHEREAS, throughout GIVE 9 the Buffalo Police Department observed a rise in interpersonal rivalries between younger individuals that result in individual "beefs" that escalate to gun violence, there is not as high of a concentration of gun violence in large GIVE areas as previously seen. Instead, this gun violence is more sporadic and dispersed throughout the City. As such, the Buffalo Police Department plans to employ a "micro-cluster" response. Under this "micro-cluster" response a more strategic and precise detail assignment will be seen through the leveraging of crime data and detail reports.

BY AND AMONG the Erie County District Attorney's Office, Buffalo Police Department, Erie County Department of Probation, Erie County Sheriff's Office, Erie County Department of Central Police Services, Amherst Police Department, Cheektowaga Police Department, Lackawanna Police Department, and the Erie Crime Analysis Center, local partners involved in the implementation of the GIVE Grant Initiative;

HEREBY AGREE as partners who together will submit and implement the New York State Division of Criminal Justice Services' Gun Involved Violence Elimination tenth year grant proposal as all parties have agreed to the submitted proposal for GIVE 10 including the budget narrative; will meet their responsibilities for grant reporting; and will comply with the grant contract requirements as set forth in the most recent Comprehensive Plan Proposal Guidance Document. In addition, all parties have agreed to align their efforts with State and Federal law enforcement organizations as well as with community stakeholders for the reduction of shootings and homicides;

TO PARTICIPATE AS JOINT PARTNERS, the Parties agree to drive a collaborative and synergistic approach to fighting gun crime through active partnerships, using accurate data and in-depth analysis for planning and integrating evidence-based strategies focused on firearm violence reduction in any emerging clusters of gun crime which is determined to warrant the establishing of a micro hot spot. Joint partners will develop relevant performance measures to monitor and evaluate the effectiveness of the strategies and do hereby agree to work together to accomplish the strategies and projects as set forth in the GIVE 10 strategy submitted to DCJS jointly by the partners including the narrative, budget, budget narrative, and grant guidance document.

Attachment: MOU for CRS Routing 1.24.2024 (RES-2024-169 : GIVE Grant Agreement (CRS# 4564))

NOW, THEREFORE, BE IT RESOLVED, THAT THE EIGHT KEY ORGANIZATIONS LISTED BELOW ENDORSE AND AGREE TO THE GUN INVOLVED VIOLENCE ELIMINATION PROGRAM MEMORANDUM OF UNDERSTANDING:

SIGNED: _____
JOSEPH A. GRAMAGLIA
Commissioner
Buffalo Police Department

DATED: 04.20.2023

SIGNED: _____
JOHN J. FLYNN
District Attorney
County of Erie

DATED: 4/24/23

SIGNED: _____
JOHN C. GARCIA
Sheriff
County of Erie

DATED: 4/26/2023

SIGNED: _____
MICHELLE A. OLSZOWY
Commissioner
Erie County Probation Department

DATED: 4/20/23

SIGNED: _____
JAMES A. JANCEWICZ
Commissioner
Erie County Central Police Services

DATED: 4-20-2023

SIGNED: _____
SCOTT P. CHAMBERLIN
Chief
Amherst Police Department

DATED: 4/28/2023

SIGNED: _____
BRIAN J. GOULD
Chief
Cheektowaga Police Department

DATED: 4/20/23

SIGNED: _____
MARK D. PACKARD
Chief
Lackawanna Police Department

DATED: _____

Attachment: MOU for CRS Routing 1.24.2024 (RES-2024-169 : GIVE Grant Agreement (CRS# 4564))

Project #: GV23-1018-D00 **GIVE Initiative** **Project Status:** New

Participant: Amherst, Town of

General	Participants	Budget	Work Plan	Questions	Conditions	Acceptance	Contract Checklist

Complete screen information and save. Add a Program Purpose Area (if applicable). Once finished, proceed to Participants tab. For contract certifications, appendices and supporting documentation, please visit the DCJS website for available downloads. When you have completed your application, click the SUBMIT link left margin. Remember, you will no longer be able to edit your application once it has been submitted.

Contract Number	C484935	Federal Agency Name	
DCJS Number	GV23484935	Cost Center Funding Year	2023
CFDA Number		Project Created Date	06/07/2023
CFDA Description			

Project Title * (60 Character Limit): GIVE Initiative

Project Start Date	07/01/2023	(If known or applicable)	Submission Date	not submitted
Project End Date	06/30/2024	(If known or applicable)	Grant Funds	$100,000.00 100.00%
Project Period	Years 1 Months 0		Matching Funds	$0.00 0.00%
			Total Funds	$100,000.00

County: Erie

Have you included a file attachment with this submission? No

Summary Description of Project (Please limit to one or two paragraphs)

GIVE X

Program Purpose Area.

Program Purpose Code	Description	Remove

Select a Program Purpose to add to this Project.

Add

Save | Save and Continue | Cancel | Check Spelling

* - Mandatory Field

Attachment: MOU for CRS Routing 1.24.2024 (RES-2024-169 : GIVE Grant Agreement (CRS# 4564))

Project #: GV23-1018-D00 GIVE Initiative **Project Status:** New

Participant: Amherst, Town of

General | Participants | Budget | Work Plan | Questions | Conditions | Acceptance | Contract Che

Please enter budget information. If you are requesting an advance, please enter the amount requested and the justification, then save the screen before proceeding. You may edit the Advance if necessary at a later time. Enter budget information by participant. If you will only be operating with one budget, please enter the budget for the Grantee agency. For consortia, you may enter budgets by individual implementing agency. When you have completed your budget, please go on to the Workplan tab.

Budget Summary

Participant	Grant Funds		Matching Funds		Total
Amherst, Town of	$0.00		$0.00		$0.00
Amherst Town Police Department	$100,000.00		$0.00		00.00
Total	100.00%	$100,000.00	0.00%	$0.00	00.00

Advance Request Amount (If not requesting an advance, please skip) $ 0.00

Advance Request Justification (200 character limit)

Save | Check Spelling

Budget Summary by Participant

Amherst, Town of

Create new Budget Version for Amherst, Town of

Amherst Town Police Department

Version 1 - Edit (Click here to add more lines to budget categories)

#	Personnel	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds	Delete
1	Police Overtime	1	$32,000.00	$32,000.00	$32,000.00	$0.00	
2	Training Officers	1	$1,000.00	$1,000.00	$1,000.00	$0.00	
Total				$33,000.00	$33,000.00	$0.00	

#	Equipment	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds	Delete
1	Surveillance Camera Equipment	1	$63,000.00	$63,000.00	$63,000.00	$0.00	
Total				$63,000.00	$63,000.00	$0.00	

#	Supplies	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds	Delet
1	Supplies supporting participation in activities in...	1	$2,000.00	$2,000.00	$2,000.00	$0.00	
Total				$2,000.00	$2,000.00	$0.00	

#	Travel and Subsistence	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds	Delete
1	Travel & Training	1	$2,000.00	$2,000.00	$2,000.00	$0.00	
Total				$2,000.00	$2,000.00	$0.00	

Version 1 Total	Total Cost	Grant Funds	Matching Funds
	$100,000.00	$100,000.00	0.00

Create new Budget Version for Amherst Town Police Department

(Do not add a second budget version unless instructed to do so by DCJS.)

Attachment: MOU for CRS Routing 1.24.2024 (RES-2024-169 : GIVE Grant Agreement (CRS# 4564))

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Sewer/Plant 16
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 28579 **RESOLUTION 2024-170** **ADOPTED**

Xylem Level Probe Procurement Fleet Pump & Service Group, Inc. CRS – 4559

The Engineering Department - WPCF Division is requesting that the Town Board authorize the Supervisor to sign the attached agreement with Fleet Pump & Service Group, Inc. who is the "sole source" supplier of Xylem level probes for the State of New York. The total cost of this procurement as listed on the attached proposal number 231212-08-MDH is $5,734.00. The term of this agreement will be from date of Town Board approval through March 01, 2024.

Funds will be available in G9916-4929

Thank you for considering this request.

2/5/2023
Consent

FINANCIAL IMPACT:

G9916-4929; ~ $5,734.00

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

AGREEMENT

Let this document stand as an Agreement between Fleet Pump & Service Group, Inc. and the Town of Amherst permitting the Town of Amherst to purchase the items listed on Fleet Proposal 231212-08-MDH, dated December 13, 2024. The term of this agreement will be from date of execution by the Town of Amherst and run through March 01, 2024.

Agreed to and Accepted by:

Fleet Pump & Service Group, Inc.

By: _____
Signature

John Darash
Printed name

General Manager
Title

Date: 1/11/24

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
Brian J. Kulpa
Supervisor

Date: _____

Attachment: DOC012524-012524080648 (RES-2024-170 : Xylem Level Probe Procurement)

xylem
Let's Solve Water

Xylem Inc.
4828 Parkway Plaza Blvd.
Charlotte, NC 28217

January 1st, 2023

Re: Flygt Products Sales and Service

To Whom it May Concern,

Please be advised that G.A. Fleet Associates and affiliate Fleet Pump & Service Group, Inc., are the EXCLUSIVE distributor of Xylem Flygt products in the entire States of New York, & Connecticut., which includes; Flygt Pumping Equipment, Multitrode controllers, and associated products. In addition Fleet Pump & Service Group, Inc. are the EXCLUSIVE authorized service, repair, and warranty center for the States of New York & Connecticut as well. Thank you for your interest in Xylem Flygt & Multitrode products. Please feel free to contact me if you have any questions regarding distribution of Flygt products or any other matter. Regards,

Sincerely,

Chris Stanton

Chris Stanton
Channel Account Manager-Northeast/Southeast
Flygt & Flygt AC Products
chris.stanton@xylem.com
412-605-9974

Attachment: DOC012524-012524080648 (RES-2024-170 : Xylem Level Probe Procurement)

FLEET

December 13th, 2023

Proposal# 231212-08-MDH

Town of Amherst
Wastewater Division
455 Tonawanda Creek Road
Amherst, NY 14228

ATTN: John Atkins
Subject: Flygt Multitrode Probe

Dear John,

As per your request, Fleet Pump and Service Group is pleased to provide a proposal for the following items:

Quantity	Description	Unit Price	Total Price
4	**837776 PROBE,LEVEL 1.5/10-30FS 30M**	$1371.00	$5484.00
		Freight	$250.00
		Total	$5734.00

Notes: Price does not include applicable taxes
Delivery: 5 in-stock
Terms: See attached
Validity: 30 days

Please forward a **Purchase Order or Authorization on your Letterhead** if you wish to proceed with the above proposal. If you have any questions or require additional information please do not hesitate to contact me. Thank you for the opportunity.

Best Regards,

Mike Hoyt

FLEET

Mike Hoyt
Sales Engineering
Municipal Pumps and Process
Direct: 518-417-9270

mhoyt@gafleet.com | www.gafleet.com

G.A. Fleet Associates, Inc.
6 International Drive, Suite 210
Rye Brook, New York 10573

Remit PO's to:

Fleet Pump & Service Group, Inc.
6 International Drive Suite 210, Rye Brook, NY 10573

Attachment: DOC012524-012524080648 (RES-2024-170 : Xylem Level Probe Procurement)

FLEET

Fleet Pump & Service Group, Inc.
455 Knollwood Road White
Plains, NY 10603

PROPOSAL ADDENDUM — GENERAL TERMS AND CONDITIONS

1. **Terms and Conditions Become Addendum to Agreement.** These General Terms and Conditions accompany the Proposal of Fleet Pump and Service Group, Inc. (the "Supplier") to the Purchaser identified above (the "Purchaser"). These General Terms and Conditions, unless otherwise addressed by Purchaser and Supplier in writing in the Purchase Order or other agreement based upon this Proposal, will become attached to and made a part of the Purchase Order issued by the Purchaser to Supplier as an Addendum to the Purchase Order (the "Addendum"). The terms in this Addendum supersede anything to the contrary contained in the Purchase Order and any prior understandings, agreements, or representations by, between or among the parties, written or oral, to the extent they relate in any way to the subject matter of the Purchase Order and this Addendum. All references to the Purchase Order (both in the form of the Agreement and this Addendum) include this Addendum.
2. **Addendum Terms Control.** Any conflict between the terms included in this Addendum and the Purchase Order are to be resolved in favor of this Addendum.
3. **Payment Terms.** The following payment terms are applicable to all Purchase Orders:
   - 2%10, N30 Days from date of shipment of the equipment identified in the Purchase Order.
   - 2%10 discount and overdue balances are not eligible for payment by credit card.
   - Any "pay when paid" or similar conditions of payment included in the Purchase Order are not applicable to Supplier, and any such provision included in the Purchase Order is hereby deleted and is of no force or effect with respect to the Supplier
4. **Progressive Payments Required.** All Purchase Orders in excess of $1,000,000.00 require progress payments from the Purchaser. The progress payments are to be as follows: 1/3rd of the Purchase Price upon release to manufacture, 1/3rd of the Purchase Price prior to shipment, and the balance of the Purchase Price in N30 Days.
5. **No Credit Provided by Supplier.** Nothing in the Proposal, the Purchase Order or this Addendum is to be construed as Supplier providing or extending Credit to Purchaser. Any Credit terms provided to Purchaser are at the sole discretion of Supplier.
6. **No Retainage.** Payments due to Supplier under the Purchase order and this Addendum are not subject to any form of retainage; and such payments will be made promptly when due.
7. **Overdue Balances.** In the event Purchaser has any overdue payment balances due, Supplier reserves the right to withhold from Purchaser ordered equipment, services and documentation.
8. **Supplier Does Not Provide Warranties.** Supplier does not provide warranties for the equipment delivered to Purchaser. The standard equipment manufacturer's warranties are the sole warranties available to the Purchaser. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THIS AGREEMENT, FLEET MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OR WHETHER ARISING BY OPERATION OF LAW, COURSE OF PERFORMANCE OR DEALING, CUSTOM, USAGE IN THE TRADE OR PROFESSION OR OTHER REASON, INCLUDING WITHOUT LIMITATION IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. Except for the warranty expressly set forth in this Paragraph, the Purchaser acknowledges and agrees that it has relied on no other representations or warranties and that no other representations or warranties have formed the basis of its bargain hereunder.
9. **"Time of Essence" Provisions Not Applicable.** Any "time of the essence" provision included in the Purchase Order is hereby deleted and is of no force or effect with respect to the Supplier.
10. **Liquidated Damages Provisions Not Applicable.** Any "Liquidated Damages" provision included in the Purchase Order is hereby deleted and is of no force or effect with respect to the Supplier.
11. **Limitation of Liability.** Other than the Purchaser's obligation to make payments that are due and owing under the Agreement, a party's entire and collective liability arising out of or relating to this Agreement, regardless of the form of the cause of action, whether in contract, tort, statute or otherwise, shall in no event exceed the amounts paid to Supplier under this Agreement. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THIS AGREEMENT, NEITHER PARTY SHALL, UNDER ANY CIRCUMSTANCES, BE LIABLE TO THE OTHER PARTY FOR ANY CLAIM BASED UPON ANY THIRD PARTY CLAIM OR FOR ANY CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY OR SPECIAL DAMAGES OF ANY NATURE WHATSOEVER, OR FOR ANY DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY MALFUNCTIONS, DELAYS, LOSS OF PROFIT, INTERRUPTION OF SERVICE OR LOSS OF BUSINESS OR ANTICIPATORY PROFITS, EVEN IF A PARTY HAS BEEN APPRISED OF THE LIKELIHOOD OF SUCH DAMAGES OCCURRING.
12. **Indemnification Limited to Direct Cause.** Supplier agrees to defend, indemnify and hold Purchaser harmless against all costs, expenses and losses incurred through claims based upon the direct actions of Supplier. Any "indemnification" provision included in the Purchase Order that requires any expansion of the indemnification offered in the previous sentence is hereby deleted and is of no force or effect with respect to the Supplier.
13. **Third Party Contracts Not Applicable.** Supplier is not bound by any third party contract or other form of agreement of any type referred to or included in the Purchase Order. Any third party contract included in the Purchase Order is hereby deleted and is of no force or effect with respect to the Supplier
14. **Entire Agreement.** Unless the parties enter into a separate agreement in writing, these General Terms and Conditions and the Proposal (collectively, the "Agreement") constitute the entire agreement between the Purchaser and the Supplier regarding the project described in the Proposal. If Supplier has commenced work in connection with the matters described in the Proposal to which these General Terms and Conditions are attached; all provisions in this Agreement for the benefit or protection of either party shall apply to such activities. There are no prior or contemporaneous, oral or written, representations, understandings or agreements that are not fully expressed in this Agreement. No amendment, change order, waiver or discharge shall be valid unless it is in writing and signed by an authorized representative of the party against whom such amendment, change order, waiver or discharge is sought to be enforced. In the event of a conflict between these General Terms and Conditions and the Proposal to which they may be attached, these General Terms and Conditions shall control.
15. **Choice of Law.** This Agreement will be governed by and construed in accordance with the laws of the State of New York, without giving effect to the conflicts of laws provisions thereof.
16. **Insurance.** Supplier possesses appropriate insurance for the equipment and services provided. Costs for excessive coverage, endorsements, or limits will be passed on to Purchaser as necessary.

Attachment: DOC012524-012524080648 (RES-2024-170 : Xylem Level Probe Procurement)

Addendum to Contract VENDOR NOT ON SITE

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.

2. No rules, requirements or customs of any society or association of professional Vendors or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.

3. To the fullest extent permitted by law, Vendor shall indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, or expenses, awards or judgments imposed upon the Town, its officers, agents, and/or employees, arising out of the work of the Vendor its officers, agents, sub-Vendors, and/or employees as well as the negligence, active or passive, of the Vendor, its officers, agents, sub-Vendors, and/or employees.

4. No Assignment: In accordance with the provisions of Section 109 of the General Municipal Law, the Vendor is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in this agreement, or its power to execute this Agreement, to any other person or corporation without the previous consent in writing of the Town.

5. Required Provisions of Law: Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party this Agreement shall be physically amended forthwith to make such insertion. In particular, the Vendor shall, among other things, fully comply with:

(a) Article 8 of the NYS Labor Law for public work contracts and Article 9 of the Labor Law regarding prevailing wage for Building Service employees.
(b) Labor Law Section 220-e and Executive Law Sections 291-299 and the Civil Rights Law relating to prohibition against discrimination and equal opportunity.
(c) Affirmative action as required by the Labor Law.
(d) Prevention of dust hazard required by Labor Law Section 222-a.
(e) Preference in employment of persons required by Labor Law Section 222.
(f) Eight-hour workday as required by Labor Law Section 220(2).
(g) Chapter 32 of the Town of Amherst: Minority Women and Business Utilization Commitment.
(h) Chapter 163 of the Town of Amherst: Registration of Sex Offenders.

Attachment: DOC012524-012524080648 (RES-2024-170 : Xylem Level Probe Procurement)

6. The Vendor, in accordance with its status as an independent Vendor, covenants and agrees that it will conduct itself consistent with such status. It will neither hold itself out as nor claim to be, an officer or employee of the Town by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Town, including, but not limited to: workers' compensation coverage, unemployment insurance benefits, Social Security coverage, or retirement membership or credit.

Waiver: No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

7. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules, regulations or ordinances for any state other than New York State, to the laws, statutes, rules, regulations or ordinances for any county other than Erie County, New York or to the laws, statutes, rules, regulations or ordinances for any municipality other than the Town of Amherst, then the laws, statutes, rules, regulations or ordinances for New York State, Erie county and/or the Town of Amherst shall apply as applicable. Any and all legal action necessary to enforce the Agreement will be venued in Supreme Court, Erie County, New York or in the United States District Court for the Western District of New York, Buffalo Division.

8. It is hereby acknowledged that performance of this Contract will be undertaken in accordance with the specifications and pricing on which the bid was submitted.

This instrument shall be executed in triplicate. At least one (1) copy shall be permanently filed, after execution thereof, in the office of the Town Clerk of Town.

Agreed to and Accepted by:

Fleet Pump and Service Group, Inc.

Print Name of Company

By: _____

Signature

John Darash

Printed name

Date: 1/11/24

Agreed to and Accepted by:

Town of Amherst

By: _____

Brian J. Kulpa, Supervisor

Date: _____

Attachment: DOC012524-012524080648 (RES-2024-170 : Xylem Level Probe Procurement)

IRAN DIVESTMENT ACT CERTIFICATION

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a provision was added to the State Finance Law (SFL), Section 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will develop a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). This list is posted on the OGS website.

By submitting a response to this solicitation, or by assuming the responsibility under a Contract/Lease awarded hereunder, Bidder/Contractor/Vendor (or any assignee) certifies that it will not utilize on such Contract/Lease any subcontractor that is identified on the prohibited entities list.

Additionally, Bidder/Contractor/Vendor is advised that any Bidder/ Contractor/Vendor seeking to renew or extend a Contract/Lease (or assume responsibility of a Contract/Lease awarded must certify at the time the Contract/Lease is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract/Lease, should the Town of Amherst (Town) receive information that a person is in violation of the above-referenced certification, the Town will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the Town shall take such action as appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Bidder/Contractor/Vendor in default.

The Town reserves the right to reject any Contract/Lease or request for assignment for an entity that appears on the prohibited entities list prior to the award of a Contract/Lease, and to pursue a responsibility review with respect to any entity that is awarded a Contract/Lease and appears on the prohibited entities list after Contract/Lease award.

Company Name: Fleetpump & Service Group Inc.

Signature: [signature]

Print Name: Raymond Giorgio

Title: CEO

Date: 1-15-2024

Sworn To Before Me This

15th Day of January, 2024

Cheryl DePalo

Notary Public

Cheryl DePalo
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DE6152287
Qualified in Westchester County
My Commission Expires 09/05/2026

Revised 4.2017

Attachment: DOC012524-012524080648 (RES-2024-170 : Xylem Level Probe Procurement)

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Sewer/Plant 16
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 28599 **RESOLUTION 2024-171** **ADOPTED**

Change Order #1 – Sewer Jet Water Tank Coatings Eastern Tank Services CRS No. 4579

We are requesting Town Board approval for the above referenced change order. Upon initial inspection of the water truck E-66, the tank baffles were found to be structurally compromised and needed to be reinstalled before the tank coating could be completed.

Funding for these additional services at a total cost of $843.00 is available from account G9000-4300.

This request is pending successful completion of the contract routing process.

2/5/2023
Consent

FINANCIAL IMPACT:

G9000-4300; $843.00

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

IDENTIFY (INFORMATION MUST BE COMPLETED OR CONTRACT WILL BE RETURNED TO APPROPRIATE DEPARTMENT)

REQUESTED TOWN BOARD AGENDA DATE: 2/5/23

Contract/Project Title: Sewer Jet Water Tank Coatings (CRS 4187)

Vendor: Eastern Tank Services

ORG: G9000

OBJECT: 4300

Amount: $843.00 Contract Period: N/A

Department contact: Vaishali Reberholt

APPROVED AS TO CONTENT

_____

Department Head - Signature

_____

Department Head - Print Name

Date Approved: _____

Attachment: Eastern Tank Change Order (RES-2024-171 : Change Order #1 – Sewer Jet Water Tank Coatings)

Eastern Tank Services

400 Vulcan Street
Building #9
Buffalo, New York 14207
Phone: 716-832-8942 Fax: 716-832-8944

Friday, December 15, 2023

Attn: Shawn Kilroy
Town of Amherst Engineering Dept.
Fleet Maintenance Division
1100 North Forest Rd.
Amherst, NY 14221

Dear Mr. Kilroy:

Re; Truck E066 Bid #2023025

After performing an entry and inspection of the interior of truck E066 we have the following recommendation for removal and reinstallation of the bolting for the two tank baffles, this will also include the treatment of the painted areas between the baffles and brackets.

We will remove the existing bolting and install temporary longer bolts to allow us to suspend the baffles and access the area between the baffles and the brackets. We will then grit blast the area between the baffles and brackets and apply the Plasite 9133 lining to those areas once dry, we will reinstall the baffles with the new permanent bolting as provided. We will then proceed to apply the lining to the rest of the tank interior and baffles.

Price: $850.00. price is broken down as follows;
Labor: 2 employees @ 4 hours X $96.00 per man hours + $768.00
Consumables cost: $75.00 (cutoff wheels, brushes rollers etc.)
Total $ 843.00

Terms: Net 30 days upon completion. Price does not include any taxes. There will be a 1.5% service charge included with all past due amounts.

Thank you for considering Eastern Tank Services.

Sincerely,
Eastern Tank Services

Ken Holdsworth

Attachment: Eastern Tank Change Order (RES-2024-171 : Change Order #1 – Sewer Jet Water Tank Coatings)

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Sewer/Plant 16
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 28601 **RESOLUTION 2024-172** **ADOPTED**

TOA Bid 2020035 Allen Bradley Product – Bid Extension Rexel Inc. CRS No. 4569

The Engineering Department, WPCF division is requesting that the Town Board authorize the Supervisor to sign the attached contract extension agreement with Rexel Inc. The terms and conditions within Town of Amherst Bid 2020035 Allen Bradley Products will remain the same. The term of this contract will run from February 22, 2024 through February 21, 2027.

This request is pending successful completion of the contract review process.

Funds for this request are available Town Wide and Various.

Thank you for considering this request.

2/5/2023
Consent

FINANCIAL IMPACT:

TBD

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

AGREEMENT

Let this document stand as an Agreement between REXEL, and the Town of Amherst permitting the Town of Amherst to extend their existing contract with REXEL, Inc. Both parties agree that the terms and conditions specified in the executed contract, TOA Bid 2020035 Allen Bradley Products would remain the same. The term of this contract extension will be from February 22, 2024 through February 21, 2027 and effective the date of Town Board approval by the Town of Amherst.

Agreed to and Accepted by:
REXEL, INC.

By: William Griffith
Signature

William Griffith
Printed name

Industrial Sales Manager
Title

Date: January 9, 2024

Agreed to and Accepted by:
TOWN OF AMHERST

By: _____
Brian J. Kulpa
Supervisor

Date: _____

Attachment: DOC013124-01312024102408 (RES-2024-172 : TOA Bid 2020035 Allen Bradley Product – Bid Extension)

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Town Clerk
DOC ID: 28591

COMMUNICATION 2024-7

APPROVED

Request for Public Hearing - 1635 North French Road Rezoning

Request from Ari Goldberg, Esq. for a public hearing with respect to the rezoning of 1635 North French Road from R-3 to NB.

This hearing has been scheduled for March 11th.

2/5/2024
Consent

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

BARCLAY DAMON LLP

Ari M. Goldberg
Counsel

January 24, 2024

VIA ELECTRONIC MAIL

Town of Amherst
Town Clerk, Francina J. Spoth
c/o Tim Koller, Deputy Town Clerk
5583 Main Street
Williamsville, NY 14221
tkoller@amherst.ny.us

Re: 1635 North French Road
Petition for Rezoning
Request for Town Board Agenda

Dear Madame Clerk:

Barclay Damon LLP represents Torey Hirsch Sr. and Torey Hirsch Jr. ("Petitioners"), record property owners of 1635 North French Road, SBL 27.19-2-15.12 ("Property"). On November 20, 2023, Petitioners submitted an application for a rezoning of the Property from R-3 to NB, Neighborhood Business. On January 18, 2024, the Planning Board recommended approval of the proposed rezoning.

At earliest convenience, please schedule a public hearing on the proposed amendment before the Town Board. If anything additional is required, or if you have any questions, please do not hesitate to reach out.

Very truly yours,

Ari M. Goldberg

AMG:

cc: TLH Property Management Inc., Torey Hirsch Sr., Torey Hirsch Jr. (via e-mail)
Daniel Ulatowski and Tom Voigt, Town of Amherst Planning Department (via e-mail)

The Avant Building - 200 Delaware Avenue Suite 1200 - Buffalo, New York 14202 barclaydamon.com
agoldberg@barclaydamon.com Direct: (716) 858-3878 Fax: (716) 566-4040

Attachment: DOC013124-013120240848822 (COM-2024-7 : Request for Public Hearing - 1635 North French Road Rezoning)

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Town Clerk
DOC ID: 28604

COMMUNICATION 2024-8 **APPROVED**

Request for Public Hearing - 46-84 South Linden Street

Request from Jeffery Palumbo, Esq. for a public hearing to Amend the Comprehensive Plan for 46-84 South Linden Road.

This public hearing has been scheduled for March 11th.

2/5/2024
Consent

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Block, Longo, LaMarca
& Brzezinski, P.C.
ATTORNEYS | SINCE 1933

9276 MAIN STREET, CLARENCE, NY 14031
OFFICE: (716) 320-3150

WWW.BLOCKANDLONGO.COM

PARTNERS:

MARK J. LONGO, ESQ. — PRESIDENT/CEO
JOY LAMARCA, ESQ. — VICE PRESIDENT
KEVIN E. BRZEZINSKI, ESQ. — VICE PRESIDENT
JAMI DURANTE ROGOWSKI, ESQ.
GEORGE R. SLINGERLAND, ESQ.

CLARENCE OFFICE:

JEFFERY D. PALUMBO, ESQ., SPECIAL COUNSEL
CHRISTOPHER A. CARDILLO, ESQ., SPECIAL COUNSEL
TRACY A. MURRAY, PARALEGAL
SUZANNE M. GASKILL, PARALEGAL

January 25, 2024

Francina J. Spoth, Town Clerk
Town of Amherst
Amherst Municipal Building
5583 Main Street
Williamsville, NY 14221

Re: 46-84 South Linden Street - Comprehensive Plan Amendment

Dear Ms. Spoth:

This office represents South Linden LLC in connection with its request to amend the comprehensive plan.

I would appreciate it if this matter could be placed on the agenda for the next Town Board meeting.

Thank you.

Very truly yours,

Jeffery D. Palumbo

JDP:bae

cc: Supervisor Brian Kulpa

Attachment: DOC013124-01312024104531 (COM-2024-8 : Request for Public Hearing - 46-84 South Linden Street)

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Town Clerk
DOC ID: 28605

COMMUNICATION 2024-9 **REFERRED**

Joe Rubino Correspondence

Letter from Joe Rubino concerning the status of the Suburban Agriculture (SA) zoning report.

2/5/2024
Referred to Town Attorney and Planning

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

Joe Rubino
5462 Sheridan Drive, Suite 2
Williamsville, NY 14221

January 31, 2024

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

Re: Request to Amend Zoning Classification of 1789 Dodge Road [Z-2020-15]
Proposed Residential Subdivision

Dear Supervisor Kulpa and Councilmembers:

During its meeting on February 28, 2022, the Town Board adopted Resolution 2022-195 for the purpose of adjourning its issuance of a decision in connection with the requested rezoning of 1789 Dodge Road from SA to R-3.

The Town Board held public hearings on requested rezoning on November 22, 2021 and January 18, 2022 and closed the public hearing during the meeting held on January 18, 2022. During its meeting on February 22, 2022, the Town Board did not issue a decision so that an evaluation could be completed of the continued suitability of parcels zoned SA within the Town.

During its work session meeting held on May 22, 2023, the Town Board discussed the status of finalizing SA zoning report and it was indicated that the draft report was nearly complete and would be finalized and made available for review in the near future. It would be appreciated if SA zoning report can be finalized and released for review.

Please feel free to contact me at 983-1155 or via e-mail at josephrubino@howardhanna.com and thank for you for taking the time to review this letter

Sincerely,

Joe Rubino 1/31/24

Copies to:
Town of Amherst Town Clerk's Office
Daniel Howard, Town of Amherst Planning Department
Sean Hopkins, Esq.
Chistopher Wood, P.E.

Attachment: Rubino-Ltr-Town Board-01-31-24 (COM-2024-9 : Joe Rubino Correspondence)

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Town Clerk
DOC ID: 28543

COMMUNICATION 2024-10

REFERRED

Notice of Verified Petition and Verified Petition: Concerned Residents for Amherst Central Park, by Its Chairperson William F. Wopperer Vs. Town of Amherst, Amherst Town Board, Town of Amherst Planning Board, and Brian J. Kulpa, in His Official Capacity as the Town Supervisor of the Town of Amherst

2/5/2024
Referred to Town Attorney

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala, Marinucci

CAUTION: THIS DOCUMENT HAS NOT YET BEEN REVIEWED BY THE COUNTY CLERK. (See below.)

SUPREME COURT
STATE OF NEW YORK COUNTY OF ERIE

CONCERNED RESIDENTS FOR AMHERST CENTRAL PARK, by its Chairperson William F. Wopperer,

Petitioner,

NOTICE OF VERIFIED PETITION

vs.

TOWN OF AMHERST, AMHERST TOWN BOARD, TOWN OF AMHERST PLANNING BOARD, and BRIAN J. KULPA, in his official capacity as the Town Supervisor of the Town of Amherst,

Index No.:

Respondents.

PLEASE TAKE NOTICE that upon the annexed Verified Petition, with exhibits, verified by Dwight E. Kanyuck on January 17, 2024, an application will be made to this Court by Petitioner Concerned Residents for Amherst Central Park, by its chairperson William F. Wopperer, at the Supreme Court of the State of New York, County of Erie, at a Special Term thereof, to be held at Erie County Erie County Court Building, 25 Delaware Avenue, Buffalo, NY 14202, on the 13th day of March, 2024, at 10:30 AM, or at such other date and time as this Court may specify, for an Order and Judgment, pursuant to CPLR Article 78, the State Environmental Quality Review Act ("SEQRA"), Amherst Town Code Chapter 7 and Chapter 203, and/or otherwise: (1) vacating, annulling, and declaring illegal, invalid, null and/void: (a) the SEQRA findings statement adopted by the Town Board ("Findings Statement") dated December 18, 2023, (b) the approval of the Amherst Central Park Conceptual Development Plan – Planned Unit Development (the "PUD"), dated December 18, 2023, and (c) the acceptance of the Draft Supplemental Generic Environmental Impact Statement ("DSGEIS") for the PUD, dated October 12, 2023, and the Final

Attachment: Concerned Residents vs TOA (COM-2024-10 : Verified Petition: ACP Vs TOA)

This is a copy of a pleading filed electronically pursuant to New York State court rules (22 NYCRR §202.5-b(d)(3)(i)) which, at the time of its printout from the court system's electronic website, had not yet been reviewed and approved by the County Clerk. Because court rules (22 NYCRR §202.5[d]) authorize the County Clerk to re filings for various reasons, readers should be aware that documents bearing this legend may not have be accepted for filing by the County Clerk.

CAUTION: THIS DOCUMENT HAS NOT YET BEEN REVIEWED BY THE COUNTY CLERK. (See below.)

Supplemental Generic Environmental Impact Statement ("FSGEIS"), dated December 1, 2023 and filed December 4, 2023; (2) directing Respondents to proceed with an alternative assessment in the FSGEIS for the Project that complies with SEQRA; and (3) granting such and other further relief as this Court deems just and proper, including Petitioner's costs and disbursements.

A Verified Answer and supporting Affidavits, if any, must be served at least five (5) days before the return date of this proceeding. Erie County is designated as the venue of this proceeding on the basis of the location of the parties in Erie County. Erie County is also where the subject real property is located, and is where the relevant conduct took place.

Petitioner Concerned Residents for Amherst Central Park maintains an office at 143 Fairways Blvd., Williamsville, NY 14221.

Respondent Town of Amherst maintains offices at 5583 Main Street, Williamsville, NY 14221. Respondent Amherst Town Board maintains offices at 5583 Main Street, Williamsville, NY 14221. Respondent Town of Amherst Planning Board maintains offices at 5583 Main Street, Williamsville, NY 14221. Respondent Brian J. Kulpa, in his official capacity as Town Supervisor, maintains offices at 5583 Main Street, Williamsville, NY 14221.

Dated: Rochester, New York
January 17, 2024

KNAUF SHAW LLP
Attorneys for Petitioner
Dwight E. Kanyuck, Esq., and
Samantha R. Rubino, Esq., of Counsel
2600 Innovation Square
100 South Clinton Avenue
Rochester, NY 14604
(585) 546-8430
dkanyuck@nyenvlaw.com
srubino@nyenvlaw.com

Attachment: Concerned Residents vs TOA (COM-2024-10 : Verified Petition: ACP Vs TOA)

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CAUTION: THIS DOCUMENT HAS NOT YET BEEN REVIEWED BY THE COUNTY CLERK. (See below.)

SUPREME COURT
STATE OF NEW YORK COUNTY OF ERIE

CONCERNED RESIDENTS FOR AMHERST CENTRAL PARK, by its Chairperson William F. Wopperer,

Petitioner,

vs.

TOWN OF AMHERST, AMHERST TOWN BOARD, TOWN OF AMHERST PLANNING BOARD, and BRIAN J. KULPA, in his official capacity as the Town Supervisor of the Town of Amherst,

Respondents.

VERIFIED PETITION

Index No.:

Petitioner Concerned Residents for Amherst Central Park ("Petitioner" or the "Concerned Residents"), by its Chairperson William F. Wopperer, for its Petition by its attorneys, **KNAUF SHAW LLP**, alleges, as follows:

INTRODUCTION

1. In this special proceeding, Petitioners seek, pursuant to CPLR Article 78, Town of Amherst Town Code Chapter 203 (the "Zoning Code") the State Environmental Quality Review Act ("SEQRA") and other legal authorities to seek, *inter alia*, annulment as illegal, arbitrary and/or capricious, the approvals ("Approvals" attached as **Exhibit A**) issued by Respondents Town of Amherst ("Town"), Amherst Town Board ("Town Board"), Town of Amherst Planning Board, and Brian Kulpa, in his official capacity as Town Supervisor, (collectively, "Respondents"), and the related adoption of a SEQRA Findings Statement by the Town Board ("Findings Statement" attached as **Exhibit B**), dated December 18, 2023, of the Town's application for approval of an Amended Planned Unit Development ("PUD Application" attached as **Exhibit C**) pursuant to a

Attachment: Concerned Residents vs TOA (COM-2024-10 : Verified Petition: ACP Vs TOA)

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Conceptual Development Plan ("PUD Plan" attached as **Exhibit D**) for the Amherst Central Park ("Central Park"), and the acceptance by the Town Board of the accompanying Draft Supplemental Generic Environmental Impact Statement ("DSGEIS" attached as **Exhibit E**) dated October 12, 2023 and Final Supplemental Generic Environmental Impact Statement ("FSGEIS" attached as **Exhibit F**) dated December 1, 2023 and filed December 4, 2023.

2. On October 13, 2023, Respondent Town submitted the PUD Application proposing the adoption of the PUD Plan for the purported conversion of an approximately 170.5± acre parcel located at 772 North Forest Road and 385 & 391 Maple Road (the "Park Property") to a community park.

3. Petitioners seek to annul the Approvals because, inter alia, the environmental review process (the "SEQRA Review") for the PUD Application failed to comply with the requirements of SEQRA, and was therefore unlawful, arbitrary, and capricious.

4. The SEQRA Review was fatally flawed due to, inter alia, a lack of viable, reasonable alternatives, inadequate consideration of traffic improvements and mitigation measures, and inadequate assessment of the brownfield remediation plan.

5. Further, Respondents failed to comply with their affirmative substantive duty under SEQRA to avoid or minimize adverse environmental effects to the maximum extent practicable. ECL § 8-0109(8).

6. Respondents failed to take a "hard look" at a reasonable range of alternatives to the PUD Plan, which would have mitigated its significant environmental, economic and social impacts, including alternatives limited to passive recreation and alternatives that don't involve the relocation of the existing Buffalo Niagara Heritage Village Museum (the "Museum") to the Central Park and the construction of an indoor 31,600 square foot Community Theater Building in the

Attachment: Concerned Residents vs TOA (COM-2024-10 : Verified Petition: ACP Vs TOA)

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filings for various reasons, readers should be aware that documents bearing this legend may not have be
accepted for filing by the County Clerk.

CAUTION: THIS DOCUMENT HAS NOT YET BEEN REVIEWED BY THE COUNTY CLERK. (See below.)

Central Park (the "Community Theater") without assessment of other locations for the Community Theater within the Town.

7. Rather, the SEQRA Review limited the range of alternatives subjected to full review and public comment to essentially two alternatives: (1) the PUD Plan and (2) an expansive residential and commercial development (the "Mixed Use Project") that was found in 2017 to be not protective of the environment under SEQRA.

8. Further, the Facility Improvement Review Process created within the PUD Plan is not authorized by Chapter 203 of the Amherst Town Code (the "Zoning Code") and is illegal.

9. Finally, the approval PUD Plan is illegal because the Museum and Community Theater are not permitted uses in the underlying zoning district and the PUD Plan is incompatible with the Town's Comprehensive plan due to inadequate pedestrian and bicycle connectivity to existing facilities.

PARTIES

10. Petitioner Concerned Residents is an unincorporated association of community members that would be adversely impacted by the PUD Plan, including members that live in close proximity to the Park Property.

11. The Concerned Residents advocate for the promise of an Amherst Central Park that is inspired by the values of Buffalo's Olmsted Parks, representing restorative green spaces that support people, respect nature and the environment, and provide opportunities to play, create, commune and discover.

12. Members of the Concerned Residents include, but are not limited to:

- Judith Ferraro, 213 Donna Lea Blvd., Williamsville, NY 14221
- Jennifer J. Snyder-Haas, 185 Fairways Blvd, Williamsville, NY 14221
- William F. Wopperer, 143 Fairways Blvd., Williamsville, NY 14221

Attachment: Concerned Residents vs TOA (COM-2024-10 : Verified Petition: ACP Vs TOA)

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13. Judith Ferraro is a resident of the Town of Amherst and lives in the neighborhood surrounding the Park Property and future location of the Central Park.

14. Ms. Ferraro would be negatively impacted by the PUD Plan as a result of the inadequate traffic plan in the DSGEIS and the increased traffic from the Community Theater and Museum proposed for the Central Park

15. Further, Ms. Ferraro would be negatively impacted by the relocation of the Museum to the Central Park because of the proximity of the Museum's livestock to her residence.

16. Jennifer J. Snyder-Haas is a resident of the Town of Amherst and lives on the street bordering the Central Park ACP, and her backyard is open to the Park Property.

17. Ms. Snyder-Haas was also a member of the Amherst Central Park Task Force ("Task Force"), a committee formed to develop a vision for a plan for the Central Park after the Park Property was acquired by the Town. Notably, the Task Force was not involved in the preparation of the PUD Plan by the Town.

18. Ms. Snyder-Haas would also be negatively impacted by the Project as a result of inadequate traffic plan in the DSGEIS and the increased traffic from the Community Theater and Museum proposed for the Central Park and would be negatively impacted by the presence of livestock from the relocated Museum near her residence.

19. William F. Wopperer, Chairperson of the Concerned Residents, is a resident of the Town of Amherst and lives on the street bordering the Central Park, and his backyard is open to the Park Property.

20. Mr. Wopperer would be negatively impacted by the Project as a result of the inadequate traffic plan in the DSGEIS and the increased traffic from the Community Theater and

Attachment: Concerned Residents vs TOA (COM-2024-10 : Verified Petition: ACP Vs TOA)

This is a copy of a pleading filed electronically pursuant to New York State court rules (22 NYCRR §202.5-b(d)(3)(i)) which, at the time of its printout from the court system's electronic website, had not yet been reviewed and approved by the County Clerk. Because court rules (22 NYCRR §202.5[d]) authorize the County Clerk to re filings for various reasons, readers should be aware that documents bearing this legend may not have be accepted for filing by the County Clerk.

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Museum proposed for the Central Park and would be negatively impacted by the presence of livestock from the relocated Museum near his residence.

21. The Members, as nearby residents, would anticipate frequently using recreational features of the Central Park, whether to walk, run, bike, walk their dog, use playgrounds, enjoy the beautiful natural features, and, if it were present, bicycling along the Ellicott Creek Trailway if the Central Park plan were to include connectivity between the Audubon Golf Course to the north and the Amherst State Park to the south.

22. Respondent Town of Amherst (the "Town") is a municipal corporation with offices at 5583 Main Street, Williamsville, NY 14221.

23. Respondent Amherst Town Board (the "Board") is the governing board for the Town through the exercise of its executive, legislative and administrative powers pursuant to Chapter 4-1 of the Code of the Town of Amherst, with offices at 5583 Main Street, Williamsville, NY 14221.

24. Respondent Town of Amherst Planning Board has the power to, among other things, review and approve site plans and provide planning recommendations to the Town, pursuant to Chapter 4-1 of the Code of the Town of Amherst ("Town Code"), with offices at 5583 Main Street, Williamsville, NY 14221.

25. Respondent Brian Kulpa, in his official capacity, is Town Supervisor of the Town of Amherst, New York, with offices at 5583 Main Street, Williamsville, NY 14221.

BACKGROUND

26. From 2014 to 2017, development of the Park Property, then owned by a private developer, for a commercial and residential project known as the Westwood Neighborhood (the "Mixed-Use Project") was the subject of a Generic Environmental Impact Statement (GEIS) for

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the Park Property. Based on the Town Board's GEIS Findings Statement in 2017, the Mixed-Use Project was denied due to adverse environmental impacts, including inadequate sewage disposal, traffic issues, loss of open space, conversion of RC (Recreational Conservation) zoning land to residential and commercial uses, impacts to natural features, and impacts to adjacent residential neighborhoods.

27. Subsequently, evidence of Native American artifacts were found at the Park Property, as were traces of arsenic, mercury, lead and zinc from decades of spraying of pesticides at the former golf course.

28. After attempts to rezone the Park Property and threats of litigation, the developer sold the Park Property to the Town. See https://buffalonews.com/news/local/business/amherst-completes-purchase-of-westwood-country-club-weve-got-a-lot-of-work-in-front/article_cf4fb6c4-da1e-11ed-8b27-c78acfa38627.html.

29. The Amherst Central Park Task Force ("Task Force") was created by the Amherst Town Board in October 2020 and its existence is codified in Chapter 7 of the Town Code.

30. According to the Town Code, the Task Force "shall promote, stimulate, encourage and coordinate the pursuit of recreational activities in Amherst Central Park; encourage public input into the utilization of Amherst Central Park; promote the utilization of the Amherst Central Park by all members of the community and make appropriate recommendations in the development process concerning the Amherst Central Park." Amherst Code § 7-3.

31. Although the ACP Task Force was designed to function throughout the years of planning for the Central Park, as evidenced by the member and term structure outlined in § 7-2[1], the Task Force has not been utilized for its stated purpose.

[1] "It shall consist of eleven (11) members, each member appointed by the Town Board. Each member shall serve a three (3) year term commencing at the bi-annual Town Reorganization Meeting, with the exception of the first such

Attachment: Concerned Residents vs TOA (COM-2024-10 : Verified Petition: ACP Vs TOA)

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32. The last meeting of the Task Force was held on August 21, 2021.

33. Since then, all subsequent plans have been done in-house by the Town Board and private developers.

34. The DSGEIS provides a "partial list of the various meetings held by the Town to discuss the creation of the Amherst Central Park:

- LWRP Waterfront Advisory Committee Meeting Site Visit at Westwood - August 24, 2018
- LWRP First Public Meeting – December 3, 2018
- University Student Presentations for the Park Design – May 13, 2019 (Amherst Central Park)
- Arts & Culture Committee – June 6, 2019
- Senior Housing Committee – June 11, 2019
- Indoor Facility Committee – June 25, 2019
- Golf Committee – July 9, 2019
- Second LWRP Public Meeting on LWRP Projects – July 10, 2019
- Park Committee – August 16, 2019
- Maple Road Committee – August 26, 2019
- Getzville neighborhood meeting – September 12, 2019 (Amherst Central Park planning)
- LWRP Waterfront Advisory Committee Meeting – Projects/Section IV – September 18, 2019
- Village of Williamsville LWRP – October 24, 2019
- Public Meeting Ellicott Creek neighborhood meeting – November 5, 2019
- Dover-Kohl Park Design Workshop – June 29 - July 2, 2020
- Amherst Central Park Task Force meetings –2020 to 2021 present
- Village of Williamsville LWRP meeting – March 2, 2021
- Public Meeting – LWRP 3rd and Final Public Meeting – February 28, 2023"

See DSGEIS at 1.3.

Board, which shall be appointed following the adoption of this chapter. The terms of the members are to be staggered to prevent the entire Board from overturning at one time. Initial membership terms are to be adjusted to have a term of three (3) members expire on December 31, 2020, the terms of three (3) members to expire on December 31, 2021, the terms of three (3) members to expire on December 31, 2022 and the term of two (2) members to expire on December 31, 2023. Board members are limited to serving three (3) consecutive terms. Members shall be representatives of the community and have a particular interest in the creation, maintenance and fulfillment of recreational activities in Amherst Central Park. In making appointments to the Board, the Supervisor and the members of the Town Board shall give due consideration to the recommendations made by recognized representatives of local, civic, education and cultural associations, groups and organizations that are concerned with or engaged in the establishment of public recreational facilities. The Amherst Central Park Task Force shall elect its own chairperson and adopt its own rules of procedure."

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35. Notably, in the list above, there were zero public meetings in 2022 and only one "final public meeting" in 2023 regarding the plan for the Central Park.

36. The uses and sites that were being considered at the beginning of the public participation process, and even just from the last Task Force meeting in 2021, are starkly different than those proposed in the PUD Application.

37. Therefore, the absence of any meetings in 2022 and having only one in 2023 before the PUD Application was submitted does not constitute robust public participation.

THE PUD APPLICATION

38. At the April 17, 2023 Town Board meeting, the Town Board introduced, via Resolution 2023-326, a proposed Local Law to make a text amendment to the Zoning Code to exclude Town owned land from complying with the Zoning Code. A copy of the proposed Local Law is attached as **Exhibit G.**

39. On May 8, 2023, a public hearing was set on the proposed Local Law in which the Concerned Residents submitted written comments that the proposed Local Law does not meet the review criteria necessary for the adoption of zoning text amendments provided in Zoning Code § 8-5-5; was procedurally defective under SEQRA and General Municipal Law § 239-m; and represented poor public policy because it was so vague and broad as to allow the Town Board to circumvent the Town's well-considered Zoning Code by deeming any use on its property to be for "governmental purposes." The Concerned Resident's comments are attached as **Exhibit H.**

40. The proposed Local Law was withdrawn for consideration at the May 22, 2024 Town Board meeting.

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41. Apparently seeking another way of circumventing the Zoning Code, on October 12, 2023, the Town Board submitted the PUD Application including the PUD Plan for the Central Park (**Exhibits C and D)**.

42. The PUD Plan proposes the following features moving from the southeast to the southwest portion of the parcel, using an existing entrance with access to North Forest Road and a proposed entrance to Sheridan Drive:

- Ice Ribbon and Ice Rink, approximately 25,000 SF
- Inclusive Playground, approximately 12,500 SF
- Splash Pad, approximately 6,100 SF
- Public Plaza, approximately 20,000 sf, including a Winter Market, approximately 5,000 SF (buildings)
- Renovation of the former clubhouse into a Community Building, approximately 2,500 SF addition to existing (approximately 44,500 SF total at completion, including basement and all floors), to provide services including space for a Universal Pre-Kindergarten (UPK) program
- Outdoor Amphitheater, approximately 3,300 SF
- Community Theater Building, approximately 31,600 SF
- New building for the Buffalo Niagara Heritage Village Museum – approximately 36,000 SF, as well as relocation of historical buildings associated with the museum, totaling approximately 20,000 SF
- Enhancement of an existing wetland as a decorative pond and associated onsite mitigation (if required) and filling or modification of non-regulated wetlands
- Ancillary park improvements such as playgrounds, gardens/greenhouses, pedestrian access/pathways, educational kiosks and access drives as shown conceptually on the PUD Plan
- Construction of required mechanical buildings, public restrooms, parking lots, and supportive utilities such as storm sewers and stormwater management features, sanitary sewers, water, fiber optic cables, electric and natural gas service
- The northern portion of the Property is slated for natural-passive recreation along with preservation of existing ponds, wetlands and hardwood areas.

See PUD Application at 5; FSGEIS (**Exhibit F)** at p. 1-2.

43. Further, "[t]he northern portion of Amherst Central Park is planned for natural-passive recreation along with preservation of existing ponds, wetlands and hardwood areas. From the southern portion, moving to the north, a proposed main loop drive provides access to features

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such as maintained trails and bike paths, natural playgrounds, and a variety of community gardens and tree plantings." See PUD Application at 5; FSGEIS at 2.

44. The Draft Supplemental Generic Environmental Impact Statement (DSGEIS), was accepted for public review by the Town Board, acting as the Lead Agency, on October 16, 2023, via Resolution 2023-845.

45. The Town of Amherst Planning Board held a meeting on November 16, 2023 and recommended approval of the PUD application and conceptual development plan, via SP-2023-11, dated November 18 and filed November 20.

46. The Amherst Town Board held a public hearing on December 4, 2023 on the PUD Application. Comments were received from the Members and the Concerned Residents submitted written comments, which are attached as **Exhibit I**.

47. The FSGEIS, dated December 3, 2023, was accepted for public review by the Town Board, acting as the Lead Agency, on December 4, 2023, via Resolution 2023-958.

48. The Concerned Residents submitted additional comments on the FSGEIS and proposed Findings Statement on December 15, 2023. See **Exhibit J.**

49. On December 18, 2023, the Town Board and Supervisor Kulpa approved of the DSGEIS and FSGEIS through the SEQRA Findings Statement and approved the PUD Application and PUD Plan. **See Exhibits A and B.**

THE FAULTY SEQRA REVIEW

50. The FSGEIS, which relied upon the DSGEIS, should not have been approved due to the faulty environmental analysis in both documents.

A. Faulty Alternatives Analysis

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51. Under SEQRA and its implementing regulations, the NYS Department of Environmental Conservation ("DEC") requires that a draft environmental impact statement ("DEIS") describe and evaluate "the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor." 6 N.Y.C.R.R. § 617.9(b)(5)(v). The analysis of alternatives has been called the "driving spirit" of the SEQRA process.

52. The "range of alternatives must include the no-action alternative," and "may also include, as appropriate, alternative: (a) sites; (b) technology; (c) scale or magnitude; (d) design; (e) timing; (f) use; and (g) types of action." 6 N.Y.C.R.R. § 617.9(b)(5)(v).

53. Under the "rule of reason," an agency need only consider a "reasonable range of alternatives to the **specific project**." It is improper to generate an EIS which does not give sufficient consideration to alternatives.

54. There were five alternative actions evaluated in this DSGEIS: (1) No Action (Alternative No. 1); (2) the PUD Plan; (3) Mixed Use Project (Westwood Neighborhood); (4) Alternative Sites; and (5) Alternative Uses. This range of alternatives does not follow the "rule of reason" required by SEQRA.

55. Here, the specific action being considered is the "Amherst Central Park," as presented in the PUD Plan and there is no reasonable alternative included in this SEQRA analysis, apart from the inclusion of the required "No Action" alternative.

56. First, it is important to note that Alternative No. 2 is not an alternative to the PUD Plan because *it is* the SEQRA action. To call it an alternative is misleading. Therefore, more accurately, there are only four alternatives offered to the PUD Plan; however, the original numbering of alternatives will be used for the purposes of clarity throughout this Petition.

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57. The inclusion of the Mixed Use Project as an "alternative" is a false comparison and irrelevant in the evaluation of alternatives to the PUD Plan. First, the Mixed Use Project is not an alternative for the PUD Plan at all, but rather is a proposal for an entirely different project and different uses that was rejected because adverse environmental impacts would not be avoided or minimized. As the DSGEIS itself states, even though "the SEQRA Findings for [the Mixed Used Project] ultimately led to a denial of the requested application," it was included and reviewed as an "alternative" in this DSGEIS. See DSGEIS at p. 3.1. This does not provide "a point of comparison for other proposed Alternatives," as the DSGEIS states, because the Mixed Use Project was already rejected due to its adverse environmental impact.

58. According to SEQRA regulations at 6 NYCRR § 617.9(b)(5)(v), reasonable alternatives to the specific project under consideration would be to evaluate concepts of the PUD Plan with alternative design and scale/magnitude. The Park Property in question is located in the Recreation Conservation ("RC") Zoning District. PUD development plans must be consistent with all the applicable use regulations and the uses permitted in the underlying zoning district, and the PUD Plan as currently proposed contemplates uses that are *not permitted* in the RC zoning district. Zoning Code §§6-9-2C, 8-4-5C. Therefore, a reasonable alternative to the proposed PUD Plan would be to create a concept for the Central Park that includes only permitted or specially permitted uses in the underlying RC Zoning District.

59. The Community Theater and Museum, as well as potentially the proposed Winter Market, do not fit into any of the above allowed RC District use categories. The Community Theater and Winter Market uses are "commercial" uses, which are not allowed in a RC district. *See e.g.*, Zoning Code § 4-4-2A and §4-7-2A (community theater and food stores are commercial uses). Live and/or performing arts theaters are specifically allowed or potentially allowed in the

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General Business, New Community, Traditional Neighborhood Development Overlay, and Shopping Center districts. "Museums" are not among the permitted public and civic uses in an RC District, but are explicitly allowed in Community Facility and Traditional Neighborhood Development districts. The proposed Museum also has elements that would cause livestock to be present on the property, a use that is not explicitly allowed in the RC Zoning District and thus prohibited by the Town Code. Town Code § 99-2.

60. Therefore, a reasonable alternative would be a Central Park Concept Plan that does not contain the Community Theater, the Museum, or any commercial uses. Indeed, at a minimum, the DSGEIS should have considered as an alternative assessment retaining the *current* location of the Museum as compared to the PUD Plan.

61. Further, creating alternative concepts with different levels of scale/magnitude of development of the Central Park would offer meaningful comparison, as opposed to comparing the PUD Plan to a different use entirely. For example, another reasonable alternative to the PUD Plan for the Central Park would be a version that only includes passive and active recreational uses and considers alternative sites for the Theater, Museum, and the Winter Market, such as the alienated portions of the Audubon Recreational Complex, discussed below. Instead, the Respondents seem insistent upon presenting this plethora of uses as a necessary, take-it-or-leave-it package deal.

62. With regard to the proposed relocation of the Museum, the DSGEIS contained no detailed analysis of why the relocation would have a positive impact. An obvious alternative to the proposed Museum relation would be an expansion of the Museum to the large amount of Town-owned land right next to where the Museum is currently located.

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63. Even the "Alternative Sites" alternative is devoid of any meaningful analysis. In its entirety, the Alternative Sites section of the DSGEIS states: "*While some of the proposed improvements* in the Amherst Central Park *could be provided in other areas of the Town*, there is no other parcel or combination of parcels owned by the Town that would offer a suitable combination of location, existing natural beauty, overall location, and potential for a cohesive, comprehensive park plan that would be comparable to the proposed Amherst Central Park. This Alternative is therefore not further evaluated in this DSGEIS." *See* DSGEIS at 3.2 (emphasis added).

64. This conclusion ignores the facts. The Town alienated 93 acres of the 260 acres of parkland at the Audubon Recreational Complex for the construction of a University at Buffalo Medical Campus ("UBMD") campus on about 15 acres of the alienated 93 acres. This site should be analyzed as an alternative site for the Community Theater, Museum, the proposed pre-K facility, outdoor amphitheater, and Winter Market because it is under Town control, is on a major highway, and has close proximity to the UB North Campus.

65. Instead of these reasonable alternatives, for reasons that are not clear to the Concerned Residents, the Town is attempting to cram as many different uses into the Central Park as possible, no matter how un-park-like they are, with little to no basis for doing so. In fact, the two proposed improvements estimated to require the largest footprint, the Community Theater Building at 31,600 sq. ft. feet and the Buffalo Niagara Heritage Village Museum at 36,000 square feet (which square footage do not include the sizeable accompanying parking lots), are those that do not comply with the permitted uses in the RC Zoning District. Therefore, an assessment of alternative locations for those two separate projects are necessary elements of the DSGEIS.

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66. The Alternative Uses section "assesses whether uses *other than* the Mixed Use Project *or* Amherst Central Park could meet the purpose and needs identified in this DSGEIS." SDGEIS at 3.1. Notably, this seems to admit that the Mixed Use Project would have more appropriately been discussed here, if at all. Further, nothing of substance is added in this section and points to the original GEIS to say that other mixed use commercial and/or residential, less intense residential, and even industrial uses (which are also prohibited in an RC District) would not meet the needs of the project or be appropriate at the site. As the DSGEIS so ironically puts, "[n]one of these alternative uses would meet the Purpose and Need identified in this SGEIS. This Alternative is therefore not further evaluated in this DSGEIS." SDGEIS at 3.2.

B. Inadequate Environmental Impacts Analysis

67. The DSGEIS fails to comply with the substantive requirement to avoid or minimize environmental impacts due to the unreasonable alternatives presented.

68. This was a clear affront to the substantive requirement of SEQRA that the lead agency "certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or *minimizes adverse environmental effects to the maximum extent practicable,* and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable." 6 N.Y.C.R.R. § 617.11(d); *see also* ECL § 8-0109(8). This is the "teeth" of SEQRA, and the only provision which clearly takes it beyond a mere environmental full disclosure procedure, and requires substantive results, including mitigation measures.

69. Consideration of only one design of the Central Park in the DSGEIS fails to comply with the substantive requirement of SEQRA to avoid or minimize environmental impacts. The

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purpose of the alternatives analysis, and the following review of affected environmental resources, impacts, and possible mitigation, is to assess how different reasonable alternatives of the specific project compare.

70. Here, the specific project is the PUD Plan – there is no reasonable alternative to the PUD Plan for the Central Park to compare to in order to see if "the action is one that avoids or *minimizes adverse environmental effects to the maximum extent practicable*[.]"

71. Comparing only the PUD Plan for the Central Park to the Mixed Use Project is unreasonable not only because it's a completely different project contemplating different uses, but the Mixed Use Plan was previously rejected due to the wide array of adverse impacts of that project. To compare the PUD Plan to the Mixed Use Project is a false equivalence, and does not meet the standards of SEQRA.

C. Transportation & Infrastructure

72. The Traffic Study contained in the FSGEIS, as well as the improvements and mitigation measures suggested for the PUD Plan, are insufficient to pass the muster of SEQRA. In addition, the PUD Plan for the pedestrian/bicycle system is not consistent with the Town's Comprehensive Plan.

73. The PUD Plan for the Central Park as proposed is designed for the past, not the future. The Town of Amherst Bicentennial Comprehensive Plan (Amended December 2020) (the "Comprehensive Plan" attached as **Exhibit K**) recognizes the problem of automobile dependency in the suburbs and supports their decreased use in order to improve congestion and safety. A primary objective for Transportation is to "[d]evelop the existing bicycle/pedestrian system into a townwide, interconnected network that facilitates connections between vehicular and non-vehicular transportation[.]" Comprehensive Plan at pg. 6-3.

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74. The PUD Plan does not contain adequate assurances as to the development of bike lanes and methods to decrease reliance on automobiles. Indeed, while the DSGEIS extolls the benefits of the PUD Plan to "pursue opportunities to create new sidewalks and pathways that connect the places people live, work, shop, and play in Amherst," the proposed pedestrian/bike paths in the PUD Plan connect to nothing. Instead of connecting Central Park bike/pedestrian paths to the Ellicott Creek Trailway that currently terminates at the Audubon Golf Course and continuing on along Ellicott Creek to Amherst State Park, Glen Park and the Village of Williamsville, the PUD Plan dumps pedestrians and bikes onto a dangerous curve on Frankhauser Road to go to…….Sheridan Drive, where, as the DSGEIS recognizes, "[t]here are no existing bicycle accommodations…." *See* DSGEIS at pg. 4.13.

75. Unlike Delaware Park, and contrary to the Comprehensive Plan, the PUD Plan focuses on providing automobile access and parking (and conflicts with pedestrians and bikes) in what are otherwise described as natural areas. The Town's commitment to the automobile is clear by noting that "The Big Meadows" is essentially a traffic circle between all the new buildings and the PUD Plan adds about 17 acres of "roads, buildings, and other paved and impervious surfaces" (10 percent of the 170 acre "park") and eliminates more than 27 acres of "meadows, grasslands, and brushlands" from the park. *See* SEQRA EAF Part 1 Question E.1.b, contained in Appendix B to the DSGEIS.

76. In addition, another objective of the Comprehensive Plan is to "[w]ork with the Niagara Frontier Transportation Authority to provide adequate public transit service, particularly to mixed-use activity centers identified in the Conceptual Land Use Plan." According to the Comprehensive Plan, "[p]ublic transit is a vital component of the Town's transportation system, both to reduce the number of vehicles on the road and to serve segments of the population who do

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not have access to private automobiles." Comprehensive Plan at pg. 6-17. The DSGEIS recognizes that there is only one existing NFTA bus line along Sheridan Drive with four stops in the study area located at the intersections of Frankhauser Road and North Forest Road. See DSGEIS at pg. 4.14.

77. The Transportation Mitigation Measures for the current PUD Plan are as follows:

> Providing multi-modal access to Amherst Central Park *should* also be considered given the residential nature of the area and proposed amenities at the park. Of particular concern is providing a safe crossing of Sheridan Drive from the neighborhood immediately south of the park. *If* the traffic signal is installed at the Amherst Central Park driveway on Sheridan Drive, pedestrian signals should be included across all four legs. *If* the signal is not installed, consideration should be given to a High Intensity Activated Crosswalk (HAWK) signal or Rectangular Rapid Flashing Beacon (RRFB) with a center refuge median. Transit access can be improved to Amherst Central Park as well. Working with NFTA, a dedicated bus stop *could be* provided along Sheridan Drive at the (proposed) signalized intersection with the site driveway. If the traffic signal is not installed, a dedicated bus stop *could be* added within the Park.

See DSGEIS at 4.18 (emphasis added).

78. As with the rest of the DSGEIS, the language regarding transportation is full of nonbinding, flimsy language, and ensures no commitment to attempt to reduce the PUD Plan's automobile dependence and increase pedestrian and bicycle safety within the Town of Amherst.

79. SEQRA requires that the lead agency certify that "adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable." 6 N.Y.C.R.R. § 617.11(d); *see also* ECL § 8- 0109(8).

80. Therefore, to be consistent with the Comprehensive Plan, the PUD Plan should have included conditions to ensure that adequate bicycle, pedestrian and public transportation

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infrastructure are incorporated within the PUD Plan area, as well as on the surrounding roads and streets.

D. Brownfield Remediation Plan

81. The Park Property is a DEC brownfield site (Site Code C915291) because of the past use of pesticides and the prior remedial investigations of the property identified the presence in some areas of arsenic, mercury, trivalent chrome, and cadmium exceeding health-based soil cleanup objectives for park use (i.e., exceeding DEC restricted residential standards), with arsenic and mercury contamination exceeding industrial standards in some areas.

82. Beyond generalized and vague assurances that short term impacts from contaminated dust will be managed and that "the remediation of the Property would provide a significant positive environmental impact," the DSGEIS and PUD Plan fail to provide any analysis of the scope of contamination, the remedial plan and related timing, and the potential impacts on Central Park use depending on the selected cleanup remedy.

83. Instead, the DSGEIS punts and concludes that "the remediation of the Property would provide a significant positive environmental impact" based on the presence of DEC oversight for the cleanup. But to what standard will the cleanup be performed and will there be use restrictions as a result? There is no way of knowing because neither the DSGEIS nor FSGEIS provide any meaningful assessment.

84. Therefore, there is no basis upon which the FSGEIS can conclude that the ACP will be protective of human health based on the analysis provided and should be revised.

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E. Response to Comments in the FSGEIS about SEQRA

85. SEQRA requires that the lead agency, here the Town Board, provide meaningful responses to substantive comments made to the DSGEIS.

86. The FSGEIS is full of nothing but deficient responses to comments and lacks of any meaningful analysis such that the Town Board could reasonably conclude that the PUD Plan minimizes or avoids environmental impacts to the maximum extent practicable.

87. Numerous public comments were made regarding the lack of meaningful alternatives analyzed in the DSGEIS, including offering no actual alternative to the PUD Plan except the previously rejected Mixed Use Project. The responses to these comments were just as meaningless.

88. There is no response in the FSGEIS as to why there is no alternative to the specific project at hand, the PUD Plan, which is required under SEQR. The Town Board seems to have a predetermined outcome for what the park should include and refuses to analyze any meaningful alternatives to the Central Park presented in the PUD Plan.

89. Notably, although public commenters provided specific examples of an alternative use or an alternative site, the DSGEIS and the FSGEIS provide none. There is essentially no analysis in the alternatives analysis.

90. Indeed, the FSGEIS did not even consider a Central Park without commercial uses – which are prohibited in the RC Zoning District.

91. Thus, based on the deficient response to comments and lack of any meaningful analysis in the FSGEIS, that Town Board could not reasonably conclude that the PUD Plan minimizes or avoids environmental impacts to the maximum extent practicable.

92. Therefore, the Approvals and Findings Statement should be annulled.

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THE FIRP IS ILLEGAL

93. According to the PUD Plan and SEQRA Findings, "[p]ursuant to Zoning Code 6-9-2, the Town Board intends to adjust the regulations, standards and criteria of the Zoning Ordinance as part of the PUD process for the Amherst Central Park to implement the Conceptual Development Plan and future improvements that are not part of the Conceptual Development Plan."

94. Although the PUD process allows for discretion in many aspects, the provisions regarding a PUD in the Zoning Code make no mention of any authority to create what amounts to a new Site Plan Approval Process.

95. Zoning Code Sections 6-9 and 8-4 establish the PUD "Process," which lays out the use regulations and development standards to be considered in the PUD.

96. Under Section 6-9-2(A), "Criteria, standards and regulations are hereby established *with respect to planning of land and the arrangements of buildings and open spaces* for those areas which are included in a PUD *and which require* development and *site plan approval*."

97. Section 8-4 then describes the actual PUD "Process Application," which goes over the processes for the application and review of the PUD application. Further, Section 8-2 Common Development Procedures is also cited in Section 8-4, which contains further application requirements, as well as notice and public hearing requirements that must be met.

98. However, the PUD and "Proposed ACP Facility Improvement Review Process" (hereinafter, the "FIRP") go well beyond what is authorized by the Zoning Code and attempts to approve unpermitted and incompatible uses within the RC District without a use variance or rezoning.

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99. Nowhere in the Zoning Code is there existing authority to create a "Facility Improvement Review Process," or anything resembling it, for approving ACP improvements (such as the Community Theater Building at 31,600 sq. ft. feet and the Buffalo Niagara Heritage Village Museum at 36,000 square feet) via this PUD process.

100. Importantly, there is no mention in the FIRP of the necessary site plan approvals (after a public hearing) from the Planning Board for the Central Park improvements, which are still explicitly required even within an approved PUD. *See* Zoning Code 8-4-6E ("Amending the Zoning Map or approval of a PUD application does not constitute recording of a subdivision plat nor authorize the issuance of building permits. Such actions can only be taken after site plan approval in accordance with § 8-7 or subdivision approval in accordance with the Town of Amherst Subdivision Regulations.").

101. To the extent the FIRP is intended to circumvent site plan review approvals, it is unauthorized and unlawful.

102. In addition, there is no identification in the FIRP of procedures for designating the "Director of Facilities" and, other than list of certain Town officials and the "ACP Planning Team," there are no definitions of the roles or procedures or criteria for the ACP Planning Team decision-making.

103. While the Town created the "Amherst Central Park Task Force," (Town Code Chapter 7) to "promote, stimulate, encourage and coordinate the pursuit of recreational activities in Amherst Central Park; encourage public input into the utilization of Amherst Central Park; promote the utilization of the Amherst Central Park by all members of the community and make appropriate recommendations in the development process concerning the Amherst Central Park," it appears the Task Force oddly has no role in the FIRP.

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104. In the FSGEIS, there is no response to public commenters about how the Town had the legal authority to create the FIRP out of the PUD process, in addition to creating a new very powerful position of "Director of Facilities." Further, there is no response as to why the already sanctioned Task Force is not utilized in this process. A major consideration in the Findings Statement is compliance with local zoning—if the FSGEIS cannot even respond to the question of whether the FIRP is legal, a negative Findings Statement should have been issued.

105. Furthermore, even if the creation of this new process was authorized, it would still not be adequate.

106. The Proposed FIRP under the PUD Plan provides for only one opportunity for a Public Hearing, only "if required by law, for the funding and the improvement proposed in the ACP Application." *See* DSGEIS at pgs. 1.6-1.8. This single opportunity for a public hearing occurs at step ten out of thirteen and is not guaranteed.

107. Given that the PUD Plan gives the authority to not only "implement the Conceptual Development Plan" but also to implement "future improvements that are not part of the Conceptual Development Plan[,]" the Town should make extra effort to safeguard the public's opportunity to be involved in the creation and proposed additions to this "public" park.

108. To give so much discretionary power to implement an already vague conceptual plan, and then further give power to implement future unknown improvements, would circumvent environmental review under SEQRA and silence the voices in the community.

109. In the FSGEIS, there were many comments on the DSGEIS about how residents feel as though they are being left in the dark and the process is moving too quickly. The Response provided in the FSGEIS is simply that this has been in the works for years and that residents have had the opportunity to be involved. However, this rings hollow, given that for years the proposed

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ACP was very different. The public does not just want opportunities to "comment" on a predetermined plan, especially at the stage of asking for financing – they want to continue to be involved in the design of the park, as indicated by the Planning Board's comment above.

THE COMMUNITY THEATER, WINTER MARKET, AND MUSEUM ARE NOT PERMITTED USES

110. Last but not least, as discussed above in relation to the SEQRA alternatives, the PUD Plan as proposed would contain uses that are not permitted in the RC Zoning District. According to Zoning Code § 6-9-2(C), "[a]ll uses permitted in the underlying zoning district shall be permitted in a PUD as provided in this Section."

111. Further, according to Code § 8-4-5(C), a PUD development "must be consistent with all the applicable use regulations in Part 6 and the purpose statement of the zoning district in which it is located."

112. As discussed above, the Community Theater, Museum, and Winter Market are not permitted uses in the RC District. Additionally, the presence of the Community Theater, Museum, and Winter Market are incompatible with the purpose statement of the RC Zoning District, which is to "provide a special zoning classification primarily for public, private and civic uses related to recreation and conservation." Zoning Code § 5-9-1.

113. In addition, the proposed Museum also has elements that would allow for livestock to be present on the property, a use that is not explicitly allowed in the RC Zoning District and thus prohibited by the Town Code. Town Code § 99-2.

114. The Town's attempt to allow unpermitted uses in an RC District under the guise of a PUD, absent a zoning amendment or use variance, is unlawful and the PUD Plan should be revised to comply with the Zoning Code.

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115. Thus, the PUD Application and PUD Plan should be annulled and revised to address these significant shortfalls and unlawful actions.

PROCEDRUAL ISSUES

116. Petitioners have no available administrative remedies.

117. Petitioners have made no previous application for the relief sought in this Petition.

118. Petitioners have no adequate remedy at law.

AS AND FOR A FIRST CAUSE OF ACTION FOR ARBITRARY, CAPRICIOUS AND ILLEGAL ACTION IN VIOLATION OF SEQRA, PETITIONERS ALLEGE AS FOLLOWS:

119. Petitioners repeat and reallege the allegations of paragraphs "1" through "118" of this Petition, as if set forth in this paragraph at length.

120. All decision-making concerning the PUD Application must be preceded by a valid SEQRA Review.

121. SEQRA and its implementing regulations require that before a discretionary decision can be made on an "action" such as the Project, a draft and final EIS must be prepared by the SEQRA lead agency if the action has the potential for a significant environmental impact.

122. After preparing a draft and final EIS, the SEQRA lead agency must make findings, as required by ECL § 8-0109(8) and 6 N.Y.C.R.R. § 617.11, that it has avoided or minimized adverse environmental impacts "to the maximum extent practicable."

123. However, the DSGEIS And FSGEIS and the Findings Statement for the PUD Application were deficient.

124. Respondents failed to consider the cumulative impacts of the PUD Plan, including growth-inducing impacts, new traffic patterns on the surrounding neighborhoods, increased

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automobile dependency, as well as the investigation and remediation of potentially contaminated sites that would be disturbed by the Project.

125. As discussed throughout this Petition, Respondents also failed to take a "hard look" at the environmental impacts posed by the Project, including but not limited to those related to traffic, parking, noise, construction, wetlands, public health and safety, and wildlife.

126. In making their Findings Statement, Respondents failed to attempt to minimize adverse environmental impacts and did not fully consider a full range of alternatives which would have mitigated the resulting environmental damage.

127. Respondents also failed to select an alternative that avoided or minimized adverse environmental impacts.

128. Upon information and belief, there may be other deficiencies in the SEQRA process that will be revealed upon filing the Record by the Respondents, such as lack of proper notices.

129. Therefore, the Findings Statement, including the DSGEIS and FSGEIS, were illegal, arbitrary and capricious, and they should be vacated and annulled, because the Project was not subjected to an adequate and proper environmental review under SEQRA.

AS AND FOR A SECOND CAUSE OF ACTION FOR ARBITRARY, CAPRICIOUS AND ILLEGAL ACTION IN VIOLATION OF AMHERST TOWN CODE CHAPTER 203 (ZONING CODE) AND CHAPTER 7 OF THE TOWN CODE, PETITIONERS ALLEGE AS FOLLOWS:

130. Petitioners repeat and reallege the allegations of paragraphs "1" through "129" of this Petition, as if set forth in this paragraph at length.

131. According to the PUD Plan and Findings Statement, "[p]ursuant to Zoning Code 6-9-2, the Town Board intends to adjust the regulations, standards and criteria of the Zoning Ordinance as part of the PUD process for the Amherst Central Park to implement the Conceptual

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Development Plan and future improvements that are not part of the Conceptual Development Plan."

132. Zoning Code Sections 6-9 and 8-4 establish the PUD "Process," which lays out the use regulations and development standards to be considered in the PUD.

133. Under Section 6-9-2(A), "Criteria, standards and regulations are hereby established *with respect to planning of land and the arrangements of buildings and open spaces* for those areas which are included in a PUD *and which require* development and *site plan approval*."

134. Section 8-4 then describes the actual PUD "Process Application," which goes over the processes for the application and review of the PUD application. Further, Section 8-2 Common Development Procedures is also cited in Section 8-4, which contains further application requirements, as well as notice and public hearing requirements that must be met.

135. However, the PUD Plan and FIRP go well beyond what is authorized by the Zoning Code and attempts to approve unpermitted and incompatible uses within the RC District without a use variance or rezoning.

136. Nowhere in the Zoning Code is there existing authority to create a "Facility Improvement Review Process," or anything resembling it, for approving Central improvements (such as the Community Theater Building at 31,600 sq. ft. feet and the Buffalo Niagara Heritage Village Museum at 36,000 square feet) via this PUD process.

137. Importantly, there is no mention in the FIRP of the necessary site plan approvals (after a public hearing) from the Planning Board for the Central Park improvements, which are still explicitly required even within an approved PUD. *See* Zoning Code 8-4-6E ("Amending the Zoning Map or approval of a PUD application does not constitute recording of a subdivision plat nor authorize the issuance of building permits. Such actions can only be taken after site plan

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approval in accordance with § 8-7 or subdivision approval in accordance with the Town of Amherst Subdivision Regulations.").

138. To the extent the FIRP is intended to circumvent site plan review approvals, it is unauthorized and unlawful.

139. In addition, there is no identification in the FIRP of procedures for designating the "Director of Facilities" and, other than list of certain Town officials, the "ACP Planning Team," and there are no definitions of the roles or procedures or criteria for the ACP Planning Team decision-making.

140. While the Town created the "Amherst Central Park Task Force," (Town Code Chapter 7) to "promote, stimulate, encourage and coordinate the pursuit of recreational activities in Amherst Central Park; encourage public input into the utilization of Amherst Central Park; promote the utilization of the Amherst Central Park by all members of the community and make appropriate recommendations in the development process concerning the Amherst Central Park," it appears the Task Force has no role in the FIRP.

141. Furthermore, even if the creation of this new process was authorized, it would still not be adequate.

142. The FIRP under the PUD Plan provides for only one opportunity for a Public Hearing, and only "if required by law, for the funding and the improvement proposed in the ACP Application." *See* DSGEIS at pgs. 1.6-1.8.

143. Given that the PUD gives the authority to not only "implement the Conceptual Development Plan" but also to implement "future improvements that are not part of the Conceptual Development Plan[,]" the Town should make extra effort to safeguard the public's opportunity to be involved in the creation and proposed additions to this "public" park.

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144. The PUD Plan as proposed would contain uses that are not permitted in the RC Zoning District. According to Zoning Code § 6-9-2(C), "[a]ll uses permitted in the underlying zoning district shall be permitted in a PUD as provided in this Section."

145. Further, according to Code § 8-4-5(C), a PUD development "must be consistent with all the applicable use regulations in Part 6 and the purpose statement of the zoning district in which it is located."

146. The Community Theater, Museum, and Winter Market are not permitted uses in the RC District. Additionally, the presence of the Community Theater, Museum, and Winter Market are incompatible with the purpose statement of the RC Zoning District, which is to "provide a special zoning classification primarily for public, private and civic uses related to recreation and conservation." Zoning Code § 5-9-1.

147. In addition, the proposed Museum also has elements that would allow for livestock to be present on the property, a use that is not explicitly allowed in the RC Zoning District and thus prohibited by the Town Code. Town Code § 99-2.

148. The Town's attempt to allow unpermitted uses in an RC District under the guise of a PUD, absent a zoning amendment or use variance, is unlawful and the PUD Plan should be annulled because it does not comply with the Zoning Code.

AS AND FOR A THIRD CAUSE OF ACTION FOR ARBITRARY, CAPRICIOUS AND ILLEGAL ACTION, PETITIONERS ALLEGE AS FOLLOWS:

149. Petitioners repeat and reallege the allegations of paragraphs "1" through "148" of this Petition, as if set forth in this paragraph at length.

150. Upon information and belief, and/or as may be further determined upon filing of the record of proceedings, the SEQRA review and any other approvals for the PUD Application,

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may otherwise be in violation of other laws, regulations and procedures, and/or arbitrary and capricious.

WHEREFORE, Petitioner respectfully requests that this Court grant an Order and Judgment, pursuant to CPLR Article 78, SEQRA, the Amherst Town Code, and/or otherwise: (1) vacating, annulling, and declaring illegal, invalid, null and/void: (a) the SEQRA Findings Statement, (b) the approval of the PUD Application and PUD Plan, and (c) the acceptance of the DSGEIS and FSDEIS; (2) directing Respondents to proceed with an alternative assessment in the FSGEIS for the Project that complies with SEQRA; and (3) granting such other and further relief as this Court deems just and proper, including Petitioners' costs and disbursements.

Dated: Rochester, New York
January 17, 2024

KNAUF SHAW LLP
Attorneys for Petitioner
Dwight E. Kanyuck, Esq., and
Samantha R. Rubino, Esq., of Counsel
2600 Innovation Square
100 South Clinton Avenue
Rochester, NY 14604
(585) 546-8430
dkanyuck@nyenvlaw.com
srubino@nyenvlaw.com

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VERIFICATION

STATE OF NEW YORK)
COUNTY OF MONROE) s.s.:

DWIGHT E. KANYUCK, an attorney admitted to practice in the State of New York, affirms under penalty of perjury that he is the attorney for Petitioners in this matter; that he maintains offices in Monroe County, which is a different county than Erie County, where Petitioner resides and maintain offices; that he has read the annexed Verified Petition, and that it is true to his knowledge, except as to the matters stated to be alleged upon information and belief, and as to such matters he believes them to be true.

Dated: January 17, 2024

DWIGHT E. KANYUCK

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