



Zoning Board of Appeals

Regular Meeting

Minutes

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

Francina J. Spoth
Town Clerk

Tuesday, September 17, 2024

6:30 PM

Amherst Municipal Building

I. CALL TO ORDER

Attendee Name	Organization	Title	Status	Arrived
Brian Bray	Town of Amherst	Member	Present	
Ronald Shubert	Town of Amherst	Member	Present	
Kelly J. Philips	Town of Amherst	Member	Present	
Ellen Parker	Town of Amherst	Member	Present	
Erik A. Goergen	Town of Amherst	Member	Present	
Vianne Uthman	Town of Amherst	Deputy Town Clerk	Present	
Daniel J. Ulatowski	Town of Amherst	Assistant Planning Director/ZEO	Present	
James Quinn	Town of Amherst	Assistant Planner	Present	
Nora B. Robshaw	Town of Amherst	Deputy Town Attorney	Present	

II. APPROVAL OF MINUTES

1. Tuesday, August 13, 2024

RESULT:	ACCEPTED [4 TO 0]
MOVER:	Kelly J. Philips, Member
SECONDER:	Ronald Shubert, Member
AYES:	Ronald Shubert, Kelly J. Philips, Ellen Parker, Erik A. Goergen
ABSTAIN:	Brian Bray

III. HEARINGS ON APPEALS

1. ZBA Item (ID # 29397)

438 Callodine Avenue- Area Variance

The petitioner's recently constructed fence is 4 feet in height within the required front yard, whereas, the zoning ordinance, does not permit fencing to exceed 3 feet in height within the required front yard.

RESULT:	ADJOURNED [UNANIMOUS]	Next: 10/16/2024 6:30 PM
MOVER:	Kelly J. Philips, Member	
SECONDER:	Ronald Shubert, Member	
AYES:	Bray, Shubert, Philips, Parker, Goergen	

2. ZBA Item (ID # 29399)

4023 Millersport Highway - Area Variance

The petitioner's dwelling will be 10.0 feet from the northerly property line, whereas, the zoning ordinance requires 30 feet minimum, and whereas, the proposed dwelling will be 768 s.f in area, whereas, 1,000 s.f of building area is required for a single story dwelling and 1,200 s.f. of area for a two story dwelling.

09/17/2024

Holly Koss of Kelkenberg Homes spoke and answered questions from the Board.

There were no speakers from the public, therefore Chairman Bray closed the public hearing.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Erik A. Goergen, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen

3. ZBA Item (ID # 29396)

205 Longmeadow Road - Area Variance

The petitioner's proposed electronic message center sign will be 35 feet from an residential zoning district, whereas, the zoning ordinance requires a minimum distance of 500 feet, and whereas, the proposed sign will be 8 feet from the north property line, whereas, a minimum of 15 feet is required.

09/17/2024

Lois Tripp and The Rev. Dr Daniel Pinti spoke and answered questions from the Board.

There were no speakers from the public, therefore Chairman Bray closed the public hearing.

RESULT:	APPROVED W/ CONDITIONS [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Erik A. Goergen, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen

4. ZBA Item (ID # 29398)

2499 Wehrle Drive - Area Variance

The petitioner's proposed development site is 0.37 acres in area, whereas, the zoning ordinance requires a 1 acre minimum lot area, and whereas, the proposed building will be 8 feet from the west property line, whereas, the zoning ordinance requires 15 feet minimum, and whereas, the vehicle use area will be 10 feet from the east property line and 8 feet from the west property line, whereas the zoning ordinance requires 25 feet and 10 feet respectively.

09/17/2024

Gregory Dionne spoke and answered questions from the Board.

There were no speakers from the public, therefore Chairman Bray closed the public hearing.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kelly J. Philips, Member
SECONDER:	Ronald Shubert, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen

5. ZBA Item (ID # 29400)

50 Dann Road & 550 Smith Road - Area Variance

The petitioner's parking area will be a minimum of 22.0 feet from the east property line, whereas, the zoning ordinance requires 25 feet, and whereas, the parking area along the Dann Road, will be (0) zero feet from the road right of way, whereas, the zoning ordinance requires 15 feet, and whereas, the detention basin will be a minimum of 5.5 feet from the road right of way whereas, a minimum of 10 feet is required, and whereas, some interior landscaping islands are not being provided as required.

09/17/2024

Jessica Boudreau spoke and answered questions from the Board.

There were no speakers from the public, therefore Chairman Bray closed the public hearing.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ronald Shubert, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen

6. ZBA Item (ID # 28964)

4795 Sheridan Drive- Area Variance

The petitioner's proposed building number 2 is 26.02 feet from the front property line, whereas, the zoning ordinance requires 55.16 feet minimum, and whereas, proposed building number 2 will be 35 feet from the east property line, whereas, the zoning ordinance requires 55.16 feet, and whereas, the proposed number of dwelling units will be (14) 2 bedroom units and (10) 1 bedroom units, which requires a minimum of 2.23 +/- acres whereas, the petitioner's parcel is 2.06 +/- acres, and whereas, the proposed vehicle use areas adjacent to both buildings will be a minimum of 9 feet from the main building wall, whereas, the zoning ordinance requires 15 feet minimum.

08/13/2024

Attny Sean Hopkins, on behalf of Petitioner Robert Savarino of RAS Development, spoke and answered questions from the Board.

Attorney Cole M. Knoer, spoke on behalf of the neighbors in opposition.

Marc DiGiore - 4785 Sheridan, Edward Marecki - 4765 Sheridan, Kathy Hudson, 212

Castlebrooke Ln, spoke in opposition

There were no further speakers from the public, therefore Acting Chairman Shubert closed the public hearing and allowed an additional 10 days for written testimony to be provided to the Town Clerk's Office.

06/18/2024

Attny Sean Hopkins and Petitioner Robert Savarino of RAS Development spoke and answered questions from the Board.

Attorney Cole M. Knoer, spoke on behalf of the neighbors in opposition.

Marc DiGiore - 4785 Sheridan, Edward Marecki - 4765 Sheridan, Carrie Wanamaker - 4775 Sheridan, spoke in opposition.

There were no further speakers from the public, therefore Chairman Bray closed the public hearing.

HISTORY:

05/14/24 Next: 06/18/24	Zoning Board of Appeals	ADJOURNED
06/18/24 Next: 08/13/24	Zoning Board of Appeals	ADJOURNED
08/13/24 Next: 09/17/24	Zoning Board of Appeals	ADJOURNED

ATTACHMENTS:

- Amended Variance Application 07/30/2024 (PDF)
- Phase 1A&B Cultural Resource Report-Date-08-08-24 (1) (PDF)
- Traffic Assessment-08-08-24 (PDF)
- Letter of No Impact NYSHPO (PDF)

RESULT:	APPROVED W/ CONDITIONS [UNANIMOUS]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ronald Shubert, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen

SEQR Determination

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Kelly J. Philips, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen

IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING

There being no further business to come before the Zoning Board of Appeals, Member Philips moved to adjourn, seconded by Member Georgan and unanimously approved 5-0. The Zoning Board of Appeals meeting of September 17, 2024 was adjourned at 7:12 PM.



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 09/17/24 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 29397

ZBA ITEM (ID # 29397)

ADJOURNED

438 Callodine Avenue- Area Variance

DRAFT RESOLUTION

WHEREAS, **Emdad Hossain** has made application for an Area Variance(s), under

SECTION: 7-5-3

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

438 Callodine Avenue within a R-4 Zoning District

The petitioner's recently constructed fence is 4 feet in height within the required front yard, whereas, the zoning ordinance, does not permit fencing to exceed 3 feet in height within the required front yard, AND

WHEREAS, a public hearing was held on **October 16, 2024** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance(s) is not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT an area variance from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT: **ADJOURNED [UNANIMOUS]**

Next: 10/16/2024 6:30 PM

MOVER: Kelly J. Philips, Member

SECONDER: Ronald Shubert, Member

AYES: Bray, Shubert, Philips, Parker, Goergen



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 09/17/24 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 29399

ZBA ITEM (ID # 29399)

APPROVED

4023 Millersport Highway - Area Variance

WHEREAS, Kenneth C. Cousins has made application for an Area Variance(s), under

- 1. SECTION: 2-5-4B(3) (setback)**
- 2. SECTION: 3-3-2B (bldg. area)**

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

4023 Millersport Highway within SA Zoning District

The petitioner's dwelling will be 10.0 feet from the northerly property line, whereas, the zoning ordinance requires 30 feet minimum, and whereas, the proposed dwelling will be 768 s.f in area, whereas, 1,000 s.f of building area is required for a single story dwelling and 1,200 s.f. of area for a two story dwelling, AND

WHEREAS, a public hearing was held on **September 17, 2024** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance(s) are not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT the area variances from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Erik A. Goergen, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 09/17/24 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.3

DOC ID: 29396

ZBA ITEM (ID # 29396)

APPROVED W/ CONDITIONS

205 Longmeadow Road - Area Variance

WHEREAS, **St. Peter's Episcopal Church** has made application for an Area Variance(s), under

- 1. SECTION: 7-8-4B2(b) - (distance to residential district)**
- 2. SECTION: 7-8-4B(1)(e) - (distance to ROW)**

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

205 Longmeadow Road within a CF Zoning District

The petitioner's proposed **electronic message center sign** will be **35 feet** from a residential zoning district, whereas, the zoning ordinance requires a minimum distance of **500 feet**, and whereas, the proposed sign will be **8 feet** from the **north property line**, whereas, a minimum of **15 feet is required**, AND

WHEREAS, a public hearing was held on **September 17, 2024** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance(s) are not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted

outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT, with the condition that the sign be turned off by 9:00 PM, the area variances from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED W/ CONDITIONS [UNANIMOUS]
MOVER:	Ronald Shubert, Member
SECONDER:	Erik A. Goergen, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 09/17/24 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 29398

ZBA ITEM (ID # 29398)

APPROVED

2499 Wehrle Drive - Area Variance

WHEREAS, **Zachary Harner** has made application for an Area Variance(s), under

- 1. SECTION: 4-9-1B (lot area)**
- 2. SECTION: 4-9-1B (building setbacks)**
- 3. SECTION: 4-9-1B (vua setbacks)**

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

2499 Wehrle Drive within a RD Zoning District

The petitioner's proposed development site is **0.37 acres** in area, whereas, the zoning ordinance requires a **1 acre minimum** lot area, and whereas, the proposed **building** will be **8 feet** from the **west** property line, whereas, the zoning ordinance requires **15 feet** minimum, and whereas, the **vehicle use area** will be **10 feet** from the **east** property line and **8 feet** from the **west** property line, whereas the zoning ordinance requires **25 feet** and **10 feet** respectively, AND

WHEREAS, a public hearing was held on **September 17, 2024** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance(s) are not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted

outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT the area variances from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kelly J. Philips, Member
SECONDER:	Ronald Shubert, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 09/17/24 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

3.5

DOC ID: 29400

ZBA ITEM (ID # 29400)

APPROVED

50 Dann Road & 550 Smith Road - Area Variance

WHEREAS, the Town of Amherst has made application for an Area Variance(s), under

- 1. SECTION: 5-9-2B (VUA setback)**
- 2. SECTION: 2-5-2A(4) (detention basin)**
- 3. SECTION: 7-2-3A(3)(b) (islands)**

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

50 Dann Road & 550 Smith Road within RC Zoning District

The petitioner's **parking area** will be a minimum of **22.0 feet** from the **east** property line, whereas, the zoning ordinance requires **25 feet**, and whereas, the **parking area** along the **Dann Road**, will be **(0) zero feet** from the road right of way, whereas, the zoning ordinance requires **15 feet**, and whereas, the **detention basin** will be a minimum of **5.5 feet** from the road right of way whereas, a minimum of **10 feet** is required, whereas, some interior landscaping islands are not being provided for each 15 parking spaces, AND

WHEREAS, a public hearing was held on **September 17, 2024** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance(s) are not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT the area variances from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ronald Shubert, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen



Zoning Board of Appeals

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

Francina J. Spoth
Town Clerk

Meeting: 09/17/24 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 28964 A

ZBA ITEM (ID # 28964)

APPROVED W/ CONDITIONS

4795 Sheridan Drive- Area Variance

WHEREAS, **RAS Development I, LLC** has made application for an Area Variance(s), under

- 1. SECTION: 3-15-5A(4) (front setback)**
- 2. SECTION: 3-15-5A(4) (side setback)**
- 3. SECTION: 3-11-B(2) (unit quantity)**
- 4. SECTION: 3-15-6 (VUA setback)**

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

4795 Sheridan Drive with a MFR-5 Zoning District

The petitioner's proposed **building number 2** is **26.02 feet** from the **front property line**, whereas, the zoning ordinance requires **55.16 feet** minimum, and whereas, proposed **building number 2** will be **35 feet** from the **east property line**, whereas, the zoning ordinance requires **55.16 feet**, and whereas, the proposed **number of dwelling units** will be (14) 2 bedroom units and (10) 1 bedroom units, which requires a minimum of **2.23 +/- acres** whereas, the petitioner's parcel is **2.06 +/- acres**, and whereas, the proposed **vehicle use areas** adjacent to both buildings will be a minimum of **9 feet** from the main building wall, whereas, the zoning ordinance requires **15 feet** minimum.

WHEREAS, a public hearing was held on **August 13, 2024** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance(s) are not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law and further elaborated in the attached findings of fact; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office and supported by a record of findings of fact;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT an area variance from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst subject to the following conditions:

1. The architecture of the buildings shall be generally consistent with the appearance and material depicted on the color building rendering plans prepared by Sutton Architecture PLLC as reviewed by the Zoning Board of Appeals during its meeting on August 13, 2024. The Planning Department will confirm compliance with this condition during the Site Plan Application review process for the project.
2. The Applicant shall be required to install a six foot (6') tall privacy fence and landscaping along the western edge of the portion of the Project Site to be developed in a manner consistent with the Site Plan [Drawing C-100] dated July 29, 2024 prepared by Carmina Wood Design. The Planning Department will confirm compliance with this condition during the Site Plan Application review process for the project.

RESULT:	APPROVED W/ CONDITIONS [UNANIMOUS]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ronald Shubert, Member
AYES:	Bray, Shubert, Philips, Parker, Goergen



Area Variance Application

Town of Amherst – Planning Department

Applicant Information

Property Owner Name(s): Bruce Platt c/o Michael Blinkoff, Esq.

Phone Number: 716-332-6014 Email: mblinkoff@blinkoff.com

Address: 501 JJ Audubon Parkway, Suite 400 City: Amherst State: NY Zip: 14228

Applicant Name(s): RAS Development I, LLC c/o Sean Hopkins, Esq.

Phone Number: 716-510-4338 Email: shopkins@hsmlegal.com

Address: 5500 Main Street, Suite 343 City: Williamsville State: NY Zip: 14221

Property Information

Address: 4795 Sheridan Drive

SBL No.: 173.11-1-15 Zoning District: MFR-5

Project Description

Current Use: Vacant land

Proposed Use: Multifamily residential

Briefly Describe the Proposed Project (attach additional information if necessary):

Justification for the requested relief being sought from the Zoning Board of Appeals is attached as Exhibit "2".

Reduced-size copies of the updated Site Plan [Drawing C-100] and Site Plan with Contours prepared by Carmina Wood Design are provided at Exhibit "3".

☐ I have the following conflicts pursuant to section 809 of the General Municipal Law as follows (see conflict disclosure on back of instruction page)

Not Applicable

A completed Amended Part 1 of the Full Environmental Assessment Form dated July 30, 2024 is attached as Exhibit "1".

Office Use Only

The applicant is appealing the decision of the Zoning Enforcement Officer to not approve a

The issuance of building permits for the proposed multifamily buildings. A description of the four area variances being requested from the Zoning Board of Appeals is provided in Part II of the attached Exhibit "2".

Appl. No. _____

TOWN CLERK USE

DATE: _____

TIME: _____

REC'D BY: _____

Date Filed: 07/30/24

Mtg. Date 08/13/24

Accepted By: _____

7/23/2021 X:\ZBA Forms\TOA area variance application_07_27_2021.docx

1 of 3



Area Variance Application

Town of Amherst – Planning Department

Area Variance Request

No area variance will be granted without a showing by you (the applicant) that the following have been addressed. Attach any supporting materials to support your case.

1. **Character of Neighborhood.** Describe whether an undesirable change will be produced in the character of the neighborhood or if a detriment to nearby properties will be created if a variance is granted.
Justification for the requested area variances pursuant to the statutory balancing test and the applicable five criteria pursuant to NYS Town Law Section 267-b(3)(b) is provided at the attached Exhibit "2".

2. **Other Alternatives.** Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance being granted:
Justification for the requested area variances pursuant to the statutory balancing test and the applicable five criteria pursuant to NYS Town Law Section 267-b(3)(b) is provided at the attached Exhibit "2".

3. **Substantial.** Describe whether or not the requested variance is substantial in nature:
Justification for the requested area variances pursuant to the statutory balancing test and the applicable five criteria pursuant to NYS Town Law Section 267-b(3)(b) is provided at the attached Exhibit "2".

4. **Physical or Environmental Conditions.** Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.
Justification for the requested area variances pursuant to the statutory balancing test and the applicable five criteria pursuant to NYS Town Law Section 267-b(3)(b) is provided at the attached Exhibit "2".

5. **Not self-created.** Describe if the alleged difficulty was self-created (did you cause the need for the variance). This response shall be considered by the Board of Appeals but shall not necessarily preclude the granting of the variance:
Justification for the requested area variances pursuant to the statutory balancing test and the applicable five criteria pursuant to NYS Town Law Section 267-b(3)(b) is provided at the attached Exhibit "2".

Attachment: Amended Variance Application 07/30/2024 (28964 : 4795 Sheridan Drive- Area Variance)



Area Variance Application

Town of Amherst – Planning Department

6. **Benefit to Applicant.** Describe how the requested variance would benefit you and your project.

Justification for the requested area variances pursuant to the statutory balancing test and the applicable five criteria pursuant to NYS Town Law Section 267-b(3)(b) is provided at the attached Exhibit "2".

Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): RAS Development I, LLC

Property owner or applicants signature: *[Signature]*

Date: July 30, 2024



If the applicant is not the property owner, has a letter of permission allowing the applicant to file this application been provided.

STATE OF NEW YORK COUNTY OF ERIE

On the 30th day of July in the year 2024 before me,
The above individual personally appeared, 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/they executed the same for
the purposes therein stated.

WITNESS my hand and official seal:

Signature of Notary Public

Marianne Brautlacht

Print Name

MARIANNE BRAUTLACHT
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 01/14/2026

Office Use Only

☐ SEQR is not required. ☐ 239M is applicable _____

☐ The applicant is also seeking a _____ which is attached.

**Exhibit 1 – Part 1 of Full Environmental
Assessment Form dated April 24, 2024**

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Proposed Multifamily Project		
Project Location (describe, and attach a general location map): 4795 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 2.1 acre Project Site at 4795 Sheridan Drive as a proposed multifamily project consisting of two-buildings totaling 24 units [10 1-bedroom units and 14 2-bedroom units] along with all proposed site improvements and the demolition of the existing structures. The project layout is depicted on the Site Plan and Site Plan with Contours [Drawing C-100] prepared by Carmina Wood Design. The proposed action has been defined broadly to include all required discretionary approvals and permits as well as all proposed site improvements including the two proposed multifamily buildings, access aisles and parking spaces, lighting, storm water management improvements and all required utility improvements. The project purpose is to redevelop the Project Site as a multifamily project per the existing MFR-5 zoning classification of the Project Site. The Project Sponsor believes the project will not result in any potentially significant adverse environmental impacts and that the issuance of a negative declaration is both appropriate and justified.		
Name of Applicant/Sponsor: RAS Development I, 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): Bruce Platt, c/o Michael Blinkoff, Esq.	Telephone: 716-332-6014 E-Mail: mblinkoff@blinkoff.com	
Address: 501 JJ Audubon Parkway, Suite 400		
City/PO: Amherst	State: NY	Zip Code: 14228

Attachment: Amended Variance Application 07/30/2024 (28964 : 4795 Sheridan Drive- Area Variance)

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, ☐ Yes ☒ No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission ☒ Yes ☐ No	Site Plan Approval - Planning Board	To be Determined
c. City, Town or Village Zoning Board of Appeals ☒ Yes ☐ No	Area Variances - Zoning Board of Appeals	April 2024
d. Other local agencies ☒ Yes ☐ No		
e. County agencies ☒ Yes ☐ No	DSCA - Erie County Health Dept; ECWA - Water	To be Determined
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☒ Yes ☐ No	NYSDOT - Highway Work Permit, DEC - SPDES Permit	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 [Note: The Town has an approved Local Waterfront Waterfront Revitalization Program.]

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: Amended Variance Application 07/30/2024 (28964 : 4795 Sheridan Drive- Area Variance)

C.3. Zoning**3.6.a**

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?

Multifamily Residential District Five ("MFR-5")

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

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

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

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

Town of Amherst Police Department

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

Fire district in which the Project Site is located.

d. What parks serve the project site?

Various parks including 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)? Multifamily Residential

b. a. Total acreage of the site of the proposed action? 2.06 acres

b. Total acreage to be physically disturbed? 1.35 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2.06 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

• Total number of phases anticipated _____

• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year

• Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses?

☒ Yes ☐ No

3.6.a

If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	24
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: Stormwater runoff
- ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☒ Other specify: Surface stormwater runoff
- iii. If other than water, identify the type of impounded/contained liquids and their source. _____
- iv. Approximate size of the proposed impoundment. Volume: _____ TBD million gallons; surface area: _____ acres
- v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
- vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): Underground chamber system

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: Amended Variance Application 07/30/2024 (28964 : 4795 Sheridan Drive- Area Variance)

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: _____ 4600 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: _____ 4180 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 sewer.

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 WWTP
- Name of district: Town of Amherst Consolidated 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

- Do existing sewer lines serve the project site?
- Will a line extension within an existing district be necessary to serve the project?

☒ Yes ☐ No
☐ 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 0.9 acres (impervious surface)

_____ Square feet or 2.1 acres (parcel size)

ii. Describe types of new point sources. building roofs, pavement parking lot

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 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 (CO₂)
- _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?

☐ Yes ☒ No

3.6.a

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 a.m. to 5:00 p.m.
- Saturday: As needed
- Sunday: Not applicable
- Holidays: Not applicable

ii. During Operations:

- Monday - Friday: Not applicable - residential project
- Saturday: _____
- Sunday: _____
- Holidays: _____

Attachment: Amended Variance Application 07/30/2024 (28964 : 4795 Sheridan Drive- Area Variance)

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?

☒ Yes ☐ No

3.6.a

If yes:

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

The project will result in short-term unavoidable noise impacts during construction resulting from construction activities during hours as listed above previously.

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:

The lighting will be dark sky compliant without any lighting spillover onto adjacent properties per the Town's lighting standards.

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:

s. Does the proposed action include construction or modification of a solid waste management facility?

☐ Yes ☒ No

3.6.a

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 County Club

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	0.9	+ 0.9
• 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: <u>Greenspace and Landscaping</u>	2.1	1.2	- 0.9

c. Is the project site presently used by members of the community for public recreation?

☐ Yes ☒ No

3.6.a

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: Amended Variance Application 07/30/2024 (28964 : 4795 Sheridan Drive- Area Variance)

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? _____ >5 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:

Hudson silty clay loam	34 %
Schoharie silt loam	66 %
_____	_____ %

d. What is the average depth to the water table on the project site? Average: _____ 2 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%: _____ 75 % of site
☐ 10-15%: _____ % of site
☒ 15% or greater: _____ 25 % 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? [The project has been designed to avoid impacts to both the designated Floodway and the 100 yr. Floodplain on the rear of the Project Site.] ☒ Yes ☐ No

j. Is the project site in the 100-year Floodplain? ☒ Yes ☐ No

k. Is the project site in the 500-year Floodplain? ☒ Yes ☐ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No

If Yes:

i. Name of aquifer: _____

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

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: _____

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

3.6.a

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 five 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

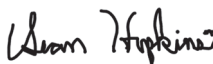
Attach any additional information which may be needed to clarify your project.

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.

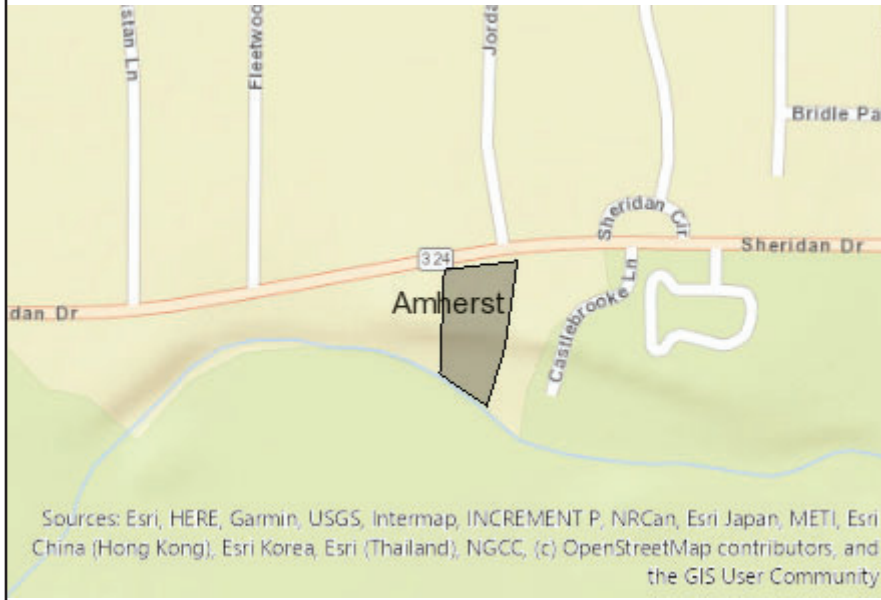
G. Verification

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

Applicant/Sponsor Name RAS Development I, LLC Date July 30, 2024

Signature  Title Counsel for Project Sponsor

PRINT FORM



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



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	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]	Yes
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
E.2.o. [Endangered or Threatened Species]	No

E.2.p. [Rare Plants or Animals]	No	3.6.a
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	

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
Hudson Silty Clay Loam	☒				
Schocharie silt loam	☒				

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

[to be submitted at a later date] ☒ Geotechnical report attached ☐ Not applicable

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

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

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

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

4795 Sheridan Drive - 2.1 ac

4774 & 4780 Sheridan Drive - 5.03 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 10
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:

5,720 average flow 24,611 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.)

**Exhibit 2 – Description of Requested Area
Variances & Justification for Requested
Area Variances for the Proposed Project
Pursuant to The Balancing Test and Five
Criteria Contained in NYS Town Law
Section 267-b(3)(b)**

EXHIBIT 2

AMENDED DESCRIPTION OF REQUESTED AREA VARIANCES PROPOSED MULTIFAMILY PROJECT AT 4795 SHERIDAN DRIVE TOWN OF AMHERST ZONING BOARD OF APPEALS

I. Introduction and Updated Description of the Proposed Multifamily Project:

The Applicant is seeking area variances in connection with the proposed multifamily project to be located at 4795 Sheridan Drive. The project layout depicted on the updated Site Plan prepared by Carmina Wood Design consists of a 14-unit building and 10-unit building [total of 24 units] along with related site improvements including the required 52 parking spaces including 4 garage spaces]. Reduced-size copies of the updated Site Plan and the updated Site Plan with Contours showing the layout of the proposed multifamily project along with a reduced-size copy of the Survey of the Project Site are provided at **Exhibit “3”**. A color version of the Site Plan is provided at **Exhibit “4”**. Updated color building renderings prepared by Sutton Architecture PLLC are provided at **Exhibit “5”**. Additionally, an Amended Waterfront Consistency Form dated July 30, 2024 is attached as Exhibit “6”.

II. Description of Requested Area Variances and Justification for Requested Area Variances:

The proposed multifamily project requires the following area variances from the Zoning Board of Appeals (“ZBA”):

1. **The front yard setback of Building #2 is less than permitted pursuant to Section 203-3-15-5A(4) of the Zoning Code [55.16 ft. required based on mean building height of 27.58 ft. vs. 26.02 ft. proposed].**
2. **The side yard setback on the east side of building #2 is less than permitted pursuant to Section 203-3-15-5A(4) of the Zoning Code [55.16 ft. required for Building #2 based on mean building height of 27.58 ft. (long side of building) vs. 35 ft. proposed].**

[Note: The property directly to the east of the Project Site consists of a National Grid utility Right-of-Way. National Grid has advised the Applicant that buildings must be located 10 ft. from the western edge of the on-site National Grid easement area.]

3. **The lot area is less than required pursuant to Section 203-3-11-B(2) of the Zoning Code [Lot area of 2.05 existing vs. 2.23 acres proposed].**

[Note: There are 14 2-bedroom units and 10 1-bedroom units].

4. **The proposed on-site vehicle parking areas fronts both Building #1 and #2 but is located closer than the minimum buffer required pursuant to Section 203-3-15-6 of the Zoning Code [15 ft. required along main wall vs. 6 ft. minimum proposed].**

III. Justification for Requested Area Variances:

NYS Town Law §267-b(3)(b) sets forth a statutorily mandated balancing test to be considered by a Zoning Board of Appeals (“ZBA”) in connection with its review of a request for area variances. The statutorily mandated balancing test requires a zoning board of appeals to balance the benefits that will be realized if the requested relief is granted against the resulting detriments to the health, safety and welfare of the community.

The granting of the requested area variances will result in substantial benefits to the Applicant since it will allow the Applicant to proceed with the proposed multifamily project pursuant to the project layout depicted on the updated Concept Site Plan. In applying the statutorily mandated balancing test set forth above, NYS Town Law §267-b(3)(b) requires a ZBA to consider five criteria as described below:

1. **Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variances?**

The granting of the requested area variances by the ZBA will not create an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed multifamily buildings to be constructed on the Project Site will feature high quality architectural materials. The updated color building renderings as prepared by Sutton Architecture PLLC are provided at **Exhibit “4”**. The granting of the requested east side yard building setback area variances as measured from the National Grid Right-of-Way directly east of the Project Site are

beneficial since otherwise the buildings would need to be located closer to the western boundary of the Project Site.

2. Whether the benefits sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than area variances?

It would not be possible for the Applicant to receive the benefits it will receive if the requested area variances are granted without seeking relief from the Zoning Board of Appeals. There are not any feasible alternatives to the requested area variances that would eliminate the need for the requested area variances while simultaneously allowing the Applicant to receive the benefits it will receive if the requested area variances are granted in furtherance of the updated project layout.

3. Whether the requested area variances are substantial?

The reason the magnitude of the variance is relevant is that, generally, the larger the difference the more likely it is that a negative effect would be generated. See Matter of Human Development Services of Port Chester v. Zoning Board of Appeals of the Village of Port Chester, 110 A.D.2d 135, aff'd, 67 N.Y.2d 702. However, in any particular case, the facts may demonstrate that while a variance may seem noteworthy on paper, no negative effect would be produced and, accordingly, the sought-after variance should be granted.

For example, in Matter of Frank v. Scheyer, 227 A.D.2d 558, 642 N.Y.S.2d 956 (2d Dept. 1996), the parcel was 19,983 square feet. However, the zoning code required a minimum lot size of one acre or 43,560 square feet. The variance at issue was more than 54%. Nevertheless, based on the facts presented, no harm would result to the community and the Court directed the zoning board of appeals to grant the application. The Court took similar action in Matter of Shaughessy v. Roth, 204 A.D.2d 333, 611 N.Y.S.2d 281 (2d Dept. 1994), in which the premises contained 50 feet of frontage and 5,000 square feet of area. The zoning code required 80 feet of frontage and a

minimum lot size of 10,000 square feet. Accordingly, the application concerned a 50% reduction in lot area coupled with a second area variance seeking a 62.5% reduction from the required frontage. Nevertheless, based on the facts in the record, the Court directed the respondents to issue the variances. Additionally, in Matter of Sasso v. Osgood, 86 N.Y.2d 374 (1995), the applicant sought area variances for a 60% reduction in lot area and a 50% reduction in lot width. Based on all of the facts presented, the Court of Appeals, the State’s highest court, overturned the holding of the appellate court and directed that the requested area variances be granted.

Merely because requested area variances may seem noteworthy on paper does not mean that any “harm” would be generated on the surrounding community, and it is “harm” that is balanced against the interest of the applicant according to the Town Law §267-b(3) test. As mentioned previously, the granting of the requested area variances in furtherance of the proposed multifamily project will not result in any “harm” on the surrounding community.

4. Whether the proposed variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The granting of the requested area variances will not have any adverse effects or impacts on physical or environmental conditions in the neighborhood. A completed Amended Part 1 of the Full Environmental Assessment Form dated July 30, 2024 prepared pursuant to the State Environmental Quality Review Act (“SEQRA”) is provided at **Exhibit “1”**. It is also important to mention that the proposed multifamily project will also require Site Plan Approval from the Planning Board which will trigger the need to submit detailed technical documentation including engineered plans and a SWPPP with Engineer’s Report prepared by Carmina Wood Design demonstrating the project will comply with all applicable technical standards for stormwater management, lighting, etc.

5. Whether the alleged difficulty was self-created?

Town Law Section 267-b(3)(b) expressly states that the issue of whether an alleged difficulty is self-created cannot be utilized as the sole criteria in determining whether to grant a requested area variance. It is the position of the Applicant that while the alleged difficulty can be viewed as being self-created since the Applicant has knowledge of the MFR-5 zoning of the Project Site, the overall balancing test and the other four statutory criteria provides ample justification for the granting of the requested area variances.

IV. Conclusion:

The Applicant requests that the Zoning Board of Appeals grant the relief being sought in connection with the proposed multifamily project. The granting of the requested area variances is justified since the benefits that will be received by Applicant if the requested area variances are granted clearly outweighs any resulting detriments per the statutorily mandated balancing test and five criteria.

**Exhibit 3 – Reduced-Size Copy of the
Updated Site Plan and the Updated Site Plan
with Contours as Prepared by Carmina Wood
Design & Reduced-Size Copy of Survey of
Project Site**

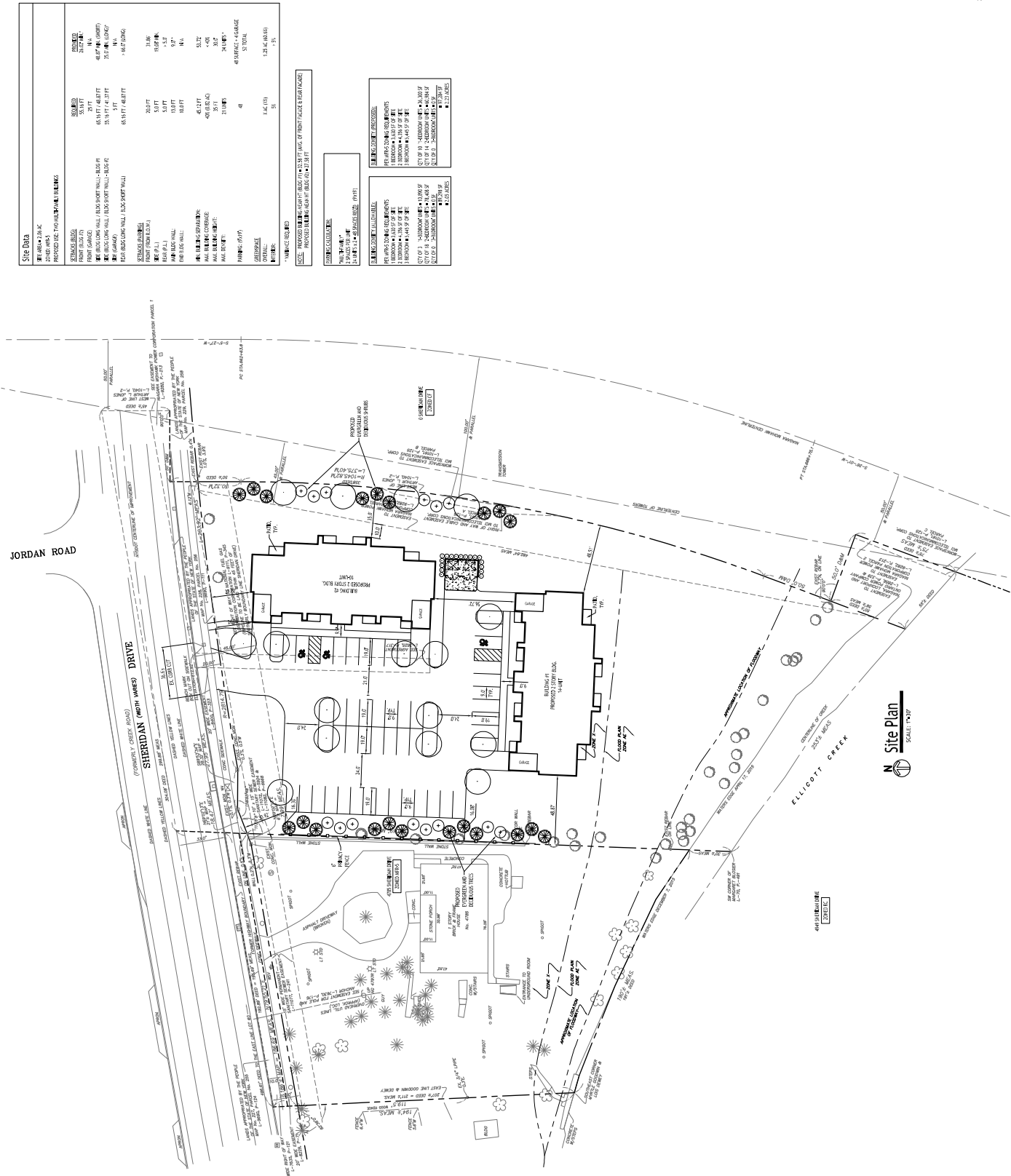


Exhibit 4 – Color Copy of the Site Plan



**Exhibit 5 – Updated Color Building
Renderings prepared by
Sutton Architecture PLLC**



3.6.a



3.6.a

**Exhibit 6 – Amended Waterfront Consistency
Form dated July 30, 2024**



TOWN OF AMHERST PLANNING DEPARTMENT

**Local Waterfront Revitalization Program (LWRP)
Waterfront Assessment Form (WAF)****To Be Completed By Applicant****A. INSTRUCTIONS** (Please print or type all answers)

1. Applicants shall complete this Waterfront Assessment Form (WAF) for proposed actions that are located within the Town of Amherst Waterfront Revitalization Area (WRA) and are subject to compliance with the Town's LWRP Consistency Review Law. This assessment is intended to supplement other information used by Town agencies (departments and boards) in making a determination that the proposed action will be consistent with the policies of the approved Amherst Local Waterfront Revitalization Program (LWRP). It is also used in the making of a determination of significance pursuant to the State Environmental Quality Review (SEQR) Act.
2. Before answering the questions in Section C, the preparer of this form should review the policies and policy explanations contained in Section III of the Town of Amherst LWRP, a copy of which is available on the Town website (https://www.amherst.ny.us/content/projects.php?dept_id=dept_15&proj_id=proj_07&neworder=00). A proposed action should be evaluated based on beneficial and adverse effects upon resources in the Waterfront Revitalization Area and its consistency with the LWRP policy standards.
3. If any questions in Section C on this form are answered "yes", the proposed action may not be consistent with the LWRP policy standards, as contained in the Town of Amherst LWRP Consistency Review Law in such cases, the action should be analyzed in more detail and, if necessary, modified prior to making a final determination of consistency with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Name of applicant: Robert A. Savarino c/o RAS Development I, LLC
Organization/Affiliation: RAS Development I, LLC
Mailing address: 4758 North French Road, Amherst, NY 14051
Telephone number: (716) 908-8322 email: robert.savarino@ccim.net

Name of Landowner: Bruce L. Platt
Mailing address: 1050 Blanche Street, Apartment 412, West Palm Beach, FL 3401
Telephone number: (N/A) N/A email: N/A
2. **Project Location**
Property Tax Identification Section Block Lot (SBL) number: 68.04-1-5.11
Location of action (Street or Site Description and nearest intersection):
The parcel is situated on the southern side of Sheridan Drive located at 4758 Sheridan Drive
approximately 2,865' from the intersection of Sheridan Drive and Mill Street.
3. Size of site (acres): 2.1+/-
4. Amount of site to be impacted (acres): Approximately 1.4 acres

TOWN OF AMHERST LWRP WATERFRONT ASSESSMENT FORM

5. Present land use: Vacant Land (Single Family Home Previously Demolished)
6. Present zoning classification: Multi-Family District 5 ("MFR-5")
7. Describe nature and extent of action: _____
The Project consists of two (2) multifamily buildings consisting of a total of twenty four (24) units
along with related site improvements including 52 parking spaces [including 4 attached garage
spaces]. Reduced-sized copies of the Site Plan and Site Plan with Contours both dated July 29,
2024 along with a reduced sized copy of the survey of the Project Site are attached as Exhibit "1".

8. Type of Action (complete appropriate response):
- a. Directly undertaken (e.g., construction, planning, regulation, land transaction)
New Construction

- b. Financial assistance for project (e.g., grant, loan, subsidy):
No financial assistance is being requested for the Project.

- c. Applicant permit, approval, license, or certificate:
The Applicant is seeking area variances from the Zoning Board of Appeals. The project
will also require Site Plan Approval from the Planning Board.

- d. Name of Agency undertaking the action: _____
Zoning Board of Appeals

9. Describe any unique or unusual landforms on the project site (i.e., wetlands, creeks, other geological formations):
Not Applicable.

10. Percentage of site that contains slopes of 15% or greater: Approximately 21%
11. Streams, lakes, ponds or wetlands (state or federal regulated) existing within or continuous to the project area?
 (a) Name Ellicott Creek
 (b) Size (in acres) Not Applicable
12. Is the property serviced by public water? YES ☒ NO ☐
13. Is the property serviced by public sewer? YES ☒ NO ☐
14. Will the action be directly undertaken or require funding or approval by a State or federal agency?
 YES ☒ NO ☐
 If yes, which State or federal agency? _____

TOWN OF AMHERST LWRP WATERFRONT ASSESSMENT FORM**C. WATERFRONT ASSESSMENT** (Check either "Yes" or "No" for each of the following questions). If the answer to any question in Section C is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

- | | | | |
|----|---|--------------------------|-------------------------------------|
| 1. | Will the proposed action be located in, contiguous to, or have a potentially adverse effect upon any of the resource areas found within the waterfront area identified in the Amherst LWRP? | YES | NO |
| | | ☐ | ☒ |
| | (a) Locally significant fish or wildlife habitats? | ☐ | ☒ |
| | (c) Important scenic view/vistas ¹ ? | ☐ | ☒ |
| | (d) Historic or cultural resources of significance? | ☐ | ☒ |
| 2. | Will the proposed action have a significant effect upon: | YES | NO |
| | (a) Scenic quality of the waterfront environment? | ☐ | ☒ |
| | (b) Development of future or existing water-dependent uses? | ☐ | ☒ |
| | (c) Designated State or Federal freshwater wetlands? | ☐ | ☒ |
| | (d) Recreational use of fish and wildlife resources? | ☐ | ☒ |
| | (e) Existing or potential public recreation opportunities? | ☐ | ☒ |
| | (f) Structures, sites, or districts of historic, archaeological or cultural significance in the Town of Amherst? | ☐ | ☒ |
| | (g) Stability of the Ellicott/Tonawanda Creek shoreline? | ☐ | ☒ |
| | (h) Surface or groundwater quality? | ☐ | ☒ |
| 3. | Will the proposed action involve or result in any of the following: | YES | NO |
| | (a) Physical alteration of land along the shoreline, underwater land, or surface waters? | ☐ | ☒ |
| | (b) Physical alteration of two (2) acres or more of land located elsewhere in the waterfront area? | ☐ | ☒ |
| | (c) Expansion of existing public services or infrastructure in undeveloped or low-density areas along the waterfront? | ☐ | ☒ |
| | (d) Excavation, filling or dredging in surface waters? | ☐ | ☒ |
| | (e) Reduction of existing or potential public access to or along the shoreline? | ☐ | ☒ |
| | (f) Sale or change in use of publicly owned lands located on the shoreline or on lands underwater? | ☐ | ☒ |
| | (g) Development within a designated flood hazard area? | ☐ | ☒ |
| | (h) Development in areas that provide protection against flooding or erosion? | ☐ | ☒ |
| | (i) Construction or reconstruction of erosion protective structures? | ☐ | ☒ |
| | (j) Diminished or degraded surface or groundwater quantity and/or quality? | ☐ | ☒ |
| | (k) Removal of ground cover from the site? | ☐ | ☒ |
| | (l) Siting or Construction of an energy generation facility not subject to Article VII or VIII of the Public Service Law? | ☐ | ☒ |

4. Project

¹ LWRP Scenic Views available on Town of Amherst Website
https://www.amherst.ny.us/pdf/planning/lwrp/231212_high_res_maps.pdf

TOWN OF AMHERST LWRP WATERFRONT ASSESSMENT FORM

	YES	NO
(a) If a project is to be located adjacent to the shore:		
(1) Does the project require a waterfront location?	☐	☒
(2) Will water-related recreation be provided?	☐	☒
(3) Will public access to the foreshore be provided?	☐	☒
(4) Will it eliminate or replace a water-dependent use?	☐	☒
(5) Will it eliminate or replace a recreational use or resource?	☐	☒
(b) Is the project site presently used by the community or neighborhood as an open space or recreation area?	☐	☒
(c) Will the project protect, maintain, and/or increase the level and type of public access to water-related recreation facilities?	☐	☒
(d) Does the project presently offer or include scenic views or vistas that are known to be important to the community?	☐	☒
(e) Is the project site presently used for recreational fishing?	☐	☒
(f) Will the surface area of the Ellicott/Tonawanda Creek corridor or wetland areas be increased or decreased by the proposal?	☐	☒
(g) Is the project located in a flood prone area?	☐	☒
(h) Is the project located in an area subject to erosion?	☐	☒
(i) Will any mature forest (over 100 years old) or other locally important vegetation be removed by the project?	☐	☒
(j) Do essential public services or facilities presently exist at or near the site?	☐	☒
(k) Will the project involve surface or subsurface liquid waste disposal?	☐	☒
(l) Will the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?	☐	☒
(m) Will the project involve shipment or storage of petroleum products?	☐	☒
(n) Will the project involve the discharge of toxics, hazardous substances or other wastes or pollutants into coastal waters?	☐	☒
(o) Will the project involve or change existing ice management practices?	☐	☒
(n) Will the project alter drainage patterns or surface water runoff flowing on, to or from the site?	☐	☒
(p) Will best management practices be utilized to control storm water runoff into coastal waters?	☐	☒
(q) Will the project cause emissions that would exceed federal or State air quality standards or generate significant amounts of nitrates or sulfates?	☐	☒
(r) Will the project affect any area designed as a freshwater wetland?	☐	☒
(s) Will the project utilize or affect the quality or quantity of surface waters or sole source water supply?	☐	☒

TOWN OF AMHERST LWRP WATERFRONT ASSESSMENT FORM**D. REMARKS OR ADDITIONAL INFORMATION TO SUPPORT OR DESCRIBE ANY ITEM(S) CHECKED "YES"** Include the question number in description below. (Add any additional sheets necessary)

Question 3(k) - The proposed project will result in a reduction of the lawn area located on the Project Site. The proposed project will result in approximately .9 acres of impervious surfaces on the Project Site. Landscaping will be provided on the Project Site in accordance with a Landscape Plan to be prepared by a licensed landscape architect.

Question 4(g) - The southern portion of the Project Site that will not be developed that includes regulated floodway and 100-yr. floodplain associated with Ellicott Creek. The location of the floodway and 100-yr. floodplain is depicted on the Site Plan with Contours [Drawing C-100 - Date: 07/29/24].

If you require assistance or further information in order to complete this form, please contact the Town of Amherst Planning Department (phone: 716-631-7051). Please submit completed form, along with one copy of a site plan application materials/plat plan to:

**Town of Amherst Planning Department
5583 Main St.
Williamsville, NY 14221
P: (716) 631-7051**

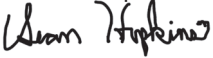
X:\Current_Planning\Application Forms for website\LWRP\Waterfront Assessment Form.docx

E. VERIFICATION

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

Applicant: RAS Development I LLC

Date: July 30, 2024

Signature: 

Title: Counsel for Applicant

Attachment: Amended Variance Application 07/30/2024 (28964 : 4795 Sheridan Drive- Area Variance)

**Phase I (IA and IB) Cultural Resource Investigations for the
Proposed 4795 Sheridan Drive Multi-Family Development Project,
Town of Amherst, Erie County, New York**

NYSOPRHP Review # 24PR03932

Prepared For

RAS Development I, LLC
4758 North French Road
East Amherst, NY 14051

August 8, 2024

By

Powers Archaeology LLC
180 Avon Road
Rochester, NY 14625
Ph: (585) 266-4180
www.powersarchaeology.com

Attachment: Phase 1A&B Cultural Resource Report-Date-08-08-24 (1) (28964 : 4795 Sheridan Drive- Area Variance)

REPORT ACKNOWLEDGMENTS

Powers Archaeology LLC would like to thank Mr. Patrick Sheedy Jr., P.E. of Carmina Wood Design for his efficient contract administration and helpful communications concerning the details of the project.

Attachment: Phase 1A&B Cultural Resource Report-Date-08-08-24 (1) (28964 : 4795 Sheridan Drive- Area Variance)

Table of Contents

Title Page	i
Report Acknowledgements	ii
Table of Contents	iii
I. Phase I Management Summary	1
II. Phase I Project Information	3
III. Environmental Information	6
Topography and Geology	6
Soils	6
Disturbance / Man-Made Features / Alterations	8
Climate	8
Forest Zone	8
Drainage	8
Fauna	9
IV. Background Research	10
Site File Research	10
SRHP / NRHP Research	11
Previous Surveys	12
Indigenous Context	14
Indigenous Sensitivity Assessment	18
Historic Context	19
Historic Sensitivity Assessment	20
V. Phase IB Field Investigations	33
Archaeological Survey Team / Date	33
Ground Conditions	33
Field Methodology	33
Problems Encountered	33
Phase IB Test Results	33
VI. Testing Recommendations	36
VII. References Cited	37

List of Figures

1. General Location of Project Area Within New York State	4
2. Area of Potential Effect on the 1969 USGS 7.5' Buffalo NE, N.Y. Quadrangle	5
3. Area of Potential Effect on the 2024 NRCS Web Soil Survey	7
4. Area of Potential Effect on the 1866 Stone and Stewart Atlas of Erie County New York	21
5. Area of Potential Effect on the 1880 Beers Atlas of Erie County, New York	22
6. Area of Potential Effect on the 1909 Century Map Co. Atlas of Erie County, New York	23
7. Area of Potential Effect on the 1928 Erie County Public Works -Division of Highways Aerial Photograph	24
8. Area of Potential Effect on the 1958 USDA Aerial Photograph	25
9. Area of Potential Effect on the 1974 USGS Aerial Photograph	26
10. Area of Potential Effect on the 1983 USGS Aerial Photograph	27
11. Area of Potential Effect on the 1995 USGS Aerial Photograph	28
12. Area of Potential Effect on the 2002 USGS Aerial Photograph	29
13. Area of Potential Effect on the 2009 USGS Aerial Photograph	30
14. Area of Potential Effect on the 2015 USGS Aerial Photograph	31
15. Area of Potential Effect on the 2022 USGS Aerial Photograph	32

List of Tables

1. Summary of Soils Within the Area of Potential Effect	8
2. Sites Located Within a 1-mi / 1.6-km Radius of the APE	10
3. State / National Register Sites in the Vicinity of the Area of Potential Effect	11
4. Surveys Previously Conducted Within a 1-mi / 1.6-km Radius of the Area of Potential Effect	12
5. Layer I Soil Colors	34
6. Layer I Soil Matrices	34
7. Layer II Soil Colors	35
8. Layer II Soil Matrices	35

List of Appendices

Appendix I.	Project Maps
Appendix II.	Project Area Photographs
Appendix III.	Shovel Test Data

I. PHASE I MANAGEMENT SUMMARY

Project Name: Phase I (IA and IB) Cultural Resource Investigations for the Proposed 4795 Sheridan Drive Multi-Family Development Project, Town of Amherst, Erie County, New York.

Project Description: The proposed project encompasses the development of a multi-family residential development along with associated driveway, parking and utilities on a 2.07-acre / .84-hectare parcel. Approximately 1.5 acres / .61 hectares will be impacted by the proposed project and considered the Area of Potential Effect (APE).

Project Location: The proposed project is located at 4795 Sheridan Drive, on the south side of Sheridan Drive, north of Ellicott Creek, within the town of Amherst, Erie County, New York (042° 58' 41.01" N, 078° 45' 19.03" W). The project area can be accessed via Sheridan Drive.

County: Erie County

Minor Civil Division Number: 02902 (Town of Amherst)

USGS 7.5 Minute Quadrangle Map: 1969 USGS 7.5' Buffalo NE, N.Y. Quadrangle

SEQR Review: Phase I Cultural Resource Investigations have been requested as part of a State Environmental Quality Review (SEQR).

Involved State and Federal Agencies: NYSDEC

Survey Area

Acreage: 1.5 acres / .61 hectares

Depth: Undetermined

Number of Acres Surveyed: 1.5 acres / .61 hectares

Archaeological Survey Overview

Number & Interval of Shovel Tests: 32 total; 14 at 50-ft / 15-m intervals, 18 at 25-ft / 7.5-m intervals

Number & Size of Units: NA

Width of Plowed Strips: NA

Surface Survey Transect Interval: NA

Results of Archaeological Survey

Closest Archaeological Site(s) to the APE: 02902.000451, 166-ft / 51-m from APE

Native American Burials Less Than 1/4-Mile from APE: 0

Number & Name of Prehistoric Sites Identified: 0

Number & Name of Historic Sites Identified: 0

Number & Name of Sites Recommended for Phase II / Avoidance: 0

Results of Architectural Survey

Number of Buildings / Structures / Cemeteries Within Project Area (APE): 0

Number of Buildings / Structures / Cemeteries Adjacent Project Area (APE): 0

SRHP/NRHP Historical Review

Number of Previously Determined NR Listed or Eligible Buildings / Structures / Cemeteries / Districts: 0

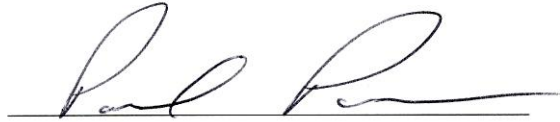
Number of Identified Buildings / Structures / Cemeteries / Districts: 0

Recommendations of Phase I Cultural Resource Investigations: Phase I Cultural Resource Investigations were performed only for the 1.5 acres / .61 hectares that were considered the Area of Potential Effect for the Proposed 4795 Sheridan Drive Multi-Family Development Project. All work was conducted in the town of Amherst, Erie County, New York. While the physiographic context of the APE seems to suggest that Native American habitation was possible, Phase I investigations yielded no evidence of Indigenous occupation. The northern portion of the APE has been subjected to substantial disturbance. Neither Indigenous sites nor Euro-American sites were identified within the APE. Therefore, no sites were designated. Consequently, Powers Archaeology LLC believe that current development plans should be allowed to proceed, and that no further archaeological work is warranted.

Date of Report: August 8, 2024

Report Prepared By:

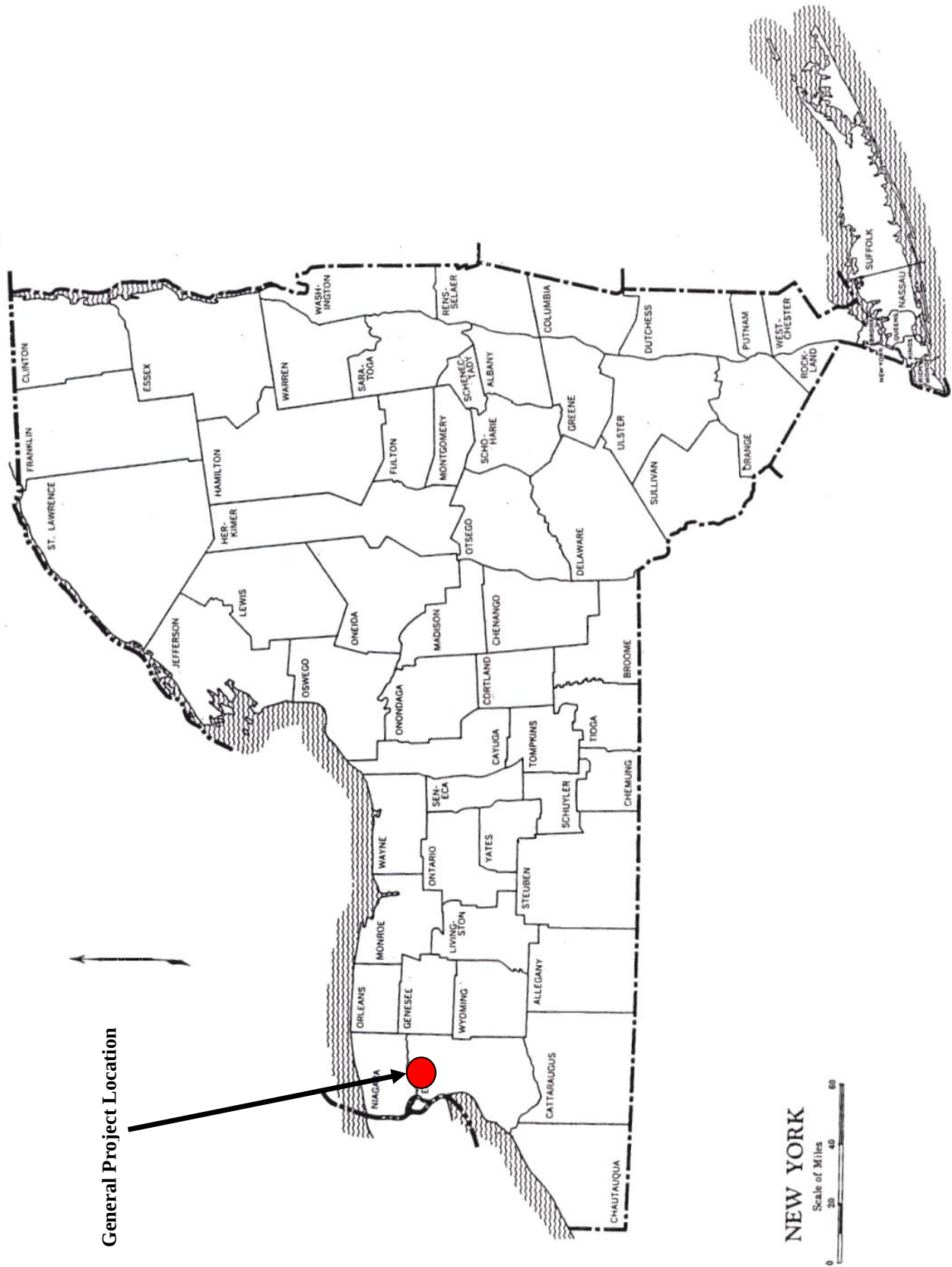
Mr. Paul Powers



Attachment: Phase 1A&B Cultural Resource Report-Date-08-08-24 (1) (28964 : 4795 Sheridan Drive- Area Variance)

II. PHASE I PROJECT INFORMATION

Powers Archaeology LLC was contracted to complete Phase I investigations for the Proposed 4795 Sheridan Drive Multi-Family Development Project, town of Amherst, Erie County, New York. The proposed project encompasses the development of a multi-family residential development along with associated driveway, parking and utilities on a 2.07-acre / .84-hectare parcel located at 4795 Sheridan Drive, on the south side of Sheridan Drive, north of Ellicott Creek, within the town of Amherst, Erie County, New York (Figures 1 & 2). Approximately 1.5 acres / .61 hectares will be impacted by the proposed project and considered the Area of Potential Effect (APE).



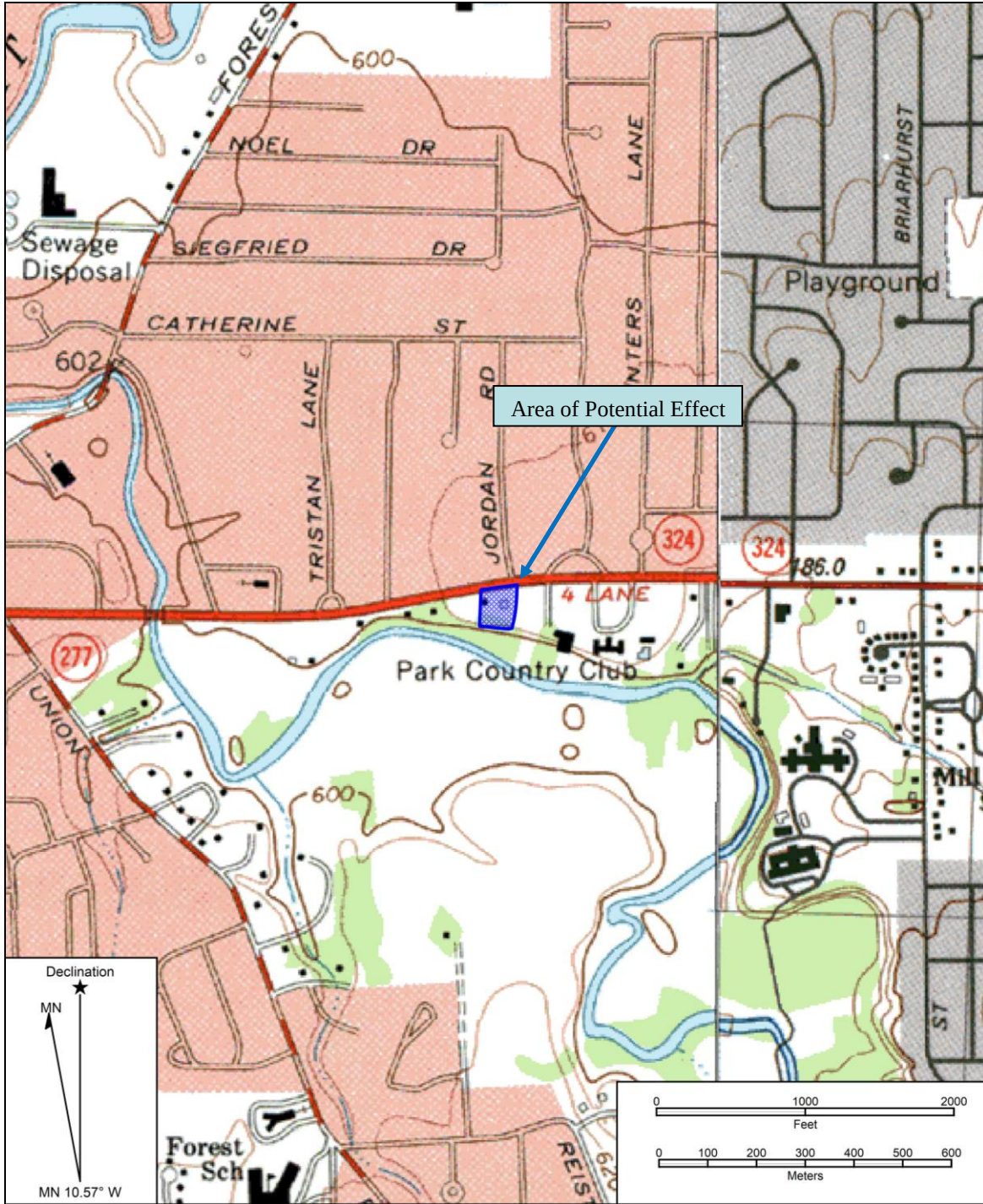


Figure 2. Area of Potential Effect on the 1969 USGS 7.5' Buffalo NE, N.Y. Quadrangle

III. ENVIRONMENTAL INFORMATION

Topography and Geology

The proposed project area is located in the northern section of Erie County, New York, within the Erie-Ontario Lake Plain physiographic province. Elevations within Erie County range from 569-ft AMSL at Lake Erie to a maximum elevation of approximately 1,935-ft AMSL near Springville (USDA 1986:2). Elevations within the APE range from approximately 601-ft AMSL to 617 ft AMSL.

Streams have cut the topography of this area since the time the region was invaded by glacial ice from the north. During the Wisconsin glaciation of the Pleistocene epoch, ice blanketed the entire area of New York State. Ice erosion on this landscape rounded the existing hills, deepened the valleys, and steepened the valley walls in the southern parts of the area. Glacial deposits added the drumlins and kame moraines. The rock formations beneath Erie County are the source of the parent material for the soils. Erie County is underlain by sedimentary glacial bedrock. Queenston Shale is the oldest bedrock formation in Erie County, deposited 410 million years ago during the final stages of the Ordovician.

Soils

Soils in Erie County have developed in the period since glaciation and formed through the interaction of climate, living organisms, parent materials, topography, and time. The soils in Erie County were formed under a cool-humid climate, aiding in the organic growth found in the surface layer. The extensive forests that once covered the region provided most of the organic matter. Differences among soils in Erie County are the result of variation in parent materials and topography. The parent materials that created the soils in Erie County are glacial till, glacial outwash, glacio-lacustrine materials, recent alluvium, and organic materials.

Alluvial land/soil are sections of nearly level, recent unconsolidated deposits on flood plains. The deposits are generally stratified and range in matrix texture from gravel to sand and clay. Drainage commonly encountered in alluvial soils is generally poor to very poor in nature. Colluvium consisting of soil and/or rock travels down slope by gravity. This “slope wash” may, in some cases bury an A Horizon, a culturally rich soil layer.

There are two (2) soil types found within the APE, from the Hudson and Schoharie soil series. These soils were primarily formed on lake plains, moraines, and valley slopes, and range from moderately well to well drained (Figure 4 and Table 1). The proposed APE for these cultural resource investigations *does not* contain alluvial or colluvial soils.



Figure 4. Area of Potential Effect on the 2024 NRCS Web Soil Survey

Table 1. Summary of Soils Within the Area of Potential Effect

Soil Name	Soil Horizon Depth cm (in)	Soil Color	Soil Texture Inclusions	Slope Percent	Drainage	Landform
Hudson silty clay loam (HvD)	Ap 0-13 cm (0-5 in) E 13-20 cm (5-8 in) B/E 20-41 cm (8-16 in) Bt 41-71 cm (16-28 in) C 71-183 cm (28-72 in)	Brn Brn YBrn Brn GBrn / OBrn	Si Lo Si Lo Si Cl Si Cl Si Cl	15-25	Well drained	Lake plains, moraines, valley slopes
Schoharie silt loam (SaA)	Ap 0-20 cm (0-8 in) E 20-28 cm (8-11 in) Bt / E 28-84 cm (18-33 in) Bt 28-84 cm (18-33 in) C1 84-132 cm (33-52 in) C2 132-183 cm (52-72 in)	Dk Brn PBrn RBrn RBrn RBrn RBrn	Si Lo Si Lo Si Cl Cl Si Cl Si Cl	0-3	Moderately well	Lake plains

KEY: Shade: Dk-Dark, Lt-Light, V-Very

Color: BGry-Brownish Gray, Blk-Black, Brn-Brown, GBrn-Grayish Brown, Gry-Gray, OBrn-Olive Brown, PBrn-Pale Brown, PGry-Pinkish Gray, RBrn-Reddish Brown, RGry-Reddish Gray, StrBrn-Strong Brown, RBrn-Red Brown, RGry-Reddish Gray, W-White, YBrn-Yellow Brown

Soils: Cl-Clay, Lo-Loam, Mu-Muck, Sa-Sand, Si-Silt

Other: BF-Broken Face, Co-Coarse, Cbs-Cobbles, Ex-Extremely, F-Fine, Grl-Gravel, M-Mottled, Pbs-Pebbles, Rts-Roots, Ru-Rubbed, Str-Stratified

Disturbance / Man-Made Features / Alterations

Visual inspection of the area delineated as the APE for the proposed project reveals substantial ground disturbance. A residence and associated outbuildings were located within the APE (Figures 4-13), with their locations now primarily occupied by push piles (Appendix II: Photographs 4,6,9,11). A stone all runs along the western boundary of the APE (Appendix II: Photographs 3) and a driveway and concrete paved area are found within the northern portion of the APE (Appendix II: Photographs 5, 10).

Climate

Erie County generally experiences warm summers and long, cold winters. The climate of Erie County is a humid continental climate. Yearly precipitation is about 37 inches. Approximately 50 percent of the annual precipitation is received during the growing season, April through September. Temperature and atmospheric conditions can change quite drastically within a few days due to the county's location in the path of most major weather systems that travel across the continent or up the Atlantic coast. Lake Erie and Lake Ontario have an important effect on the climate of Erie County. Lake Erie and Lake Ontario provide a classic moderating effect on the local temperatures, helping to cool in the summer and warm in the fall.

Forest Zone

When people first arrived in the western part of New York State, most of Erie County was covered with a forest, with a few large open areas such as marshlands. Tree growth in Erie County depended on the soil type and drainage. In the wetter parts of Erie County, the land supported trees such as birch, beech, ash, elm, maple, willow, and hemlock. Today, few if any virgin timber areas remain in the county. Some of the more common species of weeds that reside in untended fields are goldenrod, ragweed, and Queen Anne's lace (USDA 1986). Presently, vegetation within the APE consists of weeds and grasses (Appendix II).

Drainage

Drainage for the Area of Potential Effect is provided by Ellicott Creek, which flows west and drains into Lake Erie and subsequently into Lake Ontario via the Niagara River. Waters from Lake Ontario find their way to the Atlantic Ocean via the St. Lawrence River.

Fauna

The general environmental setting of the project area supports the typical array of animal species seen throughout suburban areas of western New York. These include white-tailed deer, opossum, squirrel, and raccoon. Early inhabitants of the western section of New York State would have been able to hunt black bear, white-tailed deer, elk, wild turkey, pheasants, pigeons, waterfowl, beaver, raccoons, possum, otter, rabbit, squirrel, and gray fox, as sources of food, fur, and raw materials used in tool manufacturing, common amenities, and for trade. Salmon, trout, perch and pike were also additional food sources.

IV. BACKGROUND RESEARCH

Site File Research

A check of the NYS site files encompassing a 1-mi / 1.6-km radius of the APE was completed utilizing the New York State Office of Parks, Recreation and Historic Preservation Cultural Resource Information System (NYSOPRHP CRIS). The site file check revealed the presence of twenty-four (24) previously recorded sites within the vicinity of the APE (www.cris.parks.ny.gov). Site information is summarized in Table 2.

Table 2. Sites Located Within a 1-mi / 1.6-km Radius of the APE

USN / NYSM #	Site Name	Site Type	Phase / Tradition	Status	Distance to APE ft / m
02902.000451	Park Country Club Site	Stray Find	Undetermined Precontact	Undetermined	166 / 51
2902.000454	MCI 04/48-1	Camp / Workshop	Undetermined Precontact	Undetermined	411 / 125
2902.000083	GEORGER SITE UB 2312	Camp	Undetermined Precontact	Undetermined	1114 / 340
2902.000037 / NYSM 5784	SAD SUN SITE	Camp?	Undetermined Precontact	Undetermined	1277 / 389
2902.000452	Catherine Street Site	Camp / Workshop	Undetermined Precontact	Undetermined	1558 / 484
2902.000036 / NYSM 5783	INDIAN TRAIL SITE	Traces of Occupation	Archaic	Undetermined	1659 / 506
2902.000923	Amherst State Park Precontact Site 1	Stray Find / Workshop?	Undetermined Precontact	Undetermined	2217 / 676
2902.000023	FOUNDATION SITE	House / Cabin and Precontact Component	Historic & Undetermined Precontact	Undetermined	2257 / 688
2902.000885	Meadowbrook Precontact Site (NYSM 11741, UB 4117)	Stray Find	Undetermined Precontact	Not Eligible	2347 / 715
2902.000924	Amherst State Park Precontact Site 2	Stray Find / Workshop?	Undetermined Precontact	Undetermined	2589 / 789
2902.000925	Amherst State Park Precontact Site 3	Stray Find / Workshop?	Undetermined Precontact	Undetermined	2707 / 825
2902.000256	J. GETZ HISTORIC ARCHEOLOGICAL SITE (UB 2788)	Residence	19 th Century Euro American	Undetermined	3182 / 970
2902.001358	Holy Family Home Site	Farmstead	19 th and 20 th Century Euro American	Undetermined	3265 / 995
NYSM LP 3255	Forest Road Site	Traces of Occupation	Undetermined Precontact	Undetermined	3346 / 1020
2902.000396	REIST MILL ARCHAEOLOGICAL SITE COMPLEX	Mill	19 th Century Euro American	Undetermined	3567 / 1087
NYSM LP 3250	ACP ERIE-81	Workshop	No Information	Undetermined	3816 / 1163
2902.001323	Westwood Precontact Site 1	Camp / Workshop	Undetermined Precontact	Not Eligible	3876 / 1181

Table 2. Sites Located Within a 1-mi / 1.6-km Radius of the APE continued.

USN / NYSM #	Site Name	Site Type	Phase / Tradition	Status	Distance to APE ft / m
2902.001326	Westwood Historic Site	Residence	19 th and 20 th Century Euro American	Not Eligible	4092 / 1247
2902.001325	Westwood Precontact Site 3	Camp / Workshop	Undetermined Precontact	Not Eligible	4388 / 1337
2902.001324	Westwood Precontact Site 2	Stray Find	Undetermined Precontact	Not Eligible	4491 / 1369
2955.000188	Lutz Precontact Site	Workshop	Late Woodland	Eligible	4591 / 1399
2902.000021 / NYSM 2291	Seventeenth Green Site	Camp	Undetermined Precontact	Eligible	4644 / 1415
2955.000210	Ellicott Creek Site	Workshop	Undetermined Precontact	Undetermined	4766 / 1453
2902.000012 / NYSM 2292	Ellicott Creek (UB 864) Site	No Information	Undetermined Precontact	Not Eligible	4826 / 1471

SRHP / NRHP Research

According to the website for the National Register of Historic Places and the NYSOPRHP CRIS, three (3) structures fall within the vicinity (.25-mi / .40-km radius) of the proposed project area that have been evaluated for the National Register of Historic Places. None of these structures fall within or adjacent to the APE. This information is summarized in Table 3.

Table 3. State / National Register Sites in the Vicinity of the Area of Potential Effect

USN / NR#	Name	Status
02902.000067	Park Country Club of Buffalo - 4949 SHERIDAN DRIVE 14221	Eligible
02902.001433	4774 Sheridan Drive 14221	Not Eligible
02902.001434	4780 Sheridan Drive 14221	Not Eligible

Previous Surveys

Powers Archaeology LLC completed a search for previous archaeological and building surveys conducted within a 1-mi / 1.6-km radius of the proposed 4795 Sheridan Drive Multi-Family Development Project. Information gathered from the New York State Office of Parks, Recreation and Historic Preservation Cultural Resource Information System (NYSOPRHP CRIS) revealed that twenty-six (26) archaeological surveys and three (3) building surveys were previously completed. One (1) archaeological survey, 01SR51860 falls adjacent to the APE, during which no cultural material was recovered in the vicinity of the APE. Additionally, one (1) building survey, 17SR00880, encompasses the APE. Surveys are summarized in Table 4.

Table 4. Surveys Previously Conducted Within a 1-mi / 1.6-km Radius of the Area of Potential Effect

Number	Name
00SR51051	PHASE 1 CULTURAL RESOURCES INVESTIGATIONS OF THE LAKEHEAD PIPELINE COMPANY, INC., LINE 10 RELOCATION PROJECT, AMHERST, ERIE COUNTY, NEW YORK
01SR51344	CULTURAL RESOURCE RECONNAISSANCE SURVEY FOR THE MAPLE ROAD RECONSTRUCTION PROJECT: PIN 5755.33 (FLINT ROAD - HOPKINS ROAD), TOWN OF AMHERST, ERIE COUNTY, NEW YORK
01SR51409	Stage 1A Cultural Resource Investigation for the Glen Avenue Bridge Replacement Project (County Bridges 702 and 704), BIN 3328850; BIN 3328860, PIN 5755.26, Village of Williamsville, Town of Amherst, Erie County, New York
02SR52999	PHASE 1 ARCHAEOLOGICAL RECONNAISSANCE SURVEY OF THE PROPOSED PARKING EXPANSION AT THE CHAPEL 895 NORTH FOREST ROAD, TOWN OF AMHERST, ERIE COUNTY
03SR53206	Phase 1 Cultural Resources Investigation for the Proposed St. Francis Home, Village of Williamsville, Town of Amherst, Erie County, New York
01SR52174	Phase IA Report for Archeological Potential Sensitivity Assessment, Amherst State Park Improvements, Town of Amherst, Erie County, New York
01SR51859	PHASE II ARCHEOLOGICAL SITE EXAMINATION OF THE GEORGER SITE (UB 2312), LOCUS 3, TOWN OF AMHERST, ERIE CO
01SR51860	PHASE 2 ARCHAEOLOGICAL SITE EXAMINATION OF THE INDIAN TRAIL SITE AND THE SAD SUN SITE FOR PIN 5086.23.101, PROPOSED NEW SIDEWALK CONSTRUCTION ALONG SHERIDAN DRIVE, TOWN OF AMHERST, ERIE COUNTY, NEW YORK
02SR52591	ARCHAEOLOGICAL RECONNAISSANCE SURVEY OF THE PROPOSED PARK CLUB LANE, TOWN HOMES DEVELOPMENT, TOWN OF AMHERST, ERIE CO
04SR54576	Stage 1 Cultural Resource Investigation for the 1154 North Forest Road Property, Town of Amherst, Erie County, New York
04SR54614	Stage 1 Cultural Resource Investigation for the 190–199 Park Club Lane Development, Town of Amherst, Erie County, New York
03SR54031	Archaeological Reconnaissance Survey for the Hutchinson Hose Company #2 Fire Station, Town of Amherst, Erie County, New York
07SR57584	Phase I Cultural Resources Investigation Report for PIN 5131.33.101 Replacement of Culvert C530082 North Forest Road (NY Route 277) at Mile Marker 277-5301-1210, Town of Amherst, Erie County
08SR58847	Phase 1B Archaeological Reconnaissance Survey of the Reist Mill Site (UB 3562, A02902.000396), Town of Amherst, Erie County, New York
10SR59980	Phase IB Cultural Resources Investigation for the Amherst State Park Veterans Memorial, Town of Amherst, Erie County, New York
11SR60654	Phase 2 Archaeological Site Examinations of Amherst State Park Prehistoric Site 2 (UB 4336) and Amherst State Park Prehistoric Site 3 (UB 4337) for the Amherst Veterans Memorial Project at the Amherst State Park, Town of Amherst, Erie County, New York
98SR61839	Stage I and Stage 2 Archaeological Investigations at the Georger Site UB 2312, Town of Amherst, Erie County, NY
13SR62444	Phase IA Cultural Resource Investigation Audubon Golf Course Property, Town of Amherst, Erie County, New York

**Table 4. Surveys Previously Conducted Within a 1-mi / 1.6-km Radius of the
Area of Potential Effect continued.**

Number	Name
13SR62452	Phase IA Cultural Resource Investigation Westwood Country Club Property, Town of Amherst, Erie County, New York
13SR62780	Phase 1B Cultural Resource Investigation, Westwood Country Club, Town of Amherst, Erie County, New York
15SR00357	Preliminary Report on Phase 2 Cultural Resource Investigations Westwood Golf Course, Town of Amherst, Erie County, New York Westwood Prehistoric 1 Site A02902.1323, Westwood Prehistoric 3 Site A02902.1325, Westwood Historic Site A02902.1326
15SR00433	Phase IA/IB Cultural Resource Investigation Proposed Mill Street Senior Apartments, Town of Amherst, Erie County, New York
17SR00034	Phase 1 Archaeological Survey: Amherst State Park Pedestrian Safety Improvements
18SR56116	Phase IA Archaeological Survey 77th Regional Readiness Command Facilities, New York. Note: Survey Pages for St. Lawrence & Ontario Plain Region only.
18SR56682	Phase 1 Archaeological Reconnaissance Survey of a Proposed Residential Development at 4780 Sheridan Drive
20SR00017	PHASE IA/B CULTURAL RESOURCES INVESTIGATION OF 199 PARK CLUB LANE, TOWN OF AMHERST, ERIE COUNTY, NEW YORK
*17SR00880	Intensive Level Historic Resources Survey of Selected Resources in the Town of Amherst, Erie County NY
*20SR00139	Historic Resources Survey of Bennett Kit Homes
*24SR00235	PIN 576474: Erie Canal Bike Path Extension Historic Resources Survey

*Building Survey

Indigenous Context

Occupation of Western New York is likely to have occurred continuously for at least 12,000 years. Numerous changes in settlement patterns, subsistence strategies, population density, technology, and other aspects of human behavior have transpired through this time. The following section provides a general overview of these changes as documented in the archaeological record for the proposed project region. The Late Archaic, Late Woodland, and the Early Historic periods are more clearly understood in the New York State region than the Paleo-Indian period.

Paleo-Indian Period (c. 10,000-8000 BC)

Mastodons and megafauna (e.g., bison, elk, and deer) entered western New York upon the draining of glacial waters from the lowlands, and thereafter followed early man. Inhabitants during the Paleo-Indian period were nomadic hunters that traveled in small groups from campsite to campsite. Most Paleo-Indian period sites found in New York State are small kill sites. Fluted flint spear projectile points and stone tools are indicative of this culture. Clovis points have been found in direct association with the bones of the mammoth, elephant, mastodon, and bison (Ritchie 1965:1). Traces of occupation sites are found in low marshy areas, on cliffs, and locations of higher elevations overlooking what once used to be lakebeds.

Climate change between 6000 BC and 4000 BC caused the vegetation to grow into forests that were unable to support the megafauna in the area. It is widely acknowledged that as the faunal and floral environment changed, the need for a greater food source for the large game animals caused their migration to new territories in the north, accompanied by the Paleo-Indian period inhabitants. Subsequently, the people remaining in and or entering Western New York began to modify their lithic technology to accommodate their evolving environment. Radiocarbon dating has broadened the temporal limits of the Archaic period to overlap with the Paleo-Indian period in various parts of the United States (Ritchie 1965:31).

Archaic Period (c. 8000-1000 BC)

The Archaic period is traditionally divided into three stages. The Early Archaic and Middle Archaic Periods range between 8000-4000 BC, and the Late Archaic period from 4000-1000 BC. As the environment changed, less specialized smaller groups of people entered the area. Archaic sites from 3000 BC are commonly found along Western New York rivers, lakes and streams. It is theorized that these peoples focused heavily on the marshlands, rivers, and streams to acquire food resources, since the forests were immature and resources poor. Despite this emphasis on aquatic ecozones, small mammals were also a considerable part of the Archaic diet.

Many Archaic sites identified in the western part of New York are small seasonal camps containing lithic and bone tools. The Archaic sites located in the central and northeastern section of New York State denote a culture based on subsistence hunting, fishing, and gathering. The Lamoka Lake site (Early Archaic) located in Schuyler County produced lithic, bone, and antler artifacts as well as animal and vegetable refuse, and human burials (Ritchie 1965:36). Atlatl weights, T-shaped drills, milling stones, choppers, pestles, and steatite bowls are indicative of the Middle Archaic Period (Laurentian and Susquehanna) (Ritchie 1965:146). The Lamoka, Bare Island, and Brewerton projectile points reveal some temporal overlap throughout the Archaic Period. However, they are most commonly associated with the Middle Archaic Period. Late Archaic aboriginal groups are noted for their manufacturing assortment and abundance of utilitarian, recreational, decorative, and ceremonial artifacts. The Kent-Hally Site located in the lower Susquehanna Valley provides the temporal placement of Bare Island projectile points within the Late Archaic (Ritchie 1965:146). As adaptation to the environment increased in the Late Archaic, tool modification and use adapted as well. As the alterations in bone and lithic tool manufacturing continued, the archaeological record reveals the production of smaller, side-notched projectile points (e.g., Snook Hill Site) (Ritchie 1965:136-137).

Transitional Period (c. 1500-1000 BC)

The Transitional period bridges the change from the semi-nomadic, seasonal-based lifestyle of the Archaic to a more sedentary lifestyle marked by villages that were more permanent. It is during the Transitional Period that the emergence of earthenware ceramics, new varieties of projectile points, and carved soapstone pots appear in New York (Ritchie 1965:150). The Transitional Period campsites found in New York are all situated along streams and lakes, exactly as those of the Archaic and Woodland campsites (Ritchie 1965:154). The Susquehanna and Orient Fishtail projectile points are indicative of the Transitional cultural period. These projectile types and locations provide a good picture of the connection between the Late Archaic culture and the Early Woodland culture.

Woodland Period (c. 1000 BC-1650 AD)

The Woodland Period is separated into three phases: Early Woodland (1000 BC to 200 BC); Middle Woodland (200 BC to 1000 AD); and Late Woodland (1000 AD to 1600 AD). The Early Woodland Period introduces a new style of ceramic known as Vinette I. The O'Neil Site excavated in 1961-62 located in Western New York is one the most significant Woodland sites in New York (Ritchie 1965:156). The O'Neil Site provided an in situ, uncontaminated recorded assemblage of soil stratigraphy as well as associated artifacts. The oldest soil strata were radiocarbon dated to around 2000 BC, while the most recent layer was dated by artifacts associated with the Point Peninsula phase of the Middle Woodland culture. Vinette 1 sherds were recovered, as well as Susquehanna Broad projectile points. Smoking pipes, gorgets, birdstones, boatstones, bar amulets, copper ornaments, and copper tools also all appear within the Early Woodland cultural period (Ritchie 1965:179).

The design of pottery (i.e., scallop-shell, rocker-stamped) and clay pipes (i.e., elbow pipes) started to develop into more intricate types during the Middle Woodland Period (c. 200 AD). The Middle Woodland cultural period also introduces earth mounds and more elaborate burial practices. The Adena and Hopewellian cultural phases are represented during the Middle Woodland Period by the burial mounds, pits, and cremated burials found in Western New York. Corner-notched or straight-stemmed projectile points are indicative of the cultures from the Middle Woodland Period, as well as pitted hammerstones, anvil stones, net sinkers, steatite potsherds, and gorgets (Ritchie 1965:227).

The Late Woodland period (c. 1000 AD) is noted for permanent villages and a dependence on agriculture. Corn, beans, and squash became the staple crops during this time. Hunting, fishing, and gathering were still practiced even with the extensive adoption of agriculture. As the cultivation of tobacco increased in the area, clay pipes increased in number and styles. The Owasco and Haudenosaunee cultures fall within the Late Woodland cultural period. The Owasco culture of New York is characterized by changes in ceramic styles and decoration (i.e., rocker-stamped to corded styles and pot lip styles). The Maxon-Derby Site located in Onondaga County was an open Owasco village / town found on the Maxon farm in 1959. The Maxon-Derby Site supplied evidence of a small, pre-Iroquoian village without fortification surviving over many years of occupation.

Gradual but continual changes in settlement patterns and travel methods brought about Iroquoian culture in New York. The transition from the Owasco culture to the Haudenosaunee culture occurred sometime in the 13th century (Niemczycki 1984:9). Larger year-round settlements were established. The early Haudenosaunee culture is marked by the emergence of high-collared ceramic vessels and multi-family longhouses. The increased isolation and competition of the surrounding tribes forced the development of the distinctive ceramic types and styles of the Haudenosaunee prior to the formation of their confederacy (Niemczycki 1984:33). Late Woodland Period sites are noted for the appearance of palisades for defense against hostile neighbors, as well as for workshops, seasonal camps, deep storage pits, and ossuaries. Lithic tools such as bifaces and flake knives are also representative of the Late Woodland cultural period. The Sackett Site and the Bates Site excavated in the late 1950s and early 1960s are two examples of the settlement pattern change that occurred during the Late Woodland Period. These sites provided evidence of villages containing numerous dwelling structures (i.e., longhouses and wigwam-like structures) surrounded by palisades (Ritchie and Funk 1973:213-226). Both sites provide a good timeline for the transition between Late Haudenosaunee culture and the Contact Period.

Contact Period (c. 1500-1780 AD)

The Contact Period is defined by the appearance of European trade goods on Native American sites. An increased use of trade metal (i.e., copper, iron, brass) and an intensification of the fur trade brought further changes to Native American cultures, particularly the Haudenosaunee. Samuel Champlain's attack on the Haudenosaunee in 1615 marks the first recorded conflict between Euro-Americans and the Native Americans in this region. More hostilities occurred when Jacques Rene de Brisay, Marquis de Denonville, governor of Canada, landed on Irondequoit Bay in 1687 and marched southward, destroying Haudenosaunee villages and supplies. The Sullivan campaign ordered by General Washington to destroy the homelands of the Haudenosaunee occurred in 1779. The French and Indian War (1744-1763 AD) and the American Revolution (1776-1783 AD) were the main causes for the loss of Haudenosaunee political power in New York.

The Wenro, Neutral, and Erie

The APE is located within the Niagara Frontier, which encompasses the region surrounding the City of Buffalo, the Niagara River, and the areas adjacent to Lake Erie and Lake Ontario. The region extends approximately 55 miles

north to south and 45 miles east to west (White 1961:1). It is bounded on the west by Lake Erie and the Niagara River, on the north by Lake Ontario, on the east by the Genesee River and its tributaries, and on the south by the Cattaraugus Creek drainage. It includes Niagara County, a major part of Erie County, and the western parts of Orleans, Genesee, and Wyoming Counties (White 1961:1).

Ethnohistory and archaeology have both provided invaluable information concerning the indigenous populations that have inhabited eastern North America. While archaeological studies may have more time depth – extending back in time to the earliest occupations – ethnohistorical records have the advantage of representing on-the-scene observations that were often written at or around the time that the events occurred. The two kinds of information usually complement each other, while in some cases congruent evidence does not exist.

In the case of early inhabitants of the area of New York State west of the Genesee River, both kinds of information exist. The ethnohistorical evidence is, however, scant in comparison to that available for the Huron and Haudenosaunee Confederacies – both of these groups having been well documented by the Jesuit missionaries and French explorers, among others. The groups of specific interest here are the Wenro, Neutral, and Erie.

Archaeological evidence recovered from the many proto-historic and historic sites in this area are plentiful, and “...includes materials similar to those found in the territory of the Haudenosaunee proper” (White 1967:1). Thus, these sites have been designated “Iroquoian”. While the presence of European trade materials indicate that the villages were inhabited into the historic period, “...it is difficult to know which Haudenosaunee group occupied the area, Erie, Wenro, or Neutral, since the historical documents do not delineate the territory occupied by each of these three tribes...For this reason, the name Niagara Frontier Haudenosaunee has been used to designate the occupants of all Haudenosaunee sites...” (White 1967:1) in the area described above.

Wenro

The Wenro were a Niagara Frontier Haudenosaunee group inhabiting an area between the Neutral on the west and the Seneca on the East (White 1978a). As the Wenro were not shown on any historical map, this placement is based solely upon observer narratives. On his map of core areas of New York Haudenosaunee nations in the sixteenth century, Engelbrecht (2003:1) shows this area to be near the southern shore of Lake Ontario; Richter (1992:16) positions the Wenro in the same area, relative to Lake Ontario, but abutting the Niagara River at the west border of their territory. According to Engelbrecht (1991), the Wenro were “...living on the boundary of the Neutral, toward the Iroquois [Haudenosaunee]” (Engelbrecht 1991:4). These descriptions are in general agreement, and place the Wenro in Niagara and Orleans counties. The Shelby Site has been suggested as a pre-1638 Wenro village site.

The earliest historical reference to the Wenro is in the 1626 account of the Jesuit missionary Father Daillon, who had an unfortunate experience in their company (White 1978a). By 1638, the Wenro had fled their homeland (west of Seneca territory), probably pushed out by the Seneca who were engaged in expanding their hunting range westward into the rich beaver habitat of the Wenro area.

The Wenro had been associated with the Neutral Confederacy, but the Neutral withdrew their support (Thwaites 1896-1901, 17:25, 27), leaving them without allies and thus vulnerable to Seneca aggression. The Wenro recognized their weakness and requested permission from the Huron to move into their territory, which was granted. They formally allied themselves with the Huron, and pass out of the historical record of the New York region.

Neutral

Neutral is a descriptive term applied by the French to the allied northern Haudenosaunee groups who resided “...between the Huron and Five Nations Iroquois [Haudenosaunee] and who remained neutral in the hostilities between them. Their villages were mostly in Ontario between Grand and Niagara rivers until their dispersal in 1652” (White 1978a:407).

French Jesuit missionaries recorded the earliest historical descriptions of the Haudenosaunee Confederacy and other Iroquoians, but since no permanent missions were established among the Neutral, the history of the Neutral is mainly from accounts related to the Jesuits in Huron Territory. Only two visits of Jesuit missionaries to the Neutral are recorded; one of these the 1926 trip by Father Daillon as mentioned above. Early French traders, including Etienne Bruie did not record their interactions with the Neutral people.

White (1978a:409) describes the Neutral as a “...confederacy or shifting alliance of tribes and represent a level of

organization equivalent to the Huron and the Five Nations Confederacies” (White 1978a:409). While not Haudenosaunee (Five Nations), the Neutral are described as speaking an Iroquoian language, which like that of the Huron, Susquehannock, and others belongs to the Iroquoian language family (Engelbrecht 2003).

The Neutral Confederacy was a powerful entity and this contributed to their ability to both defend against their traditional enemies and maintain their neutrality with the Huron and the Five Nations. By the late 1640's, however, this balance began to break down, when in 1647 the Seneca destroyed a Neutral village while on their way through that territory to attack the Huron. By 1649 it was reported that there was open war between the Neutral and Haudenosaunee, and major attacks in 1650 and 1651 destroyed the will of the Neutral to stand their ground any longer (White 1978a). According to Richter (1992), the Haudenosaunee justified their attacks as revenge upon groups who sheltered Huron refugees; he dates the dispersal of the Neutral to 1651.

While the Neutral Confederacy in historic times was centered around Hamilton, Ontario, evidence exists “...of some Neutral villages east of the Niagara River in 1640's...” (Engelbrecht 1984:326). This would place Neutral groups in New York State at that time, and in fact the Van Son cemetery on Grand Island has been identified as Neutral by Marian White (Engelbrecht 1991).

Erie

Historical Knowledge of the Erie is quite limited, due to their “...early disappearance as a group and lack of recorded contact with Europeans...” (White 1978b:412). While they have been described culturally and linguistically as Iroquoian (White 1978b: Richter 1992), it has been conceded that the linguistic connection is based exclusively on French accounts, as no elements of Erie language were recorded (White 1978b).

While scholars have acknowledged the difficulty in identifying the Haudenosaunee groups that occupied the Niagara Frontier, Parker (1922) did not hesitate to designate the Ripley site located along the Lake Erie shore between Westfield and the state line as an Erie site. He classified the Erie as a branch of the Huron Iroquois [Haudenosaunee]. According to Engelbrecht (2003), however, although “...the entire affiliation of populations in the Niagara Frontier region of western New York is uncertain, they are regarded as a branch of the Erie” (Engelbrecht 2003:100)

The extent of Erie territory has been defined by a number of researchers, who have differed in their opinions as to the scope of the area involved. White (1978b) defined the area of Erie settlement in terms of two physiographic provinces-the Allegany Plateau and the Central Lowland-divided by the Portage Escarpment. The cartographic documentation is considered generally unreliable, except for the work of Sanson, who produced two maps (1650 and 1656) and was regarded as both honest and accurate in his work (White 1978b). While Sanson's 1650 map shows Erie (the Nation du Chat-Cat Nation) occupation along the east and south shore of Lake Erie, the 1656 map places them further inland (east), as described by Gendron in 1644-1645. This is where the documented history of the Erie begins (White 1978b). This relocation inland in the mid 1640's occurred only a decade before the main body of the Erie fell to the Five Nations Haudenosaunee by 1657 (Richter 1992).

White (1978b) felt that the best way to determine the aboriginal position of Erie occupation would be archaeologically, by locating sites with artifacts “...attributable to European trade of the first half of the seventeenth century...” (White 1978b:414) and linking them to earlier precontact sites. Since it is assumed that sixteenth and seventeenth century villages moved every eight to twenty years, village sites in an area could “...represent successive loci of the same community” (Engelbrecht 1984:326).

By this process, “...the successive movement of two contemporaneous communities through space, generally in a southerly direction...” (Engelbrecht 1991:4) was identified; these sites are usually identified as Erie (Heidenreich, however, feels that they were likely a Neutral group) (Engelbrecht 1991). Engelbrecht (1984:329 shows the movements of the Eastern and Western Groups of the proposed Erie sequence-the successive southward movement of two contemporary communities located seven to ten miles apart. White identified the last (most recent) sites in the sequence as Kleis and Bead Hill, and suggested that they date to the 1640s (Engelbrecht 1984). Following the strategy of Marian White, and working backward through time, the earliest sites in the sequence have been identified as Buffum (west) and Goodyear (east); unfortunately, the probable antecedents of these sites have not been identified.

Indigenous Sensitivity Assessment

The proposed APE is considered by Powers Archaeology LLC to have the potential to contain intact cultural deposits. The APE sits on a terrace above a permanent water source (i.e., Ellicott Creek), which in conjunction with the large number (24) of previously documented sites the vicinity, indicates the potential for a prehistoric and historic Native American presence surrounding the APE. When identified, cultural affiliation for the previously recorded sites within a 1-mi / 1.6-km radius of the APE was listed as Archaic or Woodland (Table 2). In general, Erie County has a vast number of Archaic and Woodland sites. Archaic sites in the western and central parts of New York State consist of campsites and small hamlets near creeks and rivers, while Woodland sites are characterized by larger habitation sites situated on high hilltops and other defensible positions (Ritchie 1965). When listed, a majority of the previously recorded sites were described as camps or workshops. Native American site types likely to be encountered within the proposed project area could range from small camps / resource procurement sites or “traces of occupation,” consisting of very diffuse surface scatters of lithic material to larger habitation sites.

Historic Context

Erie County

Erie County is located at the western end of New York State. It is bounded to the north by Niagara County, to the east by Genesee and Wyoming counties, to the south by Cattaraugus and Chautauqua counties, and to the west by Lake Erie and Canada. Tonawanda Creek, the Niagara River, and Cattaraugus County comprise its northern, western, and southern borders, respectively (Johnson 1876). Erie County was once occupied by Iroquoian-speaking peoples including the Erie, Wenro and Neutral, until they were dispersed by the Seneca in the 17th century. Euro-American settlement in the area did not begin in earnest until after 1783, when the Seneca ceded these lands to the United States.

Erie County was part of Ontario County, which included most of western New York. In 1800, the Holland Land Company purchased these lands from New York and sold plots to settlers. In 1802, the state legislature split Genesee County from Ontario County, which itself was split in 1808 to form Niagara County. The first towns in Erie County were Clarence and Willink, the latter of which was later subdivided. Erie County was split from Niagara County in 1821. The City of Buffalo, incorporated as city in 1832, is the county seat (Johnson 1876). The county owes much of its growth in the 19th century to the opening of the Erie Canal, of which Buffalo served as the western terminus, connecting New York State to other burgeoning settlements on the Great Lakes. Agriculture and heavy industries, especially steel making in the Buffalo area, brought economic and demographic growth. Today, Erie County is a hub for higher education, medical research, and hi-tech manufacturing.

Town of Amherst

Northeast of Buffalo lies the town of Amherst, on Erie County's northern border with Niagara County. To the east of Amherst is the town of Clarence, to the south is the town of Cheektowaga, and to the west is the town of Tonawanda. According to United States Census data compiled in 2018, the population of Amherst is estimated to be around 125,659 people in about 53.58 square miles of territory. Amherst was officially created in 1810 after a request for the formation of a town was directed to the New York State Legislature in 1808, and "while the name was probably derived from Amherst, Massachusetts, a state of which New York was once a part, it is indirectly named for Sir Jeffrey Amherst, Commander in Chief of the British forces in America in 1759 and 1760" (Young 1965).

Originally, the area around Amherst was occupied by the Algonquin Native Americans, or, as they referred to themselves, the Omàmiwinini. However, in the early 17th century the Iroquois, or, as they referred to themselves, the Haudenosaunee, forced the Algonquins to flee northward and the Seneca tribe of the Iroquois proceeded to occupy the area for more than two hundred years (Young 1965). While no evidence of Native American villages has been discovered in Amherst, much evidence of their presence in the area has been unearthed. Several notable trails of the Native Americans have been identified, such as their main east-west trail which started at Cold Spring, traveled through Amherst, and on to the Genesee River at Avon, and the presently named Cayuga Road, which originated as one of the main throughways to their villages in the south. More than just the discovery of trails, to the northeast of Williamsville, "a 'bone pit', containing nearly four hundred skeletons, fragments of pottery, flint clippings, and arrows" was uncovered in 1940 as part of an archeological survey sponsored by the Smithsonian Institute, and two Native American skeletons were excavated at 80 Cayuga Road, "discovered with bent knees, in the traditional [Native American] burial custom," when an addition was being made to the home on that property (Young, 1965: 2). For assisting the British in the Revolutionary War, the new American Congress and George Washington ordered what became known as the Sullivan Campaign in 1779, where General Sullivan and his troops pushed west across much of New York, razing villages and slaughtering the Iroquois, causing them to flee as Sullivan's army "substantially destroyed the league which bound the Six Nations together" (Johnson 1876: 63). This campaign considerably reduced Native American presence in Amherst, and New York on a whole, and paved the way for colonials in the late 18th century.

In 1797, Robert Morris, a financier from Philadelphia, "purchased all the Seneca land in western and central New York," which was originally the western two-thirds of the Phelps and Gorham Purchase, and sold it off to the Holland Land Company, "a group of Dutch merchants from the city of Amsterdam in Holland" (Young 1965: 4). Two Holland Land Company surveyors, by the names of Benjamin Ellicott and John Thomson, "traveled along the trail from the east and stopped at the plunging waterfall of Eleven Mile Creek which later on took the name of Ellicott," and, in the first recorded transaction by the Holland Land Company in Amherst, "purchased a grant of 300

acres, including mill rights,” as they were hoping to take advantage of water power, the lush forest, and the fertile soil (Young 1965: 5). The two erected the first house in the area, which also served as an inn, and settlers started to make their way into Amherst and the surrounding land.

Throughout the early years of the 19th century, following Ellicott and Thomson’s lead, mills and taverns became the majority of early industry in the land around Ellicott Creek, and after a large enough influx of colonists to the area, the Town of Amherst was officially formed in 1810. The War of 1812 followed two years later, with the town still in its infancy, and “while no battles took place in Amherst... the conflict was so near that the settlers were in constant fear” (Young 1965: 16). During the conflict, Amherst frequently quartered American troops, such as when General Alexander Smyth was repelled in his attempts to invade Canada and built garrisons along the creek giving Garrison Road its name, and with people fleeing the burning of Buffalo in 1813 and many sick and wounded being transferred from Lewiston, New York, “the entire area became a hospital base” (Young 1965: 17).

The Erie Canal opened in 1825, after eight years of construction, and included Tonawanda Creek on the northern border of Amherst. This began to heavily encourage more parts of the town to be settled, as “the average canal boat carried about 70 tons of burden” at the time, and was largely preferred to the stage coaches, in both comfort and convenience, which had been widely used prior to the canal’s inception (Young 1965: 182). Amherst proceeded to develop and incorporate several notable communities and villages including Snyder, Eggertsville, Getzville, and Williamsville throughout the early 19th century. Sue Miller Young remarks on the state of the town:

By 1850 on Ellicott Creek there were seven grist mills and several saw mills, two forges, a tannery, carding works and a bedstead factory. There were blacksmith and harness shops, cooperages and a stave factory in Getzville; lime kilns, a tailor shop with thirteen employees, a paper mill, broom factory and wagon shops--one at Snyder; maltsters and brewers, a planing mill and cabinet makers; a vinegar factory and two potteries-- one each in Eggertsville and Snyder; slaughter houses and plenty of taverns. The first brewery had been established in Williamsville. Several churches and two schools were also established. The population of Amherst was about 3,500. (Young, 1965: 40)

All of this, along the Erie canal, indicated that Amherst was thriving.

Through the beginning of the 20th century, with direct access to the booming city of Buffalo through Main Street, and the advent of trolley lines and commuter trains, Amherst began to change “from a rural community to a residential suburb, first along Main Street and then all over town” (Grande 2004). This led to an expansion of recreational activities as ice-skating, hockey, swimming, and a Marine Parkway for pleasure boats all saw development throughout the area (Young 1965). Taking advantage of its location and wealthy Buffalonians looking to escape the urban sprawl, Amherst became an idyllic, culturally focused suburb, “a major economic [and medical] hub in western New York, with malls, corporate parks, industrial parks, and business headquarters,” as well as “an educational hub that includes the main campus of the State University of New York at Buffalo” complemented by several smaller higher education institutes (Grande 2004).

Historic Sensitivity Assessment

Accelerated population growth related to new industries and the use of the area as a bedroom community for Buffalo is shown by the dramatic increase in new residential and commercial structures within the existing population centers and along what were once rural roads. In general, development within the project area and the general vicinity appears to mirror regional growth. It should be noted that the scale and accuracy of 19th-century and early 20th-century maps can be questionable compared to modern maps and surveys because they frequently lack the accuracy of location and scale present in modern surveys. Therefore, the location of the APE and recorded structures should be regarded as approximate. Georeferencing was used to confirm the location of the project area and potential Map Documented Structures (MDS) within the APE. A residence is visible on maps as early as 1866 (Figure 4 – *G. Estheimer*). By 1927 (Figure 7), two (2) outbuildings are visible in addition to the residence. The 1958 and 1974 aerial photographs (Figures 8 & 9) show the residence, with only one (1) outbuilding remaining. A large paved area on the south side of the residence is apparent in 1983 (Figure 10). By 2002 (Figure 12), no outbuildings remain, with only the residence and paved area present. The residence remained extant in 2007 (Appendix II: Photograph 23) and in 2009 (Figure 13), though by 2015 it is no longer visible (Figure 14). Given the presence of MDS within the APE, it is possible that historic cultural material encountered may be found *in situ*, or as the result of secondary deposition.

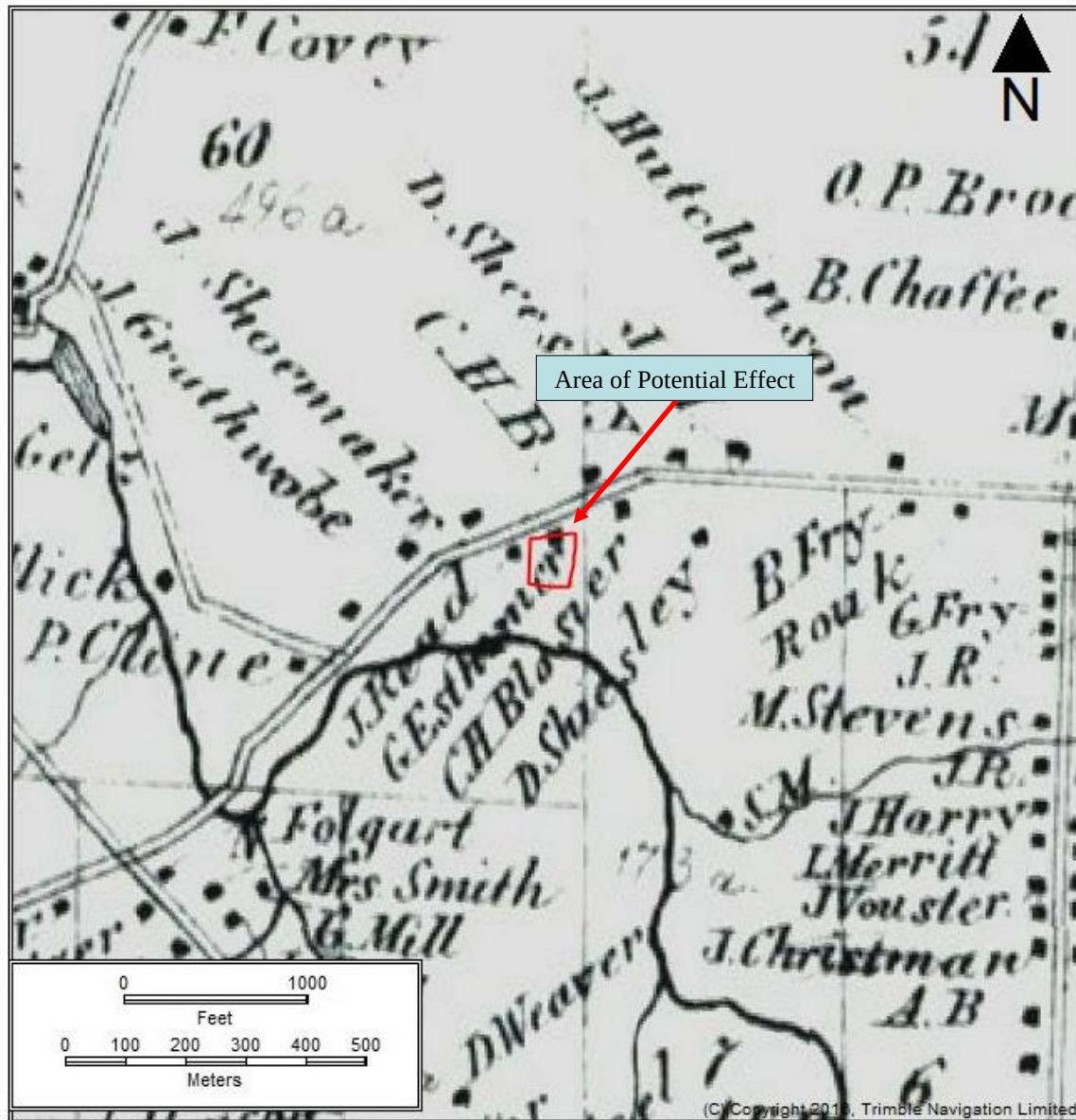


Figure 4. Area of Potential Effect on the 1866 Stone and Stewart Atlas of Erie County, New York



Figure 5. Area of Potential on the 1880 Beers *Atlas of Erie County, New York*



Figure 6. Area of Potential Effect on the 1909 Century Map Co. *Atlas of Erie County, New York*

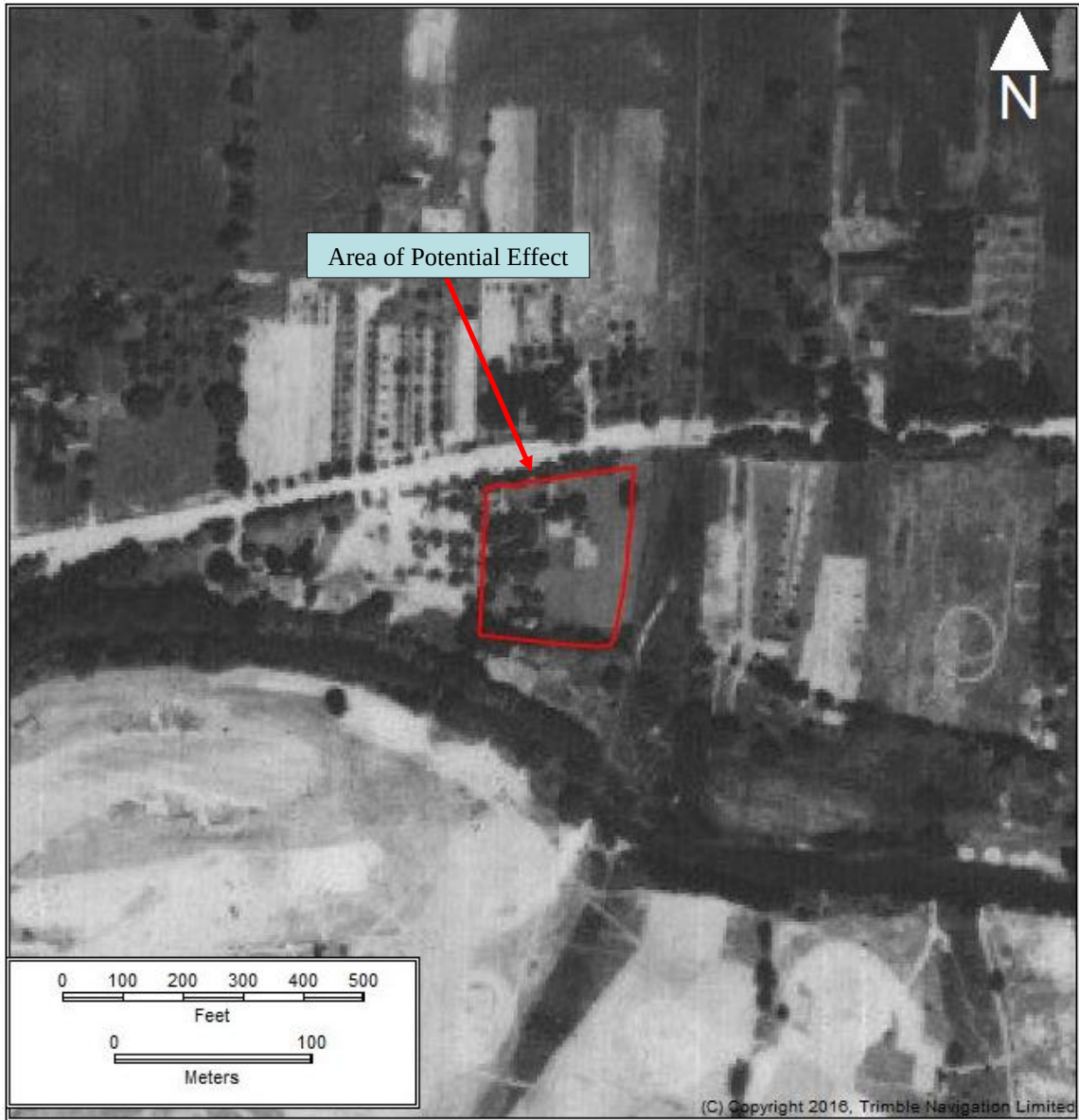


Figure 7. Area of Potential Effect on the 1928 Erie County Public Works - Division of Highways Aerial Photograph



Figure 8. Area of Potential Effect on the 1958 USDA Aerial Photograph



Figure 9. Area of Potential Effect on the 1974 USGS Aerial Photograph



Figure 10. Area of Potential Effect on the 1983 USGS Aerial Photograph



Figure 11. Area of Potential Effect on the 1995 USGS Aerial Photograph



Figure 12. Area of Potential Effect on the 2002 USGS Aerial Photograph



Figure 13. Area of Potential Effect on the 2009 USGS Aerial Photograph



Figure 14. Area of Potential Effect on the 2015 USGS Aerial Photograph



Figure 15. Area of Potential Effect on the 2022 USGS Aerial Photograph

V. PHASE IB ARCHAEOLOGICAL INVESTIGATIONS

Archaeological Survey Team / Date

The Powers Archaeology LLC archaeological field team consisted of Paul Powers, Deanna Crane, Arali Albano, and Matthew Boganski. The Phase I testing was conducted in August of 2024.

Ground Conditions

Physical conditions within the APE consists weeds and grasses. Concrete and push piles were documented within the APE as well (Appendices I & II).

Field Methodology

A site visit included a visual examination of the project area to ascertain whether any sections showed evidence of prior disturbance, wetlands, or excessive slope. Based upon observed conditions, approximately .30 acres / .12 hectares consists of slope exceeding 15%. Additionally, approximately .19 acres / .08 hectares of the APE consists of push piles. These areas were omitted from testing. The remainder of the APE was deemed testable using standard Phase IB testing methods.

The Phase IB field investigations strategy for this project consisted of shovel testing (Appendices I & III). Shovel test placement was determined using project maps provided to Powers Archaeology LLC, research completed during Phase IA investigations, conclusions drawn from geoarchaeological investigations, and conditions observed during the initial field inspection. A total of 32 shovel test units were plotted throughout the APE, with 14 at 50-ft / 15-m intervals. In the location of Map Documented Structures (MDS) in the northern section of the APE (Appendix I), the interval was reduced to 25-ft / 7.5-m (n=17). Transects were oriented with a magnetic compass and paced out depending on the project area field conditions. Hand-held GPS units were used to verify accuracy. Shovel tests were excavated by hand and measured a minimum of 1 ft x 1 ft / 30 cm x 30 cm in diameter. Each test was excavated to sterile subsoil or having exceeded 20 in / 50 cm in depth. All soils excavated were screened through 1/4-in metal mesh to recover any cultural material that may have been present. Soil types and textures were recorded in field notebooks. Documentation of existing conditions within the APE as well as that of general vicinity was accomplished through photography (Appendix II).

Artifact Descriptions

There were no artifacts recovered during these Phase I excavations.

Problems Encountered

There were no problems encountered during these Phase I excavations.

Phase IB Test Results

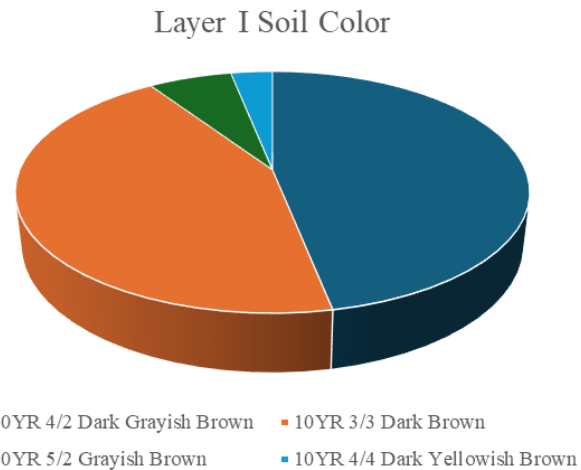
The APE was subjected to subsurface testing as part of these Phase I investigations. Six (6) transects containing a total of 32 shovel tests were placed within the areas of the APE that remain undisturbed (Appendices I and III). While testing the proposed APE, 30 (94%) of the 32 shovel tests excavated reached a second layer. The excavation of 2 (6%) shovel tests was halted due to encountering a rock / gravel impasse (Appendix III). Soils encountered in varied from those expected as outlined as a typical profile by the *Soil Survey of Erie County* (NRCS 2024), as gravel fill and varying matrices were recorded, particularly in the northern portion of the APE. No cultural material was recovered from any of the 32 shovel tests excavated.

Layer I

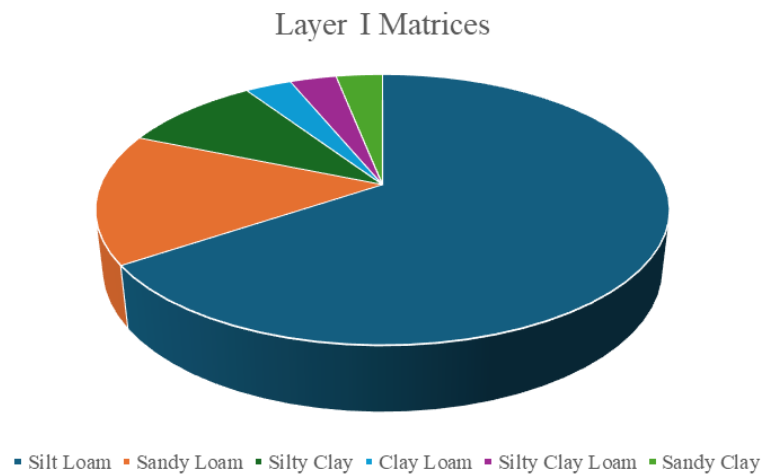
Layer I averaged 9 inches / 22 cmbs, with a maximum depth of 12 in / 31 cmbs recorded. Variations in soil color may be the result of mixed A and B horizons, varying moisture levels within the soil, and disturbance. The following tables summarize soil color and consistency within Layer I (Tables 5 and 6).

Table 5. Layer I Soil Colors

10YR 4/2 Dark Grayish Brown	46.88%
10YR 3/3 Dark Brown	43.75%
10YR 5/2 Grayish Brown	6.25%
10YR 4/4 Dark Yellowish Brown	3.13%

**Table 6. Layer I Soil Matrices**

Silt Loam	65.63%
Sandy Loam	15.63%
Silty Clay	9.38%
Clay Loam	3.13%
Silty Clay Loam	3.13%
Sandy Clay	3.13%

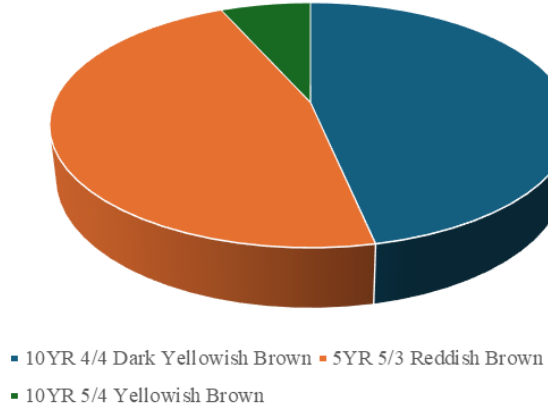


Layer II

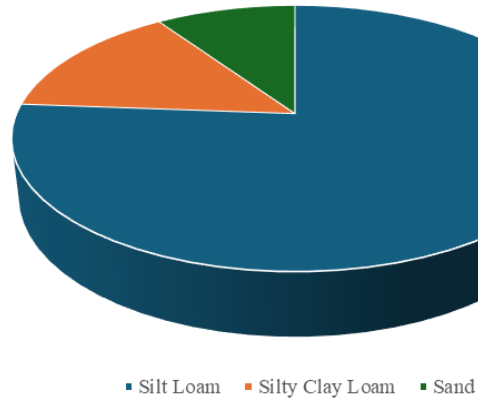
Layer II consisted of B horizon soils. Layer II was excavated to an average depth of 17 in / 43 cmbs, with a maximum depth of 24 in / 60 cmbs. The following tables summarize soil color and consistency within Layer II (Tables 7 and 8).

Table 7. Layer II Soil Colors

10YR 4/4 Dark Yellowish Brown	46.67%
5YR 5/3 Reddish Brown	46.67%
10YR 5/4 Yellowish Brown	6.67%

Layer II Soil Colors**Table 8. Layer II Soil Matrices**

Silt Loam	76.19%
Silty Clay Loam	14.29%
Sand	9.52%

Layer II Matrices

VI. TESTING RECOMMENDATIONS

Phase I Cultural Resource Investigations were performed only for the 1.5 acres / .61 hectares that were considered the Area of Potential Effect for the Proposed 4795 Sheridan Drive Multi-Family Development Project. All work was conducted in the town of Amherst, Erie County, New York. While the physiographic context of the APE seems to suggest that Native American habitation was possible, Phase I investigations yielded no evidence of Indigenous occupation. The northern portion of the APE has been subjected to substantial disturbance. Neither Indigenous sites nor Euro-American sites were identified within the APE. Therefore, no sites were designated. Consequently, Powers Archaeology LLC believe that current development plans should be allowed to proceed, and that no further archaeological work is warranted.

VII. REFERENCES CITED

Computer Software

Trimble Terrain Navigator Pro (2024), Computer software. Trimble, Web., August 2024

Printed Sources

Engelbrecht, William (2003), *Iroquoia: The Development of a Native World*. Syracuse, NY: Syracuse University Press.

Engelbrecht, William (1991), Erie. *The Bulletin: Journal of the New York State Archaeological Association* 102: 2-12.

Engelbrecht, William (1984), The Kleis Site Ceramics: An Interpretive Approach. In *Extending the Rafters*, edited by Michael K. Foster, Jack Campisi, and Marianne Mithun, pp. 325-339. Albany, NY: State University of New York Press.

French, J.H. (1860), *Gazetteer of the State of New York*. Syracuse, NY: R. Pearsall Smith.

Grande, J. A. (2004). *Images of America: Amherst* [Kindle edition]. Charleston, SC: Arcadia Publishing.

Houghton, Frederick (1920), The History of the Buffalo Creek Reservation. *Publications of the Buffalo Historical Society* 24. Buffalo, NY: Buffalo Historical Society

Johnson, Crisfield (1876), *Centennial History of Erie County, New York*. Buffalo, NY: Matthews and Warren.

Niemczycki, Mary Ann (1984), *The Origin and Development of the Seneca and Cayuga Tribes of New York State*. Rochester, NY: Research Division of the Rochester Museum & Science Center.

Parker, Arthur C. (1920), *The Archeological History of New York, Part 2*. New York State Museum Bulletin 237-238. Albany, NY: The University of the State of New York.

Richter, Daniel K. (1992), *The Ordeal of the Longhouse: The Peoples of the Iroquois League in the Era of European Colonization*. Chapel Hill, NC: University of North Carolina Press

Ritchie, William A. (1965), *The Archaeology of New York State*. Harrison, NY: Harbor Hill.

Ritchie, William A. and Robert E. Funk (1973), *Aboriginal Settlement Patterns in the Northeast*. New York State Museum and Science Service Memoir No. 20. Albany, NY: New York State Museum.

Thwaites, Reuben Gold (1896-1901), *The Jesuit Relations and Allied Documents: Travel and Exploration of the Jesuit Missionaries in New France, 1610-1791*. Cleveland, OH: Burrows Brothers.

United States Department of Agriculture (1986), *Soil Survey of Erie County, New York*. Washington, D.C.: U.S. Government Printing Office.

White, Marian E. (1978a), Neutral and Wenro. In *Handbook of North American Indians* 15, edited by Bruce G. Trigger, pp. 407-411. Washington, DC: Smithsonian Institution.

White, Marian E. (1978b), Erie. In *Handbook of North American Indians* 15, edited by Bruce G. Trigger, pp. 412-417. Washington, DC: Smithsonian Institution.

White, Marian E. (1961), *Iroquois Culture History in the Niagara Frontier Area of New York State*. Anthropological Papers 16. Ann Arbor, MI: University of Michigan.

Young, S. M. (1965). *A History of the Town of Amherst, New York*. Amherst, NY: The Town Board of Amherst.

Maps

Stone and Stewart (1866), *New Topographical Atlas of Erie County, New York*. Philadelphia.

Beers, F.W. (1880), *Illustrated Historical Atlas of Erie County, New York*. New York City: F.W. Beers and Co.

New Century Map Company (1909), *New Century Atlas of Erie County, New York*. New York City.

United States Geological Survey (1969), *7.5' Buffalo NE, N.Y. Quadrangle*. Washington, D.C.: U.S. Government Printing Office.

Websites

Erie County, N.Y. (n.d.). *Erie County Aerial Photos 1920s*. Erie County Public Works - Division of Highways Aerial Photographs. Retrieved August 4, 2024, from <https://www3.erie.gov/aerial-photos/erie-county-aerial-photos-1920s>

Google. (2024), [Google September 2007 image of # 4795 Sheridan Drive]. Retrieved August 5, 2024, from https://www.google.com/maps/@42.9785122,-78.7555513,3a,75y,170.35h,88.4t/data=!3m8!1e1!3m6!1s6rhgcOVFutkXGzEX4DLilQ!2e0!5s20070901T000000!6shhttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumbnail%3Fpanoid%3D6rhgcOVFutkXGzEX4DLilQ%26cb_client%3Dmaps_sv.s hare%26w%3D900%26h%3D600%26yaw%3D170.3518868152708%26pitch%3D1.6025604341641326%26thumbfov%3D90!7i3328!8i1664?coh=205410&entry=ttu

Historic Aerials (2024), USDA (1958-10-06 - 1958-10-20), USGS (1974-04-17 - 1974-04-17), USGS (1983-03-17 - 1983-03-17)). <https://www.historicaerials.com/>, accessed August 3, 2024

Natural Resources Conservation Service (2024), *Web Soil Survey*. Retrieved August 2, 2024, from <https://websoilsurvey.sc.egov.usda.gov/>.

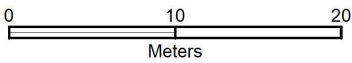
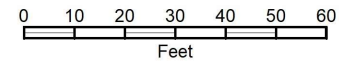
New York State Office of Parks, Recreation, and Historic Preservation. (2024), *Cultural Resource Information System (CRIS)*. Retrieved August 2, 2024, from <https://cris.parks.ny.gov/>.

U.S. Census Bureau QuickFacts: Amherst town, Erie County, New York. Retrieved April 5th, 2020, from <https://www.census.gov/quickfacts/amhersttowneriecountynewyork>

Appendix I Project Maps



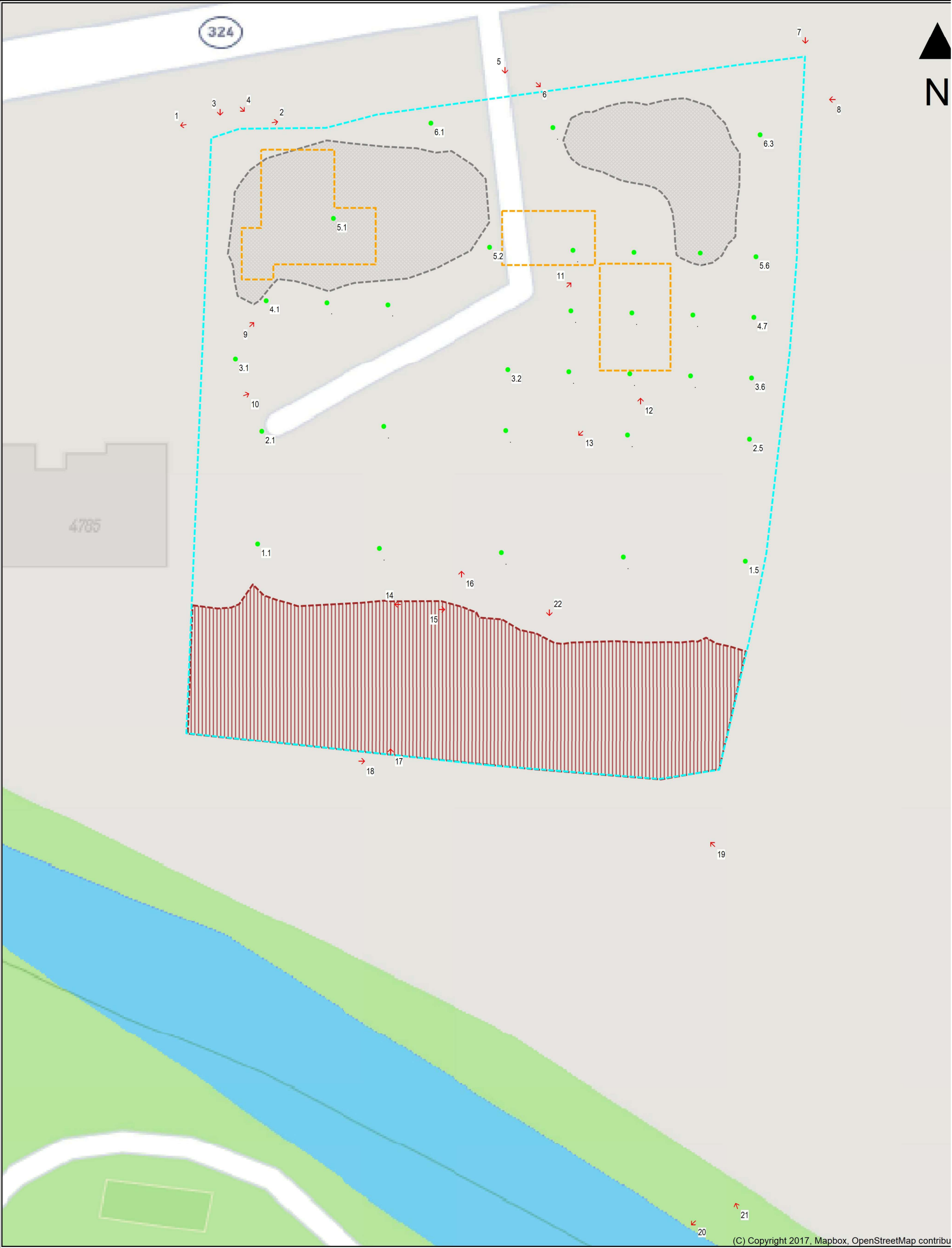
Attachment: Phase 1A&B Cultural Resource Report-Date-08-24 (1) (28964 : 4795 Sheridan Drive- Area Variance)



- Legend:
- APE Boundary
 - Push Pile - Disturbed
 - Slope Exceeding 15%
 - Map Documented Structure
 - Negative Shovel Test
 - Photograph Location

Powers Archaeology LLC
Phase I (IA and IB) Cultural Resource Investigations for the
Proposed 4795 Sheridan Drive Multi-Family Development Project,
Town of Amherst, Erie County, New York

MAP #1
Phase I Project Map on the
2019 USGS Aerial Photograph

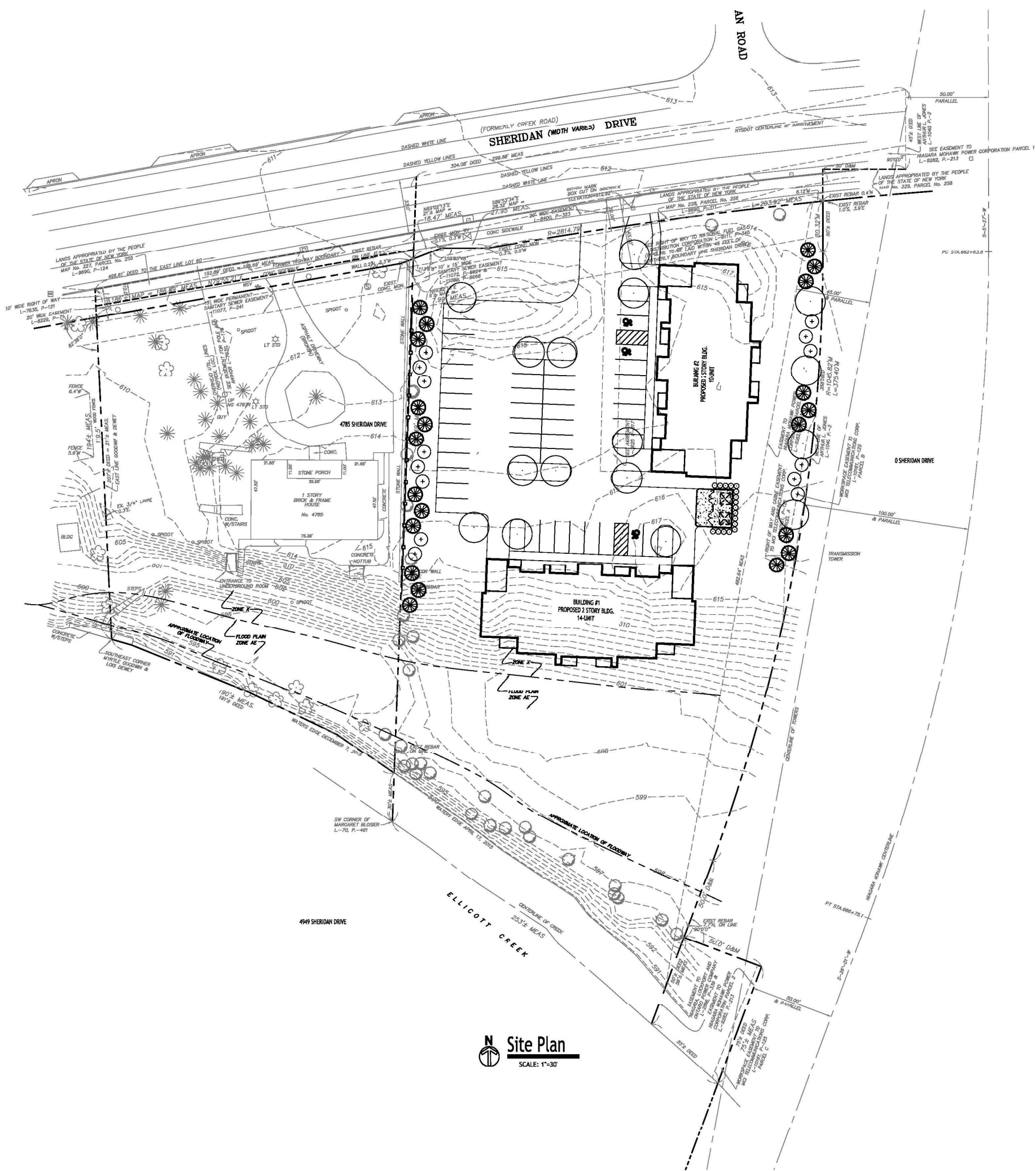


- Legend:
- APE Boundary
 - Push Pile - Disturbed
 - Slope Exceeding 15%
 - Map Documented Structure
 - Negative Shovel Test
 - Photograph Location

Powers Archaeology LLC
Phase I (IA and IB) Cultural Resource Investigations for the
Proposed 4795 Sheridan Drive Multi-Family Development Project,
Town of Amherst, Erie County, New York

MAP #2
Phase I Project Map on the
Terrain Navigator Pro Base Map

Attachment: Phase 1A&B Cultural Resource Report-Date-08-08-24 (1) (28964 : 4795 Sheridan Drive- Area Variance)



NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS, CARMINA WOOD DESIGN ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.



DRAWING NAME:
Site Plan
w/ Contours

Date: 6/14
Drawn By: P. She
Scale: As No
DRAWING NO.

C-100
Packet Pg. 102

PRELIMINARY
NOT FOR CONSTRUCTION

Proposed Multi-Family
4795 Sheridan Drive
Amherst, NY

REVISIONS:	
No.	Description
1	Rev. site layout
2	Rev. site layout per VC comments

Date: 7/22/24
7/29/24

CARMINA WOOD
DESIGN

487 Main Street, Suite 500
Buffalo, New York 14203
Phone: (716) 842-3165

111 Bain Street, Suite 312
Greensboro, North Carolina 27401
Phone: (336) 937-9009

3.6.b

Appendix II

Project Area Photographs



Photograph 1. General vicinity north and west of the APE including Sheridan Drive, looking west / southwest.



Photograph 2. General project vicinity north of the APE including Sheridan Drive, looking east / northeast.



Photograph 3. APE from the northwest corner, looking south.



Photograph 4. APE from the northwest corner including MDS (residence) location and a push pile, looking southeast.



Photograph 5. APE including driveway from Sheridan Road, looking south.



Photograph 6. APE including a push pile from Sheridan Drive, looking southeast.



Photograph 7. APE along the eastern boundary from the northeast corner, looking south.



Photograph 8. APE from the northeast corner, looking west.



Photograph 9. MDS location (residence) and push pile, looking northeast.



Photograph 10. Paved area within the APE, looking east / northeast.



Photograph 11. MDS location (outbuildings) and push pile, looking northeast.



Photograph 12. MDS location (outbuildings), looking north.



Photograph 13. APE, looking southwest.



Photograph 14. APE at top of slope in southern section, looking west.



Photograph 15. APE at top of slope in southern section, looking east.



Photograph 16. APE at top of slope in southern section, looking north.



Photograph 17. APE from base of slope in southern section, looking north.



Photograph 18. APE including slope in southern section, looking east.



Photograph 19. APE in southern section including slope, looking northwest.



Photograph 20. Ellicott Creek, south of APE, looking southwest.



Photograph 21. APE and general vicinity south of APE from Ellicott Creek, looking north / northwest.



Photograph 22. General project vicinity south of the APE including location of Ellicott Creek, from top of slope within APE, looking south.



Photograph 23. September 2007 Google photograph of 4795 Sheridan Drive (Google, 2024)

Appendix III Shovel Test Data

Trans	Shovel Test	Level	Depth Below Surface (CM)	Soil Color	Soil Matrix (Primary)	Soil Matrix (Secondary)	Artifacts Recovered	Comments
1	1	I	15	Dark Brown	Silt Loam		No Cultural Material (NCM)	
1	1	II	26	Dark Yellowish Brown	Clay Loam		NCM	
1	2	I	21	Dark Brown	Silt Loam		NCM	
1	2	II	36	Dark Yellowish Brown	Silty Clay Loam		NCM	
1	3	I	17	Dark Brown	Silt Loam		NCM	
1	3	II	29	Dark Yellowish Brown	Sand		NCM	
1	4	I	31	Dark Grayish Brown	Silt Loam		NCM	
1	4	II	50	Dark Yellowish Brown	Silty Sand		NCM	
1	5	I	28	Dark Grayish Brown	Silt Loam		NCM	
1	5	II	42	Dark Yellowish Brown	Silty Sand		NCM	
2	1	I	16	Dark Brown	Silt Loam		NCM	
2	1	II	31	Reddish Brown	Clay Loam		NCM	
2	2	I	29	Dark Brown	Silt Loam		NCM	
2	2	II	43	Yellowish Brown	Silty Clay Loam		NCM	
2	3	I	22	Dark Brown	Clay Loam		NCM	
2	3	II	44	Reddish Brown	Clay Loam		NCM	
2	4	I	29	Dark Grayish Brown	Silt Loam		NCM	
2	4	II	56	Reddish Brown	Silty Sand		NCM	
2	5	I	26	Dark Grayish Brown	Silt Loam		NCM	
2	5	II	56	Reddish Brown	Silty Sand		NCM	
3	1	I	23	Dark Brown	Silty Clay	Rocks and Gravel	NCM	
3	1	II	39	Reddish Brown	Silty Clay		NCM	
3	2	I	21	Dark Yellowish Brown	Silty Clay	Roots and Gravel	NCM	
3	2	II	45	Reddish Brown	Silty Clay	Rocks and Gravel	NCM	
3	3	I	20	Dark Grayish Brown	Sandy Clay	Rocks and Gravel	NCM	
3	3	II	41	Reddish Brown	Sandy Clay	Rocks and Gravel	NCM	
3	4	I	14	Grayish Brown	Sandy Loam	Gravel	NCM	
3	4	II	49	Dark Yellowish Brown	Sand		NCM	
3	5	I	23	Dark Brown	Sandy Loam	Rocks and Gravel	NCM	
3	5	II	40	Dark Yellowish Brown	Sandy Loam	Gravel	NCM	
3	6	I	24	Dark Grayish Brown	Silt Loam		NCM	
3	6	II	47	Reddish Brown	Silty Sand		NCM	
4	1	I	11	Dark Brown	Silt Loam	Rocks and Gravel	NCM	Rock Impasse
4	2	I	29	Dark Grayish Brown	Silt Loam	Rocks and Gravel	NCM	
4	2	II	60	Reddish Brown	Sandy Loam		NCM	
4	3	I	18	Grayish Brown	Silt Loam	Rocks and Gravel	NCM	
4	3	II	50	Reddish Brown	Sandy Clay	Rocks and Gravel	NCM	
4	4	I	9	Dark Brown	Silt Loam	Rocks, Gravel, Asphalt	NCM	Rock Impasse
4	5	I	19	Dark Grayish Brown	Silt Loam	Rocks and Gravel	NCM	

Trans	Shovel Test	Level	Depth Below Surface (CM)	Soil Color	Soil Matrix (Primary)	Soil Matrix (Secondary)	Artifacts Recovered	Comments
4	5	II	31	Reddish Brown	Sandy Clay		NCM	
4	6	I	31	Dark Grayish Brown	Silt Loam		NCM	
4	6	II	48	Reddish Brown	Silty Clay		NCM	
4	7	I	23	Dark Grayish Brown	Silt Loam		NCM	
4	7	II	47	Dark Yellowish Brown	Silty Sand		NCM	
5	1	I	13	Dark Brown	Silty Clay Loam	Rocks	NCM	On Top of Push Pile
5	1	II	51	Reddish Brown	Clay	Rocks and Asphalt	NCM	
5	2	I	18	Dark Brown	Sandy Loam	Rocks and Gravel	NCM	
5	2	II	31	Dark Yellowish Brown	Sand		NCM	
5	3	I	22	Dark Grayish Brown	Sandy Loam	Rocks, Gravel, Asphalt	NCM	
5	3	II	45	Dark Yellowish Brown	Sandy Loam	Gravel	NCM	
5	4	I	24	Dark Brown	Silt Loam		NCM	
5	4	II	47	Yellowish Brown	Sand		NCM	
5	5	I	22	Dark Grayish Brown	Silty Clay	Rocks and Asphalt	NCM	Push Pile
5	5	II	36	Dark Yellowish Brown	Sand	Gravel	NCM	
5	6	I	27	Dark Grayish Brown	Silt Loam		NCM	
5	6	II	52	Dark Yellowish Brown	Sand		NCM	
6	1	I	23	Dark Brown	Sandy Loam	Rocks and Gravel	NCM	
6	1	II	38	Dark Yellowish Brown	Sandy Loam		NCM	
6	2	I	21	Dark Grayish Brown	Silt Loam	Rocks and Gravel	NCM	
6	2	II	46	Reddish Brown	Clay		NCM	
6	3	I	25	Dark Grayish Brown	Silt Loam		NCM	
6	3	II	41	Dark Yellowish Brown	Sand		NCM	

August 8, 2024

Attn: Mr. Robert Savarino
RAS Development Companies
4758 North French Road
East Amherst, NY 14051

Re: Proposed Multi-family Development, Town of Amherst, NY
Traffic Generation and Sight Distance Assessment
Passero Project No: 20243946.0001

Dear Mr. Savarino:

This technical letter provides a trip generation and sight distance evaluation related to the proposed multi-family development located at 4795 Sheridan Dr in the Town of Amherst, NY for informational purposes and to understand the possible traffic impacts resulting from the proposed project. The letter details the projected trip generation estimates and discusses the thresholds for completing a Traffic Impact Study (TIS). Also, the available sight distances at the proposed driveway along Sheridan Dr are evaluated and compared to the required stopping sight distance and desirable intersection sight distance. All supporting materials are included in the attachments.

1. PROJECT DESCRIPTION

The proposed project is located to the south of Sheridan Dr, west of the WIN LIFE Foundation of WNY, in the Town of Amherst, NY. The project includes the construction of two 2-story multi-family buildings for a total of ±24 multi-family apartment units. Access to the proposed development will be provided via one proposed driveway along Sheridan Dr. The existing site is currently vacant/undeveloped land.

The proposed concept plan is included in the attachments.

2. TRANSPORTATION SYSTEM

The information outlined in **Table 1** provides a description of the existing roadway network adjacent to the project site.

Functional classification of roadways is determined by the NYSDOT and the Federal Highway Administration (FHWA). Both the NYSDOT and FHWA groups roads, streets, and highways into different classes based on how they are used. This is called functional classification. Roads and streets do not work alone to move traffic. Instead, they form a network. Functional classification defines how each road or street fits into this network, how it provides access to nearby properties, and whether it is in an urban or rural area.

In the study area, Sheridan Dr is classified as urban. The primary functional classification of Sheridan Dr within the study area is Principal Arterial (Class 14).

Proposed Multi-family Development, Town of Amherst, NY

Trip Generation and Sight Distance Assessment

Project No: 20243946.0001

August 8, 2024

Table 1: Existing Highway System

ROADWAY	CLASS ¹	AGENCY ²	SPEED LIMIT	TYPICAL CROSS SECTION ³	AADT (vpd)
Sheridan Dr (NY-324)	14	NYSDOT	45	4-lane undivided	31,757 NYSDOT (2019)

Notes:

1. Functional classification.
2. Roadway ownership. NYSDOT = New York State Department of Transportation
3. Excludes turning lanes at intersections.

3. TRIP GENERATION

The volume of traffic generated by a site is dependent on the intended land use and size of the development. Trip generation is an estimate of the number of trips generated by a specific building or land use. These trips represent the volume of traffic entering and exiting the development. *Trip Generation Manual (11th Edition)* published by the Institute of Transportation Engineers (ITE) is used as a reference for this information. The trip rate for the peak hour of the generator may or may not coincide in time or volume with the trip rate for the peak hour of adjacent street traffic. Volumes generated during the peak hour of the adjacent street traffic and proposed land use, in this case, the weekday AM and PM peak hours, represents a more critical volume when analyzing the capacity of the system; that interval will provide the basis of this analysis.

Table 2 shows the total site generated trips for the weekday AM and PM peak hours for the proposed development. All trip generation information has been included in the Attachments.

Table 2: Site Generated Trips

DESCRIPTION	ITE LUC ¹	SIZE	AM PEAK HOUR		PM PEAK HOUR	
			ENTER	EXIT	ENTER	EXIT
Multifamily Housing (Low-Rise)	220	±24 Units	7	23	19	11

Note:

1. LUC = Land Use Code.

The proposed project is expected to generate approximately 7 entering/23 exiting vehicle trips during the AM peak hour and 19 entering/11 exiting vehicle trips during the PM peak hour.

4. THRESHOLDS FOR THE REQUIREMENT OF A TRAFFIC IMPACT REPORT

Many reviewing agencies, including the NYSDOT, and Erie County Department of Public Works (ECDPW) use guidelines in determining whether a project warrants the preparation of a TIS. The applicable guideline is that if a proposed project is projected to add 100 or more site generated vehicles per hour (vph) to an adjacent intersection during either peak study period, then that intersection should be studied for potential traffic impacts.

Based upon projected trip generation data, 30 or fewer peak hour trips are added to a single intersection during the peak hours studied. Therefore, the proposed project does not warrant a TIS.

Proposed Multi-family Development, Town of Amherst, NY

Trip Generation and Sight Distance Assessment

Project No: 20243946.0001

August 8, 2024

5. SIGHT DISTANCE EVALUATION

This study investigated existing available sight distances at the Sheridan Dr/Proposed Driveway intersection. Sight distance is provided at intersections to allow drivers to perceive the presence of potentially conflicting vehicles. This should occur in sufficient time for a motorist to stop or adjust their speed, as appropriate, to avoid a collision at the intersection.

Sight distance is also provided at intersections to allow the drivers of stopped vehicles a sufficient view of the intersecting highway to anticipate and avoid potential incidents. If the available sight distance for an entering or crossing vehicle is at least equal to the appropriate Stopping Sight Distance (SSD) for the major road, then drivers have sufficient sight distance to anticipate and avoid collisions. To enhance traffic operations, Intersection Sight Distances (ISD) that exceed SSD are desirable along the major road.

A Policy on Geometric Design of Highways and Streets 7th Edition (2018), published by the American Association of State Highway and Transportation Officials (AASHTO), was used as a reference to establish the required SSD and desirable ISD for the proposed driveway location.

Required SSD and desirable ISD are based on the design speed for a given section of roadway; generally, the design speed is the posted speed limit plus 5 MPH. In this case, the posted speed limit at the location of the proposed driveway along Sheridan Dr is 45 MPH. Hence a design speed of 50 MPH was used. Stopping sight distance is dependent on the driver's eye height above the road surface, the specified object height above the road surface, and the height and lateral position of sight obstructions within the driver's line of sight. For design purposes, the recommended height is 3.50 feet above the road surface. The specified object height above the road surface is assumed to be 2.0 feet, representative of the shortest object at risk to drivers, including the height of automobile headlights or taillights.

The required SSD and desirable ISD based on the design speeds are shown in **Table 3** for the Sheridan Dr/Proposed Driveway intersection.

Table 3: *Sight Distance Evaluation*

INTERSECTION	POSTED SPEED	DESIGN SPEED	REQUIRED SSD	DESIRABLE ISD	AVAILABLE SIGHT DISTANCE TO THE:	
					LEFT	RIGHT ²
Sheridan Dr/Proposed Driveway	45 mph	50 mph	425	555	SSD: 700+ ISD: 700+	SSD: 700+ ISD: 700+

Note:

1. All sight distance measurements shown in feet.
2. Sight distance is unrestricted to the adjacent intersection

The available sight distances along Sheridan Dr at the proposed driveway location to the right and left exceed both the required stopping sight distance (SSD) and desirable intersection sight distance (ISD). Given that, no mitigation is required at this intersection related to the available sight distances.

6. CONCLUSIONS AND RECOMMENDATIONS

Given the projected site generated traffic, the thresholds for completing a TIS, and the roadway characteristics previously described, a full TIS report is not warranted. The proposed development is not expected to have a significant adverse impact on traffic operations within the general study area. Also, the available sight

Proposed Multi-family Development, Town of Amherst, NY

Trip Generation and Sight Distance Assessment

Project No: 20243946.0001

August 8, 2024

distances at the proposed driveway location exceed the required stopping sight distance and desirable intersection sight distance in both directions.

Please feel free to contact me directly with any questions.

Sincerely,

A Passero Associates Company



Amy C. Dake, P.E., PTOE

Senior Managing Traffic Engineer

Attachments

Attachment: Traffic Assessment-08-08-24 (28964 : 4795 Sheridan Drive- Area Variance)

ATTACHMENTS

August 8, 2024

Letter to
Mr. Robert Savarino

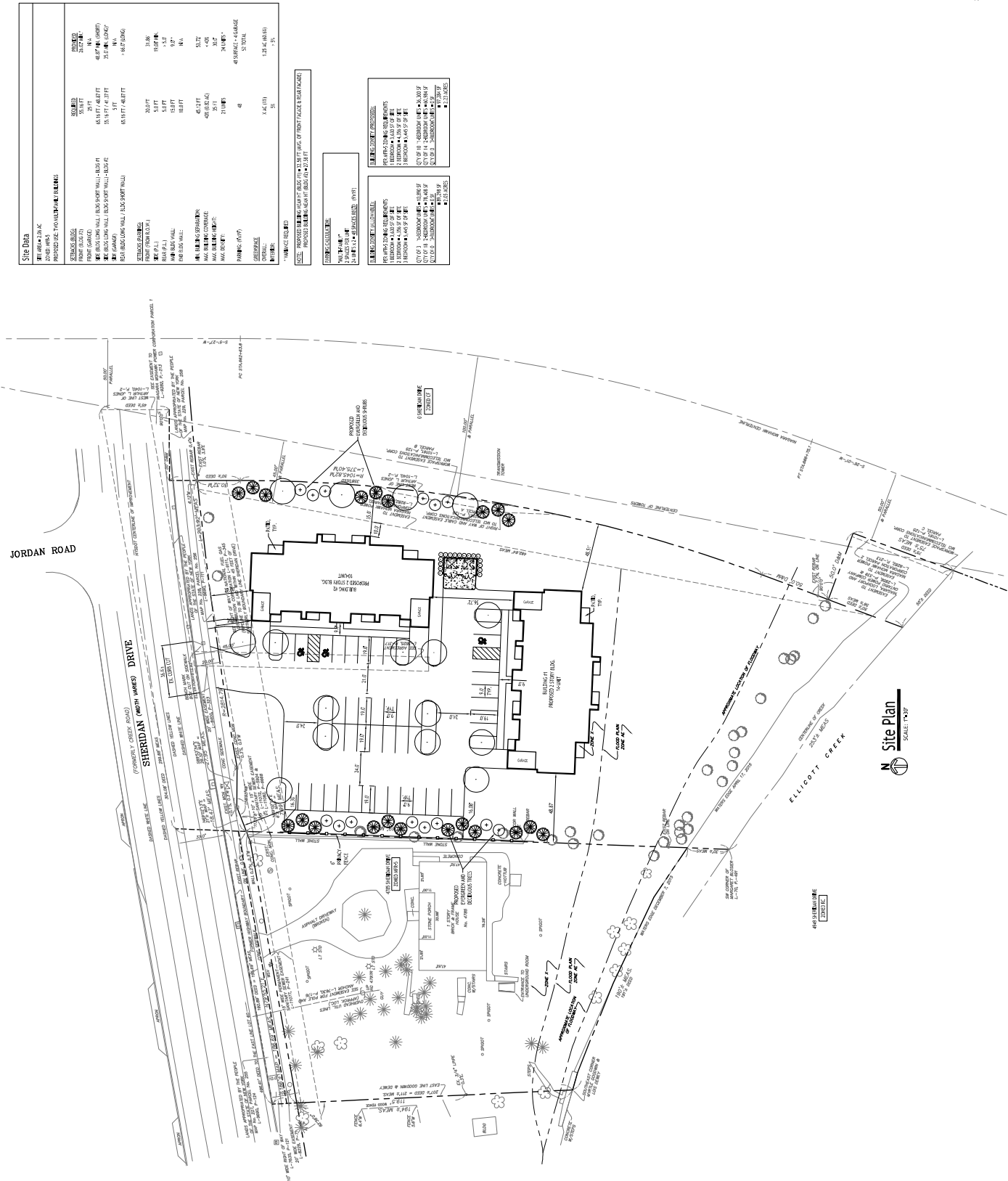
Proposed Multi-family Development

Trip Generation and Sight Distance Assessment

Town of Amherst
Erie County, New York

PASSERO
engineering architecture

242 West Main Street, Suite 100 Rochester, NY 14614
T 585.325.1000 | www.srfa.net | www.passero.com



PROJECT DETAILS	
Project Name:	4795 Sheridan Dr
Project No:	
Country:	
Analyst Name:	Amy Dake
Date:	8/8/2024
State/Province:	
Analysis Region:	
Type of Project:	
City:	
Built-up Area(Sq.ft):	
Clients Name:	
ZIP/Postal Code:	
No. of Scenarios:	2
SCENARIO SUMMARY	

Scenarios	Name	No. of Land Uses	Phases of Development	No. of Years to Project Traffic	User Group	Estimated New Vehicle Trips		
						Entry	Exit	Total
Scenario - 1	AM Peak	1	1	0		7	23	30
Scenario - 2	PM Peak	1	1	0		19	11	30

Scenario - 1

Scenario Name: AM Peak

User Group:

Dev. phase: 1

No. of Years to Project 0

Analyst Note:

Traffic :

Warning:

VEHICLE TRIPS BEFORE REDUCTION									
Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry Split%	Exit Split%	Total	
					Rate/Equation				
220 - Multifamily Housing (Low-Rise) - Not Close to Data Source: Trip Generation Manual, 11th Ed	General Urban/Suburban	Dwelling Units	24	Weekday, Peak Hour of Adjacent Street Traffic,	Best Fit (LIN) $T = 0.31(X) + 22.85$	7	23	30	
						24%	76%		

VEHICLE TO PERSON TRIP CONVERSION									
BASELINE SITE VEHICLE CHARACTERISTICS:									
Land Use	Baseline Site Vehicle Mode Share			Baseline Site Vehicle Occupancy			Baseline Site Vehicle Directional Split		
	Entry (%)	Exit (%)	100	Entry	Exit	1	Entry (%)	Exit (%)	76
220 - Multifamily Housing (Low-Rise) - Not Close to Rail Transit									

ESTIMATED BASELINE SITE PERSON TRIPS:									
Land Use	Person Trips by Vehicle			Person Trips by Other Modes			Total Baseline Site Person Trips		
	Entry	Exit	23	Entry	Exit	0	Entry	Exit	23
220 - Multifamily Housing (Low-Rise) - Not Close to Rail Transit	30			0			30		

NEW VEHICLE TRIPS									
Land Use							New Vehicle Trips		
							Entry	Exit	Total
220 - Multifamily Housing (Low-Rise) - Not Close to Rail Transit							7	23	30

RESULTS									
Site Totals									
Vehicle Trips Before Reduction							7	23	30
External Vehicle Trips							7	23	30
New Vehicle Trips							7	23	30

Scenario - 2

Scenario Name: PM Peak

Dev. phase: 1

Analyst Note:

User Group:

No. of Years to Project 0

Traffic :

Warning:

VEHICLE TRIPS BEFORE REDUCTION									
Land Use & Data Source	Location	IV	Size	Time Period Weekday, Peak Hour of Adjacent Street Traffic,	Method Rate/Equation Best Fit (LIN) T = 0.43(X) + 20.55	Entry		Exit	
						Split%		Split%	
						19	63%	11	37%
220 - Multifamily Housing (Low-Rise) - Not Close Data Source: Trip Generation Manual, 11th Ed	General Urban/Suburban	Dwelling Units	24						30

VEHICLE TO PERSON TRIP CONVERSION									
BASELINE SITE VEHICLE CHARACTERISTICS:									
Land Use	Baseline Site Vehicle Mode Share		Baseline Site Vehicle Occupancy		Baseline Site Vehicle Directional Split				
	Entry (%)	Exit (%)	Entry	Exit	Entry (%)	Exit (%)			
220 - Multifamily Housing (Low-Rise) - Not Close to Rail Transit	100	100	1	1	63	37			

ESTIMATED BASELINE SITE PERSON TRIPS:									
Land Use	Person Trips by Vehicle		Person Trips by Other Modes		Total Baseline Site Person Trips				
	Entry	Exit	Entry	Exit	Entry	Exit			
220 - Multifamily Housing (Low-Rise) - Not Close to Rail Transit	19	11	0	0	19	11	30		

NEW VEHICLE TRIPS									
Land Use					New Vehicle Trips				
					Entry	Exit	Total		
220 - Multifamily Housing (Low-Rise) - Not Close to Rail Transit					19	11	30		

RESULTS									
Site Totals									
Vehicle Trips Before Reduction					Entry		Exit		Total
External Vehicle Trips					19		11		30
New Vehicle Trips					19		11		30

**RAS DEVELOPMENT COMPANY
4758 NORTH FRENCH ROAD
EAST AMHERST, NY 14051**

August 12, 2024

Daniel Ulatowski, Zoning Enforcement Officer
Town of Amherst Planning Department
5583 Main Street
Williamsville, NY 14221

Re: Proposed Residential Project at 4795 Sheridan Drive – Zoning Board of Appeals

Dear Mr. Ulatowski and Members of the Zoning Board of Appeals:

Enclosed please find copies of the following project documentation being submitted in connection with the above referenced project:

1. No Impact Determination Letter issued by Scott Snyder of the NYS Office of Parks, Recreation and Historic Preservation dated today based on its review of the Phase I (IA and IB) Cultural Resource Investigation Report dated August 8, 2024 prepared by Paul Powers of Powers Archaeology LLC stating as follows:

“We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project.

The Archaeology Unit has reviewed the Phase IA/IB Archaeological Survey report prepared for this project (August 2024; 24SR00433). No archaeological sites were identified by the survey and the OPRHP concurs with the report recommendation that no additional archaeological work is necessary.”

2. Stormwater Summary Letter prepared by Patrick Sheedy Jr., P.E. of Carmina Wood Design dated August 7th providing information regarding the stormwater management system to be installed in connection with the proposed project for the purpose of complying with the stringent stormwater quality and quantity standards of the NYS Department of Environmental Conservation (“NYSDEC”) and the Town of Amherst drainage standards.

The enclosed documentation supports the Applicant’s position that the project will not result in any potentially significant adverse environmental impacts for purposes of the environmental review pursuant to the State Environmental Quality Review Act (“SEQRA”).

Please contact Sean Hopkins at (716) 510-4338 or via email at shopkins@hsmlegal.com or me at (716) 908-8322 or via email at robert.savarino@ccim.net with any questions or comments.

Attachment: Letter of No Impact NYSHPO (28964 : 4795 Sheridan Drive- Area Variance)

Very truly yours,

Robert A. Savarino

Robert A. Savarino
President

Enc.

cc: Brian Bray, Chairman, Zoning Board of Appeals
Ronald Shubert, Esq., Zoning Board of Appeals
Erik A. Goergen, Esq., Zoning Board of Appeals
Ellen Parker, Zoning Board of Appeals
Kelly J. Philips, Esq., Zoning Board of Appeals
Daniel Ulatowski, Zoning Enforcement Officer
Sean Hopkins, Esq.
Michael Blinkoff, Esq.
Patrick Sheedy, P.E.
Paul Powers



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

RANDY SIMONS
Commissioner *Pro Tempore*

August 12, 2024

Scott Marshall
Principal Planner
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Re: DEC
Proposed Multi-Family Apartment
4795 Sheridan Dr, Amherst, NY 14221
24PR03932

Dear Scott Marshall:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project.

The Archaeology Unit has reviewed the Phase IA/IB Archaeological Survey report prepared for this project (August 2024; 24SR00433). No archaeological sites were identified by the survey and the OPRHP concurs with the report recommendation that no additional archaeological work is necessary.

Please note that these comments pertain only to archaeological resources. Please continue to consult with Derek Rohde in the Technical Preservation Services Unit at Derek.Rohde@parks.ny.gov. If you have any questions concerning archaeology, I can be reached at Sydney.Snyder@parks.ny.gov.

Sincerely,

Sydney Snyder
Scientist - Archaeology

CARMINAWOOD DESIGN

August 7, 2024

Daniel Ulatowski, Zoning Enforcement Officer
Town of Amherst Planning Department
5583 Main Street
Williamsville, NY 14221

Re: Proposed Multi-Family Project
4795 Sheridan Drive
Amherst, NY

Mr. Ulatowski and Members of the Zoning Board of Appeals:

This letter has been prepared for the purpose of providing the Zoning Board of Appeals with a summary of the manner by which runoff from impervious surfaces on the Project Site will be properly handled. As a result of the need to install an on-site stormwater management complying the stringent applicable standards, the proposed project will not result in any potentially significant adverse stormwater impacts.

The multifamily project has been designed to avoid any impacts to the regulated floodway and 100 yr. floodplain associated with Ellicott Creek, which bisects the southern portion of the Project Site. This is confirmed by the Site Plan with Contours dated July 29th included with the Amended Variance Application.

In connection with the ZBA's evaluation of potential stormwater runoff impacts, it is important to mention that the Engineer's Report to be prepared by our firm will provide calculations that confirm that the storm water management system to be constructed as part of the multifamily project will comply with the applicable stringent stormwater quality and quantity standards of the New York State Department of Environmental Conservation ("NYSDEC") SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001 and the Town of Amherst. The fully engineered plans, Engineer's Report and SWPPP will need to be reviewed and approved by the Town of Amherst Engineering Department in connection with the future Site Plan 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 project will be handled.

I. Storm Water Design Narrative:

A storm water collection system is proposed for the impervious surfaces including access aisles, parking spaces and the two proposed multifamily buildings. This system will consist of catch basins placed on the Project Site to collect runoff from impervious surfaces. The proposed catch basins will be connected by a series of storm pipes which will convey the runoff to the storm water management areas. The storm water management areas will be designed in accordance with the New York State Department of Environmental Conservation ("NYSDEC") Stormwater Management Design Manual. These areas will provide both water quality and water quantity storage components.

Attachment: Letter of No Impact NYSHPO (28964 : 4795 Sheridan Drive- Area Variance)

The existing drainage path of the Project Site runoff under existing conditions is generally towards the existing storm sewer system along Sheridan Drive to the north, or towards Ellicott Creek to the south. In the developed condition, any developed areas will be conveyed to the storm water management area and ultimately discharge to the storm sewer system along Sheridan Drive. This will prevent water from the developed areas of the site from sheet draining offsite. The discharge from the storm water management area will be controlled by our engineered outlet control structure to not exceed the current existing rate of runoff to the existing ditch under all storm events which include the 10 year, 25 year & 100 year storm events.

Detention System:

The proposed storm water management area will consist of bioretention areas followed by an underground chamber detention system which will provide runoff reduction, volume attenuation and water quality treatment. These features will maintain the general drainage paths, similar to existing conditions. These storm water management areas will be designed based on the applicable stringent standards to ensure they provide adequate stormwater runoff capacity.

The NYSDEC Stormwater Management Design Manual requires (5) five different criteria be considered when designing a storm water management system.

Those criteria are Water Quality, Runoff Reduction Volume, Channel Protection, Overbank Flooding and Extreme Storm Protection. Below is a summary of each item and how it will be incorporated into the proposed multifamily project.

Water Quality:

The NYSDEC requires water quality treatment prior to discharge. The goal of the design will be to achieve 100% of the water quality volume requirement by applying a practice recognized in the design manual, a Standard SMP with Runoff Reduction capacity. Standard SMP's include bioretention which will be incorporated into this project.

Runoff Reduction Volume:

As stated above, the goal is for the total water quality volume for the site to be reduced by the implementation of a Standard SMP used to achieve the Water quality requirement. The design methodology will be based on the NYSDEC Stormwater Management Design Manual five-step process for Stormwater Management Planning as outlined in Chapter 3.

This project will incorporate several Runoff Reduction techniques such as:

- Preservation of natural resources
- Tree planting

Channel Protection:

The NYSDEC requires that extended detention be provided for the proposed 1- year storm event. The storage volume will be accommodated in the proposed underground chamber

detention system and the outlet will be restricted through the use of an engineered outlet structure designed in accordance with NYSDEC criteria.

Overbank Flooding:

The NYSDEC requires that the 10-year proposed storm event be attenuated with detention and that the outlet be restricted to the 10-year existing storm event. The storage volume will be accommodated in the proposed underground chamber detention system and the outlet will be restricted through the use of an engineered outlet structure designed in accordance with NYSDEC criteria.

Extreme Storm Protection:

The NYSDEC requires that the 100-year proposed storm event be attenuated with detention and that the outlet be restricted to the 100-year existing storm event. The storage volume will be accommodated in the proposed underground chamber detention system and the outlet will be restricted through the use of an engineered outlet structure designed in accordance with NYSDEC criteria.

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 (as well as controlling the proposed 25-year storm event to at or below the existing 10-year storm event runoff flowrate) for the pre-development peak rates of runoff respectively. In accordance with Town of Amherst and NYSDEC requirements a Notice of Intent and Stormwater Pollution Prevention Plan ("SWPPP") will be prepared for the proposed project due to the total disturbance of greater than one (1) acre.

As demonstrated by the above overview, the proposed multifamily development will include storm water management improvements per the applicable stringent standards of both the Town of Amherst and the NYSDEC. 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 quality and quantity standards as described above, ensures the proposed multifamily project will not result in any potentially significant adverse drainage impacts.

The fully engineered plans, Engineer's Report and SWPPP will need to be reviewed by the Town's Engineering Department and involved agencies to confirm compliance with the applicable stormwater quality and quantity standards of the NYSDEC.

If you should have any questions regarding this letter, please contact me at (716) 868-3209 or Sean Hopkins, Esq. at (716) 510-4338. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Pat Sheedy Jr.", is placed over a light gray rectangular background.

Patrick Sheedy Jr, PE | Senior Associate