

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

| | | |
|--|--|--|
| Name of Action or Project: Proposed Commercial Development | | |
| Project Location (describe, and attach a general location map): 7631 Transit Road [SBL: 17.03-1-2.1] | | |
| Brief Description of Proposed Action (include purpose or need): <p>The proposed project is to include the construction of a commercial building for retail use, totaling 43,200 gsf in size on the existing 6.88 acre parcel located at the southeast corner of Transit Road and Wolcott Road ("Project Site"). An existing 15,450 gsf building along the east boundary of the Project Site is to remain, with a portion being demolished (4,300 gsf), leaving approximately 11,150 gsf to be used for complimentary retail services to the proposed building. All other existing buildings or infrastructure within the Project Site are to be removed. Site access will be provided via a proposed curb cut on Transit Road and an existing curb cut on Wolcott Road. A portion of the project site (1.37 ac +/-) is to be left undeveloped for future development, no plan(s) are available for that area at this time. The northernmost 153.41 ft. of the Project Site will remain unfilled per the standards contained in Article V of Chapter 107 of the Town Code.</p> | | |
| Name of Applicant/Sponsor: 7631 Transit Road, LLC | | Telephone: 716-983-5772 E-Mail: lencokjc@lencobuffalo.com |
| Address: 1445 Seneca Street | | |
| City/PO: Buffalo | | State: NY Zip Code: 14210 |
| Project Contact (if not same as sponsor; give name and title/role): | | Telephone: E-Mail: |
| Address: | | |
| City/PO: | | State: Zip Code: |
| Property Owner (if not same as sponsor): | | Telephone: E-Mail: |
| Address: | | |
| City/PO: | | State: Zip Code: |

B. Government Approvals

| B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.) | | |
|---|--|---|
| Government Entity | If Yes: Identify Agency and Approval(s) Required | Application Date (Actual or projected) |
| a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees | Town Board | |
| b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission | Planning Board | |
| c. City, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals | | |
| d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Building Dept. - Demolition Permit Building Permits; Eng. Dept. - Floodplain Dev. Permit | |
| e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | ECDPW - Highway Work Permit; ECHD - Septic system; ECWA - water and RPZ | |
| f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | NYSDEC - SPDES Permit (storm & sanitary); NYS DOT - Highway Work Permit | |
| h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| i. Coastal Resources. | | |
| i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| iii. Is the project site within a Coastal Erosion Hazard Area? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |

C. Planning and Zoning

C.1. Planning and zoning actions.

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

- **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 Yes No where the proposed action would be located?

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

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

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, Yes No or an adopted municipal farmland protection plan?

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No

If Yes, what is the zoning classification(s) including any applicable overlay district?

Restricted Business

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?

New York State Police & Erie County Sheriff Department

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

Swormsville Volunteer Fire Company

d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? 6.88 acres

b. Total acreage to be physically disturbed? 5.50 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 6.88 acres

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

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

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

If Yes,

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

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

iii. Number of lots proposed? _____

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

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

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

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses?

Yes No

If Yes, show numbers of units proposed.

One Family

Two Family

Three Family

Multiple Family (four or more)

Initial Phase

At completion

Initial Phase

Yes No

If Yes,

i. Total number of structures _____ 1

ii. Dimensions (in feet) of largest proposed structure: _____ 18 height; _____ 120 width; and _____ 360 length

iii. Approximate extent of building space to be heated or cooled: _____ 43,200 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?

Yes No

If Yes,

i. Purpose of the impoundment: stormwater management

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

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

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

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

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

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No

(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

• Volume (specify tons or cubic yards): _____

• Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

iv. Will there be onsite dewatering or processing of excavated materials? Yes No

If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan:

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?

Yes No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description):

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: 900 gallons/day

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

If Yes:

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

iii. Will line extension within an existing district be necessary to supply the project?

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: 900 gallons/day

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

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

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

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

If Yes:

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

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

If Yes:

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

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

Sanitary sewage will be tributary to a private on-site sewage disposal system (septic system)

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

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

If Yes:

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

_____ Square feet or 2.4 acres (impervious surface)
_____ Square feet or 6.88 acres (parcel size)

ii. Describe types of new point sources. building roof, parking areas

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

on site stormwater management facility

- If to surface waters, identify receiving water bodies or wetlands: _____

- Will stormwater runoff flow to adjacent properties? Yes No

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

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

If Yes, identify:

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

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

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

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

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

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):
grid/local utility

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

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

i. During Construction:

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

ii. During Operations:

- Monday - Friday: _____ 8am to 5pm
- Saturday: _____ 8am to 2pm
- Sunday: _____ closed
- Holidays: _____ closed

| | |
|--|--|
| m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes: | |
| i. Provide details including sources, time of day and duration: | The construction of the proposed mixed-use project will result in temporary, unavoidable adverse noise impacts resulting from construction equipment and construction activities during the daytime. |
| ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Describe: _____ | |
| n. Will the proposed action have outdoor lighting? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes: | |
| i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: | Lighting to be installed will comply with the lighting standards of the Town of Clarence |
| ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Describe: _____ | |
| o. Does the proposed action have the potential to produce odors for more than one hour per day? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes: | |
| i. Describe proposed treatment(s): _____ _____ _____ | _____ |
| ii. Will the proposed action use Integrated Pest Management Practices? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe:

Commercial and residential uses _____

b. Land uses and covertypes on the project site.

| Land use or Covertype | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|--|--------------------|-------------------------------------|-----------------------|
| • Roads, buildings, and other paved or impervious surfaces | 3.7 | 2.4 | - 1.3 |
| • Forested | | | |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | | | |
| • Agricultural (includes active orchards, field, greenhouse etc.) | | | |
| • Surface water features (lakes, ponds, streams, rivers, etc.) | | | |
| • Wetlands (freshwater or tidal) | | | |
| • Non-vegetated (bare rock, earth or fill) | | | |
| • Other Describe: yard/greenspace _____ | 3.18 | 4.48 | + 1.3 |

| | |
|--|---|
| c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____ | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 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? If Yes, i. Identify Facilities: _____ | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 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? If Yes: i. Has the facility been formally closed? • If yes, cite sources/documentation: _____ | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 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? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 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? 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: <input type="checkbox"/> Yes – Spills Incidents database Provide DEC ID number(s): _____ <input type="checkbox"/> Yes – Environmental Site Remediation database Provide DEC ID number(s): _____ <input type="checkbox"/> Neither database | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 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? If yes, provide DEC ID number(s): _____ | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ | |

| | | |
|---|--|---|
| v. Is the project site subject to an institutional control limiting property uses? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <ul style="list-style-type: none"> 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? _____ | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> 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? _____ | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ % | | |
| c. Predominant soil type(s) present on project site: _____ | | Odessa Silt Loam 100 % _____ % _____ % |
| d. What is the average depth to the water table on the project site? Average: _____ | | 5 feet |
| e. Drainage status of project site soils: | | <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input checked="" type="checkbox"/> Poorly Drained 100 % of site |
| f. Approximate proportion of proposed action site with slopes: | | <input checked="" type="checkbox"/> 0-10%: 100 % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site |
| g. Are there any unique geologic features on the project site? _____ | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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)? _____ | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| ii. Do any wetlands or other waterbodies adjoin the project site? _____ | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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? _____ | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| iv. For each identified regulated wetland and waterbody on the project site, provide the following information: | | |
| <ul style="list-style-type: none"> Streams: Name _____ Lakes or Ponds: Name _____ Wetlands: Name _____ Wetland No. (if regulated by DEC) _____ | | Classification _____ Classification _____ Approximate Size _____ |
| v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? _____ | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If yes, name of impaired water body/bodies and basis for listing as impaired: _____ | | |
| i. Is the project site in a designated Floodway? _____ <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| j. Is the project site in the 100-year Floodplain? _____ <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |
| k. Is the project site in the 500-year Floodplain? _____ <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes: | |
| i. Species and listing: | |
| q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes, provide county plus district name/number: | |
| b. Are agricultural lands consisting of highly productive soils present? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes: | |
| i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> 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? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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

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.

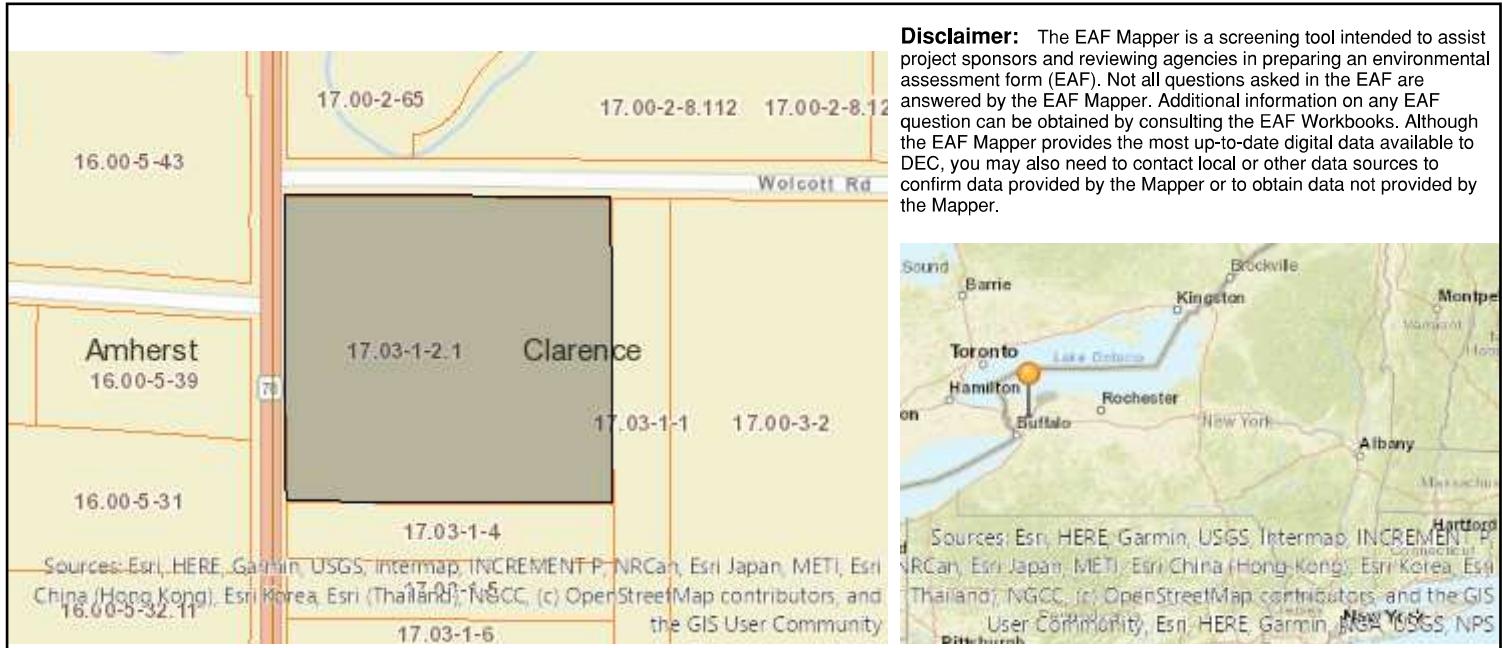
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name Patrick Sheedy Jr, PE [Carmina Wood Design] Date 11/23/25 rev. 2/5/26

Signature  Title engineer on behalf of the applicant



| | |
|---|--|
| 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.ii [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] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.2.h.ii [Surface Water Features] | Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook. |
| E.2.h.iii [Surface Water Features] | Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook. |
| E.2.h.v [Impaired Water Bodies] | No |
| E.2.i. [Floodway] | No |
| E.2.j. [100 Year Floodplain] | Yes |
| E.2.k. [500 Year Floodplain] | No |
| E.2.l. [Aquifers] | No |

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



LESCO

SUPPLIES





NOTES:
CONCEPT PLAN DEVELOPED FROM THE
BOUNDARY SURVEY COMPLETED BY MILLAR
MACKAY & DELLES DATED MAY 31, 2018
AND THE TOPOGRAPHIC SURVEY COMPLETE
BY NIAGARA BOUNDARY, LS DATED MARCH
9, 2022. THIS IS NOT A PROPERTY SURVEY

| |
|--------------|
| DESIGNED BY: |
| DRAWN BY: |
| CHECKED BY: |
| CAD FILE: |

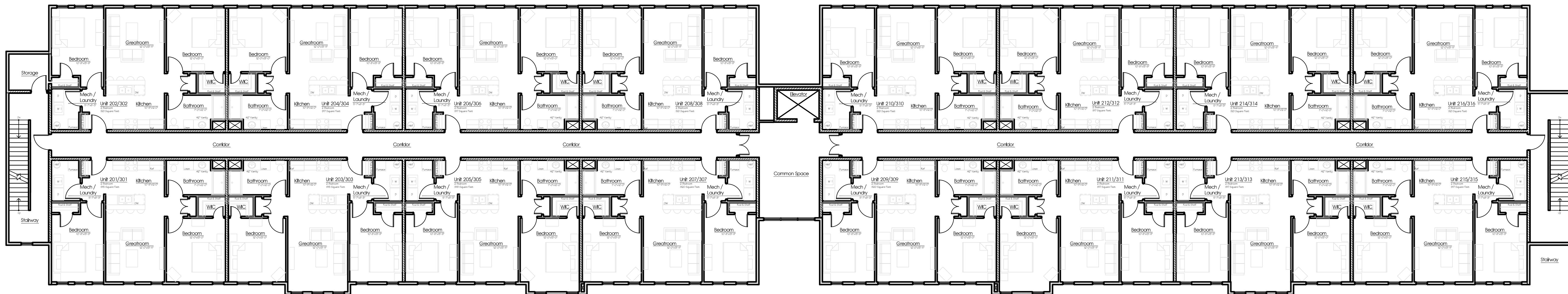
| | |
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| JCM | |
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 METZGER
CIVIL
ENGINEERING, PLLC

MULTI FAMILY RESIDENTIAL DEVELOPMENT
8750 MAIN STREET
TOWN OF CLARENCE, ERIE COUNTY, NEW YORK

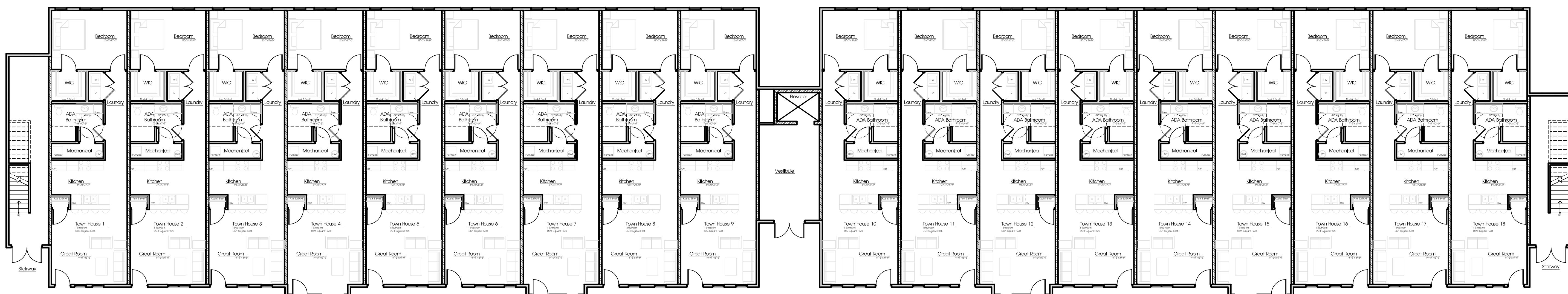
NAME: AUGUST 29, 2025
ADDRESS: M-1736
PHONE NUMBER:



Concept Second Floor Plan

Third Floor Plan Similar
17,395 Square Feet Per Floor

3/32" = 1'-0"



Concept First Floor Plan

17,395 Square Feet Per Floor

3/32" = 1'-0"



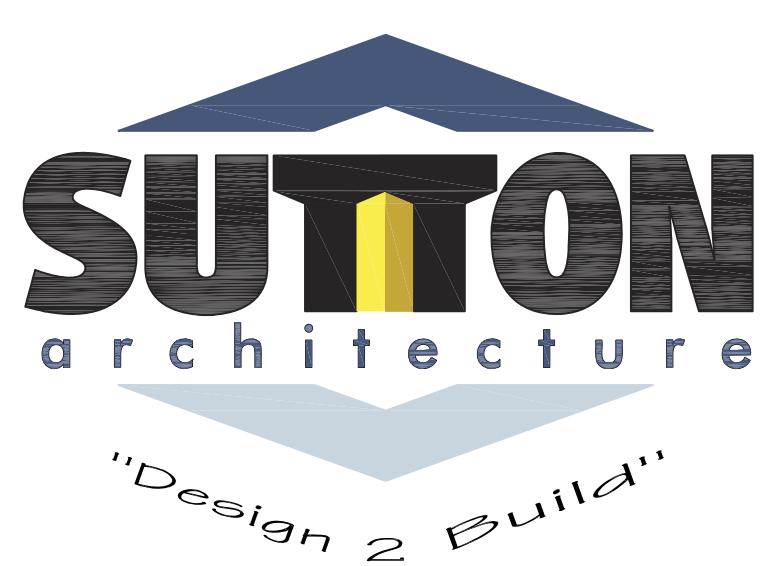
Concept Front Elevation

52,185 Total Building Square Footage

3/32" = 1'-0"

Samuels Apartments 50 Unit Multi-Family Concept Plans & Elevation

8750 Main Street
Town Of Clarence, NY
2/9/2026



METZGER CIVIL ENGINEERING, PLLC

December 5, 2025

Jonathan Bleuer, Director of Community Development
Town of Clarence
One Town Place
Clarence, N.Y. 14031

RE: 8750 Main St.
Samuel's Place
SEQR Responses

Dear Mr. Bleuer:

This letter is being submitted on behalf of the Project Sponsor for the purpose of responding to the comments that have been received to date in connection with the coordinated environmental review of the project pursuant to the State Environmental Quality Review Act ("SEQRA"). We have reviewed all SEQRA comments received within the 30 day lead agency response comment period and assessed their impact on the project. The following are our responses to the comments that have been received. These responses cover all comments received except for the NYSDOT as we are still working with them on a few topics. We have provided each comment below with our responses in bold immediately following:

NYSDEC letter of 10/17/25

1. DEC's amended Article 24, Freshwater Wetlands Jurisdiction and Classification regulations (6 NYCRR Part 664) went into effect on January 1, 2025.

Portions of New York State regulated freshwater wetlands and their adjacent areas may be located in the project area. Although some limited activities are exempt from permitting, most activities that involve disturbance within a wetland or its 100-foot adjacent area require an Environmental Conservation Law (ECL) Article 24,

Freshwater Wetlands permit from the DEC. Information on regulated activities within freshwater wetlands and adjacent areas is available on DEC's website ([see Regulated Activities](#)) which contains examples of regulated activities and those exempt from wetland permits.

To determine whether the property contains regulated freshwater wetlands, the project sponsor must submit a request for a Parcel Jurisdictional Determination (Parcel JD). A Parcel JD is a determination made by DEC whether a property contains regulated freshwater wetlands or adjacent areas within the parcel boundary. Please use the attached link to request a Parcel JD for the project site:

<http://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination>. If you have any problems submitting the Parcel JD request, please email: fwwjurisdiction@dec.ny.gov.

Please note, there is an option for people who have hired consultants, and for other environmental professionals with wetland expertise, to bypass the Albany Parcel Jurisdictional Determination (JD) and follow the Parcel JD-Consultant Option. Guidance on that process is online (via the above referenced link). Please note that Region 9 some information that is required in addition to the statewide requirements for the Consultant Option (attached). The project sponsor should utilize the attached Region 9 List of Requirements for their submission. The project sponsor must submit these requirements to the Region 9 Bureau of Ecosystem Health email address (R9BEH@dec.ny.gov) with a request to utilize the Consultant Option, and a request to schedule a boundary verification. Please be aware that this option is only to be used to positively confirm wetland presence on the property. A delineation showing no wetlands would not be acceptable and would require the standard Jurisdictional Determination Request Form NYS Freshwater Wetlands Jurisdictional Determination Request Form.

If the property contains regulated freshwater wetlands or adjacent areas, further delineation of the wetland boundaries and a Project Jurisdictional Determination (Project JD) may be required. A Project JD is a determination made by the regional DEC office about whether a proposed activity within a parcel containing regulated freshwater wetlands or adjacent areas requires an Article 24 Freshwater Wetlands permit. Project JD requests should be sent to the Region 9 Bureau of Ecosystem Health (BEH) at R9BEH@dec.ny.gov

If regulated freshwater wetlands or adjacent areas are present, all efforts must be made to first avoid disturbing the wetland and adjacent area. If disturbance to the wetland and/or adjacent area cannot be avoided, the project sponsor must submit a Freshwater Wetland permit application and obtain a permit to conduct a regulated activity. In accordance with DEC's Freshwater Wetlands Permit Requirements Regulations (6 NYCRR Part 663), the applicant would need to justify the disturbance, discuss alternatives and minimize impacts as part of the Freshwater Wetlands permit application. More information on application procedures and permit issuance standards is available on DEC's website at: <https://dec.ny.gov/regulatory/permits-licenses/waterways-coastlines-wetlands/freshwater-wetlands#Determine>.

Response: Wetlands Investigation Co. ("WIC"), the professional wetland consultant for the project has been working with us on this Site since the beginning of the project. WIC has completed a wetland delineation for the Project Site and have concluded that there are no state jurisdictional wetlands present on the Project Site.

2. The project area may include federally regulated wetlands based on a review of the National Wetlands Inventory wetland mapping. The project sponsor should consult with the United States Army Corps of Engineers (USACE), telephone: 716/879-4330, concerning USACE regulatory jurisdiction to determine if the project will impact federally regulated wetlands or require and other approval from that agency. If federal wetlands are involved, USACE may require the project sponsor to obtain a Section 401 Water Quality Certification (WOC) from NYSDEC. More information related to this requirement can be found on NYSDEC's website at: wetlands/freshwater-wetlands-program/conserve/federal-regulatory-programs.

Response: WIC previously completed a wetland delineation for the project site, submitted it to the USACOE and received a Jurisdictional Determination (JD). There are not any jurisdictional federal wetlands located on Project Site. A copy of the JD issued by the USACOE dated February 11, 2021 is enclosed.

3. Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-25-001, as well as information on how to electronically submit the eNOI form, is available on the NYSDEC's website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the NYSDEC's website at www.dec.ny.gov/chemical/8468.html

The Town of Clarence is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principal executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the eNOI to receive NYSDEC approval before construction commences.

Response: The project will be designed in full compliance with the NYS Stormwater Standards that apply to a project that will result in 1 acre or more of disturbance. The SWPPP to be prepared by our firm in connection with the Site Plan Application review process will be provided to the Town's Engineering Department to confirm compliance with the applicable standards.

4. The project site was noted to be located in an archaeologically sensitive area based on information obtained through the Cultural Resource Information System (CRIS) on the New York State Office of Parks, Recreation and Historic Preservation's (OPRHP) website at <https://cris.parks.ny.gov/>. As part of the SEQR process, this concern should be evaluated, unless it can be verified by appropriate documentation that the site has been significantly disturbed in a way that would destroy potential artifacts. Please recognize that normal agricultural activities, such as plowing, would not constitute such land disturbance. If there are any questions regarding this, contact OPRHP (telephone: 5181237 -8643).

Response: A complete archeological study was performed by a qualified archeologist and submitted to the New York State Office of Parks, Recreation and Historic Preservation ("NYSOPRHP"). NYSOPRHP issued a No Impact Letter on September 24, 2025, a copy of which is enclosed, stating as follows:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project 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 OPRHP 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.

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

5. In accordance with the New York State Environmental Conservation Law, a State Pollutant Discharge Elimination System (SPDES) Permit is required for a facility whose treated sanitary wastewater discharge to groundwater is greater than 1,000 gallons per day, and for all sanitary wastewater discharges to surface water. Depending upon the volume of the proposed discharge, permits and/or plan approvals may be required from NYSDEC and the Erie County Health Department (address: 503 Kensington Avenue, Buffalo, New York 14214, telephone: 716/961-6800). The SPDES application and additional information is available on our website at: <https://dec.ny.gov/regulatory/permits-licenses/general-permits/spdes-private-commercial-institutional>.

Response: Upon completion of the on site sewage management system design it will be submitted to both Erie County Health Dept. for plan approval and to the NYSDEC for issuance of the required SPDES Permit during the Development Plan Approval phase.

ECDEP-239 -m Referral Response of 10/16/25

No comment made.

ECWA letter of 10/9/25

No SEQR comment made.

Once we have gathered the information requested by NYSDOT we will respond accordingly to their email of 10/15/25. In the meantime should you have any questions please contact the undersigned.

Yours Truly,



Michael J. Metzger, P.E.

CC: Sean Hopkins, Esq.

Erik Krull

Patrick McNamara

Andrew Schaefer



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

February 11, 2021

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination for Department of the Army Processing No. LRB-2018-00808

Erik Krull
Wetlands Investigation Co.
503 Maynard Drive
Amherst, NY 14226

Dear Mr. Krull:

I have reviewed a request submitted by you on behalf of Samuels Grande Manor and VisconeCo Site Development for an approved jurisdictional determination (JD) for the 18.36 acre subject parcel located at 8750 and 8766 Main Street, in the Town of Clarence, Erie County County, New York.

Enclosed is an approved JD which verifies the limits of waters of the U.S. within the subject parcel as depicted on Sheets 2 of 2. This approved JD will remain valid for a period of five (5) years from the date of this correspondence unless new information warrants revision of the approved JD before the expiration date. At the end of this period, a new aquatic resource delineation and JD will be required.

I have determined that the following aquatic resources are not waters of the U.S. as noted on the attached Interim Approved Jurisdictional Determination Form: Wetland A, Wetland B and Stream. Therefore, these aquatic resources are not regulated under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899. Department of the Army authorization is not required if you propose work or propose a discharge of dredged or fill material in these aquatic resources.

Further, this delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in your request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above JD, you must

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination for Department of the Army Processing No. LRB-2018-00808

submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Suzanne Chubb
Regulatory Appeals Review Officer
US Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10-714
Cincinnati, Ohio 45202-3222
Phone: 513-684-7261 Fax: 513-684-2460

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete; that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **04/12/2021**.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

Questions pertaining to this matter should be directed to me at (716) 879-4296 , by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, NY 14207, or by e-mail at: Mikhail.A.Boutsko@usace.army.mil .

Sincerely,



Mikhail Boutsko
Biologist

Enclosures

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

| | | |
|--|--|-------------------|
| Applicant: Samuels Grand Manor and VisconeCo Site Dev. | File Number: 2018-00808 | Date: 02/11/2021 |
| Attached is: | | See Section below |
| | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A |
| | PROFFERED PERMIT (Standard Permit or Letter of permission) | B |
| | PERMIT DENIAL | C |
| X | APPROVED JURISDICTIONAL DETERMINATION | D |
| | PRELIMINARY JURISDICTIONAL DETERMINATION | E |

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Mikhail Boutsko
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207
716-879-4296
Mikhail.A.Boutsko@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Suzanne Chubb
Regulatory Appeals Review Officer
US Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10-714
Cincinnati, Ohio 45202-3222
Phone: 513-684-7261 Fax: 513-684-2460

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

| | | |
|----------------------------------|-------|-------------------|
| Signature of appellant or agent. | Date: | Telephone number: |
|----------------------------------|-------|-------------------|



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 09-FEB-2021

ORM Number: LRB-2018-00808

Associated JDs: N/A

Review Area Location¹:

State/Territory: NY City: Clarence County/Parish/Borough: Erie County

Center Coordinates of Review Area: Latitude 42.967717 Longitude -78.667169

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

| § 10 Name | § 10 Size | § 10 Criteria | Rationale for § 10 Determination |
|-----------|-----------|---------------|----------------------------------|
| N/A | N/A | N/A | N/A |

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

| (a)(1) Name | (a)(1) Size | (a)(1) Criteria | Rationale for (a)(1) Determination |
|-------------|-------------|-----------------|------------------------------------|
| N/A | N/A | N/A | N/A |

Tributaries ((a)(2) waters):

| (a)(2) Name | (a)(2) Size | (a)(2) Criteria | Rationale for (a)(2) Determination |
|-------------|-------------|-----------------|------------------------------------|
| N/A | N/A | N/A | N/A |

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

| (a)(3) Name | (a)(3) Size | (a)(3) Criteria | Rationale for (a)(3) Determination |
|-------------|-------------|-----------------|------------------------------------|
| N/A | N/A | N/A | N/A |

Adjacent wetlands ((a)(4) waters):

| (a)(4) Name | (a)(4) Size | (a)(4) Criteria | Rationale for (a)(4) Determination |
|-------------|-------------|-----------------|------------------------------------|
| N/A | N/A | N/A | N/A |

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
|----------------|----------------|---|---|
| Stream | 350 feet | (b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories | Stream is an approximately 350-foot-long intermittent stream flowing from the east into the center of the property, where it drains into a sink hole. There is no evidence of the water resurfacing in the surrounding area. The Stream is located over 4,100 linear feet southeast from the nearest a(1)-a(3) water (unnamed tributary to Got Creek). Based on the review of available resources, no evidence was found that this Stream contributes surface water flow to a territorial sea or traditional navigable water downstream in a typical year either directly or indirectly through other tributaries, jurisdictional lakes, ponds, or impoundments, or adjacent wetlands. The Stream does not contribute flow to a jurisdictional water through a channelized non-jurisdictional surface water feature, a subterranean river, a culvert, dam, tunnel, or other similar artificial feature, or through a debris pile, boulder field, or similar natural feature in a typical year. |
| Wetland A | 0.916 acres | (b)(1) Non-adjacent wetland | Wetland A is a 0.916 acre PFO depressional wetland, located in the southwestern part of the property, with no connection to an a(1)-a(3) water. Wetland A is located over 4,000 feet southeast of an a(1)-a(3) water (unnamed tributary to Got Creek). The wetland is separated by a school and several developed streets from the a(1)-a(3) water. Based upon the soil classification in the USDA Web Soil Survey, the wetland has a nearly zero percent chance of flooding in any year. Review of the historical aerials did not show any inundation throughout the year by an a(1)-a(3) water. All resources reviewed support the determination that Wetland A does not abut an a(1)-a(3) water, is not inundated by flooding by an a(1)-a(3) water at least once a typical year, is not separated from an a(1)-a(3) water by a natural berm or barrier and is not separated from an a(1)-a(3) water by a man made barrier which contains a feature that allows flow exchange in a typical year. |
| Wetland B | 4.272 acres | (b)(1) Non-adjacent wetland | Wetland B is a 4.272 acre PFO depressional wetland, located in the northwestern part of the property, with no connection to an a(1)-a(3) water. The wetland potentially extends west off the property. However, based on review of aerial photography, the investigation site is bordered by developed properties with maintained lawns on the west and a school with maintained athletic fields to the north, with no signs of wetland continuation. Wetland B is located over 3,900 feet southeast of an a(1)-a(3) water (unnamed tributary to Got Creek). The wetland is separated by multiple |

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

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⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
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| | | | |
|--|--|--|---|
| | | | roads with developed properties from the a(1)-a(3) water. Based upon the soil classification in the USDA Web Soil Survey, the wetland has a nearly zero percent chance of flooding in any year. Review of the historical aerials did not show any inundation throughout the year by an a(1)-a(3) water. All resources reviewed support the determination that Wetland B does not abut an a(1)-a(3) water, is not inundated by flooding by an a(1)-a(3) water at least once a typical year, is not separated from an a(1)-a(3) water by a natural berm or barrier and is not separated from an a(1)-a(3) water by a man made barrier which contains a feature that allows flow exchange in a typical year. |
|--|--|--|---|

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: *Wetland delineation named "Wetland Delineation" conducted by Wetland Investigation Co. and submitted in June of 2018 with accurate, complete data sheets, and photographs.*
This information is sufficient for purposes of this AJD.
Rationale: N/A.

Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: *Google Earth Pro (2021), ESRI, Eagleview (2010, 2013, 2016, 2018, 2019, 2020).*

Corps Site visit(s) conducted on: 08/14/2018 and 09/01/2020.

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *Web Soil Survey reviewed.*

USFWS NWI maps: *USFWS online map reviewed.*

USGS topographic maps: *Lancaster, New York Quad; 24k:1.*

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|----------------------------|--|
| USGS Sources | N/A. |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | N/A. |
| State/Local/Tribal Sources | NYS DEC on-line Environmental Recourse Map reviewed. |
| Other Sources | ORM2. |

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

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NAVIGABLE WATERS PROTECTION RULE**

B. Typical year assessment(s): The APT pulls precipitation data from NOAA's Daily Global Historical Climatology Network. The APT evaluates normal precipitation conditions based on the three 30-day periods preceding the observation date. For each period, a weighted condition value is assigned by determining whether the 30-day precipitation total falls within, above, or below the 70th and 30th percentiles for totals from the same date range over the preceding 30 years. The APT then makes a determination of "normal," "wetter than normal," or "drier than normal" based on the condition value sum. The APT also displays results generated via the Palmer Drought Severity Index and the University of Delaware Web WIMP.

| Latitude | Longitude | Date | PDSI Value | PDSI Class | Season | ARC Score | Antecedent Precip Condition |
|----------|-----------|------------|------------|-------------------|------------|-----------|-----------------------------|
| 42.96772 | -78.6672 | 11/8/2010 | 2.27 | Moderate wetness | Wet Season | 7 | Drier than Normal |
| 42.96772 | -78.6672 | 4/23/2013 | 0.24 | Normal | Wet Season | 13 | Normal Conditions |
| 42.96772 | -78.6672 | 4/15/2016 | -0.83 | Incipient drought | Wet Season | 13 | Normal Conditions |
| 42.96772 | -78.6672 | 6/1/2018 | 1.91 | Mild wetness | Dry Season | 13 | Normal Conditions |
| 42.96772 | -78.6672 | 8/14/2018 | 1.32 | Mild wetness | Dry Season | 11 | Normal Conditions |
| 42.96772 | -78.6672 | 11/21/2019 | 3.12 | Severe wetness | Wet Season | 16 | Wetter than Normal |
| 42.96772 | -78.6672 | 5/2/2020 | -0.2 | Normal | Wet Season | 12 | Normal Conditions |
| 42.96772 | -78.6672 | 9/1/2020 | -1.33 | Mild drought | Wet Season | 10 | Normal Conditions |

Evaluation of aerial photographs, delineation report and results from the APT indicate that no signs of inundation of the wetlands from a tributary occurred. One of the years evaluated had wetter than normal conditions, one of the years evaluated had drier than normal conditions, the rest were under normal conditions, and there was no inundation visible. As noted above, the nearest tributary is over 3,900 feet from the closest delineated wetland.

C. Additional comments to support AJD: N/A.

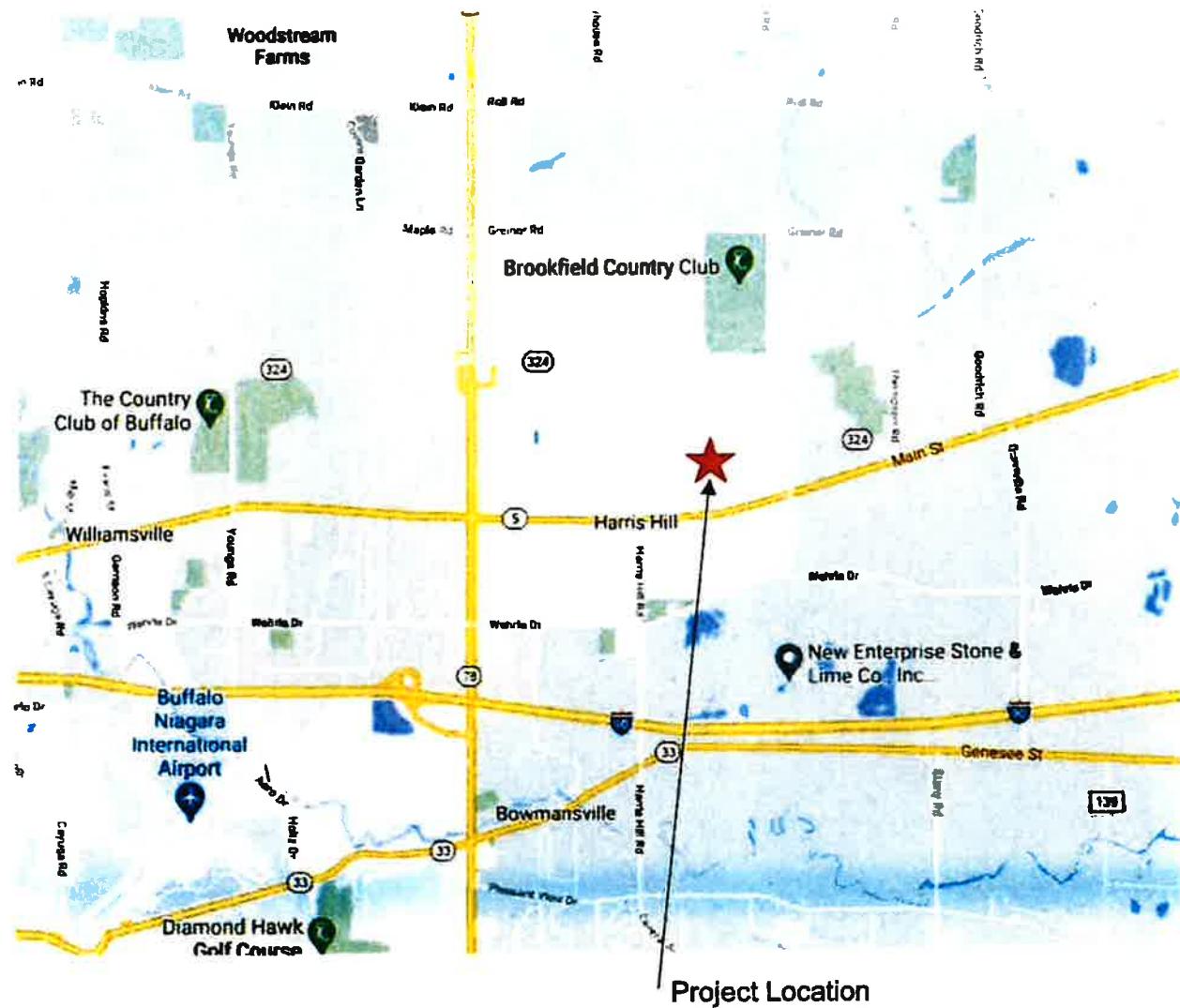
¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

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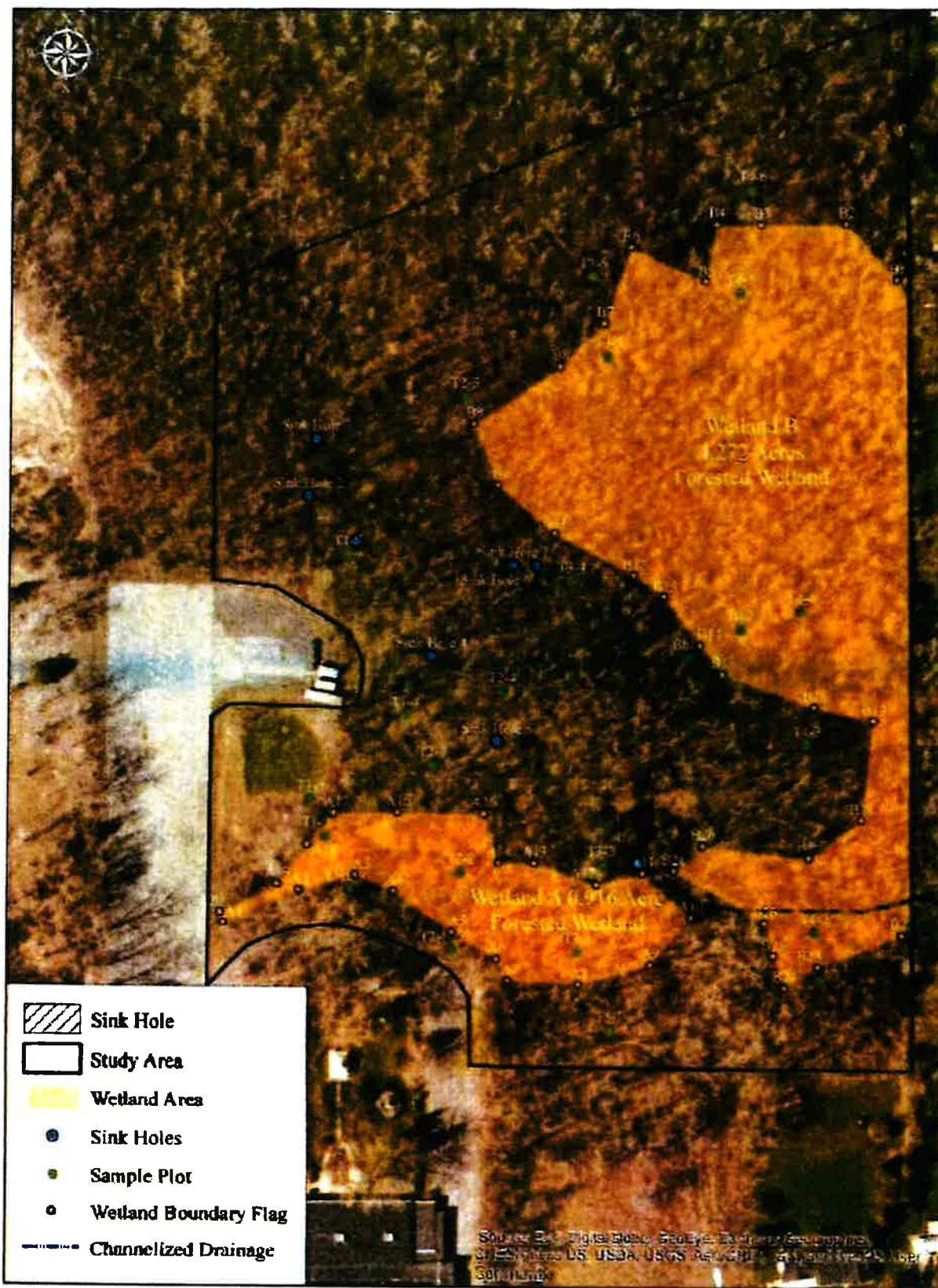
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Samuels and VisoneCo - 8750 and 8766 Main Street
D/A Processing No. 2018-00808
Erie County, New York
Quad: Lancaster
Sheet 1 of 2

Samuel's Grande Manor - Wetland Boundary Map



Samuels and VisoneCo - 8750 and 8766 Main Street
D/A Processing No. 2018-00808
Erie County, New York
Quad: Lancaster
Sheet 2 of 2



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

KATHY HOCHUL
Governor

RANDY SIMONS
Commissioner Pro Tempore

September 24, 2025

Michael Metzger
PE
Metzger Civil Engineering PLLC
8245 Sheridan Drive
Williamsville, NY 14221

Re: DEC

Samuel's Grand Manor: construction of 2 - 20 unit apartment buildings located on the north portion of the property
8750 Main Street, Clarence, Erie County, NY
18PR05647

Dear Michael Metzger:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project 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 OPRHP 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.

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above. If you have any questions, please contact Sydney Snyder at the following email address:

Sydney.Snyder@parks.ny.gov

Sincerely,

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation



January 2, 2026

Jonathan Bleuer, Director of Community Development
Town of Clarence Office of Planning and Zoning
One Town Place
Clarence, New York 14031

Re: Redevelopment of 8750 & 0 Main Street
Proposed Multifamily Project
Applicant/Project Sponsor: 8750 Main Street Associates LLC

Dear Jonathan:

Per our conversation earlier today, attached as Exhibit "1" is a copy of the e-mail dated today sent to me by Kevin Hebert of the New York State Department of Transportation ("NYSDOT") confirming that the traffic related information that was e-mailed by Mike Metzger, Esq. on December 24th adequately addressed the NYSDOT's comments in the e-mail sent to you Thomas Nieswiadomy of the NYSDOT on October 15, 2024 and that NYSDOT does not have any additional traffic related concerns regarding the proposed project in connection with the coordinated environmental review pursuant to the State Environmental Quality Review Act ("SEQRA").

The Project Sponsor is requesting that the pending request for the issuance of a Negative Declaration pursuant to SEQRA and for Concept Plan Approval be placed on the agenda of the next meeting of the PBX for placement on the agenda of the Planning Board meeting to be held later this month.

Please contact me at 510-4338 or via e-mail at shopkins@hsmlegal.com with any questions regarding the status of the proposed project.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

A handwritten signature in blue ink that appears to read "Sean W. Hopkins".

Sean W. Hopkins, Esq.

cc: Patrick McNamara
Michael Metzger, P.E., Metzger Civil Engineering PLLC
David Sutton, R.A., Sutton Architecture PLLC

HOPKINS SORGI & MCCARTHY PLLC

Attorneys at Law

35 California Drive, Suite 100, Williamsville, New York 14221
Direct: 716-510-4338 • E-mail: shopkins@hsmlegal.com • www.hsmlegal.com

Exhibit 1

From: [Hebert, Kevin P \(DOT\)](#)
To: [Sean Hopkins](#)
Cc: [meteng@ROADRUNNER.com](#); [Patrick McNamara](#); [Schoenfeldt, Alyssa \(DOT\)](#); [Poodry, Kathryn D. \(DOT\)](#)
Subject: RE: McNamara Project - 8750 Main Street - Town of Clarence - 10239.2
Date: Friday, January 2, 2026 11:07:07 AM
Attachments: [image001.png](#)

Sean,

Thank you for reaching out and I apologize in the delayed response. Based on the information previously provided the NYSDOT does not have any addition comments on the site at this time. If any work is to be performed in the NYSDOT ROW a highway work permit will be required at that time. Please be advised that if this happens the new Permittrack program will be required for submittal.

Kevin Hebert, P.E.

Regional Major Commercial Development Coordinator
Acting Regional Traffic Signal Operations Engineer

New York State Department of Transportation

100 Seneca Street Buffalo, NY 14203
(716) 847-5256 | kevin.hebert@dot.ny.gov
www.dot.ny.gov

From: Sean Hopkins <shopkins@hsmlegal.com>
Sent: Tuesday, December 30, 2025 5:25 PM
To: Hebert, Kevin P (DOT) <Kevin.Hebert@dot.ny.gov>; Ismail, Haris (DOT) <Haris.Ismail@dot.ny.gov>
Cc: [meteng@ROADRUNNER.com](#); [Patrick McNamara](#) <Patrick@remcnamara.com>
Subject: McNamara Project - 8750 Main Street - Town of Clarence - 10239.2

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Kevin:

It would be greatly appreciated if you would provide us with an update at your convenience.

I can be reached at 510-4338 or via e-mail.

Thanks and hope all is well with you.



Sean W. Hopkins

Partner

35 California Drive, Suite 100
Williamsville, New York 14221
Direct: 716.510-4338
E-mail: shopkins@hsmlegal.com

From: METENG@roadrunner.com

To: Kevin P (DOT)"
Cc: Haris (DOT)", Alyssa (DOT)"
Sent: Wednesday December 24 2025 12:00:13PM
Subject: 8750 Main Street, Clarence

Kevin;

We have looked at trip generation rates derived from the U.S. Department of Transportation, Federal Highway Administration, document entitled Development and Application of Trip Generation Rates for the existing and proposed apartment uses plus intuitive, empirical data relating to the Samuel's Grand Manor facility.

The existing Samuel's Grand Manor (SGM) banquet facility, which has been in existence since 1978 has the physical capacity to host as many as 600 people in the event center. Changes to the facility a few years back actually reduced the capacity and thus usage of the event center by converting the upper floor event space into 6 luxury apartments. 47% of the former event space was eliminated. The owner reports that 600 guests is the very most the facility can currently host and is very difficult from a space standpoint. Hosting an event with that many people is also very rare but that is what is used here for analysis purposes to provide the worst case scenario. As noted above there are 6 existing apartments currently on site. The project under consideration by the Town of Clarence is to add 50 more residential apartment units to the property at the rear of the site.

Before discussing traffic counts it must be noted that there are no proposed changes to the infrastructure or entrances in the Main Street right of way. Existing drive lanes will continue to be utilized for access to the site as the new apartments are all at least 1000' back behind the existing SGM facility. There are no sanitary sewers. The site will be served by an on site wastewater treatment facility at the back of the property. Electric, gas and water infrastructure for the apartments will all come from existing services on site with no new work in the Main Street right of way. As such, we are suggesting that the prior request for geometric and topographic info within the Main Street right way including lane widths, signage, infrastructure, entrance geometry, etc. will not be

needed. Further to that point, no stormwater will be directed to the Main Street right of way. Stormwater will all be handled internally to the site through the use of injection wells. The back of the property where the new development will be located is also approximately 12' lower than the front at the right of way such that water would never be able to be diverted to the Main Street right of way.

Regarding trip generation, the existing site is suggested as follows; At 600 guests at SGM, it would be anticipated that there would be a maximum of 300 vehicles per event. The vast majority of SGM events occur in the evening and mostly on weekends. As such, no AM peaks were evaluated for the SGM event center. It is expected that the vast majority of vehicles arriving for events would arrive within 1 hour. It is also anticipated that 40 of the trips would be drop offs which would then leave within that same hour. It is anticipated that 75% of the vehicles would be arriving from and leaving to the west.

The existing 6 apartments would contribute a minuscule amount to the existing traffic numbers with an east /west split similar to the SGM event center.

Proposed traffic from the 50 new apartments would likely have a similar east west split of 25% from the east and 75% from the west based upon expected employment patterns, areas of interest and development and life choices.

Please see the attached table for the expected traffic numbers.

As can be seen here, the addition of 50 new apartments will have a negligible impact to the existing traffic flows during the peak times of events at SGM. Please let us know if you have any questions and provide any further comments upon review of this information. Thank you.

Mike

Metzger Civil Engineering PLLC
8245 Sheridan Drive
Williamsville NY 14221
716-633-2601
716-633-2704 (fax)

From: "Hebert, Kevin P (DOT)"
To: "meteng@ROADRUNNER.com", Haris (DOT)", Alyssa (DOT)"

Mike;

Trip generation will be required to be provided for what the intentional usage of the site is. This is consistent for what is being required for all developments utilizing the state right-of-way. This does not have to be a full-blown traffic impact study but showing that

the traffic impact based on volume should be minimal. This could be as simple as providing number from the ITE Trip Gen manual for peak time and then showing in which direction they are anticipated heading on Main Street.

If you have any questions, please feel free to reach out to me via email or phone.

Kevin Hebert, P.E.

Regional Major Commercial Development Coordinator
Acting Regional Traffic Signal Operations Engineer

New York State Department of Transportation

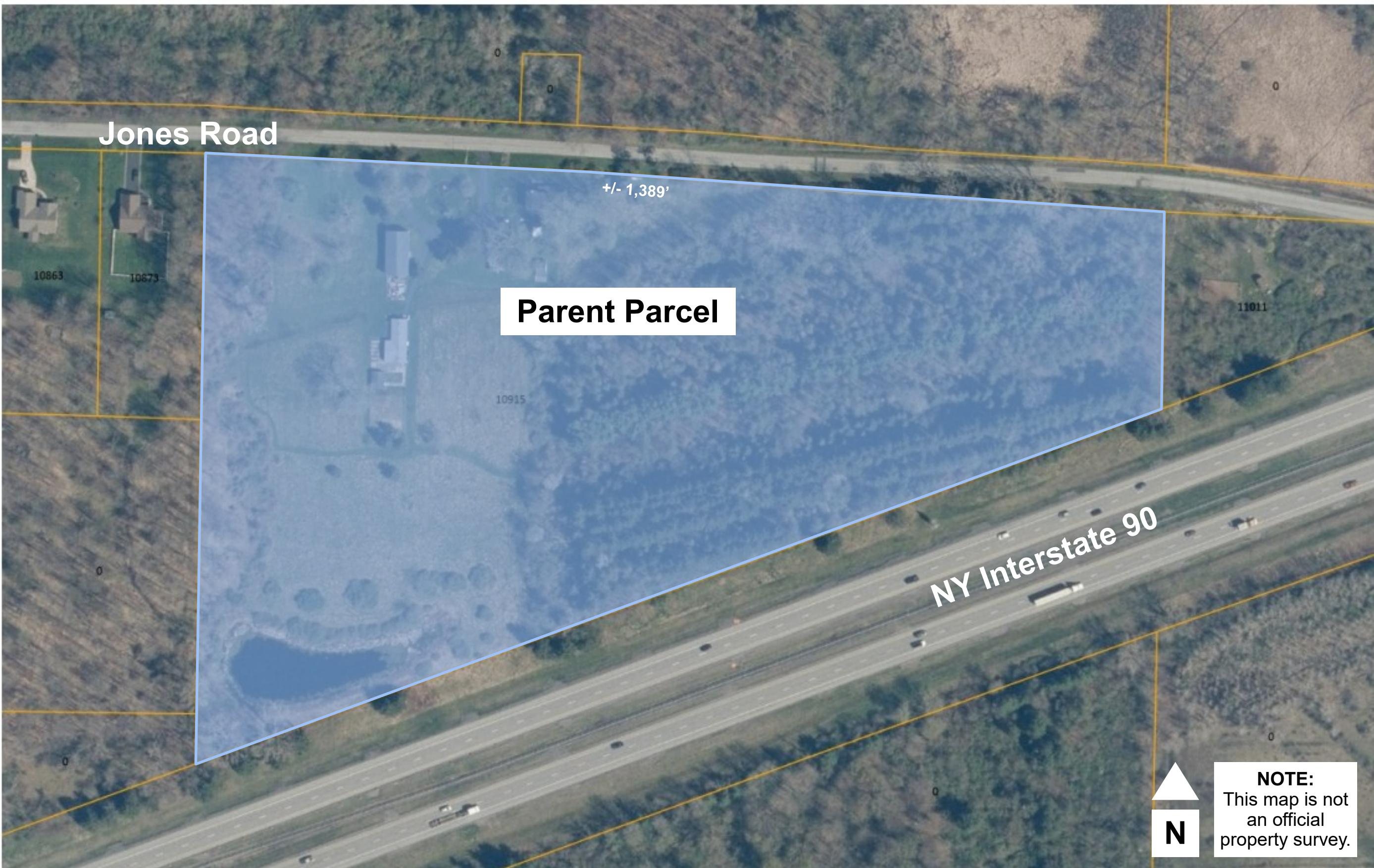
100 Seneca Street Buffalo, NY 14203
(716) 847-5256 | kevin.hebert@dot.ny.gov
www.dot.ny.gov







Existing Configuration - 2025



Legend
Yellow square: Parcels

10915 Jones Rd (Parent):
Size:
+/- 18.55 acres
Frontage:
+/- 1,389 ft. - Jones Rd.

0.1 0 0.04 0.1 Miles

WGS_1984/Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1:2,257

Proposed Configuration - 2025



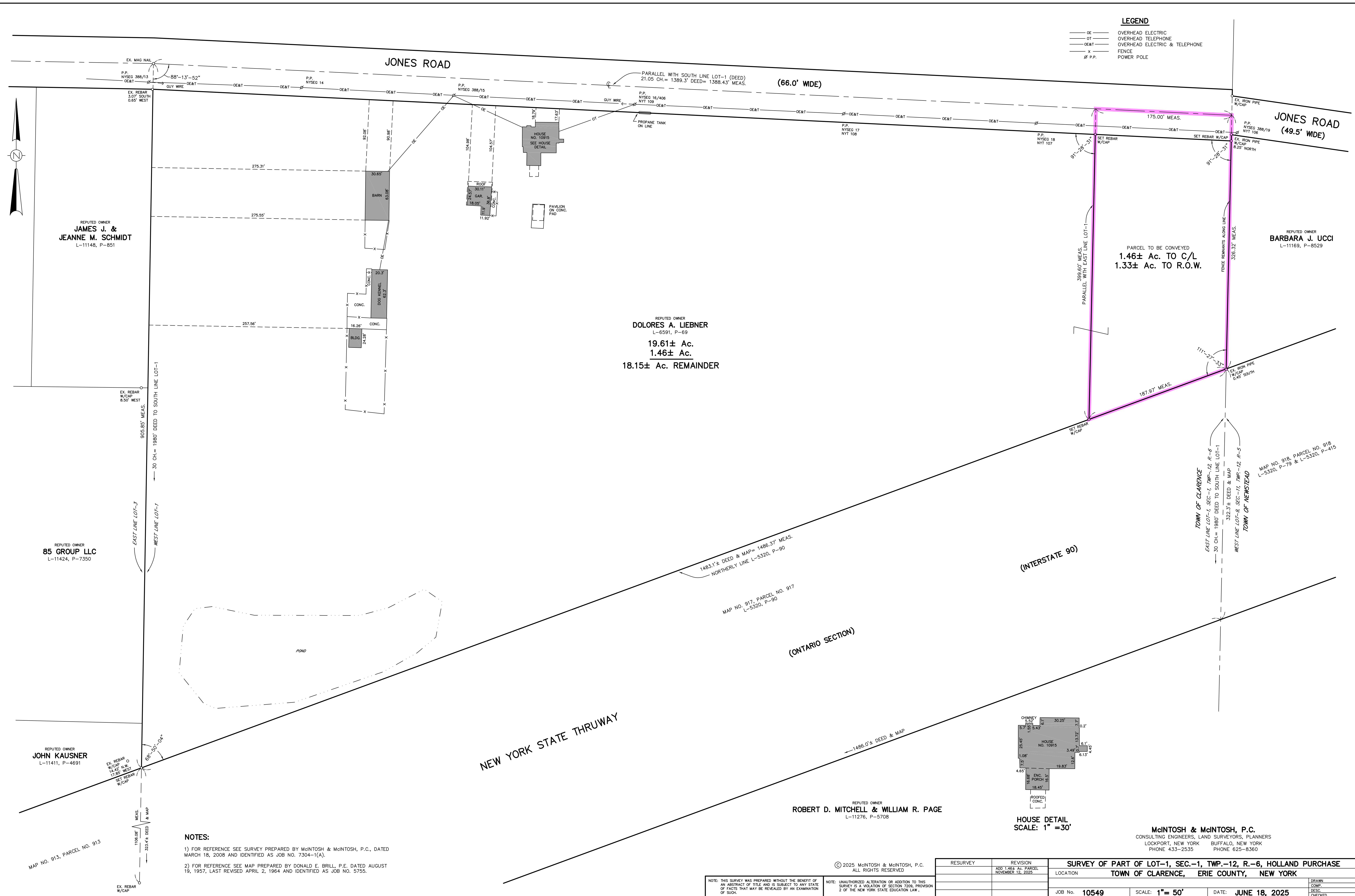
0.1 0 0.04 0.1 Miles

WGS_1984/Web_Mercator_Auxiliary_Sphere
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internet mapping site and is for reference only. Data
layers that appear on this map may or may not be
accurate, current, or otherwise reliable.

1:2,257



Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| Part 1 – Project and Sponsor Information | | |
|---|--|--|
| Name of Action or Project: | | |
| Minor Subdivision of Land | | |
| Project Location (describe, and attach a location map): 10915 Jones Road, Clarence NY 14031 (SBL 84.00-2-3.1) | | |
| Brief Description of Proposed Action: Minor subdivision of land to create one (1) new vacant frontage lot. The newly created lot and the parent parcel will contain the minimum required frontage and acreage to conform with the zoning requirements. It is intended to ensure that the newly created lot will conform with the zoning requirements if, in the future, a residence is built on the newly created lot. | | |
| Name of Applicant or Sponsor: Estate of Dolores A. Liebner (John J. Liebner, Executor) | | Telephone: 716-854-4300 E-Mail: kliebner@gmail.com |
| Address: 171 Fayette Ave. | | |
| City/PO: Buffalo | | State: NY Zip Code: 14223 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? | | <input type="checkbox"/> NO <input type="checkbox"/> YES |
| If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | <input checked="" type="checkbox"/> <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: | | <input type="checkbox"/> NO <input type="checkbox"/> YES |
| 3. a. Total acreage of the site of the proposed action? _____ 1.46 acres b. Total acreage to be physically disturbed? _____ 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 19.61 acres | | |
| 4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland | | |

| | | | |
|--|-------------------------------------|-------------------------------------|-------------------------------------|
| 5. Is the proposed action, | NO | YES | N/A |
| a. A permitted use under the zoning regulations? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? | NO | YES | |
| b. Are public transportation services available at or near the site of the proposed action? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: N/A _____ | NO | YES | |
| | <input type="checkbox"/> | <input type="checkbox"/> | |
| 10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ N/A _____ | NO | YES | |
| | <input type="checkbox"/> | <input type="checkbox"/> | |
| 11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ N/A _____ | NO | YES | |
| | <input type="checkbox"/> | <input type="checkbox"/> | |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? | NO | YES | |
| b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? Unknown. Upon information and belief, no. b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? | NO | YES | |
| | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <input type="checkbox"/> | <input type="checkbox"/> | |
| If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____ | | | |

| | | |
|---|--|--|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: | | |
| <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban | | |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? | | |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | | |
| 16. Is the project site located in the 100-year flood plan? | | |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | | |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? | | |
| If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <hr/> <hr/> | | |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? | | |
| If Yes, explain the purpose and size of the impoundment: <hr/> <hr/> | | |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? | | |
| If Yes, describe: <hr/> <hr/> | | |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? | | |
| If Yes, describe: <hr/> <hr/> | | |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE | | |
| Applicant/sponsor/name: Estate of Dolores A. Liebner (John J. Liebner, Executor) Date <u>12/15/25</u> Signature: <u>John J. Liebner</u> Title: Applicants | | |

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

| | No, or small impact may occur | Moderate to large impact may occur |
|---|---|--|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | | |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | | |
| 3. Will the proposed action impair the character or quality of the existing community? | | |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | | |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | | |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | | |
| 7. Will the proposed action impact existing: <ul style="list-style-type: none"> a. public / private water supplies? b. public / private wastewater treatment utilities? | | |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | | |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | | |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | | |
| 11. Will the proposed action create a hazard to environmental resources or human health? | | |

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)