



Town of Amherst Planning Department

Erie County, New York



Barry A. Weinstein, MD
Supervisor
Eric W. Gillert, AICP
Planning Director
Gary Black, AICP
Assistant Planning Director

July 14, 2016

James Callahan, Director of Community Development
Town of Clarence Planning & Zoning Department
One Town Place
Clarence, NY 14031

RECEIVED
JUL 18 2016
ZONING OFFICE

SUBJECT: SEQR Review - Proposed Mixed Use Project
6855 Transit Road, Swormville, Town of Clarence

Dear Mr. Callahan:

The Amherst Planning Department has reviewed the subject proposal and has no objection to the Town of Clarence serving as Lead Agency.

We offer the following comments for your consideration:

1. Aligning the proposed driveway with a curb cut on the west side of Transit Road would provide safer turning movements to and from Transit Road.
2. Vehicular cross-access to the property to the south should be encouraged for access management and reduced traffic on Transit Road.
3. If possible the dumpster should be moved closer to the retail buildings to increase the distance from the single-family residences.

Thank you for providing this project for our review.

Very truly yours,


Eric W. Gillert, AICP
Planning Director

X/Special Projects/SEQR – Other Communities/Clarence Mixed Use 6855 Transit Rd.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, NY 14203-2915
P: (716) 851-7165 | F: (716) 851-7168
www.dec.ny.gov

July 12, 2016

RECEIVED

JUL 15 2016

ZONING OFFICE

Mr. James Callahan
Town of Clarence Planning & Zoning Department
One Town Place
Clarence, NY 14031

Dear Mr. Callahan,

**SEQR Lead Agency Coordination
Swormville Mixed Use Development
Town of Clarence, Erie**

This is to acknowledge receipt of your June 17, 2016 notice which requested State Environmental Quality Review Act (SEQR) Lead Agency status for the above-noted project. The Department concurs that the Town of Clarence should act as SEQR Lead Agency, since the environmental impacts of the proposal are primarily of local significance. However, please be advised of the following:

1. 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-0-15-002). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-15-002, as well as the NOI form, is available on the Department's website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the Department's website at www.dec.ny.gov/chemical/8468.html.

The Town of 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 principle executive officer



Department of
Environmental
Conservation

or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the NOI, to the Department at NOTICE OF INTENT, NYSDEC, Bureau of Water Permits, 625 Broadway, 4th Floor, Albany, New York 12233-3505, telephone: 518/402-8111 to receive Department approval before construction commences.

2. This proposed project requires a sanitary sewer extension designed to convey 2,500 gallons per day or more of municipal sewage and is therefore considered a Sanitary Sewer Extension. The Erie County Health Department, 503 Kensington Avenue, Buffalo, New York 14214, telephone: 716/961-6800, which acts as our agent, will be the reviewing agency.

A detailed Downstream Sewer Capacity Analysis must be performed and submitted for the Swormville Mixed Use Project as part of the Project's Engineering Report. Recent wet weather flow monitoring data and proposed new development flow should be analyzed relative to theoretical capacity at key nodes in the downstream sewer system and at pump stations (if any) to determine if capacity exists.

Recent wet weather system flow data can consist of:

- Comprehensive information from recent Sanitary Sewer System Evaluation Studies, or
- Wet weather data collected at (minimum of 3) key downstream nodes specified by the municipality.
 - This dated information can consist of instantaneous flow measurements or continuous flow or sewer depth measurements obtained during significant wet weather events, preferably during high groundwater conditions. Peak sewer flow recording methods are an acceptable method to collect this information.
 - Depth or flow measurements should continue until a significant wet weather event occurs, but would not have to extend beyond three months. A significant wet weather event is considered to be a daily rainfall amount of ½" or greater.

The Downstream Sewer Capacity Analysis must also contain a narrative and a detailed map showing the downstream routing of sewers from the proposed project site to the Wastewater Treatment Plant. Line sizes, theoretical capacity and pump stations must be identified and included in the analysis.

This Downstream Sewer Capacity Analysis, as well as any required infiltration and inflow (I/I) rehabilitation offset work at a 4:1 ratio, should be part of the Project's Engineering Report. These items must be received as part of a complete sanitary sewer extension plan submission. The Town of Clarence shall

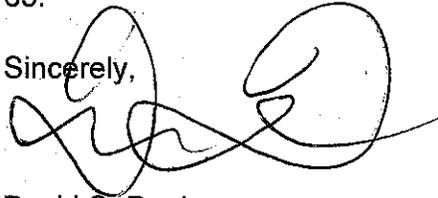
Mr. James Callahan
July 12, 2016
Page 3

coordinate the information contained in this submission. If adequate capacity is not available, the sewer extension will not be approved until an acceptable remediation plan is developed.

The above guidance will help in the preparation of a complete Sewer Extension submission, which will facilitate our review. If you have any questions or require additional information, please contact our office NYSDEC Buffalo Office, Division of Water, telephone: 716/851-7070 or the Erie County Health Department.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'David S. Denk', written over the word 'Sincerely,'.

David S. Denk
Regional Permit Administrator

KPD

ecc:

Mr. Richard Rink, NYSDEC Division of Water
Mr. William Murray, NYSDEC Division of Water
Mr. Davis Tiburzi

Carolyn Delgato

From: James Callahan
Sent: Friday, July 29, 2016 1:48 PM
To: Jonathan Bleuer; Carolyn Delgato
Subject: FW: 6855 Transit Rd, Mixed Use Building
Attachments: 6855 Transit.pdf

From: Rutkowski, Edward (DOT) [mailto:Edward.Rutkowski@dot.ny.gov]
Sent: Friday, July 29, 2016 12:07 PM
To: James Callahan <jcallahan@clarence.ny.us>
Subject: 6855 Transit Rd, Mixed Use Building

Dear Jim,

New York State Department of Transportation (NYSDOT) reviewed the information submitted for the subject project and has the following comments:

- NYSDOT concurs with the Town of Clarence acting as the Lead Agency.
- The additional traffic generated by this development will not have a significant impact to traffic on the State Highway System.
- A NYSDOT Highway Work Permit will be required for the proposed work within the State Highway Right-of-Way. More detailed plans will be required for the Highway Work Permit application and additional site engineering review will be performed as part of the Highway Work Permit process. This correspondence does not constitute approval for the purpose of a Highway Work Permit. The applicant should direct the Highway Work Permit application and/or questions to:

Alfred Oyoyo, North Erie Community Resident Engineer
New York State Department of Transportation
111 Indian Road, Depew, New York 14043
(716) 683-3476 | alfred.oyoyo@dot.ny.gov

If you have any questions please contact me either by email or phone.

Sincerely,
Ed Rutkowski

Edward S. Rutkowski, P. E.
SEQR/Site Plan Review Coordinator
NYSDOT - Region 5
100 Seneca Street
Buffalo, New York 14203
716-847-3575



RECEIVED

JUL 17 2016

ZONING OFFICE

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 7, 2016

Mr. James Callahan, Director of Community Development
Town of Clarence
1 Town Place
Clarence, New York 14131

Re: Davis Tiburzi proposal for a Mixed-Use Project, in the
Traditional Neighborhood District
Location: 6855 Transit Rd., adjacent to the rear to St. Mary's of Swormsville School
Review No.: M617-16-362

Dear Mr. Callahan:

Pursuant to New York General Municipal Law Section 239-m, and Article 8 of the New York Environmental Conservation Law, the County of Erie (the "County") has reviewed the above-referenced action, referred to Erie County on June 16, 2016, with a close of comment period on July 22, 2016.

The County does not object to the Town of Clarence assuming Lead Agency Status for the State Environmental Quality Review process. Please give your fullest consideration to any and all comment received directly from Erie County's Division of Sewerage Management; and it's Department of Health; and also from the Town of Amherst, and New York State Department of Transportation.

The County requests that Town of Clarence officials reviewing the action address within discussion and findings statements the matter the following concerns. Some unaddressed details would be better understood if the applicant elected to provided, or the town required of the applicant, a Long Form Environmental Assessment Form.

- Clarence review officials are encouraged to clarify the number of apartments, and number of bedrooms per apartment, planned for each mixed use building. This will aid understanding potential demand on water and sewer systems, and

the impact on schools' services (including potential school bus service at Transit Road frontage or internal to the site), emergency response, and policing services.

- The project's viability, and timeframe, should be clarified to best assess project demand for public services and impacts to school systems, and need to monitor a potential multi-year intermittent construction site.
- The "Test Boring and Test Pit Location Plan" identifies only one mixed used building as "proposed", and labels all other buildings as "future" in nature. Project phasing and timeframes, if approved, should be clarified within this environmental review for potential impacts, particularly regarding erosion and runoff.
- The site is characterized as by poorly draining native soils, the presence of isolated wetland, and floodplain. De-watering of soils for building construction will likely be warranted and demand close monitoring.
- Will the proposal have adequate carrying capacity within the native hydric soils to support the density of development without adverse impacts to drainage, and flows toward Ransom Creek?
- The site woefully lacks any internal sidewalk or pathways for pedestrians or cyclists, and channels them to a common drive which include bisecting the parking lot for the mixed use building(s) without any vehicle calming.
- Potential outcomes could include some children of the development walking informally through the approximately 25-foot deep wetland area at the rear (eastern) end of the property to attend St. Mary's School. Adding a defined undisturbed wetland buffer, and a defined pathway route, with lighting, could minimize tenant vehicle trips to drop off St. Mary's School students.
- Encouraging provision of common shared green space for apartment tenants would aid quality of life and sustainability by reducing vehicle trips offsite.

Finding statements, and conditions on approvals, if granted, may *warrant use restrictions which, due to school operations adjacent to the site,:*

- exclude renting to registered sex-offenders; or commercial operations with any "adult" sales;
- ban sales by commercial tenants of firearms and ammunition;
- ban sales of alcoholic beverages, tobacco products, or vaporized nicotine products.

This review pertains to the above-referenced request submitted to the Erie County Department of Environment and Planning. The applicant must still obtain any other

permits and regulatory approvals applicable to this project. Similarly, this response does not constitute an application for any permits.

You may contact me by e-mail at mark.lee@erie.gov, or by phone at 858-6014, with any questions or concerns regarding this response.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Lee". The signature is fluid and cursive, with the first name "Mark" being more prominent than the last name "Lee".

Mark Lee
Planner

ECC: Dolores Funke, P.E., Director of Environmental Health
Rebecca Wightman, P.E., ECDOH;
Garrett Hacker, P.E., ECDPW;
Matt Salah, P.E. ECDEP - DSM
Michael LoCurto, Deputy Commissioner, Planning & Economic Development

James Callahan

From: Tim Lavocat
Sent: Wednesday, July 06, 2016 10:30 AM
To: William E. Schutt
Cc: James Callahan; Jonathan Bleuer; Joseph Lancellotti; David Metzger; sackettrb@gmail.com
Subject: Fwd: 6855 TRANSIT..TIBURZI MIXED USE PROJECT

Bill, FYI

See below.

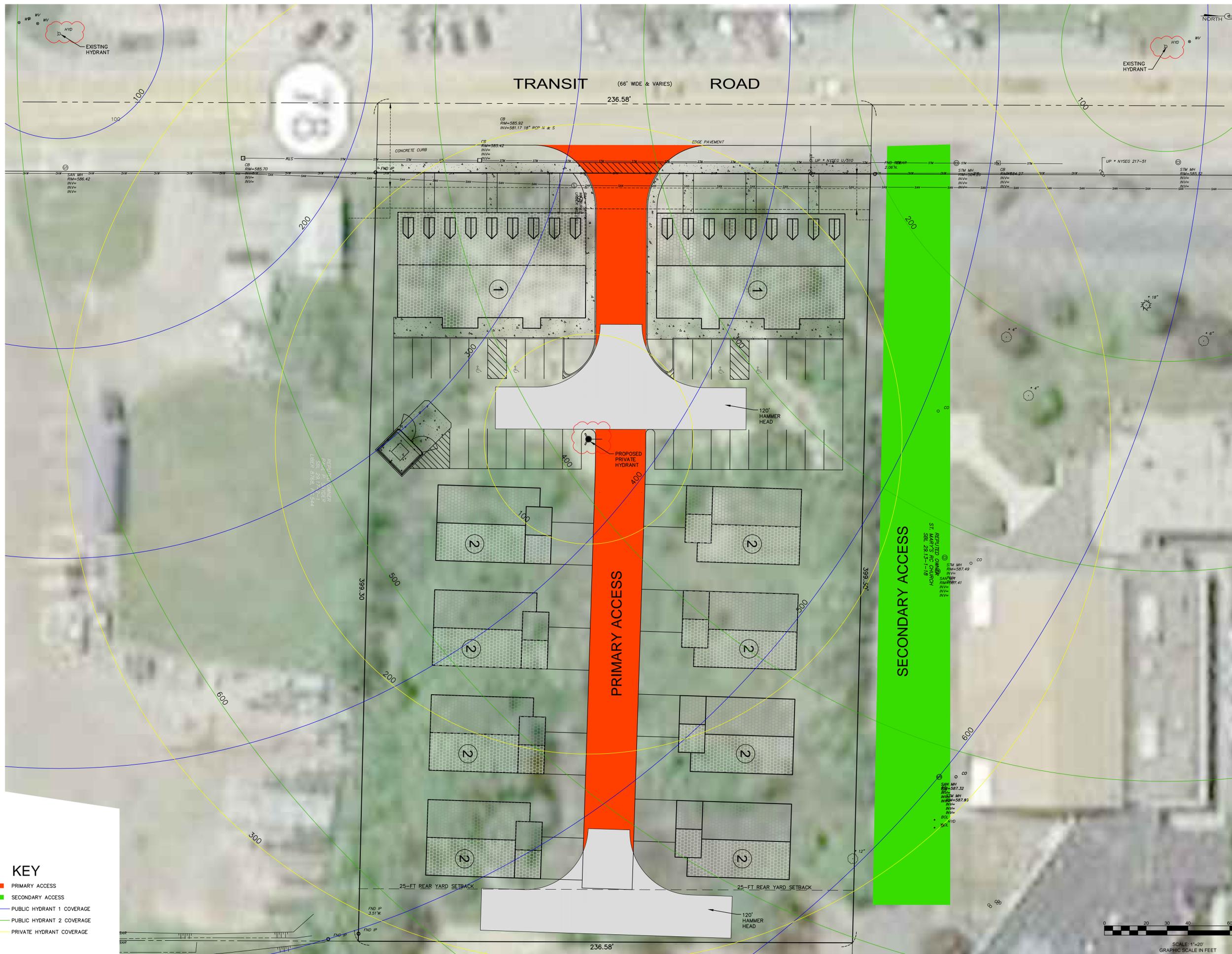
Begin forwarded message:

From: David Metzger <dmetzger@clarence.ny.us>
Date: July 6, 2016 at 9:54:05 AM EDT
To: Tim Lavocat <tlavocat@clarence.ny.us>, Joseph Lancellotti <JLancellotti@clarence.ny.us>
Subject: 6855 TRANSIT..TIBURZI MIXED USE PROJECT

BASED ON TODAY'S REVIEW OF THE SITE CONCEPT PLAN, THE FOLLOWING ITEMS MUST BE INCLUDED.....THE NEED FOR ON-SITE HYDRANTS MUST BE REVIEWED BY THE SITE DESIGNER AS NONE ARE SHOWN ON THE PLAN REVIEWED. THE QUESTION OF THE DEAD END LENGTH IS MENTIONED IN THE PLANNING BOARD MINUTES OF JUNE 15TH. THE SITE DESIGNER IS CAUTIONED TO REVIEW NYS FIRE CODE SECTION 503 AND SECTION 511. SECTION 511.2.6 SPECIFICALLY STATES THAT IF THE DRIVEWAY SERVES MORE THAN 4 BUILDINGS, THEN SECTION 503 IS APPLICABLE WHICH INCLUDES A MAXIMUM DEAD END OF 150 FEET WITHOUT A TURN AROUND. THIS CODE SECTION MUST BE INCLUDED IN THE CONCEPT PLAN. PLEASE FORWARD THIS E-MAIL AS NEEDED TO THE PROPER INDIVIDUALS.

David R Metzger
Senior Code Enforcement Officer

Town of Clarence Building Department
6221 Goodrich Road
Clarence Center, NY 14032
dmetzger@clarence.ny.us
Ph:(716)741-8950
Fax:(716)741-8517



- KEY**
- █ PRIMARY ACCESS
 - █ SECONDARY ACCESS
 - PUBLIC HYDRANT 1 COVERAGE
 - PUBLIC HYDRANT 2 COVERAGE
 - PRIVATE HYDRANT COVERAGE

DRAWING REVISIONS	
ITEM	DESCRIPTION

DESIGNED BY: WES
 DRAWN BY: AJP
 CHECKED BY: WES
 DATE: JANUARY 2016

WARNING:
 ALTERING THIS DOCUMENT IS IN VIOLATION OF
 THE LAW EXCEPTING AS PROVIDED IN SECTION
 1707.00 OF THE ENGINEERING AND SURVEYING
 EDUCATION LAW. © COPYRIGHT
 WM. SCHUTT & ASSOCIATES P.C.

WM SCHUTT ASSOCIATES
 37 CENTRAL AVE.
 LANCASTER, NY 14086-2143
 PH. 716-685-5961
 FAX 716-683-0169
 WWW.WMSCHUTT.COM

6855 TRANSIT ROAD
TOWN OF CLARENCE
COUNTY OF ERIE, STATE OF NEW YORK

FIRE ACCESS PLAN

RECEIVED

617.20
Appendix B

JUN -2 2016

Short Environmental Assessment Form

ZONING OFFICE

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: MIXED-USE PROJECT AT 6855 TRANSIT ROAD, HAMLET OF SWORMVILLE, CLARENCE, NY			
Project Location (describe, and attach a location map): 6855 TRANSIT ROAD, HAMLET OF SWORMVILLE, TOWN OF CLARENCE, ERIE COUNTY (LOCATION MAP ATTACHED)			
Brief Description of Proposed Action: TWO MIXED-USE BUILDINGS AND EIGHT SINGLE FAMILY RESIDENCES ON 2 ACRE PROPERTY. EACH MIXED-USE BUILDING TO CONSIST OF FIRST FLOOR COMMERCIAL SPACE AND SECOND FLOOR APARTMENTS.			
Name of Applicant or Sponsor: DAVIS TIBURZI		Telephone: 716-907-3726	
		E-Mail: TOYCONCEPTS@AOL.COM	
Address: 10360 KELLER ROAD			
City/PO: CLARENCE		State: NY	Zip Code: 14031
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: TOWN - FLOODPLAIN DEVELOPMENT PERMIT AND BUILDING PERMIT COUNTY - SEWER AND WATER PERMIT; STATE - HIGHWAY WORK PERMIT		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		2 acres	
b. Total acreage to be physically disturbed?		2 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): CHURCH/SCHOOL <input type="checkbox"/> Parkland			

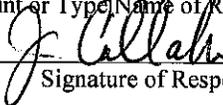
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Davis Tiburzi</u>		Date: <u>June 2, 2016</u>
Signature: <u>William Schutt--Agent for Owner</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. 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.

<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	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.
Clarence Planning Board	August 2016
_____ Name of Lead Agency	_____ Date
James Callahan	Director of Community Development
_____ 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)

PRINT



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

REPLY TO
ATTENTION OF:

April 25, 2016

Regulatory Branch

SUBJECT: Transmittal of Validated Department of the Army Permit No. 1995-97612

Anthony Cutaia
Dockside Subdivision LLC
1325 Millersport Highway-S209
Williamsville, New York 14221

Dear Mr. Cutaia:

This letter concerns your application for a Department of the Army permit to permanently fill 14.9 acres of federal wetlands in association with Phase III of the Dockside Residential Mixed Use Development located on Dockside Parkway (between Transit Road and Millersport Road, in the Town of Amherst, Erie County, New York.

Enclosed is the validated Department of the Army permit which you have accepted the terms and conditions thereof.

Please note that our office must be informed of the commencement and completion of the authorized work. Forms for this purpose are enclosed. Also enclosed is a laminated first page of the permit describing the proposed work which must be conspicuously displayed at the site of work.

Revised plans must be submitted to our office if material changes in the location or plans of the work are necessary because of unforeseen or altered conditions, or otherwise. These revised plans must receive the approval required by law before construction is started.

Regulatory Branch

SUBJECT: Transmittal of Validated Department of the Army Permit No. 1995-97612

Questions pertaining to this matter should be directed to Molly Connerton who may be contacted by calling (716) 879-4304 by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: molly.a.connerton@usace.army.mil

Sincerely,


Diane C. Kozlowski
Chief, Regulatory Branch

Enclosures

PERMITTEE: Dockside Subdivision, LLC

PERMIT NUMBER: 1995-97612

EFFECTIVE DATE: April 25, 2016

NOTE: The term you and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below. (and continue on page 5)

PROJECT DESCRIPTION: DOCKSIDE SUBDIVISION LLC, 1325 MILLERSPORT HIGHWAY-S209, WILLIAMSVILLE, NEW YORK 14221 IS HEREBY AUTHORIZED BY THE SECRETARY OF THE ARMY TO: PLACE FILL INTO 14.9 ACRES OF FEDERAL WETLANDS IN ASSOCIATION WITH THE PHASE III MIXED USE RESIDENTIAL DEVELOPMENT, WHICH INCLUDES THE COMPLETION OF THE ROADWAY TO MILLERSPORT HIGHWAY AND THE COMPLETION OF THE WATER SUPPLY CONNECTION TO MILLERSPORT HIGHWAY. WORK WILL BE COMPLETED ALL IN ACCORDANCE WITH THE GENERAL AND SPECIAL CONDITIONS, AND THE PLANS AND DRAWINGS AND ANY ADDITIONAL SPECIAL CONDITIONS ATTACHED HERETO WHICH ARE INCORPORATED IN AND MADE A PART OF THIS PERMIT.

PROJECT LOCATION: THE PROJECT IS LOCATED ON DOCKSIDE PARKWAY BETWEEN MILLERSPORT HIGHWAY AND TRANSIT ROAD, IN THE TOWN OF AMHERST, ERIE COUNTY, NEW YORK.

PERMIT CONDITIONS

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on April 25, 2019. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you must make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you may obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 404 of the Clean Water Act (33 U.S.C. 1344)
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as this specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. **Extensions.** General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

[Handwritten signature]

(PERMITTEE)

4/22/16

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

David Kozowski

Karl D. Jansen, Lieutenant Colonel, Corps of Engineers

(DISTRICT COMMANDER)

Jos

25 April 2016

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below. A copy of this signed permit and statement shall be forwarded to the Buffalo District at the following address:

U.S. Army Corps of Engineers
Buffalo District
Regulatory Branch
1776 Niagara Street
Buffalo, New York 14207

(TRANSFEREE)

(DATE)

SPECIAL CONDITIONS:

1. The Section 401 Water Quality Certification issued for this project by the State of New York, attached to this permit as Appendix A, is hereby part of this Department of the Army permit pursuant to Section 401(d) of the Clean Water Act. Noncompliance with any limitations or requirements stated in the certification may be a basis for suspension, revocation or modification of this permit.
2. The Permittee is responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.
3. The Permittee is required to install all erosion and sediment control structures prior to any grading or filling operations or construction of proposed structures or utilities. The erosion and sediment control structures must remain in place and shall be maintained until construction is completed and the area is stabilized.
4. Installation of orange construction fencing prior to initiation of any clearing or grading on site. The fencing shall be placed between grading/earthwork activities and any forested areas and must remain during construction.
5. The permittee is responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.
6. That the mechanical equipment used to execute the work authorized herein shall be operated in such a way as to minimize turbidity that could degrade water quality and adversely affect aquatic plant and animal life.

Mitigation Conditions:

7. As mitigation to compensate for unavoidable and permanent impacts to 14.9 acres of wetlands the permittee shall create at a minimum of 16 acres of wet meadow and pothole emergent marsh habitat located at 8400 County Road, Clarence, New York. The mitigation must be constructed in accordance with the attached drawings as well as any following conditions.
8. The mitigation plan entitled "Final Wetland Mitigation Creation Plan", July 17, 2015 as is hereby incorporated into and made part of the permit as Appendix B. The permittee shall implement the mitigation in accordance with the plan, drawings and any following conditions.
9. A baseline report shall be forwarded to this office by December 31 in the year of completion of all mitigation construction activities, or by an approved extension. For purposes of this special condition, "completion" means all activities associated with site grading and seeding and/or planting. The baseline report must include the following:

- a. An "as-built" topographic survey of the mitigation area at 0.5 foot contour intervals.
 - b. Photographs from fixed locations with a photolocation map.
 - c. A list of plants introduced through seeding and/or planting.
 - d. Water depth and date of measurement from representative locations within the mitigation area. The sample points will be fixed locations and shall be plotted on a map.
 - e. A list of any modifications that were made from the original mitigation plan.
10. Annual monitoring and/or compliance reports for the mitigation project must be submitted to this office for the first five years following completion of the mitigation construction based upon data collected during each monitored year between June and October. The first annual report is due by December 31 in the year following completion of mitigation construction, or by an approved extension date. Subsequent reports must be submitted by December 31 of the subsequent four years, or by an approved extension date. These reports must include:
- a. An "as-built" topographic survey of the mitigation area at 0.5 foot contour intervals, including a delineated boundary of the wetland and wetland acreage determination.
 - b. Photographs from fixed locations with a photolocation map.
 - c. A plant species list which give USFWS Wetland Indicator Status and strata. Dominant plants should be highlighted and the percent cover is to be noted. Plants introduced through seeding or planting shall also be indicated. The date of field inspection is to be noted.
 - d. Water depth and date of measurement from representative locations within the mitigation area during the growing season. The sample points will be fixed locations and shall be plotted on a map.
 - e. Fish and wildlife observations on the mitigation site.
 - f. A summary statement regarding the perceived success of the wetland creation project. The report will evaluate the goals as set forth in the permit or mitigation and monitoring plan as well as current wetland functions. These reports must also address any potential problem areas and include suggestions and timetable for correction if it is anticipated that projected goals may not be met.
11. The permittee must begin construction of the mitigation area prior to or concurrent with the filling authorized by this permit, and all construction and planting of the mitigation areas must be completed by December 31 of the year the mitigation construction begins, or by an approved extension date.
12. The mitigation area shall be vegetated with a minimum of 85% areal cover of hydrophytic vegetation, with no more than 50% of one species by the end of the third growing season following construction of the mitigation area.
13. The mitigation area shall be vegetated with a minimum of 100% areal cover of hydrophytic vegetation, with no more than 50% of one species by the end of the fifth growing season following construction of the mitigation area.

14. At least 50% of the dominant vegetation shall have a wetland indicator status of FACW or wetter, with at least one OBL species by the end of the third growing season following construction of the mitigation area.
15. No more than 5% areal cover shall be vegetated with the following species: *Lythrum salicaria*, *Phalaris arundinacea*, *Phragmites australis*, *Rhamnus spp.*, *Typha angustifolia* and *Typha x glauca*. Corrective measures shall be implemented to preclude the growth of the above listed species throughout the 5 year monitoring period should they appear within the wetland mitigation areas.
16. The wetland created must meet the vegetative and hydrology requirements specified in the 1987 Corps of Engineers Wetland Delineation Manual and the Northcentral/Northeast Regional Supplement to the Corps of Engineers Wetland Delineation Manual.
17. The permittee shall assume all liability for accomplishing corrective work should the District Engineer determine the compensatory mitigation to be unsuccessful. In the event that the mitigation area does not meet the criteria set forth in this permit, the permittee may be required to undertake additional mitigative measures. These actions may include, but are not limited to corrective actions on-site including regrading or replanting.
18. The permittee shall provide financial assurance with a letter of credit attached to this permit and made a part hereof, to provide financial assurance for the performance of all of the obligations, covenants, terms, conditions, and agreements required of the permittee under this permit. This letter of credit shall be posted before construction authorization by this permit commences.
19. As mitigation for impacts to 14.9 acres to Federal wetlands, the permittee shall place perpetual deed restrictions on all remaining wetlands on the project site (Sheet 3, 4 and 5) and the 16 acre created wetland mitigation site (as shown on the Wetland Creation Map in Appendix B) to guarantee their preservation for wetland and wildlife resources. The restrictions contained in the deed restriction shall specifically state that the remaining wetlands on the project site and the mitigation area will not be adversely impacted by construction or structural modifications. The proposed deed restriction shall be submitted to this office for review and approval. Once the permittee has received approval of the language contained in the deed restriction document, the permittee shall execute and record the signed deed restriction at the Erie County Recorder of Deeds. A certified copy of the recorded deed restriction document shall be forwarded to this office no later than December 31 in the year the work authorized by this permit commenced, or by an approved extension.
20. That permanent monuments or signage shall be installed along the wetland mitigation boundary site to ensure that future property owners are aware of the location and restrictions associated with this area. Plans for the monuments or signage shall be submitted to this office for approval prior to implementation.
21. At the request of an authorized representative of the Buffalo District, U.S. Army Corps of Engineers, the permittee shall allow access to the project site and the mitigation parcel to determine compliance with the conditions of this permit.

22. All reports required under this permit shall be submitted to Mr. Harold Keppner, Chief, Monitoring & Enforcement Section, U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199 unless otherwise specified no later than December 31 in the year the work authorized by this permit commenced, or by an approved extension.

IMPORTANT

This form must be completed and mailed to the District Commander at: **Regulatory Branch, U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207** Immediately upon completion of work authorized by Department of the Army Permit No. 1995-97612
(Standard Permit)

Date:

Town of Amherst
Erie County
New York

Mr. David Leput
Regulatory Branch
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207

Dear Mr. Leput:

You are hereby notified that the work authorized under Department of the Army Permit No. 1995-97612 issued to permanently fill 14.9 acres of federal wetlands in association with Phase III of the Dockside residential mixed use development located on Dockside Parkway (between Transit Road and Millersport Road, in the Town of Amherst, Erie County, New York) was (completed/discontinued) on _____ (Month/Day/Year).

If Discontinued:

The work is _____ percent complete. The following remains to be done before all work authorized by this permit shall have been completed: _____

By: _____ Date: _____
(Authorized Signature) (Title)

Permittee Telephone Number: _____

File Closed: 04/25/2016

SEE SHEET NO. 11 FOR CONTIGUOUS PHASE I AND PHASE II DEVELOPMENT

DOCKSIDE PHASE III LAND USE SUMMARY

-  2-STORY 2-UNIT BUILDINGS
110 BUILDINGS
TOTAL = 220 UNITS
-  2-STORY 2-UNIT BUILDINGS
110 BUILDINGS
TOTAL = 220 UNITS
-  2-STORY 2-UNIT BUILDINGS
110 BUILDINGS
TOTAL = 220 UNITS
-  1-STORY GARAGES
110 BUILDINGS
TOTAL = 110 UNITS
-  1-STORY GARAGES
110 BUILDINGS
TOTAL = 110 UNITS
-  1-STORY GARAGES
110 BUILDINGS
TOTAL = 110 UNITS

LENGTH OF DEDICATED ROAD = 4,200 FT
TOTAL PROJECT DISTURBANCE = 24 ACRES

PARKING SUMMARY

- 264 UNITS
- 587 SPACES
- 208 ACRES OF PARKING

WETLANDS SUMMARY

- 45.6 ACRES OF WETLANDS
- 30.7 ACRES TO BE PRESERVED
- 14.9 ACRES TO BE DISTURBED

100' WETLAND BUFFER (177')

SEE FIGURE 11 FOR CONTIGUOUS PHASE I AND PHASE II DEVELOPMENT

PROPOSED LIMIT OF WETLANDS

SEE SHEET NO. 11 FOR CONTIGUOUS PHASE I AND PHASE II DEVELOPMENT

SEE SHEET NO. 11 FOR CONTIGUOUS PHASE I AND PHASE II DEVELOPMENT

SEE SHEET NO. 11 FOR CONTIGUOUS PHASE I AND PHASE II DEVELOPMENT

WETLAND AREA C
4.5 ACRES
TO BE PRESERVED

WETLAND AREA B
5.3 ACRES
TO BE PRESERVED

WETLAND AREA D
2.3 ACRES
TO BE PRESERVED

DANN LANE

DANN LANE

FORMER DESIGNATION

Dockside Subdivision, LLC
DA Processing No.: 1995-97612
Erie County, New York
Quad: Clarence Center
Sheet 2 of 5



PASSERIO ASSOCIATES
1000 ROUTE 19
SARASOTA, FL 34231
TEL: 941.554.1111
WWW.PASSERIO.COM

ALTERNATIVE 5
(CONCEPT 4)
DOCKSIDE
PHASE III
3008537.0009
C 003 A.5
1" = 80'
DECEMBER 2014

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Region 9 Main Office

270 Michigan Avenue, Buffalo, NY 14203-2915

P: (716) 851-7000 | F: (716) 851-7211

www.dec.ny.gov

April 15, 2016

Mr. Anthony Cutaia
Dockside Village LLC
1325 Millersport Highway, Suite 209
Williamsville, New York 14221

Dear Mr. Cutaia:

**PERMIT TRANSMITTAL LETTER
DOCKSIDE VILLAGE PHASE III
DEC PERMIT # 9-1422-00389/00007**

Enclosed is your permit which was issued in accordance with applicable provisions of the Environmental Conservation Law. The permit is valid for only that project, activity or operation expressly authorized.

The DEC permit number and Program ID number, if applicable, should be retained for your records and should be referenced on all future correspondence and applications related to the permit. If modifications are desired after permit issuance, you must submit the proposed revisions and receive written approval from the Permit Administrator prior to initiating any change. If the Department determines that the modification represents a material change in the scope of the authorized project, activity, operation or permit conditions, you will be required to submit a new application for permit.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For SPDES, Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

Please review all permit conditions carefully. In particular, identify your initial responsibilities under this permit in order to assure timely action if required. Since failure to comply precisely with permit conditions may be treated as a violation of the environmental conservation law, you are requested to provide a copy of the permit to the project contractor, facility operator, and other persons directly responsible for permit implementation (if any).

If you have any questions, please contact this office at the above address.

Respectfully,
David S. Denk
Regional Permit Administrator

DSD:Imc
Enclosure

ecc: Captain Frank Lauricella, Division of Law Enforcement, NYSDEC Region 9
Mr. Charles Rosenburg, DFWMR, NYSDEC Region 9
Karen Draves, Esq., OGC, NYSDEC Region 9
Ms. Molly Connerton, U.S. Army Corps of Engineers, Buffalo District
Corey Auerbach, Esq., Barclay Damon
Ms. Ellen Kost, Town of Amherst Planning Department
Mr. Don Wilson, Wilson Environmental Technologies Inc.



Department of
Environmental
Conservation



PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

DOCKSIDE VILLAGE LLC
1325 MILLERSPORT HWY STE 209
WILLIAMSVILLE, NY 14221
(716) 574-6690

Facility:

DOCKSIDE VILLAGE
10750 TRANSIT RD
EAST AMHERST, NY 14051

Facility Location: in AMHERST in ERIE COUNTY

Facility Principal Reference Point: NYTM-E: 198.876 NYTM-N: 4774.499
Latitude: 43°03'48.4" Longitude: 78°41'52.9"

Authorized Activity: Construction of Phase 3 of Dockside Village. Phase 3 includes 18 apartment buildings, 6 garage buildings, a clubhouse and extension of a roadway to connect the development to Millersport Highway. The proposed project will impact 14.9 acres of federal and New York State regulated wetland (FWW CC-45) and approximately 7.38 acres of the 100-foot adjacent area (AA) of FWW CC-45. As mitigation for the wetland impacts, 16.0 acres of wetland will be created at a nearby offsite parcel and remaining wetland areas on the project site will be preserved in conservation easements. Also, landscape plantings will be placed between the buildings and the wetland to provide additional buffering. A Stormwater Pollution Prevention Plan (SWPPP) including stormwater management areas, dry swales, tree plantings, filter strips and conservation of natural buffers to address stormwater quality and quantity and to ensure that there is adequate flood storage has been prepared for the project. The project's storm sewers were designed to convey a 100-year flood event so the development does not restrict the movement of flood waters from north to south.

Permit Authorizations

Freshwater Wetlands - Under Article 24

Permit ID 9-1422-00389/00007

New Permit

Effective Date: 4/15/2016

Expiration Date: 4/14/2026

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 9-1422-00389/00008

New Permit

Effective Date: 4/15/2016

Expiration Date: 4/14/2026



NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: LISA M CZECHOWICZ, Deputy Regional Permit Administrator
Address: NYSDEC Region 9 Headquarters
270 Michigan Ave
Buffalo, NY 14203 -2915

Authorized Signature: Lisa M. Czechowicz Date 4/15/16

Distribution List

Law Enforcement
CHARLES P ROSENBURG
KAREN DRAVES
US ARMY CORPS OF ENGINEERS - BUFFALO DISTRICT
Corey Auerbach, Esq., Barclay Damon
Ellen Kost, Town of Amherst Planning Department
WILSON ENVIRONMENTAL TECHNOLOGIES INC

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS
WATER QUALITY CERTIFICATION SPECIFIC CONDITION
GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS
NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: FRESHWATER WETLANDS; WATER QUALITY CERTIFICATION

GENERAL REQUIREMENTS

1. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Passero Associates (project plans), dated April 2014, revised on April 21, 2015 and received in Environmental Permits on January 15, 2016 & April 6, 2016 and Wilson Environmental Technologies (wetland mitigation plan), dated July 17, 2015.



2. Notice of Intent to Commence Work The Permittee shall notify the Department 3 to 5 days prior to the commencement of work on the project by emailing DEP.R9@dec.ny.gov. The email needs to include the permit number, permittee name and the project start date.

3. Prior Approval of Changes If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the Department.

4. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

5. Wetland Delineation Boundary The Wetland CC-45 delineation boundary shall be fixed for the period of this permit (expires April 14, 2026). At that time, a new boundary delineation will be required by this Department (to be performed or confirmed by a Department Biologist). Since project activities will be subject to the updated wetland boundary delineation and pertinent regulations at that time, any permit reissuance (if necessary) would be reviewed based on the updated delineation and pertinent regulations. As such, modifications to the current project plan may be necessary depending upon the updated wetland delineation and permit regulations in effect in 2026.

6. Deed Covenant - Project Site This property contains portions of New York State regulated Freshwater Wetland CC-45 and its regulated 100 foot adjacent area. Accordingly, the deed for this property shall reserve and preserve in perpetuity the area not impacted in accordance with this permit.

Within 60 days of the effective date of this permit, the permittee shall file with the real property records of the County Clerk's Office a conservation easement/deed restriction as approved by the Department protecting the wetland and AA in perpetuity. To document compliance with this condition, the permittee shall, within two weeks following the filing of the deed, submit proof of filing from the County Office showing the Liber and page number at which the deed notice revision was filed and the date of filing to:

Regional Permit Administrator
NYSDEC Region 9
270 Michigan Avenue
Buffalo, New York 14203

7. Wetland Monuments Monuments shall be placed every 200 feet along the outer edge of the wetland preservation areas. The monuments shall be 30" long, 5/8" rebar and cap embedded flush and in the center of the top exposed surface of concrete in a minimum 4 inch diameter, 4.5 foot long section of PVC Schedule 40 drain pipe filled with concrete, extending vertically 1.5 to 2 feet above existing grade at each location. The caps shall say "Conservation Area Marker, Do Not Disturb". These monuments are to be permanently maintained.



8. Wetland Mitigation Construction Schedule The permittee shall begin construction of the required 16 acres of wetland mitigation area in accordance with the plans referenced in Natural Resource Condition No. 1 prior to or concurrent with the work authorized under this permit. All construction and planting of the mitigation area must be completed by December 31 of the year in which the mitigation construction begins, or by an approved extension date. The permittee shall notify the Regional Permit Administrator in writing when the required wetland excavation and construction has been completed and also again when the wetland planting and seeding has been completed.

CONSTRUCTION REQUIREMENTS

9. Siltation Prevention Measures Siltation prevention measures, such as silt fencing, sediment traps or settling basins, shall be installed and maintained during the project, to prevent movement of silt and turbid waters from the project site into any watercourse, stream, water body or wetland.

10. Invasive Species (Non-native Vegetation) To prevent the unintentional introduction or spread of invasive species, the permittee must ensure that all construction equipment be cleaned of mud, seeds, vegetation and other debris before entering any approved construction areas within the state regulated freshwater wetland or its 100 foot adjacent area at the project site and at the off-site mitigation area.

11. Equipment Storage 100' from Wetland, Water Body All equipment and machinery shall be stored and safely contained greater than 100 feet landward of the regulated wetland or water body at the end of each work day. This will serve to avoid the inadvertent leakage of deleterious substances into the regulated area.

12. Identify Authorized Limits of Disturbance Orange construction fencing or other project-limiting fence shall be erected along the authorized impact areas, both for wetlands and adjacent area, prior to the commencement of any activities in order to prevent the inadvertent intrusion of equipment into the protected area. The fence shall be maintained until project completion.

13. Seed, Mulch Disturbed Areas All areas of soil disturbance within FWW CC-45 and its regulated adjacent area shall be seeded with an erosion control seed mix, and mulched with straw immediately upon completion of the project, within two days of final grading, or by the expiration of the permit, whichever is first. Mulch shall be maintained until suitable vegetative cover is established to the department's satisfaction.

14. Minimum Vegetative Cover Establish a minimum of 90% vegetative cover across all disturbed soil areas within the AA between CC-45 and the project footprint by the end of the first full growing season following construction.

15. Disposal of Material Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of on an approved upland site more than 100 feet from any regulated freshwater wetland. These materials shall be suitably stabilized so as not to re-enter any water body, wetland, or wetland adjacent area; and must be disposed of in accordance with all local, state, and federal statutes, regulations, or ordinances.



MITIGATION

16. Deed Covenant - Off-Site Mitigation Area, 8400 County Road, Clarence Approximately 16 acres of wetland will be created at 8400 County Road in the Town of Clarence as mitigation for the unavoidable wetland impacts associated with Dockside Village, Phase 3. Accordingly, the deed for this property shall reserve and preserve in perpetuity the wetland mitigation area.

Within 60 days of the effective date of this permit, the permittee shall file with the real property records of the County Clerk's Office a conservation easement/deed restriction as approved by the Department protecting the mitigation area in perpetuity. To document compliance with this condition, the permittee shall, within two weeks following the filing of the deed, submit proof of filing from the County Office showing the Liber and page number at which the deed notice revision was filed and the date of filing to:

Regional Permit Administrator
NYSDEC Region 9
270 Michigan Avenue
Buffalo, New York 14203

17. Survival Rate for Mitigation Plantings The permittee shall prepare a care, maintenance, inspection, and replacement schedule for the tree and shrub plantings described in the mitigation plan to ensure an 85% survival rate for five growing seasons. This condition includes plantings at the off-site mitigation areas and all on-site landscape "buffer" plantings.

18. Wetland Mitigation Hydrology The permittee shall establish and maintain inundation and/or saturation with the upper 12 inches of the soil surface for at least 12.5% of the growing season for four out of five monitoring years within the wetland mitigation area.

19. Wetland Mitigation Vegetation The permittee shall establish and maintain a minimum of 70% dominant facultative (FAC), facultative wetland (FACW), and obligate wetland (OBL) plant species within the mitigation area by the end of the five-year monitoring period.

20. Wetland Mitigation Vegetative Cover The permittee shall establish a minimum of 90% vegetative cover across the mitigation area by the end of the first full growing season.

21. Prevention of Invasive Species The permittee shall prevent the establishment of invasive species (purple loosestrife, Phragmites, reed canary-grass, Japanese knotweed, glossy buckthorn and common buckthorn) across all disturbed areas within the wetland mitigation area for five growing seasons. If any of these invasive species become established, monitoring and treatment may be extended for an additional 5 years at the Department's discretion.

22. Wetland Mitigation Seeding & Mulching All disturbed soils within the mitigation area must be seeded with native seed mixes (as specified in the wetland mitigation plan) and mulched with straw or hydromulched.



23. Wetland Mitigation Monitoring The permittee shall monitor the wetland mitigation area for five years. The First Year Baseline and Annual Post-Construction Monitoring Reports for the wetland mitigation project shall be submitted to Mr. Charles Rosenburg, NYSDEC, Division of Fish, Wildlife and Marine Resources, 270 Michigan Avenue, Buffalo, New York 14203 by December 31 each year. All annual post-construction monitoring reports shall describe wetland hydrology, dominant vegetation, total vegetative cover, occurrence of invasive species, and tree and shrub planting survival rates within the mitigation areas.

NOTIFICATIONS AND POSTINGS

24. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

25. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

26. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.



GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 9 Headquarters
270 Michigan Ave
Buffalo, NY14203 -2915

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands, Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;



- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

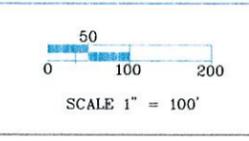
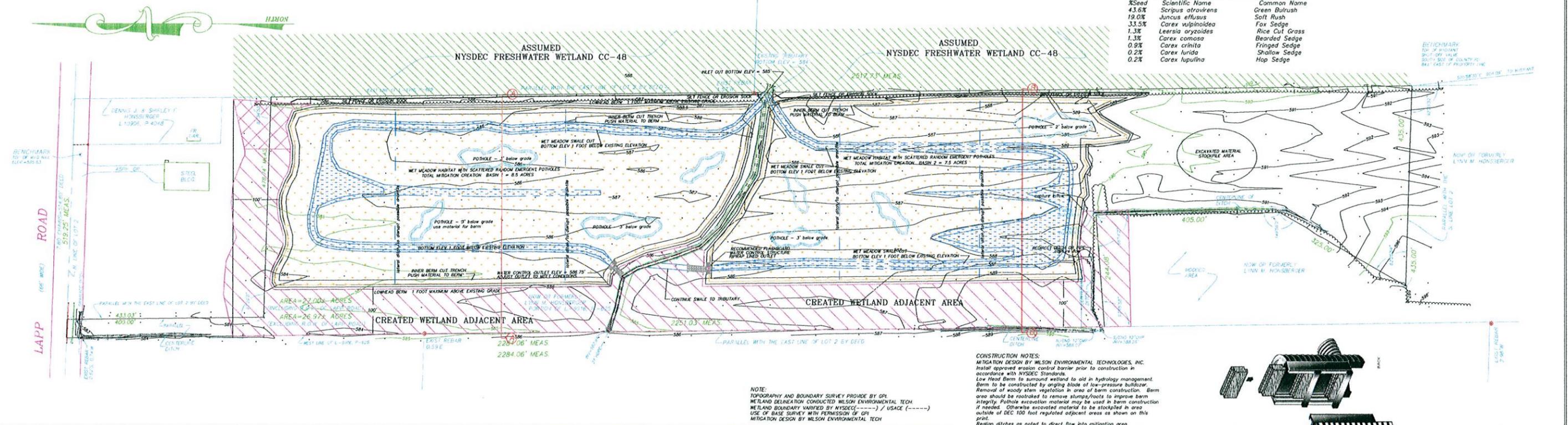
Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

-  NYSDEC FRESHWATER WETLAND CC-48
-  NYSDEC CC-48 EXISTING ADJACENT AREAS
-  CREATED MITIGATION WETLAND 16.00+/-
-  CREATED WETLAND ADJACENT AREA 6.15+/- ACRES

TOTAL WETLAND CREATION = 16.00 ACRES

SEEDING MIXTURE FOR MITIGATION CREATION PROJECT			NORTHEAST WETLAND GRASS SEED MIXTURE		
Seed	Scientific Name	Common Name	Seed	Scientific Name	Common Name
SEED MIXTURE - ADJACENT AREA - Seed @ 20lb/Acre			Seed at 15lbs/Acre - 1 pound covers 2,900 sqft		
Panicum clandestinum		Deertongue	63.0%	Agrostis stolonifera	Creeping Bentgrass
Panicum virgatum		Switchgrass	17.0%	Poa trivialis	Rough Bluegrass
Andropogon virginicus		Broom Sedge	11.0%	Alpecurus arundinaceus	Meadow foxtail
			4.5%	Lolium multiflorum	Annual Ryegrass
			4.5%	Panicum clandestinum	Deertongue
NORTHEAST WETLAND HUMMOCK SEED MIXTURE			Requires Cold Stratification - Seed late fall		
Seed at 3.25lbs/Acre - 1 pound covers 13,400 sqft					
43.6%	Scripus atrovirens	Green Bulrush			
19.0%	Juncus effusus	Soft Rush			
33.5%	Carex vulpinoidea	Fox Sedge			
1.3%	Leersia oryzoides	Rice Cut Grass			
1.3%	Carex comosa	Bearded Sedge			
0.9%	Carex crinita	Fringed Sedge			
0.2%	Carex lurida	Shallow Sedge			
0.2%	Carex lupulina	Hop Sedge			



DOCKSIDE VILLAGE LLC
DOCKSIDE VILLAGE PHASE 3
NYSDEC/USACE WETLAND MITIGATION
FINAL CREATION PLAN

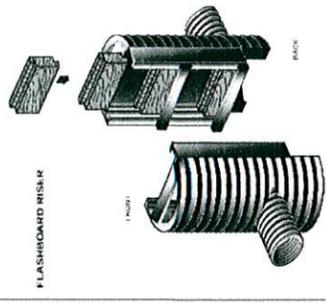
8400 COUNTY ROAD
TOWN OF CLARENCE
ERIE COUNTY, NY



Wilson Environmental Technologies, Inc.
1879 Whitehaven Rd, Suite 3, Grand Island, NY 14072
(716) 565-3000 Fax (716) 775-9140
e-mail - don@wilsonenvironmental.com

Job No.315.00.8.1 Date: 07/7/15 DWG SHEET 1 OF 2

CONSTRUCTION NOTES:
MITIGATION DESIGN BY WILSON ENVIRONMENTAL TECHNOLOGIES, INC.
Install approved erosion control barrier prior to construction in accordance with NYSDEC Standards.
Low Head Berm to surround wetland to aid in hydrology management. Berms to be constructed by angling slope of low-pressure bulldozer. Removal of woody stem vegetation in area of berm construction. Berm area should be reworked to remove stumps/roots to improve berm integrity. Pothole excavation material may be used in berm construction if needed. Otherwise excavated material to be stockpiled in area outside of DEC 100 foot regulated adjacent areas as shown on this plan.
Realign ditches as noted to direct flow into mitigation area.
Construct water control structure at outlet point of each basin as shown on plan. Seed area in accordance with plan as defined on Sheet 1 of 2. Do not seed pothole areas, allow to remain as open water water-fowl habitat.
Construct all mitigation habitat in late summer early fall. After construction, seed first with Wetland Grass Seed mixture. Over seed with Wetland Hummock Seed Mixture. The overseeding with the Wetland Hummock mixture must be completed by late fall to ensure proper germination and cold stratification. Ensure that seed comes into direct contact with soil. Do not hydrosed.

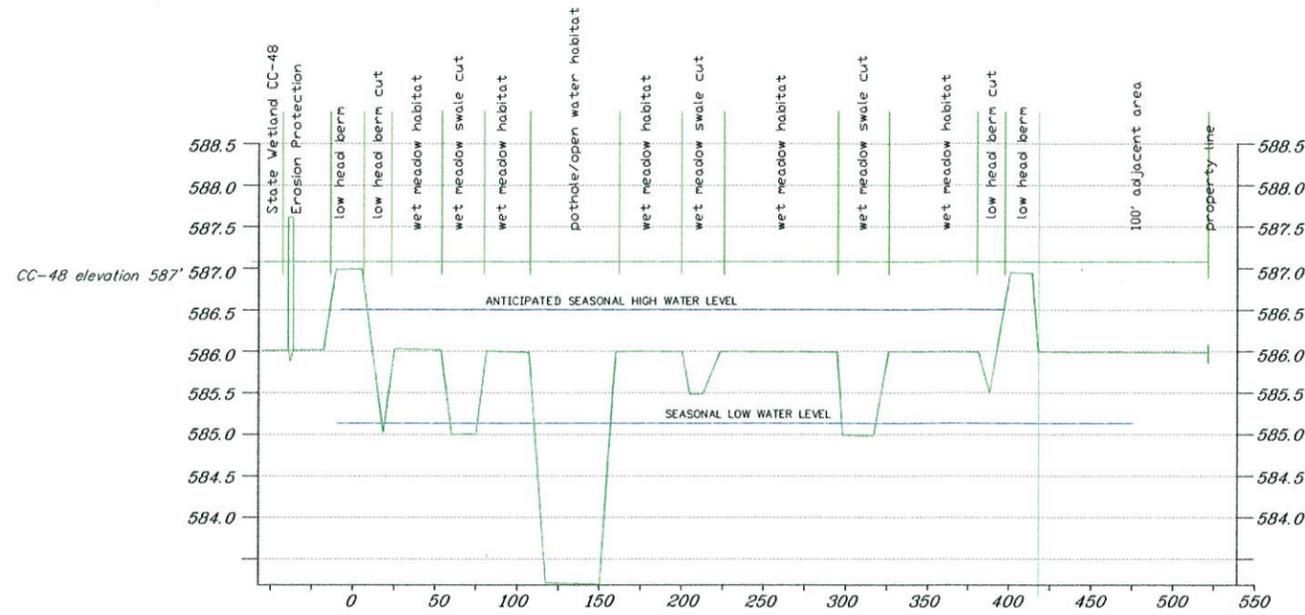


HOLLAND LAND COMPANY
TOWN OF CLARENCE, ERIE COUNTY, NEW YORK

GPI ENGINEERING & SURVEYING, LLP
FORNEY FRANK & HARRIS ASSOCIATES, LLP
ENGINEERING - SURVEYING - PLANNING

Scale: 1" = 100'

CROSS SECTION A - A DETAIL



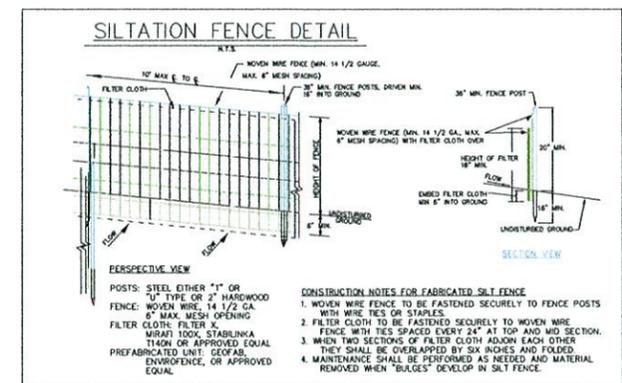
CROSS SECTION B - B DETAIL



HORIZONTAL SCALE 1"= 50'
VERTICAL SCALE 1"=1'

MITIGATION
CROSS SECTION DETAIL

CONSTRUCTION NOTES:
MITIGATION DESIGN BY WILSON ENVIRONMENTAL TECHNOLOGIES, INC.
Install approved erosion control barrier prior to construction in accordance with NYSDEC Standards.
Low Head Berm to surround wetland to aid in hydrology management. Berm to be constructed by angling blade of low-pressure bulldozer. Removal of woody stem vegetation in area of berm construction. Berm area should be rootraked to remove stumps/roots to improve berm integrity. Pothole excavation material may be used in berm construction if needed. Otherwise excavated material to be stockpiled in area outside of DEC 100 foot regulated adjacent areas as shown on this print.
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WILSON
ENVIRONMENTAL
TECHNOLOGIES, INC.
1879 Whitehaven Road, Suite 3,
Grand Island NY 14072

DOCKSIDE VILLAGE, LLC
PHASE 3 DEVELOPMENT
Final Wetland Mitigation Creation Plan for
8400 County Road, Town of Clarence, Erie County NY
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION
&
U.S.ARMY CORPS OF ENGINEERS

**8400 County Road
Final Off Site Wetland Mitigation Creation Plan**

Prepared for

**STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
&
U.S. ARMY CORPS OF ENGINEERS**

**CLIENT
DOCKSIDE VILLAGE LLC
c/o Mr. Anthony Cutaia
1325 Millersport Highway
Williamsville, New York 14221,**

**PROJECT LOCATION
8400 County Road, Town of Clarence, Erie County, NY**

**PREPARED BY:
WILSON ENVIRONMENTAL TECHNOLOGIES, INC.
1879 Whitehaven Road, Suite 3
Grand Island, New York 14072
(716) 565-3000 FAX (716) 775-9140**

**REVISION DATE
July 17, 2015**

**WET PROJECT NO.
315.005.2M**

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- Figure 2 - Mitigation Site Location

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MITIGATION CREATION CONCEP- PLAN VIEW & CROSS-SECTION

EXECUTIVE SUMMARY

Wilson Environmental Technologies Inc., (WET) has been retained by Dockside Village LLC to design a wetland creation mitigation plan for the proposed Dockside Village Phase 3 development project. The proposed Phase 3 project has the potential to impact approximately 14 acres of wetlands within the subdivision site located in the Town of Amherst. This proposed impact of both federal and state wetlands has resulted from numerous joint agency/development team discussions involving office, telephone and email communications over several years. The results of a recent multi agency meeting conducted on June 30, 2015 has resulted in modifications to this mitigation plan. As a result this revised plan is to be considered the FINAL wetland mitigation plan for the Dockside Village Phase 3 development. The project is not considered a candidate for the Ducks Unlimited – New York In-Lieu Fee Program based on economics of the project. It is projected that the cost of this program to the client would be \$1,236,700.00. This figure is based on the cost structure provide by Ducks Unlimited. Resource compensation rates for one wetland credit with the Niagara River Service area is \$83,000.00. The project would require approximately 14 credits. In addition, no approved wetland mitigation banks exist within this watershed.

This report is solely intended to provide the outline for the offsite wetland mitigation proposed for the impacts to those wetlands at a ratio of slightly more than 1:1 as agreed to by both the US Army Corps of Engineers and the New York State Department of Environmental Conservation. This report will provide a description of existing site conditions which can be effectively manipulated through relatively minor site work (earth work) combined with wetland seeding and the construction of an outlet water control structure to create approximately 16 acres of agricultural lands to a mixed wet meadow/pothole emergent marsh habitat. The report will also contain a proposed monitoring and Invasive Species Control plan.

The proposed mitigation site, located at 8400 County Road, is located within the Town of Clarence between County and Lapp Roads, west of proposed wetland CC-48. The site is currently agricultural and is approximately 27 acres which are under contract for use in the creation/restoration of wetlands. The parcel is approximately 1.85 linear miles from the Dockside Village Development and is located within the same Black Creek watershed. A tributary to Black Creek bisects the site. The site is currently in active (alfalfa/corn) and recently fallowed agriculture which is mowed. The site is also adjacent to a recently proposed freshwater wetlands complex identified as CC-48, which is draft mapped 250' east of the proposed mitigation parcel. However, a recent field visit conducted with NYSDEC and USACE biologists indicates the location of proposed CC-48 may be continued to the west but would not include 8400 County Road. Based on that, it is assumed that CC-48 is contiguous with this parcels east property line.

SECTION 1 –MITIGATION OBJECT

The mitigation within the parcel known as 8400 County Road is intended to create 16 acres of wetland habitat in the form of wet meadow and emergent marsh habitat through the construction of two (2), bermed basins with water control outlet structure within recently fallowed agricultural field. This will replace approximately 14 acres of wetland meadow habitat proposed for impacted on the Dockside Phase 3 site. The mitigation wetland will provide flood storage and habitat for amphibians and waterfowl within the Black Creek watershed which is a subset of the Tonawanda Creek Watershed, and within Hydrologic Unit Code (HUC) 04120104.

Dockside Village LLC goals of the mitigation address the requirements for compensatory wetland mitigation through creation. The creation will add additional wetland acreage to Freshwater Wetland CC-48 and will preserve and protect this additional wetland habitat. The mitigation is designed to abate threats, maintain and restore functioning wetland complexes, and to sustain these complexes in perpetuity. The broad approach of these mitigation goals will lend to water quality improvements the Tonawanda Creek watershed and increased quality of Freshwater Wetland CC-48. Both the Dockside Village Phase 3 and 8400 County Road project sites are located in HUC 04120104.

SECTION 2 - SITE SELECTION CRITERIA

The Clarence parcel is located within the Tonawanda Creek Watershed and HUC 04120104. WET has yet to conduct the delineation within site however; recent field visit conducted with NYSDEC and USACE biologists in 2014 indicates that the areas of the site being proposed for wetland creation are not wetlands. State Freshwater Wetland CC-48 is likely located adjacent to the east property line. The New State Department of Environmental Conservation (NYSDEC) indicated further investigation of the adjacent property is needed to accurately assess the limits of CC-48.

On site investigation have determined that this parcel has significant potential to be converted to wetland based on the following:

1. Soil Structure – The site contains both poorly and somewhat poorly drained clayey soils over the intended mitigation work area.
2. Hydrology – The site has a tributary to Black Creek which flows from southwest to northeast across the site. The flow attributed to the tributary is significant.
3. Agricultural Ditches – The site contains both perimeter and lateral drainage ditches that carry shallow surface drainage. The ditches terminate at the Black Creek tributary.
4. Subsurface Drain Tile – The site appears to be tiled, as PVC tile was observed at one location on site.
5. Landscape position – The site is adjacent to a large wetland complex to the east (likely part of CC-48). The proposed mitigation creation is shown to have favorable elevation. The adjacent site is not in agricultural production at this time and appears to be out for several years.
6. Adjacent surface water pond – A surface water pond exists on the adjacent parcel. The excavated pond may have been a “mitigation pond” for the pipeline project. Surface water elevation is at existing grade.

The site is largely agricultural with perimeter hedgerows along the east property line. Several perimeter ditches which currently remove hydrology from the agricultural areas exist. These ditches can be manipulated/captured and redirected to aid in providing sufficient hydrology to induce saturated and ponding conditions.

SECTION 3 - SITE PROTECTION

Upon approval, the deed restriction will be filed with the proper departments as required. The restriction will include all approved wetland mitigation creation areas within 8400 County Road, Town of Clarence parcel.



SECTION 4 – 8400 COUNTY ROAD MITIGATION PLAN

Creation Wetland Construction:

Project Description

To create 16 acres of wet meadow and pothole emergent marsh habitat within two basins; Basin 1 will contain 8.5 acres - Basin 2, 7.5 acres of created wetland. The habitat will also create 6.15 acres of regulated Adjacent Area (AA). All wetland and AA will be contained within the project site, not infringing upon adjacent properties.

The designed basins are separated by the Black Creek tributary (a non regulated stream) which bisects the parcel southwest to northeast across the site. Two “off line” channels from the Black Creek tributary will be excavated to provide hydrology to each basin. Each channel will convey flow to each respective basin, primarily at times of peak flow events (April – June). Each channel will discharge back to the tributary via a flash board water control structure that will allow an outlet elevation which will promote the back flooding of each basin. In addition, any drain tile which exists within the basin will be deep ripped at time of construction providing additional soil saturation. Each basin will be surrounded by a low-head earthen berm. The low head berm will be constructed to enhance the capture of hydrology which will be induced primarily through the back flooding, with disruption of any existing drainage tile/ditches that currently flow to the Black Creek tributary. The berm will also prevent creation of wetland beyond the intended limits of our project site.

In accordance with the design plan, potholes will be excavated into the landscape to provide variation in elevation and ponding conditions. These potholes will vary in depth and size in accordance with the design plan. The habitat, in combination with the pothole habitat will allow both amphibian and waterfowl habitat.

Upon completion of all earthwork, the wetland basins will be seeded with an appropriate



wetland seed mixture which is listed in Table 1 of this report. Seeding is best completed in the early through late fall. All seeding areas will be prepared by scarifying the soil surface with a York rake or other similar equipment to insure proper seed contact with the soil. The wetland grass mixture should be seeded immediately after construction followed by the wetland hummock seed mixture in late fall to insure proper cold stratification of the sedge (*Carex*) seed species. In addition the newly created Adjacent Area will also be seeded (see Table 1).

SECTION 5 - PERFORMANCE STANDARDS

Success Criteria: The following criteria will be used to assess project success, with respect to the wetland creation mitigation at 8400 County Road, Town of Clarence parcel.

First Year Goals:

Wetland Creation - Wetland hydrology within the creation habitats will be characterized by determining and recording surface water depths and the degree of soil saturation within the upper 12 inches of the soil horizon. The hydrology requirements will be considered satisfied by a demonstration that inundation or soil saturation is present for at least 12.5% of the growing season as observed through monitoring and soil shovel pits in these areas. By the end of the first growing season, 35% of dominant species will be wetland species (i.e. facultative (FAC) plants, facultative-wetland (FACW) plants, and obligate (OBL) wetland plants.

Wet Meadow/Pothole Marsh - Wetland hydrology within the wet meadow habitat will be characterized by determining and recording surface water depths and degree of soil saturation within the upper 12 inches of the soil horizon. The hydrology requirements will be considered satisfied by a demonstration that inundation or soil saturation is present for at least 12.5% of the growing season as observed through the monitoring and soil shovel pits in these areas. By the end of the first growing season, 35% of dominant species will be wetland species (FAC, FACW, and OBL plants). By the end of the second growing season the percent dominance measure would be expected to increase to 60 %, with total area vegetation cover at 90% within the wet meadow. Pothole marsh habitat will allow for 60% open water.

Five Year Goals: The project will be considered to have met the success criteria if, at the end



of the prescribed monitoring period, each habitat type achieves the following:

Wet Meadow/Pothole Marsh: Establish and maintain at least 70% dominant facultative, facultative wetland and obligate wetland (FAC, FACW and OBL) species. Total areal cover of vegetation shall meet or exceed 85%. Establish and maintain soil saturation within 10 inches of the surface for at least 12.5% of the growing season for four out of the five monitoring years. Diversity of wetland species shall increase on the site throughout the monitoring period. Pothole habitat will allow for 60% open water.

SECTION 6 – MONITORING/LONG TERM MANAGEMENT

Baseline Report Requirements: The Baseline report and following annual Monitoring Reports will contain the following information which will be provided to both the NYSDEC and USACE for review in report form. Monitoring will occur between June 1 and September 30 of each monitoring year. The Baseline report with as-built survey will be completed within the year the mitigation area is completed. Completed means excavated and topsoiled to final grade. The first year base-line report will contain:

- An "as-built" topographic survey of the mitigation area including Basin 1 and 2 at 0.5 foot contour intervals.
- Photographs from fixed locations with a photolocation map as determined and marked in the field after construction is completed. No less than 4 photograph locations stations per basin with photographs being taken in repeat headings (directions) from each station.
- A list of plants introduced through seeding and/or planting and there Federal indicator status.
- Water depth and date of measurement from representative locations within each basin.
- The mitigation area. The sample points will be fixed locations and shall be plotted on map.

Annual Monitoring Reports: will contain the following information which will be provided to the NYSDEC and USACE for review in report form. Monitoring will occur between June 1



and September 30 of each monitoring year. The monitoring will be conducted for a period of five (5) years or as defined by the agencies. Each Monitoring Report will contain;

- Wetland habitat types identified and located within the mitigation areas using the Cowardin Classification of wetlands identified on the As-Built survey as amended by the Wetland Consultant to reflex those habitat boundaries through wetland delineation.
- The percentage of plants containing the indicator of FAC+ or wetter resulting from the delineation.
- Mapping depicting areas that are fully vegetated (100%) and areas that are not fully vegetated (less than 100%) or in need of replanting/seeding.
- Woody stemmed species shall be allowed 5 (years) for establishment before replanting is considered.
- The location and extent of invasive species.
- A copy of the validated permit.
- A list of any modifications that were made from the original mitigation plan.
- Recommended remedial action plans if necessary.

SECTION 7 – INVASIVE SPECIES CONTROL PLAN

PURPOSE

A potential threat to wetland creation is the risk of introduction or spread of invasive vegetative species, either through the movement of topsoil, fill, gravel, construction equipment, or during restoration activities. Invasive species are non-native species that can cause harm to the natural ecology of an area, often by out-competing native species. cursory observations have identified purple loosestrife (*Lythrum salicaria*) on the adjacent parcel, but not within the limits of the creation basins. No common reed grass, (*Phragmites australis*), reed canary grass (*Phalaris arundinacea*) or Japanese knotweed, (*Fallopia japonica*) have been observed within the creation basin site.



WET will initiate an Invasive Species Control Plan (ISCP) to treat invasive species within the mitigation project site. Upon approval of the mitigation creation plan a detailed ISCP will be provided for agency approval.

PROPOSED CONTROL MEASURES

Controlling the spread of the target species will be achieved through the implementation of four appropriate measures; 1) wetland construction materials inspection; 2) target species treatment and removal; 3) construction equipment sanitation; and 4) restoration of disturbed areas.

- 1. Wetland Construction Materials Inspection:** Construction material to be used in (or immediately adjacent to) project areas, such as seed mixes, mulch topsoil, gravel, crushed stone, and rock brought on the project site from an outside source shall be free of invasive plant material. The contractor responsible for the wetland mitigation construction shall be responsible for adhering to this requirement, and will provide a written statement too WET upon request prior to using such materials in any phase of the wetland mitigation construction. WET can provide these documents upon request to agencies in the annual Monitoring Reports.
- 2. Target Species Treatment and Removal:** The preferred method of removal will be deep excavation of all plant materials including root mass, rhizomes, and stolons within the project's area of disturbance, followed by proper disposal. Disposal methods of the removed plant material and soil will be based upon density and quantity of invasive species encountered, and may include herbicide treatment, placement of an interim designated secure container, transport in a sealed container and proper offsite plant material disposal in a designated secure disposal container. Herbicide treatment may be necessary; spot treatment will be applied by a Commercial Certified Pesticide Application in accordance with NYSDEC approved herbicide and treatment measures.



3. **Construction Equipment Sanitation:** The contractor will be required to wash down all major construction equipment prior to entry into the project site using a mobile pressure washer. The washing of construction equipment will prevent invasive plant propagules from dispersing further into the project site. Truck washing will be coordinated with SPDES requirements to limit runoff, wash out areas will not be proximate to any stream/wetland resources and will not be allowed to drain into any stream/wetland resources, and wash out locations will be indicated on the contractor construction drawings.

4. **Mitigation/Restoration:** Regulated wetland and regulated Adjacent Area that are temporarily impacted during construction will be stabilized and restored in accordance with the project specific Mitigation Plan or Stormwater Pollution Prevention Plan.

POST CONSTRUCTION MONITORING

Monitoring of the control of invasive species for the Project will have two (2) phases. The first is monitoring the implementation of the ISCP during construction. The second is monitoring the success of the ISCP for a five year period to coincide with the monitoring of the wetland mitigation project. The potential change in invasive species coverage in on-site restoration or wetland areas from pre-construction to post-construction will be conducted by visually inspecting the limits of disturbance during the growing season for five consecutive years following construction/restoration of the wetland mitigation areas. A report detailing the status of the ISCP will be included in an annual monitoring report, which will describe the monitoring methodologies, identify the monitoring locations, and discuss the success of the ISCP. The annual monitoring reports will be provided to the jurisdictional agencies.

SECTION 8 -- ADAPTIVE MANAGEMENT

Should it be determined through the review of the subsequent monitoring reports that the mitigation is not functioning as defined in the Objectives (Section 1 of this report), WET will recommend corrective measures which will insure compliance.



TABLE 1.
SEED MIXTURE – WETLAND HUMMOCK

Scientific Name	Common Name
<i>Scripus atrovirens</i>	Green Bulrush
<i>Juncus effusus</i>	Soft Rush
<i>Carex vulpinoidea</i>	Fox Sedge
<i>Leersia orzyoides</i>	Rice Cut Grass
<i>Carex comosa</i>	Bearded Sedge
<i>Carex crinite</i>	Fringed Sedge
<i>Carex lurida</i>	Shallow Sedge
<i>Carex lupulina</i>	Hop Sedge

WETLAND GRASS SEED MIXTURE

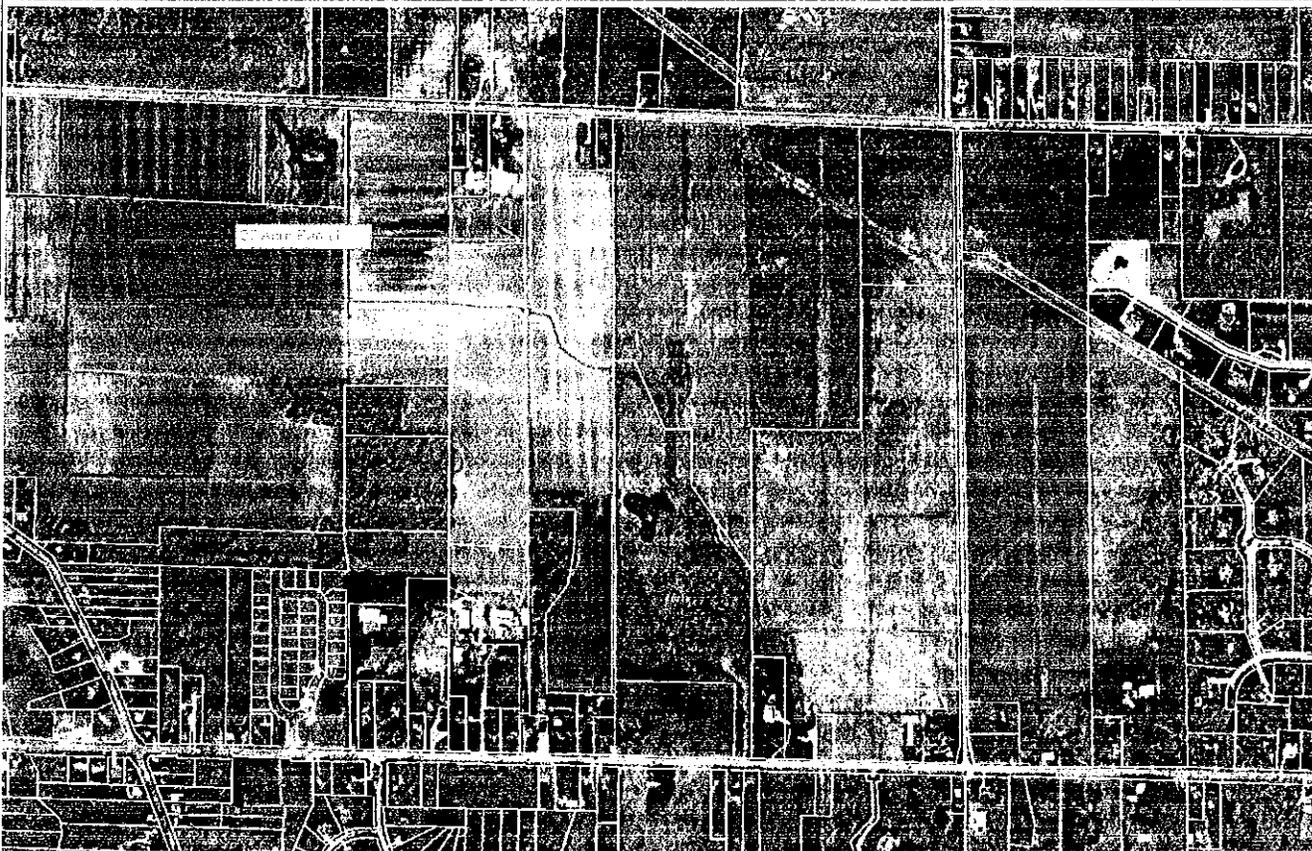
Scientific Name	Common Name
<i>Agrostis stolonifera</i>	Creeping Bentgrass
<i>Poa trivialis</i>	Rough Bluegrass
<i>Alopecurus arundinaceus</i>	Meadow foxtail
<i>Lilium multiflorum</i>	Annual Ryegrass
<i>Panicum clandestinum</i>	Deertongue

ADJACENT AREA GRASS SEED MIXTURE

Scientific Name	Common Name
<i>Panicum virgatum</i>	Switchgrass
<i>Andropogon virginicus</i>	Broom Sedge
<i>Panicum clandestinum</i>	Deertongue



Figure 2 - 8400 County Road Proposed Mitigation Creation Site.



Legend
Parcels
Municipal Boundaries
2011_Ldy

WILSON
ENVIRONMENTAL
TECHNOLOGIES, INC.

1,504.7 0 752.33 1,504.7 Feet
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 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.

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TOWN OF CLARENCE
ENGINEERING and BUILDING DEPARTMENTS
6221 Goodrich Road
Clarence Center, NY 14032
716-741-8952
FAX: 716-407-8915



Timothy M. Lavocat, P.E., CFM
Town Engineer

August 1, 2016

Anthony Cutaia
Dockside Subdivision LLC
1325 Millersport Hwy-S209
Williamsville, New York 14221

RECEIVED

AUG 03 2016

ZONING OFFICE

Re: Wetland Mitigation
8400 County Road
Development Plan Submittal

Dear Mr. Cutaia:

The Town of Clarence Engineering Department received the Wetland Mitigation information for the above referenced project dated July 17, 2015 and received by this department July 1, 2016 and has the following comments relative to the Engineering Department requirements only. Additional Town Committees and/or Boards may have comments in addition to those provided by the Engineering Department.

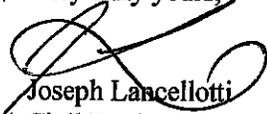
SWPPP COMMENTS

1. According to NYSDEC GP-0-15-002, a SWPPP is required for "environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects." Therefore, we will require a SWPPP document that only includes erosion and sediment controls.
2. SWPPP must include pollution preventative measures such as a stabilized construction entrance, staging areas, check dams, inlet and outlet control protection, dust control, etc.
3. A SWPPP Review Application and Fee must be submitted. The review application can be found on our website. It is stated in the Wetland Mitigation Creation Plan that there will be approximately 16 acres of disturbed area. The review fee for 16 acres is \$2,600. Ultimately, the SWPPP fee will be based on the total acreage of disturbed land recorded in the NOI.
4. Provide a SWPPP Acceptance Form to be filled out by your SWPPP Document preparer.
5. A qualified inspector will be required to perform inspections once every seven days for disturbance of less than five acres or twice every seven days for disturbance of five acres or more.

A complete resubmittal with all items addressed is to be submitted to the Planning and Zoning Office for distribution to the Engineering Department.

Please feel free to contact us should you have any questions

Very truly yours,


Joseph Lancellotti
Civil Engineer

Cc: James B. Callahan, Director of Community Development
Jeff Wilson, Code Enforcement Officer
Wolfs Nursery, Inc, 6083 Fisk Road, Lockport, NY 14094
Wilson Environmental Technologies, 1879 Whitehaven Road, Suite 3, Grand Island, NY 14072
File

617.20
Appendix B
Short Environmental Assessment Form

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: Storage Facility			
Project Location (describe, and attach a location map): Roll Road, Town of Clarence, NY (SBL 57.11-4-14)			
Brief Description of Proposed Action: Applicant seeks the necessary approvals and/or permits to develop and construct a self storage facility located north of Roll Road on a 29+/- acre parcel in the Town of Clarence, NY. The proposed development will consist of the extension of Harris Hill Road and the construction of an office and storage buildings. Additional work will include all supporting site infrastructure for the development. The proposed project ("action") includes all discretionary approvals and/or permits from the Town of Clarence and involved agencies.			
Name of Applicant or Sponsor: Roll-Newhouse, LLC		Telephone: (716) 741-1402	
		E-Mail:	
Address: PO Box 470			
City/PO: East Amherst	State: NY	Zip Code: 14051	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO
			YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Site will require approval from Clarence Planning Board, Erie County Health Department for water service and sewer connection			NO
			YES
3.a. Total acreage of the site of the proposed action? _____			29+/- acres
b. Total acreage to be physically disturbed? _____			14+/- acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____			29+/- acres
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): Vacant Land _____			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ <u>Small stormwater detention facilities will be located on site to reduce impacts of storm water runoff.</u>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Roll-Nowhouse, LLC</u>		Date: <u>8/8/16</u>
Signature: <u>[Signature] (FOR APPLICANT)</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. 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?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. 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.

<input type="checkbox"/>	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.
<input type="checkbox"/>	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)

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Appendix B
Short Environmental Assessment Form

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.

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Part 1 - Project and Sponsor Information			
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Name of Applicant or Sponsor: Roll-Newhouse, LLC		Telephone: (716) 741-1402	
		E-Mail:	
Address: PO Box 470			
City/PO: East Amherst		State: NY	Zip Code: 14051
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Site will require approval from Clarence Planning Board, Erie County Health Department for water service and sewer connection		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		29+/- acres	
b. Total acreage to be physically disturbed?		14+/- acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		29+/- acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): Vacant Land <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ On-site waste water treatment system	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ <u>There are potential impacts of under 0.2 acres to the federal jurisdictional wetlands on site.</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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 checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <u>Stormwater will flow into the stormwater management facilities (pipes to storage basins) on site. The storm water will then be directed to Gotti Creek.</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ <u>Small stormwater detention facilities will be located on site to reduce impacts of storm water runoff</u>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
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I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
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_____	_____
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_____	_____
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