



U.S. Army Corps
of Engineers
Buffalo District
CELRB-TD-R

Public Notice

Applicant: Ciminelli
Real Estate
Corporation

Published: November 15, 2019
Expires: December 2, 2019

Application No: 2001-00067 (2019 Modification)
Section: New York

All written comments should reference the above Application No. and be addressed to:
US Army Corps of Engineers, Buffalo District
(Attn:) Martin Crosson
1776 Niagara Street
Buffalo, NY 14207

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

Application for Permit Modification under Authority of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Ciminelli Real Estate Corporation/Ciminelli Muir Woods, LLC (Ciminelli). Ciminelli has requested a modification to an existing permit described below.

WATERWAY & LOCATION: approximately 98 acres of Federal wetlands, a 32 acre lake and approximately 4.4 acres of tributaries have been previously identified as jurisdictional on the 326 acre parcel permitted for development known as "Muir Woods". The permitted project is located in the Town of Amherst, County of Erie and State of New York.

LATITUDE & LONGITUDE: Latitude North: 43°01'46"
Longitude West: -78°46'33"

EXISTING CONDITIONS: On May 14, 2012 a permit was issued to Ciminelli for placement of fill into 17.83 acres of Federal wetland and 1.29 acres of federally regulated tributaries for the multi-use development known as "Muir Woods". The current jurisdictional determination remains valid until the existing permit expiration date of November 30, 2024.

PROPOSED MODIFICATION: Ciminelli proposes to modify the existing permit to change the proposed use of the area identified as Site B of the "Muir Woods" site. Under the existing permit, Site B was to consist of office space and retail development. The applicant is currently proposing to change the previously proposed use of Site B to student housing consisting of 515 residential units divided into two phases separated by a proposed northerly extension of John James Audubon Parkway. Phase I of the student housing project will be located on the western portion of Site B and will consist of 220 residential units. The John James Audubon Parkway is proposed to be extended as a public roadway and dedicated to the Town of Amherst in connection with Phase I and Phase I improvements include approximately 693 parking spaces, storm water management improvements, landscaping, lighting, etc. Phase II of the student housing project will be located to the east of the John James Audubon Parkway and will consist of 295 residential units including associated site improvements in addition to planning of a potential public transportation project in collaboration with the Niagara Frontier Transportation Agency to reserve sufficient acreage on the eastern portion of Site B for the potential future MetroRail extension including a station and terminus and park and ride parking lot or parking structure that would be located directly east of the proposed northerly extension off the John James Audubon Parkway. Also in association with the proposed changes, a new recreational bike/walking trail will enter Site B from the northeast corridor connection and continue through Site B and to the west of Site B such that will connect to the Town's recreational trail that connects to the North Campus of the University of Buffalo. The applicant has indicated these modifications are necessary due to changes in economic conditions in the real estate market, and also due to their consideration of input from the Town of Amherst municipal boards and the local public.

PROJECT PURPOSE

Basic: construction of a multi-use development.

Overall: modification of an existing permitted Ciminelli construction project by changing a part of the planned development from office space and retail development to a residential development with associated transportation amenities on Site B due to market changes and consideration of the Town of Amherst municipal boards and local public input.

Water Dependency Determination: The existing permitted impacts to waters of the US were previously determined to not be water dependent. Therefore, alternatives that did not require impacts to US waters were presumed to exist at that time. Prior to permit issuance, the applicant adequately demonstrated that US waters were avoided and minimized to the greatest extent practicable.

Mitigation: The proposed modification would impact approximately 0.15 acres less than that currently permitted on Site B. 3.44 acres of federal wetland impacts are proposed for this development area overall and are currently permitted. No additional mitigation is proposed for the modification, as the previously authorized mitigation is sufficient and this proposed modification results in less impact to wetlands.

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should reference the

Application Number and be directed to the attention of Martin Crosson, who can be contacted at the above address, by calling (716) 879-4346, or by e-mail at: martin.h.crosson@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an

Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

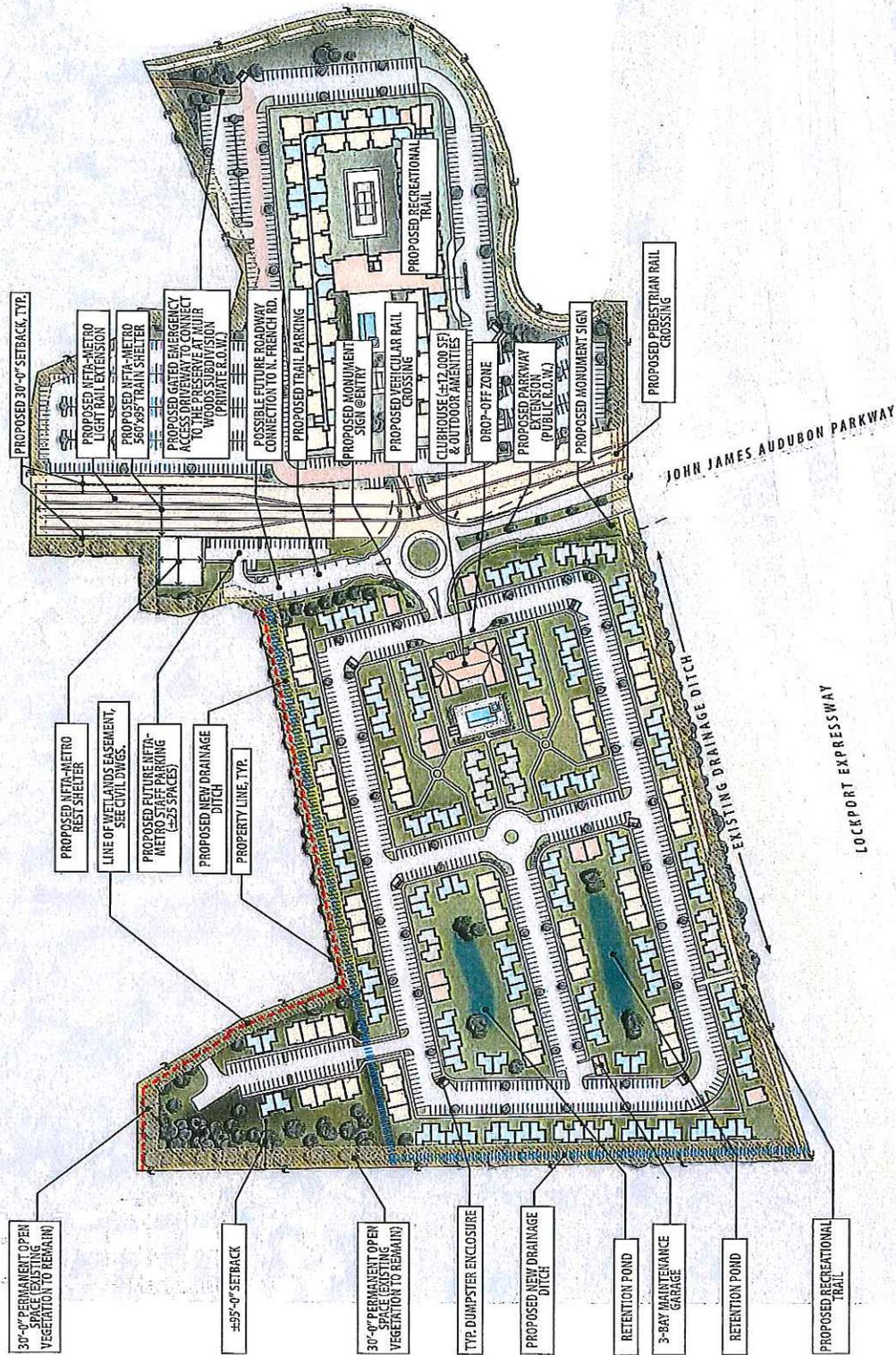
Diane C. Kozlowski
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 15 days from the date of issuance.



FIGURE 3: Master Plan
MUJR WOODS
Town of Amherst, NY
Not To Scale



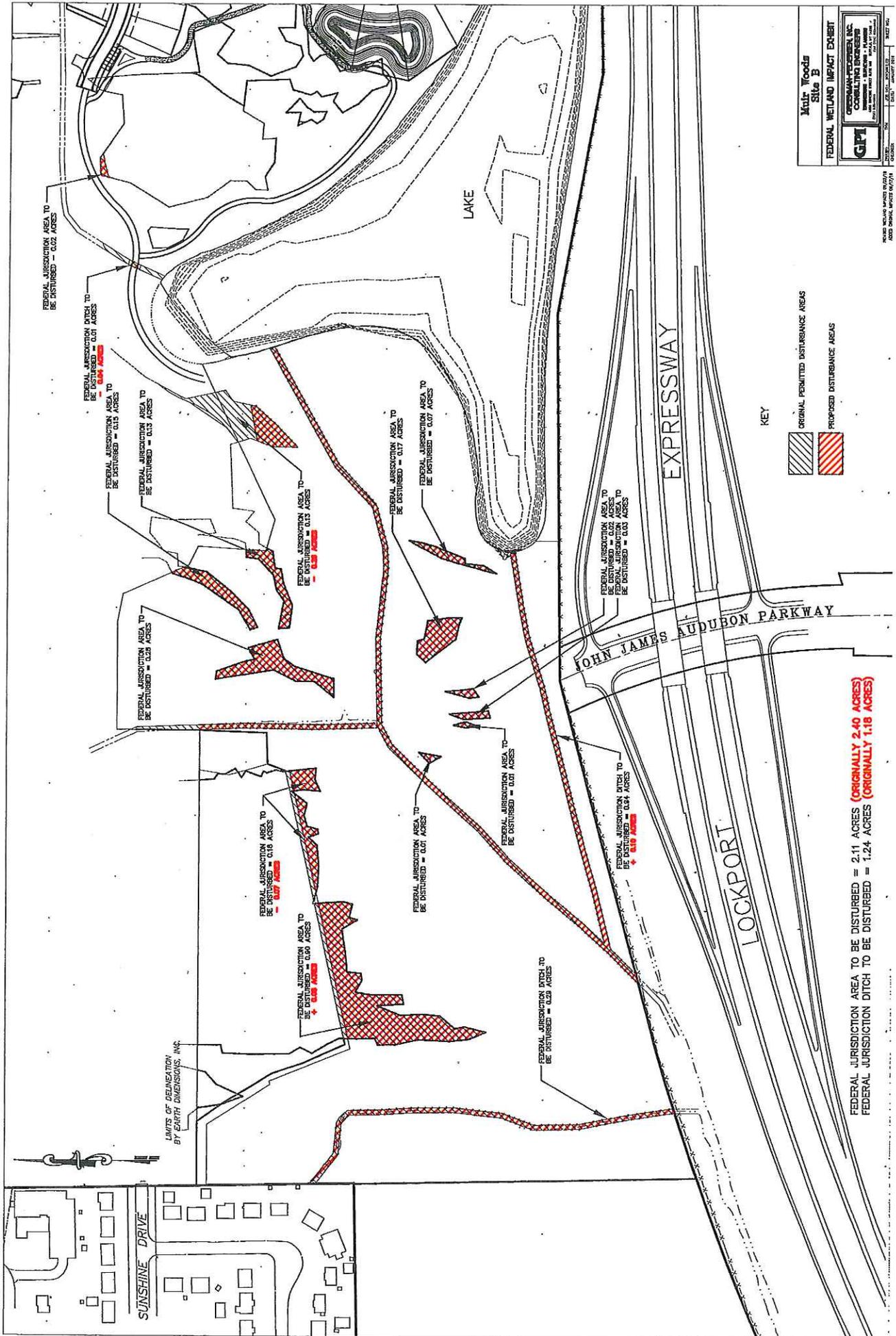


SITE INFORMATION: PHASE 1	
PHASE 1 SITE AREA: ±22 ACRES	
<input type="checkbox"/> 2-BR UNIT	
<input type="checkbox"/> 3-BR UNIT	
<input type="checkbox"/> 4-BR UNIT	
<input type="checkbox"/> 5-BR UNIT	
TOTAL # OF UNITS: 210 UNITS	
TOTAL # OF BEDS: 866 BEDS	
TOTAL GREEN SPACE: ±495,000 SF (±11.4 ACRES)	
TOTAL RESIDENTIAL SURFACE PARKING SPACES: ±685	

SP-1: CONCEPTUAL SITE PLAN

SCALE: 1" = 100'-0" (MINIMUM) 1/8" = 20'-0"

Associates. All planning and architectural concepts shown on this document are the intellectual property of Kitchin & Associates. This design may not be duplicated or incorporated in any other plan or document without the express written consent of Kitchin & Associates. Plans, sections, and property lines are approximate based on available tax maps, GIS information, and/or information provided by the client and are subject to change without prior notice. Colors/representation of building materials shown on these documents will vary based on printer and paper quality.



KEY

 ORIGINAL PERMITTED DISTURBANCE AREAS
 PROPOSED DISTURBANCE AREAS

FEDERAL JURISDICTION AREA TO BE DISTURBED = 2.11 ACRES (ORIGINALLY 2.40 ACRES)
 FEDERAL JURISDICTION DITCH TO BE DISTURBED = 1.24 ACRES (ORIGINALLY 1.18 ACRES)

Kair Woods
 Site B
 FEDERAL WETLAND IMPACT EXHIBIT



 GEORGEANN-FEDERER, INC.
 CONSULTING ENGINEERS
 1000 W. STATE ST. SUITE 200
 BUFFALO, NY 14202
 DATE: JANUARY 2001
 SHEET NO. 3 OF 3

PLANNED WETLAND IMPACT EXHIBIT
 FEDERAL WETLAND IMPACT EXHIBIT