

Ari M. Goldberg
Associate

October 24, 2022

VIA HAND DELIVERY
VIA ELECTRONIC MAIL

Town of West Seneca Planning Board
c/o Jeffrey Schieber
Code Enforcement Officer
West Seneca Town Hall
1250 Union Road, Room 210
West Seneca, NY 14224

Re: 799 Indian Church Road
Levy Grid LLC - Battery Energy Storage System
Site Plan Application
Previous Site Plan Approval (SPR 2020-10)

Dear Members of the Town Planning Board:

Barclay Damon LLP represents Levy Grid, LLC (“Levy Grid”). On July 31, 2020, Levy Grid submitted a Site Plan Application for a battery energy storage facility (“Project”) at 799 Indian Church Road, SBL 134.06-2-28 (“Property”). The 5.16 acre parcel is dual zoned M-1 and M-2 and is located in the Town’s industrial corridor east of Interstate 90 and north of the 400 Expressway and rail line. See Town of West Seneca Comprehensive Plan, Sec. 1 p. 22.

Levy Grid is a developer of state-of-the-art battery energy storage facilities. The 150 megawatt (MW) capacity Project will purchase excess energy from the immediately adjacent substation during non-peak energy consumption times, store this excess energy in the batteries, and then make that stored energy available during peak consumption hours. The energy stored in the batteries runs to the inverters, is converted into alternating current, and sent to the on-site substation via transmission lines. The Project provides inexpensive energies to public utilities during peak consumption times and ensures less reliance on gas-fired power plants or other “peaker plants” that turn on during peak consumption. The Property is suitable for the Project given its industrial character and proximity to the neighboring substation.

On October 8, 2020, the Planning Board issued a negative declaration for the Project and Site Plan approval (resolutions filed October 22, 2020). On October 14, 2021, the Planning Board granted a one year extension of the Project’s Site Plan Approval pursuant to Town Code § 102-13(B) (resolution filed November 5, 2021).

Since initial approval and one year extension, Levy Grid has continued to work through the state mandated process to interconnect with the neighboring substation. This process involves multiple studies and revised studies on the interconnection process, significant payments at each study stage, and, once these studies are complete, the negotiation and, eventually, execution of an interconnection agreement between Levy Grid and the utility. The interconnection agreement permits the facility to finally tie-in to the substation—connect to the electric grid and purchase excess energy for storage and peak-time availability. Levy Grid has also engaged with Erie County Department of Public Works, as well as the utility and state agencies on the interconnection process.

Levy Grid has continued robust discussions with the utility and relevant government entities on interconnection. However, Levy Grid is not able to secure its building permit for the Project prior the expiry of the October 8, 2020, Site Plan Approval as extended. After multiple discussions with the Town Attorney and Code Enforcement Officer, it was determined that an additional Site Plan Application submission would be required to maintain and renew the Project's site plan approval.

Enclosed, please find the following

- (1) Town of West Seneca Site Plan Review Application
- (2) October 8, 2020 Negative Declaration and Site Plan Approval
- (3) October 4, 2021 Site Plan Approval Extension
- (4) Property Survey
- (5) Site Plan [22 full size sets, 1 11x17 set, 1 pdf set on USB enclosed separately]
- (6) Visual Simulations
- (7) Prior SEQRA correspondence
- (8) Short Environmental Assessment Form
- (9) Owner Authorization

Please note that the Site Plan drawings have not substantively changed since initial approval. An Application fee in the amount of \$2,350 will follow under separate cover.

Please also know that Levy Grid remains fully committed to bringing this state-of-the-art facility to 799 Indian Church Road and the Town of West Seneca, it is merely waiting for the interconnection study timeline to catch up with the rest of the project. Levy Grid continues to appreciate the Town championing this novel and growing alternative energy source.

Levy Grid - 799 Indian Church Road
Battery Energy Storage Facility
Site Plan Application
October 24, 2022
Page 3

We look forward to again discussing this Project with you and the Town. Should you require anything additional, please do not hesitate to contact me. Thank you for your consideration

Very truly yours,



Ari M. Goldberg

AMG:amg
Enclosures

cc: Chris Wood, Carmina Wood Design – project engineers
Justin Adams, Levy Grid, LLC

Site Plan Review Application Form

TOWN OF WEST SENECA

APPLICATION FOR SITE PLAN REVIEW APPROVAL

TO BE COMPLETED BY APPLICANT

DATE October 24, 2022

FILE # _____

PROJECT NAME Levy Grid

PROJECT LOCATION (Include address and distance to nearest intersection)

799 Indian Church Road, Adjacent to Indian Church and Steiner/Indian Church and Morgott, +/- 1,080 feet to Indian Church Road and Mineral Springs Road

APPLICANT Barclay Damon LLP as agent/attorney for Levy Grid LLC PH/FAX (716) 858-3878

ADDRESS 200 Delaware Ave, Suite 1200, Buffalo, NY 14202

PROPERTY OWNER Nova Site Company LLC

PH/FAX _____

ADDRESS 6 Lena Court, West Seneca, NY 14224

ENGINEER/ ARCHITECT Carmina Wood Design, Chris Wood PE

PH/ FAX (716) 842-3165

ADDRESS 487 Main Street, Suite 500, Buffalo, NY 14203

SBL # 134.06-2-28

PROJECT DESCRIPTION (Include all uses and any required construction)

Standalone battery energy storage facility; site preparation, minimal site infrastructure construction, installation of batteries and related materials, installation of generator transmission lines to immediately adjacent National Grid Substation, and landscaping as needed.

SIZE OF LOT (acres) 5.16+/-

ACREAGE TO BE REZONED 0

ADJACENT ROAD NAMES AND AMOUNT OF FRONTAGE ON EACH

Parcel has approximately 27 feet of frontage along Indian Church Road

EXISTING ZONING M-1 & M-2 PROPOSED ZONING M-1 & M-2

EXISTING USE(S) ON PROPERTY equipment and construction materials storage

PROPOSED USE(S) ON PROPERTY battery energy storage facility

EXISTING USE(S) AND ZONING ON ALL PROPERTY WITHIN 500 FEET

Seneca Woods Senior Apartments (R-50(S)), Spectrum Cable (M-1 & M-2), National Grid Substation (M-1& M-2), Energy/Kiantone Pipeline Corporation (M-2), Railroad (M-2), residential area (R-65(A) & R-65)

PUBLIC SEWER YES X NO _____

PUBLIC WATER YES _____ NO X

VARIANCES AND OTHER APPROVALS OR PERMITS REQUIRED

- Site Plan Approval

APPLICATIONS WILL NOT BE ACCEPTED WITHOUT COMPLETION OF ALL REQUIREMENTS LISTED HERE

TO BE COMPLETED BY THE TOWN OF WEST SENECA

DATE RECEIVED _____ BY _____

PLANNING BOARD MEETING DATE _____

TOWN BOARD MEETING DATE _____

TOWN BOARD RESOLUTION DATE _____

NON-REFUNDABLE FILING FEE (SEE TOWN OF WEST SENECA WEBSITE FOR DETAILS)

TOWN OF WEST SENECA

APPLICANT CHECKLIST FOR SITE PLAN REVIEW

PLEASE REFER TO APPENDICES A, B, & C AND THE TOWN OF WEST SENECA ZONING ORDINANCE FOR ADDITIONAL DESIGN INFORMATION. THE APPLICANT/ AGENT MUST INITIAL EACH ELEMENT AS PROOF THAT ALL REQUIREMENTS HAVE BEEN MET.

I. SITE PLAN All site plan drawings shall be prepared, signed, and sealed by an architect, landscape architect, engineer, or surveyor licensed in the State of New York, drawn to scale, and must include the following elements (also see checklist in Appendix A) :

X Title of drawing.

X Name, address, and telephone number of applicant, owner of record, and person who prepared the drawing. If owner of record is different from applicant, a letter of authorization from the owner or a contract of sale is required.

X North arrow, scale, revisions block and date.

X Site location map.

X Name, location, width, and jurisdiction of existing roads and sidewalks.

X Location of curb cuts on project site and on adjacent properties (including properties across the street).

X Location of all existing and proposed buildings and structures, paving, curbs, and pedestrian and bicycle facilities with those to be removed clearly identified.

X Show all zoning district boundaries, zoning classifications for all adjacent properties (including across the street), and zoning setback dimensions. If a portion of the site is proposed to be rezoned, the new zoning district boundaries should be shown.

X Zoning data block comparing existing and proposed requirements, including greenspace and parking calculations.

N/A Location of any areas proposed for outdoor display and sale of merchandise, if applicable.

N/A Layout of all off-street parking areas showing access drives, aisles, parking spaces, handicapped accessible spaces, and loading areas (conforming to all requirements of the Town of West Seneca Zoning Ordinance). A cross-section of proposed pavement must be provided.

X Existing and proposed rights-of-way and easements and location of areas to be in common ownership or to be offered for dedication.

X Existing and proposed watercourses including wetlands, floodways, and floodplains (this information should also appear in the drainage plan and grading plan).

N/A Location of all proposed signage (conforming to all requirements of the Town of West Seneca Zoning Ordinance).

X Any other information as might be required by the Planning Board.

II. BOUNDARY SURVEY

X A topographic boundary survey and a written legal description. (metes and bounds)
Provide in Electronic Form as well as written

III. UTILITY PLAN – to include the following elements (also see checklist in Appendix A)

X Location of existing water mains, showing main size and material type, o-site and off-site fire hydrant locations, and on-site main line valve locations.

X Location of proposed water service showing material type and diameter of water main.

X Location of existing and proposed gas and electric service.

N/A Sanitary service showing location, proposed line, and existing main size. Include all manhole rim and invert elevations, pipe slope, and construction materials, if appropriate

N/A The estimated daily sanitary sewage flow calculations must be included in the site plan Engineering Report.

N/A Written confirmation that the process has been initiated with County or State Highway Departments for sanitary sewer connection, curb cuts, work permits, etc. (Applicant must furnish a letter from the appropriate County or State agency indicating their approval of the proposal prior to issuance of a Building Permit)(if necessary).

IV. GRADING PLAN – To include the following elements (also see checklist in Appendix A).

X Existing and proposed grade elevation with contour lines at 1-foot intervals.

N/A Finished floor elevations for all proposed and adjacent structures.

V. DRAINAGE PLAN – to include the following elements (also see checklist in Appendix A):

X All catch basins, line size, and proposed construction materials. No stormwater shall drain onto adjoining properties. All downspouts shall be connected to the stormwater collection system.

X Systems shall be designed for a minimum 10-year storm.

X Stormwater calculations, prepared by a person licensed to design a storm drainage system in New York State.

X Site plan Engineering Report (refer to requirements in Appendices A & B).

X Any proposed project that will involve one or more acres of soil disturbance is required to comply with NYSDEC SPDES General Permit requirements for stormwater discharges. A copy of the Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (WPPP) must be provided with the site plan Engineering Report..

VI. LANDSCAPING PLAN – to include the following elements (also see Appendix C).

X All existing and proposed tree lines.

X All proposed trees, shrubs, and other plantings with appropriate labeling.

N/A Planting schedule data block with legend key, species name (botanical and common names), quantity, size, and spacing.

N/A Planting details for trees and evergreens must illustrate the crown of root ball at six (6) inches above finished grade; three (3) inches for shrubs.

X Refer to the Town of West Seneca Zoning Ordinance for applicable landscaping and screening requirements.

VII. CLEARING & SOIL EROSION CONTROL PLAN - to include the following elements:

X Site preparation and clearing shall be designed to fit with the vegetation, topography, and other natural features of the site and shall preserve as many of these features of the site and shall preserve as many of these features as possible.

X Show clearing limits, stock pile area, and all temporary and permanent drainage facilities. Erosion and sediment control facilities must be shown.

X A time schedule that is keyed to the operation must be provided.

X Include a note on the plan to indicate that stumps and brush may not be buried in the Town and that topsoil may not be removed from the work site without a permit.

VII. LIGHTING PLAN – to include the following elements:

N/A Location of all lighting fixtures and standards on the property and structures, including a fixture schedule.

N/A Photometric data for site illumination.

IX. BUILDING HEIGHT AND DESIGN

N/A Building elevations and floor plans of all non – residential structures and all residential structures containing three (3) or more dwelling units (including net floor area calculations).

I, Ari Goldberg as owner/applicant of Levy Grid LLC as agent/attorney, located at 799 Indian Church Road, Town of West Seneca, to the best of my knowledge has submitted a complete application package for a site plan for review.

TOWN OF WEST SENECA

APPENDIX A-SITE PLAN APPLICATION CHECKLIST

I. GENERAL

X All elevations must reference the actual elevation of the site and proposed building (utilize Town of West Seneca data). Setting a base elevation at the centerline of the road to use as reference is not acceptable.

X All profiles provided must be drawn so that the horizontal scale is no more than 1" = 10' horizontal, and 1" = 5' vertical.

X Profiles be provided for utility crossings, the sanitary sewer system, and storm sewer system.

X Profiles for any utilities as deemed necessary by the engineer for construction.

II. UTILITY PLAN

N/A Add a note to the plan that states: "A minimum of 10 feet of horizontal and 18 inches of vertical separation must be maintained between all sanitary sewer and water services".

N/A Add a note to the plan that states: "The Erie County Water Authority is to be notified a minimum of 48-hours prior to starting the connection to the new water service.

N/A Add a note to the plan that states: "Select backfill is required for all utilities (gas, water, storm, sanitary) that cross through any pavement area." The limits of the select backfill must be shown on the utility plan.

N/A The plans must clearly state the type of proposed connection to the existing waterline to be made. Will it saddle with corporation stop or tapping sleeve and valve.

X All existing utilities, grading, etc. must be shown as a grey line type.

X All proposed utilities, grading, etc. must be shown as a black line type.

N/A Provide a trench detail for the proposed waterline installation. The detail must show the depth of cover, stone bedding, and indicate the use of underground waterline marker tape.

N/A Provide a trench detail for the proposed sanitary sewer lateral. The detail must show the depth of cover, stone bedding, and indicate the use of underground waterline marker tape. /when connecting the Erie County Sewer District No. 1 or No. 3 system, their details must be provided.

N/A Provide a profile for the proposed sanitary sewer service showing the connection to the existing system and connection at the facility.

III. PAVEMENT

N/A Asphalt pavement grades should be at least 1.5%, preferably 2.0% to drain properly, minimize public safety concerns, and avoid liability issues. These grades must be shown on the drainage plan with flow arrows showing the direction of water flow.

N/A Show on the plans a cross-section of the proposed sidewalk.

N/A Show on the plans a cross-section of the proposed asphalt pavement. It is suggested that a thicker asphalt section be used for high traffic travel areas, where the dumpster is located, or where the deliveries will occur.

N/A On the asphalt pavement cross-section, show the use of filter fabric (Mirafi 140N, or equal) under the pavement sub-base.

N/A If connections to cross-access driveways are being made with adjacent sites, a detail must be shown on the plans for the proposed connection. The pavement transition detail must include a V-shaped saw cut into the existing pavement and tack coat.

IV. DRAINAGE/GRADING

X The stockpile area for topsoil and fill must be shown on the design plans.

N/A Spot elevations for adjacent properties must be provided on the grading plan.

X A minimum of 6-inches of cover are required for all storm sewer pipes in grass area. A minimum of 12-inches of cover are required for all storm sewer pipes in pavement. Storm sewer pipe located within the sub-base of the pavement is not allowed.

N/A Invert elevations must be shown for all culverts under driveways.

X Provide stone rip rap at the pipe outlets from the detention pond.

N/A Provide emergency overflow for the detention pond for the 100-year storm elevation.

N/A All culverts under driveways must be shown with galvanized end sections.

N/A Diameter, material type, and inverts of all roof leader downspouts must be shown.

X Diameter, material type, and inverts of all storm sewer pipes must be shown on the plans.

N/A For sites with less than one (1) acre of disturbance, the design engineer is required to detain the difference between the 10-year pre-developed storm and the 25-year post-developed storm.

X For sites with greater than one (1) acre of disturbance, the design engineer is required to comply with all NYSDEC Stormwater Phase 2 regulations and design guidance.

V. SITE PLAN ENGINEERING REPORT

X The applicant must provide three (3) copies of the site plan Engineering Report. This report will contain (at a minimum), the following sections:

- General Project Description.
- Project Location Map.
- Water System Calculations.
- Sanitary Sewer System Calculations.
- Stormwater Calculations

No new water or sewer service is proposed.

N/A Provide the following information related to the proposed waterline for the facility in the design report. This would include the following:

- Domestic water demand (include calculations).
- Static waterline pressure (at the water right-of way).

N/A Anticipated pressure at the facility (include head loss calculations through the water service and backflow preventer/R.P.Z. and meter); the design engineer must comment on the need to provide a sprinkler system for the facility. Provide fire flow calculations for the facility (if applicable). Provide the following information related to the proposed sanitary sewer system for the facility in the design report. This would include the following:

- Number of employees at the facility.
- Sanitary sewer demand and lateral pipe sizing (include calculations).

X Provide the following information related to the stormwater calculations for the facility in the design report. This would include the following:

Soil types of the site.

- Permeability and depth of water table of the soil.
- Description/dialogue on existing grading and stormwater runoff.
- Description/dialogue on proposed grading and stormwater runoff.
- Comment on the presence and show location of any NYSDEC or Federal Wetlands or 100-year Floodplain boundary.
- For sites with less than one (1) acre of disturbance, the design engineer is required to detain the difference between the 10-year pre-developed storm and the 25-year post-developed storm. Calculations must be provided
- For sites with greater than one (1) acre of disturbance, the design engineer is required to comply with all NYSDEC Stormwater Phase 2 regulations. Calculations must be provided.
- Calculations to be provided must include all assumptions, time of concentration, and detention pond sizing, and stormwater pipe sizing.
- All existing headwater and tailwater conditions must be considered for the design calculations.

Refer to APPENDIX B "Design of Stormwater Detention Facilities" for design guidance.

APPENDIX B-DESIGN OF STORMWATER DETENTION FACILITIES

The following method of determining the size of stormwater detention and retention facilities is presented as a guide for engineers, architects, and developers involved with construction projects in the Town of West Seneca.

Detention facilities are those facilities that detain the flow of stormwater runoff and discharge it at a reduced rate from the detention area. /this type of system operates by gravity with a large inlet and a small inlet. Retention facilities retain stormwater runoff, and it is necessary to pump the collected water into the downstream drainage system after peak flows have passed. Normally, detention facilities are installed much more frequently than retention facilities.

The Town of West Seneca requires that the stormwater detention system be designed in accordance with the following documents:

1. NYS Stormwater Design Manual
2. NYSDEC:SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001)
3. NYSDEC: Standards and Specifications for Erosion and Sediment Control

A copy of the Notice of Intent (NOI) and Storm Water Pollution Prevention Plan(SWPPP) as required by the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity (Permit No. GP-0-10-001) must be received and accepted by the Town prior to construction activities.

- For projects accepted by the town, construction cannot begin until:
 - * Five (5) business days from the date the NYSDEC receives a copy of the NOI; or the applicant receives an Acknowledgement Letter from the NYSDEC.

The engineer must provide all calculation and mappings, and state all assumptions necessary for review by the Town of West Seneca.

October 8, 2020
Negative Declaration and Site Plan Approval

TOWN OF WEST SENECA



AMY M. KOBLER
TOWN CLERK

RECEIVER OF TAXES
REGISTRAR OF VITAL STATISTICS
NOTARY PUBLIC
RECORDS MANAGEMENT OFFICER

TOWN SUPERVISOR
GARY A. DICKSON

TOWN COUNCIL
WILLIAM BAUER
JOSEPH J. CANTAFIO
WILLIAM P. HANLEY JR.
JEFF PIEKAREC

October 22, 2020

PLANNING BOARD MEETING
2020-08
October 8, 2020

Motion by Bebak, seconded by Frick, to adopt the following resolution issuing a negative declaration regarding the State Environmental Quality Review Act ("SEQR") for the proposed project at 799 Indian Church Road:

WHEREAS, the Planning Board of the Town of West Seneca, as lead agency acting pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, has reviewed Part I of the Short Environmental Assessment Form ("EAF") prepared by the applicant for property located at 799 Indian Church Road (SBL 134.06-2-28) ("Subject Property"), for construction of battery storage energy complex (the "Project"), and reviewed the draft completed Part II of the EAF analyzing the potential for the Project to result in any significant adverse environmental impacts and has otherwise taken a hard look at the identified potential environmental impacts utilizing the criteria specified in 6 NYCRR 617.7(c); and

WHEREAS, upon review of Parts I and II of the EAF and documentation and plans submitted by the applicant in connection with the review of the Project, the Planning Board has not identified any potentially significant adverse environmental impacts associated with the proposed use of the Subject Property, has determined that preparation of an Environmental Impact Statement is not necessary and that the issuance of a Negative Declaration is therefore appropriate; now, therefore, be it

RESOLVED that pursuant to 6 NYCRR 617.7(a) the Planning Board does hereby adopt a Negative Declaration with respect to the Project based on its determination that the Project will not result in any potentially significant adverse environmental impacts.

Ayes: All

Noes: None

Motion Carried

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
OFFICE OF THE CLERK OF THE
TOWN OF WEST SENECA

This is to certify that I, AMY M KOBLER, Town Clerk and Registrar of Vital Statistics of the Town of West Seneca in said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file in my office, and which was passed by the Planning Board of the Town of West Seneca in said County of Erie, on the 8th day of October, 2020 and that the same is a correct and true transcript of such original resolution and whole thereof.

IN WITNESS WHEREOF, I HAVE HERE UNTO SET MY HAND AND AFFIXED THE SEAL OF SAID TOWN THIS 22ND DAY OF OCTOBER, 2020.

A handwritten signature in cursive script that reads "Amy M. Kobler".

TOWN CLERK AND REGISTRAR OF VITAL STATISTICS, TOWN OF WEST SENECA

TOWN OF WEST SENECA



AMY M. KOBLER
TOWN CLERK

RECEIVER OF TAXES
REGISTRAR OF VITAL STATISTICS
NOTARY PUBLIC
RECORDS MANAGEMENT OFFICER

TOWN SUPERVISOR
GARY A. DICKSON

TOWN COUNCIL
WILLIAM BAUER
JOSEPH J. CANTAFIO
WILLIAM P. HANLEY JR.
JEFF PIEKAREC

October 22, 2020

PLANNING BOARD MEETING
2020-08
October 8, 2020

Motion by Bebak, seconded by Sailer, to grant site plan approval for property located at 799 Indian Church Road, for construction of a battery storage energy complex.

Ayes: All

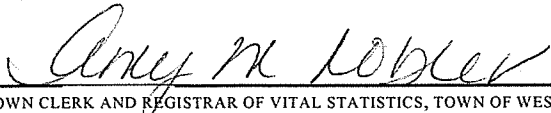
Noes: None

Motion Carried

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
OFFICE OF THE CLERK OF THE
TOWN OF WEST SENECA

This is to certify that I, AMY M KOBLER, Town Clerk and Registrar of Vital Statistics of the Town of West Seneca in said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file in my office, and which was passed by the Planning Board of the Town of West Seneca in said County of Erie, on the 8th day of October, 2020 and that the same is a correct and true transcript of such original resolution and whole thereof.

IN WITNESS WHEREOF, I HAVE HERE UNTO SET MY HAND AND AFFIXED THE SEAL OF SAID TOWN THIS 22ND DAY OF OCTOBER 2020.


TOWN CLERK AND REGISTRAR OF VITAL STATISTICS, TOWN OF WEST SENECA

October 4, 2021
Site Plan Approval Extension



AMY M. KOBLER
TOWN CLERK

RECEIVER OF TAXES
REGISTRAR OF VITAL STATISTICS
NOTARY PUBLIC
RECORDS MANAGEMENT OFFICER

TOWN OF WEST SENECA

TOWN SUPERVISOR
GARY A. DICKSON

TOWN COUNCIL
WILLIAM BAUER
JOSEPH J. CANTAFIO
WILLIAM P. HANLEY JR.
JEFF PIEKAREC

November 5, 2021

PLANNING BOARD MEETING
2021-10
October 14, 2021

SPR2020-10

Motion by McCabe, seconded by Clifford, to grant a one-year extension of site plan approval for property located at 799 Indian Church Road, for construction of a battery storage energy complex.

Ayes: All

Noes: None

Motion Carried

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
OFFICE OF THE CLERK OF THE
TOWN OF WEST SENECA

This is to certify that I, AMY M KOBLER, Town Clerk and Registrar of Vital Statistics of the Town of West Seneca in said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file in my office, and which was passed by the Planning Board of the Town of West Seneca in said County of Erie, on the 14th day of October, 2021 and that the same is a correct and true transcript of such original resolution and whole thereof.

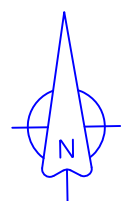
IN WITNESS WHEREOF, I HAVE HERE UNTO SET MY HAND AND AFFIXED THE SEAL OF SAID TOWN THIS 6TH DAY OF NOVEMBER 2021.

TOWN CLERK AND REGISTRAR OF VITAL STATISTICS, TOWN OF WEST SENECA
TOWN HALL • 1250 UNION ROAD • WEST SENECA, NEW YORK 14224 • (716) 558-3215 • FAX (716) 558-2250

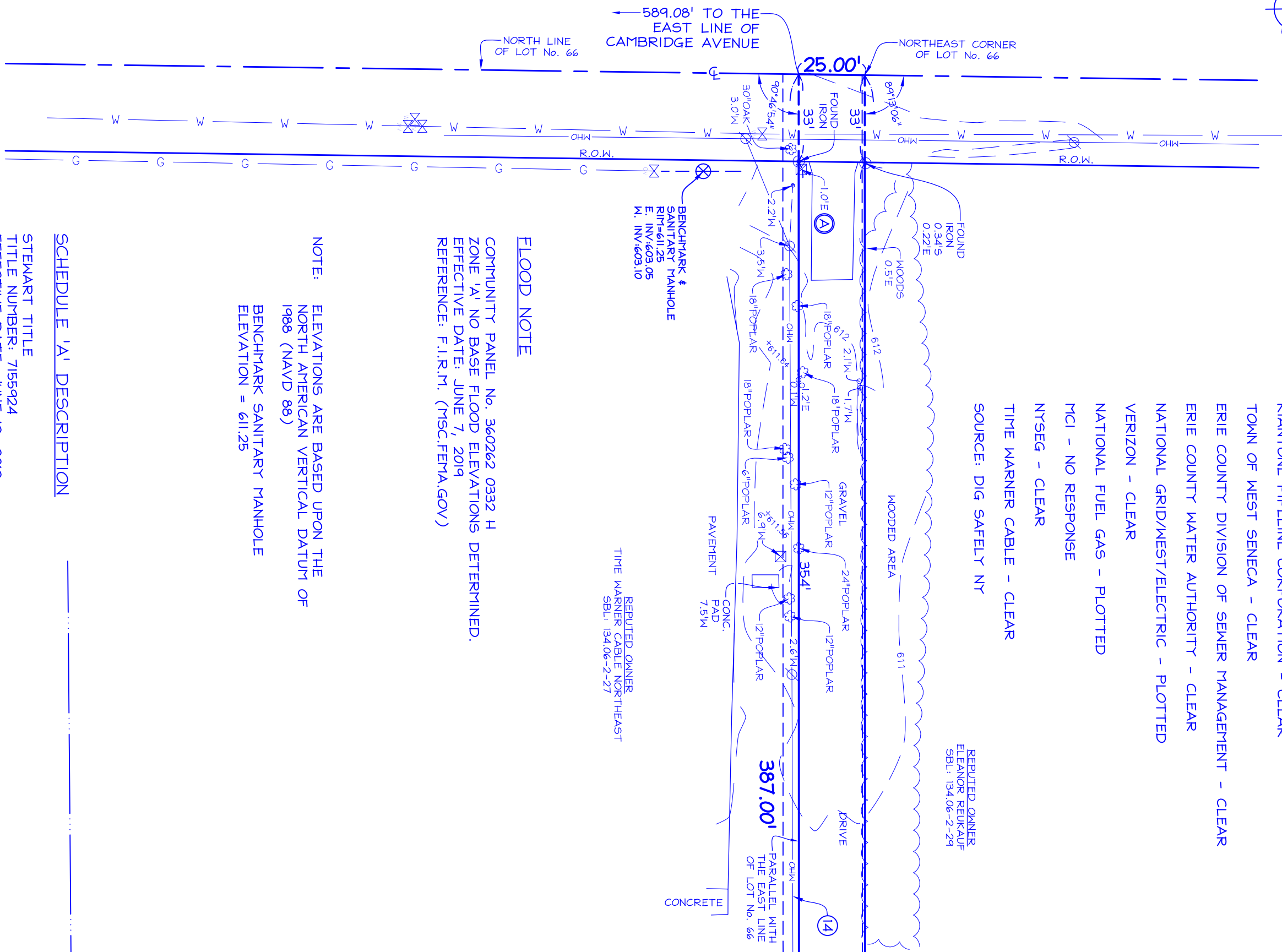
www.westseneca.net

email: akobler@twyny.org

Property Survey



INDIAN CHURCH ROAD (66' WIDE)
(FORMERLY WINCHESTER AVENUE)



UTILITY COMPANIES CONTACTED:

- UTILITY COMPANIES CONTACTED:
- KIANTONE PIPELINE CORPORATION - CLEAR
- TOWN OF WEST SENeca - CLEAR
- ERIE COUNTY DIVISION OF SEWER MANAGEMENT - CLEAR
- ERIE COUNTY WATER AUTHORITY - CLEAR
- NATIONAL GRID/WEST/ELECTRIC - PLOTTED
- VERIZON - CLEAR
- NATIONAL FUEL GAS - PLOTTED
- PCI - NO RESPONSE
- NTEG - CLEAR
- TIME WARNER CABLE - CLEAR
- SOURCE: DIG SAFELY NY

FLOOD NOTE

COMMUNITY PANEL NO. 360262 0332 H
ZONE 'A' NO BASE FLOOD ELEVATIONS DETERMINED.
EFFECTIVE DATE: JUNE 7, 2019
REFERENCE: F.I.R.M. (FISCFEMA.GOV)

NOTE: ELEVATIONS ARE BASED UPON THE
NORTH AMERICAN VERTICAL DATUM OF
1988 (NAVD 88)
BENCHMARK SANITARY MANHOLE
ELEVATION = 611.25

SCHEDULE 'A' DESCRIPTION

STEWART TITLE
FILE NO. 0507/75904
EFFECTIVE DATE: JUNE 19, 2019

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF WEST SENeca, COUNTY OF
ERIE, STATE OF NEW YORK, BEING THE EAST LINE OF SAID LOT No. 66, A DISTANCE OF 164.48 FEET
TO THE NORTHEASTERLY LINE OF LANDS CONVERTED TO THE BUFFALO NAGARA ELECTRIC
LOT No. 66 OF THE EBENEZER LANDS, SO-CALLED, BOUNDED AND DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID LOT No. 66 IN THE CENTER LINE OF INDIAN
CHURCH ROAD;

THENCE SOUTHERLY ALONG THE EAST LINE OF SAID LOT No. 66, A DISTANCE OF 164.48 FEET
TO THE NORTHEASTERLY LINE OF LANDS CONVERTED TO THE BUFFALO NAGARA ELECTRIC
AT PAGE 317;

THENCE NORTHEASTERLY ALONG THE NORTHEASTERLY LINE OF THE BUFFALO NAGARA
ELECTRIC CORPORATION'S LANDS, AS APPEARED 321.6' FEET TO A POINT IN THE SAID
LOT No. 66 AS MEASURED ALONG THE NORTHEASTERLY LINE OF THE BUFFALO NAGARA
ELECTRIC CORPORATION'S LANDS, AS APPEARED;

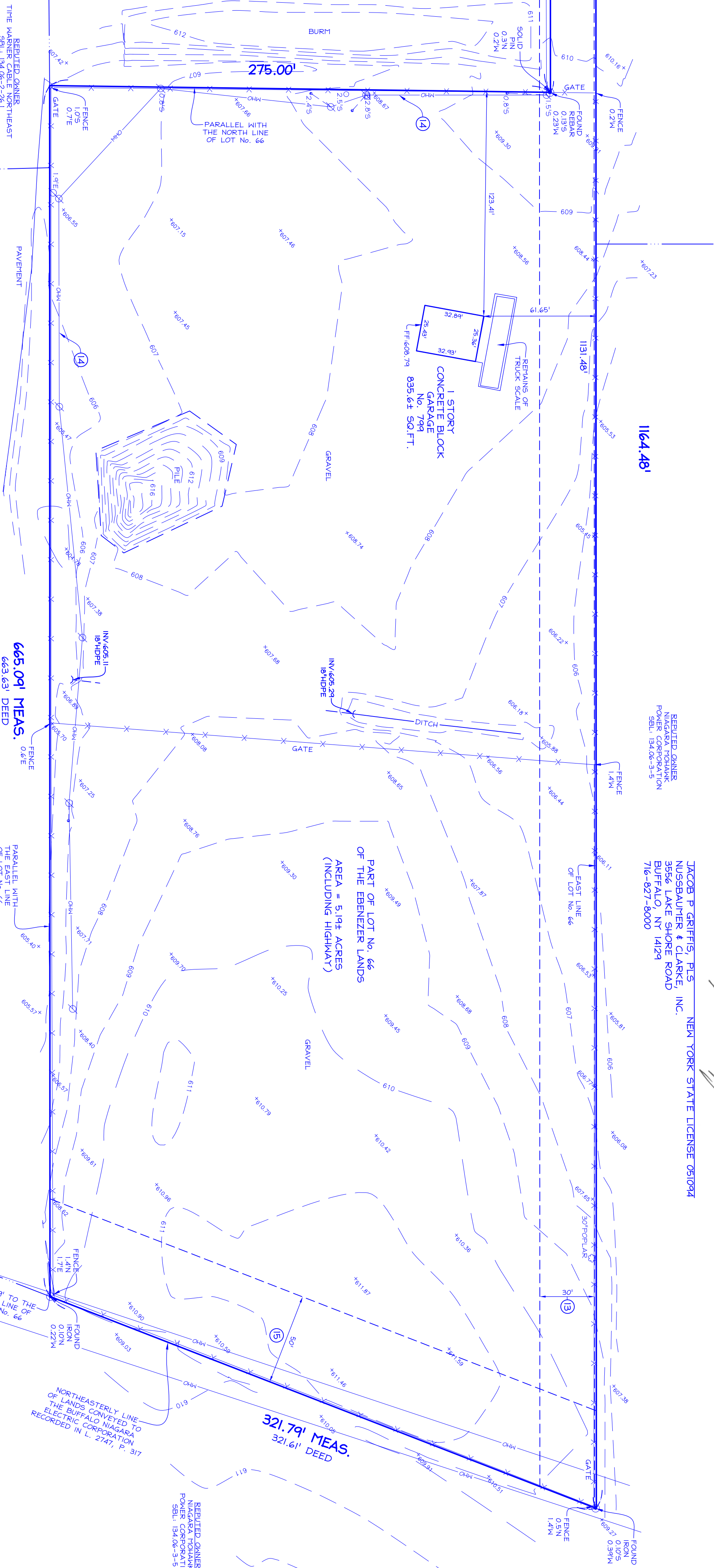
THENCE NORTHERLY ON A LINE PARALLEL WITH THE EAST LINE OF SAID LOT No. 66, A
DISTANCE OF 665.09' FEET TO A POINT;

THENCE EASTERLY ON A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT No. 66 (WHICH
SAID NORTH LINE IS ALSO THE CENTER LINE OF INDIAN CHURCH ROAD) 275 FEET TO A POINT,
THENCE NORTHERLY ON A LINE PARALLEL WITH THE EAST LINE OF LOT No. 66, A DISTANCE
OF 397 FEET TO THE CENTER LINE OF INDIAN CHURCH ROAD,

THENCE EASTERLY ALONG THE CENTER LINE OF INDIAN CHURCH ROAD, 25 FEET TO THE
POINT OF BEGINNING.

NOTES

- THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING
CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
- THERE ARE NO CHANGES IN STREET RIGHT OF WAY LINES EITHER
COMPLETED OR PROPOSED TO THE BEST OF OUR KNOWLEDGE, AND
AVAILABLE FROM THE CONTROLLING JURISDICTION.
- THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK
CONSTRUCTION OR REPAIRS.
- THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP,
SOIL OR SANITARY LANDFILL OR CERTIFICAT.
- ACCESS TO PROPERTY IS FROM INDIAN CHURCH ROAD.
- NO ZONING REPORT PROVIDED AT TIME OF SURVEY.



SCHEDULE 'B' SECTION 'II' EXCEPTIONS

STEWART TITLE
FILE NO. 0507/75904
EFFECTIVE DATE: JUNE 19, 2019

(13) EASEMENT MADE BY RICHARD H. STAFFORD, MIDOWER AGNES S., BEARDSLEY, HENRY
SARHELL BEARDSLEY, SYLVIA B. BEARDSLEY, HIS WIFE, FREDERICK BURNHAT
UNDER THE LAST WILL AND TESTAMENT OF ETHEL BEARDSLEY DANENHOWER, DECEASED
(THE SAID AGNES S., BEARDSLEY, HENRY SARHELL BEARDSLEY, FREDERICK BURNHAT
CHAPMAN AND ETHEL BEARDSLEY DANENHOWER, BEING THE SOLE DEVISEES UNDER THE
LAST WILL AND TESTAMENT OF ARTHUR BEARDSLEY, TO WESTERN NEW YORK
PROPERTY COMPANY, INC. (WESTERN NEW YORK PROPERTY COMPANY, INC. DEEDS, AT
PAGE 273, AFFECTS PARCEL AND IS PLOTTED HEREON.

(14) EASEMENT MADE BY WEST SENeca BITUMINOUS PRODUCTS, INC. TO NEW YORK ELECTRIC &
POWER CORPORATION, INC. (NEW YORK ELECTRIC & POWER CORPORATION, INC. DEEDS, AT
PAGE 347, AFFECTS PARCEL AND IS PLOTTED HEREON.

(15) EASEMENT MADE BY NOLA SITE COMPANY, LLC TO NAGARA NAGARA POWER CORPORATION,
DATE JANUARY 20, 1960 IN LIBER 6547 OF DEEDS, AT PAGE 347, AFFECTS PARCEL AND IS
PLOTTED HEREON.

SURVEYOR'S CERTIFICATION

TO:

-STEWART TITLE INSURANCE COMPANY

-LEVY GRID, LLC

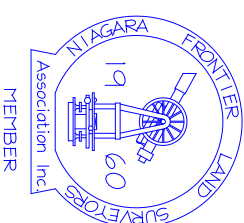
THIS IS TO CERTIFY THAT THIS MAP OR PLAT SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016
EDITION OF THE NEW YORK STATE SURVEYING AND MAPPING LAW, AND THE RULES AND REGULATIONS THEREOF
Pursuant to the accuracy standards as adopted by ALTA and NSPS AND IN EFFECT ON THE DATE OF THIS
CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED
IN THE STATE OF NEW YORK, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS
SPECIFIED THEREIN.

DATE: 06/11/2020

[Signature]

JACOB P. GRIFFITH, P.E.
NUSSBAUMER & CLARK, INC.
3556 LAKE SHORE ROAD
BUFFALO, NY 14291
716-827-8000

- LEGEND
- VAULT
 - WATER VALVE
 - GAS VALVE
 - SANITARY MANHOLE
 - POLE
 - POST
 - UTILITY POLE
 - GUY WIRE
 - TREE
- GRAPHIC SCALE
- 0' 40' 80'
- (1"=40')



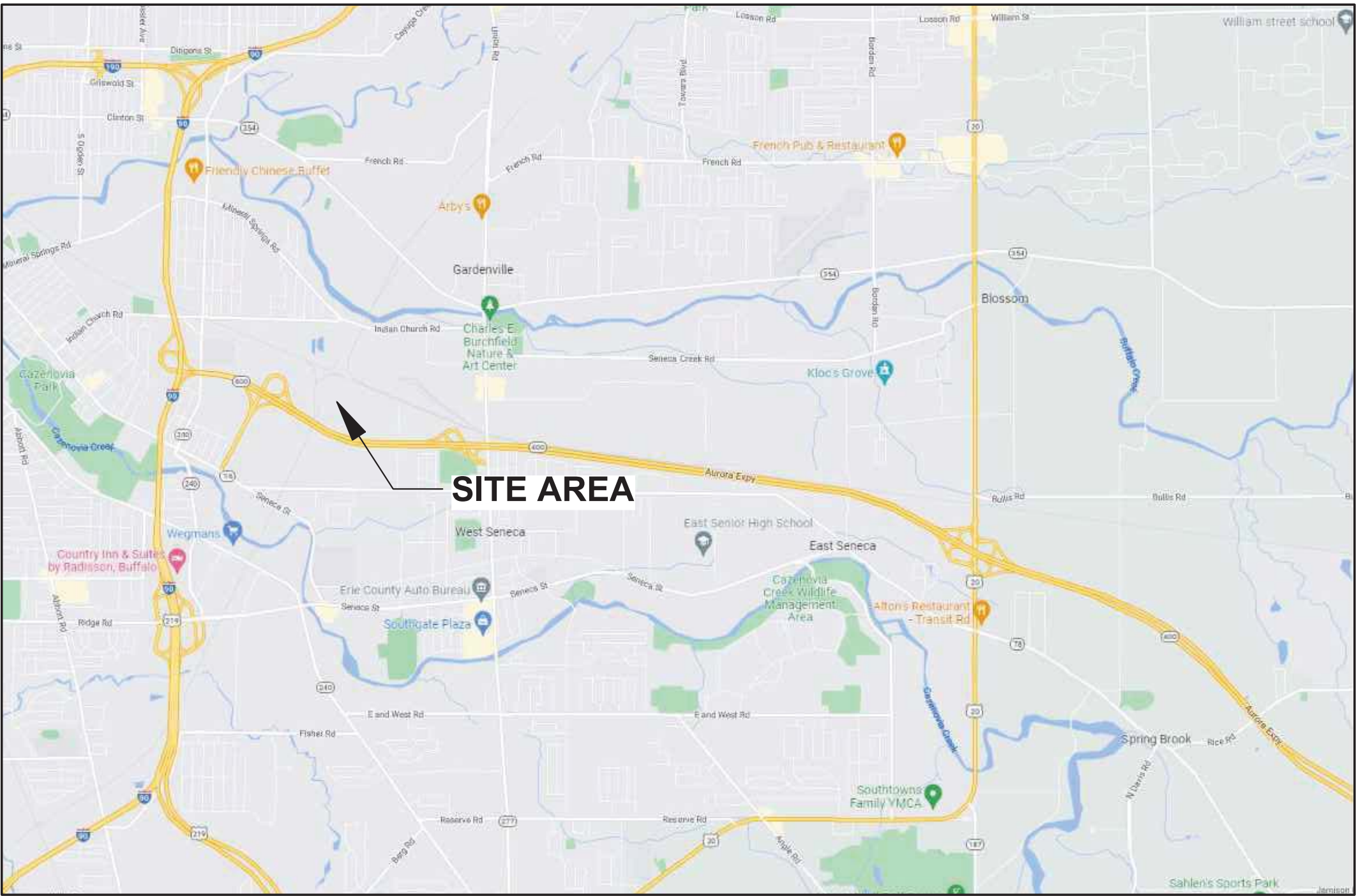
Site Plan

LEGEND	
NEW	EXISTING
RAILROAD	
ROADS	
CONTOURS	
TOP OF SLOPE	
TOE OF SLOPE	
SWALE	
FLOWLINE	
STORM SEWER W/END SECTIONS	
STORM SEWER	
DEMOLITION	
CRUSHED ROCK	
RIPRAP	
CONCRETE	
ASPHALT	
TOPSOIL & SEED	
PERMANENT CHAIN LINK FENCE	
CONSTRUCTION CHAIN LINK FENCE	
SILT FENCE	
SNOW FENCE	
PROPERTY LINE	
PERMANENT EASEMENT	
TEMPORARY EASEMENT	
GUARDRAIL	
STRUCTURES	
SURVEY MONUMENTS	
* TOP OR TOE OF SLOPE TO MATCH EXIST. GRADE UNLESS AN ELEVATION OR SLOPE IS INDICATED.	
ALL SYMBOLS ARE STANDARD WITHOUT RESPECT TO CONTRACTS.	

ABBREVIATION	TERM	ABBREVIATIONS	TERM
@	AT	MISC	MISCELLANEOUS
AHD	AHEAD	M.O.	MID-ORDINATE
ASPH	ASPHALT	N	NORTH
AUX	AUXILIARY	NO	NUMBER
BK	BACK	OD	OUTSIDE DIAMETER
BLDG	BUILDING	OPNG	OPENING
BM	BENCHMARK	±	PLUS OR MINUS
BOT	BOTTOM	PC	POINT OF CURVE
CB	CATCH BASIN	PCC	PORTLAND CEMENT CONCRETE
C TO C	CENTER TO CENTER	PI	POINT OF INTERSECTION
CL	CENTERLINE	PL	PROPERTY LINE
CHDPE	CORRUGATED HIGH DENSITY POLYETHYLENE	PT	POINT OF TANGENT
CJ	CONSTRUCTION JOINT	P.R.C.	POINT OF REVERSE CURVE
CMP	CORRUGATED METAL ARCH PIPE	P.V.C.	POINT OF VERTICAL CURVE
CONC	CONCRETE	P.V.I.	POINT OF VERTICAL INTERSECTION
CPT	CORRUGATED POLYETHYLENE TUBING	P.V.R.C.	POINT OF VERTICAL REVERSE CURVE
DBL	DOUBLE	P.V.T.	POINT OF VERTICAL TANGENT
DET	DETAIL	R	RADIUS
DI	DROP INLET	RD	ROAD
DIA	DIAMETER	RPT	RADIUS POINT
DWG	DRAWING	RCP	REINFORCED CONCRETE PIPE
ECB	EXISTING CATCH BASIN	RR	RAILROAD
EDB	ELECTRICAL DUCT BANK	RT	RIGHT
E	EAST	ROW	RIGHT-OF-WAY
EF	EACH FACE	S	SOUTH
EJ	EXPANSION JOINT	SLP	SLOPE
EL	ELEVATION	SHLDR	SHOULDER
EMH	ELECTRICAL MANHOLE	STD	STANDARD
EQN	EQUATION	ST	STORM SEWER
EXIST	EXISTING	STA	STATION
EW	EACH WAY	SWG	SWING
FBD	FLAT BOTTOM DITCH	T&B	TOP AND BOTTOM
FLL	FLOWLINE	TEMP	TEMPORARY
GA	GAGE	TOA	TOP OF ASPHALT
GALV	GALVANIZED	TOC	TOP OF CONCRETE
HDPE	HIGH DENSITY POLYETHYLENE	TO GRATING	TOP OF GRATING
HORIZ	HORIZONTAL	TOM	TOP OF MANHOLE
HPT	HIGH POINT	TOP	TOP OF PAVEMENT
HWY	HIGHWAY	TOR	TOP OF RAIL
ID	INSIDE DIAMETER	TOSB	TOP OF SUBBALLAST
IF	INSIDE FACE	TOSG	TOP OF SUBGRADE
INTSCT	INTERSECTION	TYP	TYPICAL
INVT EL	INVERT ELEVATION	UON	UNLESS OTHERWISE NOTED
L	LONG	VC	VERTICAL CURVE
LT	LEFT	VERT	VERTICAL
MAX	MAXIMUM	W	WEST
MH	MANHOLE	W/	WITH
MIN	MINIMUM	W/O	WITH OUT
		WWF	WELDED WIRE FABRIC
NOTES:			
1. ALL ABBREVIATIONS ARE BURNS & McDONNELL STANDARDS WITHOUT RESPECT TO CONTRACTS.			
2. ABBREVIATIONS ARE APPLICABLE TO ALL DWGS.			

GENERAL NOTES:

- SITE LOCATION IS IN THE CITY OF WEST SENECA, NEW YORK.
- ALL SLOPES ARE 3 HORIZONTAL TO 1 VERTICAL (3:1) UNLESS OTHERWISE NOTED.
- ALL ELEVATIONS SHOWN ARE TOP OF FINISH GRADE.



VICINITY MAP
NOT TO SCALE



DRAWING NAME:

Date: 10.11.22
Drawn By: C. Wood
Scale: As Noted

DRAWING NO.

SKC-00

Project No: 21.259

Lewy Grid, LLC
799 Indian Church Road
Town of West Seneca, New York, 14224

REVISIONS:	
No.	Description

REVISIONS:	
No.	Description

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No.	Description

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No.	Description

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No.	Description

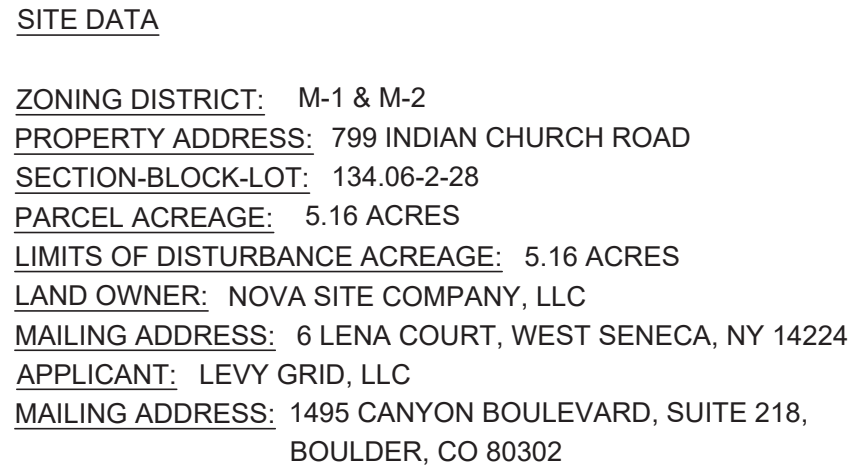
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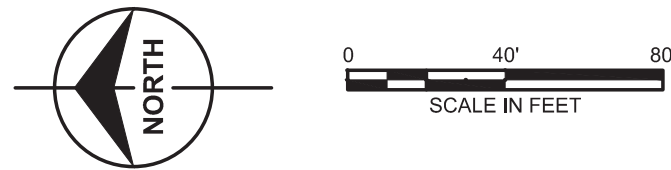
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No.	Description

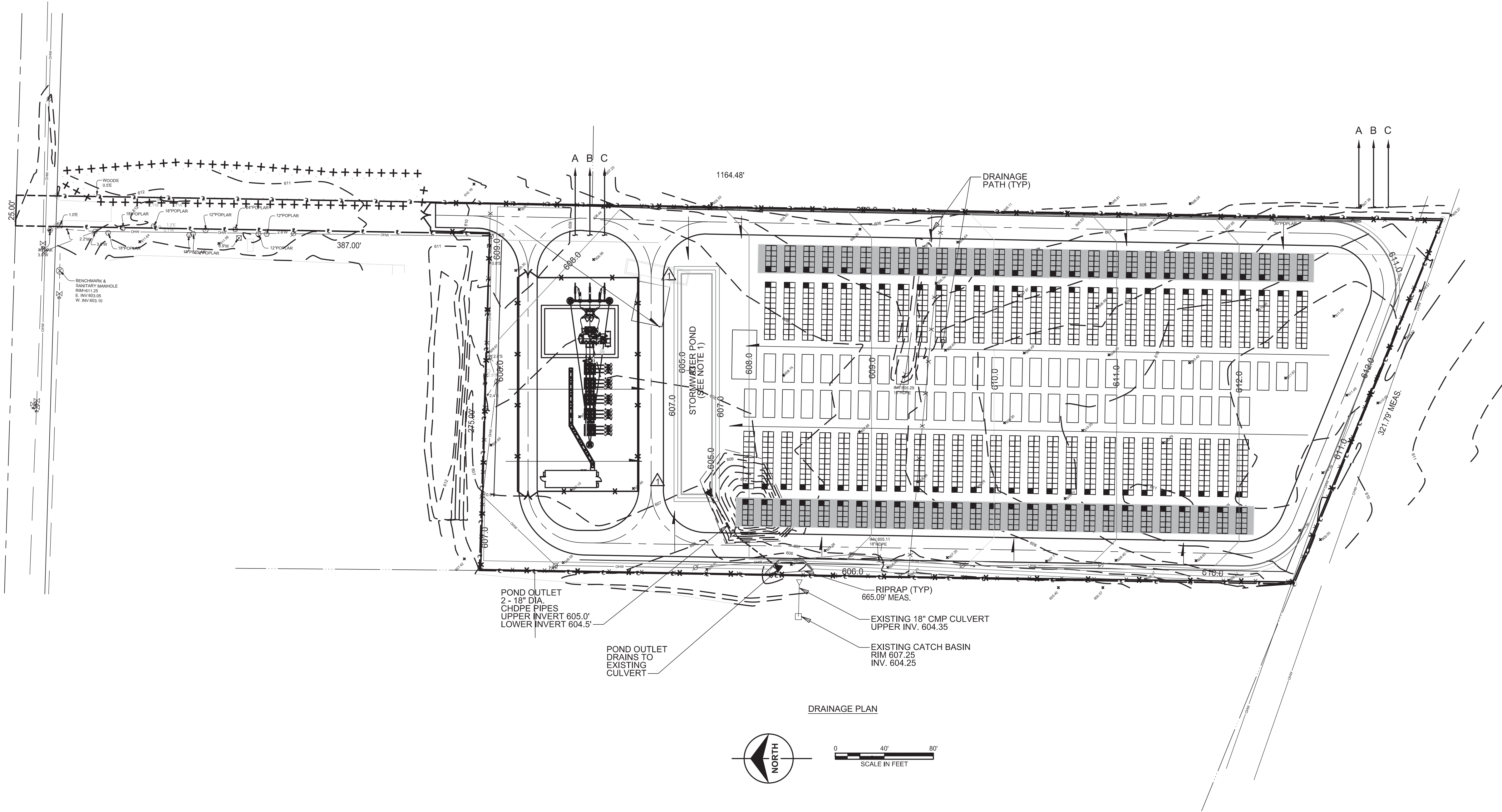
REVISIONS:	
No.	Description

REVISIONS:	
No.	Description





INDIAN CHURCH
ROAD
(FORMERLY WINCHESTER AVENUE)
(66' WIDE)



- NOTES:
1. TOTAL POND DEPTH IS 2.0'. FOR A 10-YEAR STORM, THE MAXIMUM POND DEPTH IS CALCULATED TO BE 1.38'.



DRAWING NAME:

Date: 10.11.22
Drawn By: C. Wood
Scale: As Noted

DRAWING NO.

SKC-03

Project No: 21.259

Lewy Grid, LLC
799 Indian Chruch Road
Town of West Seneca, New York, 14224

REVISIONS:	
No.	Description

Date

CARMINAWOOD
DESIGN

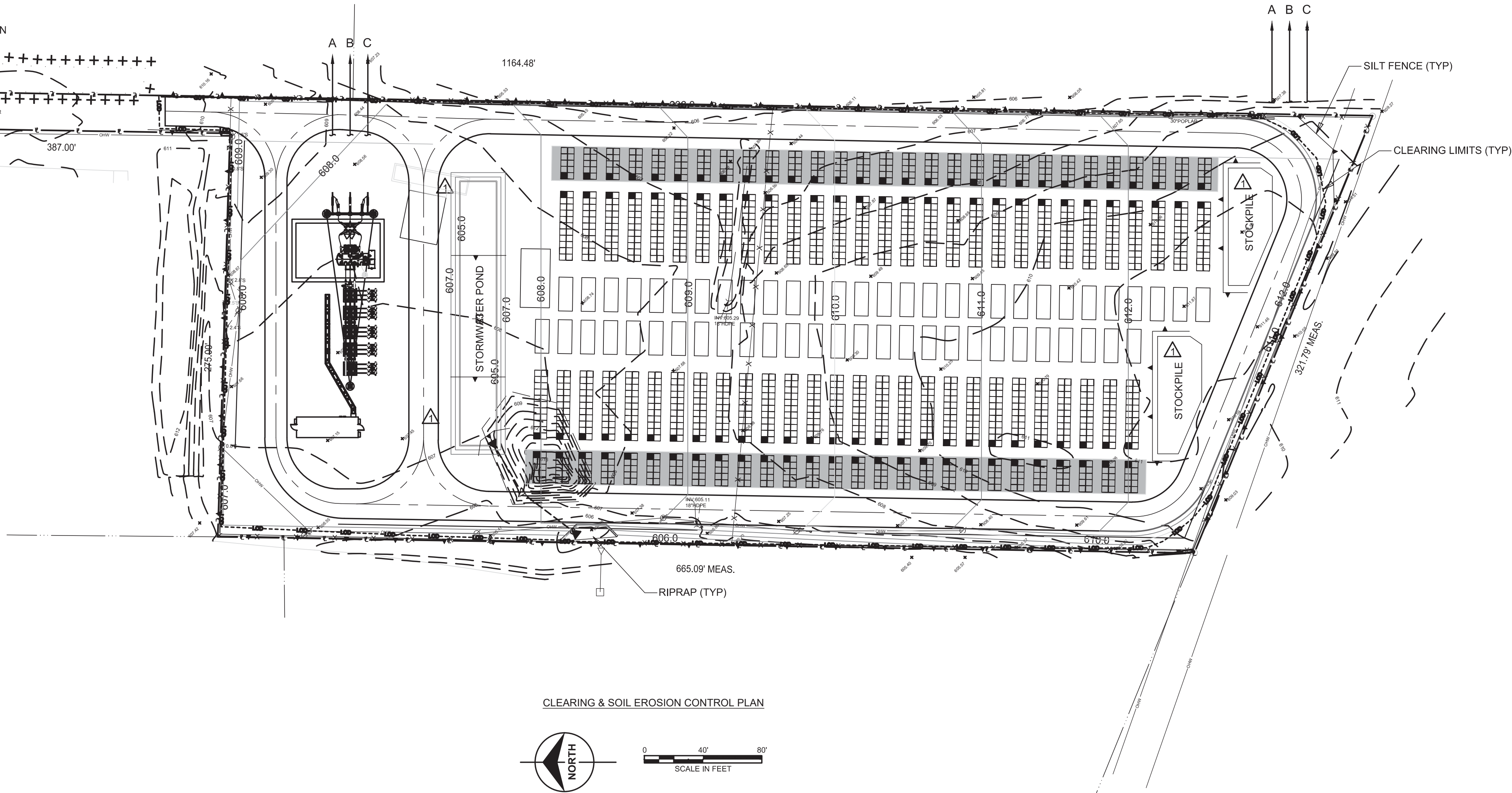
1487 Main Street, Suite 500
Greenwich, NY 11548
Phone: (516) 842-3165

111 Main Street, Suite 532
Greenwich, NY 11548
Phone: (356) 837-9009

INDIAN CHURCH
ROAD
(FORMERLY WINCHESTER AVENUE)
(OR WIDE)

CONSTRUCTION SEQUENCE:

1. CONTACT THE OWNER, ENGINEER, AND REGULATORY AGENT AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO COMMENCEMENT OF ANY DEMOLITION, CONSTRUCTION OR REGULATED ACTIVITY ON THIS PROJECT SITE.
2. CLEARING LIMITS SHALL BE PHYSICALLY MARKED IN THE FIELD PRIOR TO THE START OF WORK ON THE SITE. INSTALL PERIMETER EROSION CONTROL MEASURES.
3. CONSTRUCT STONE CONSTRUCTION ENTRANCES/EXITS.
4. INSTALL FILTER SOCK AND OTHER EROSION CONTROL DEVICES INDICATED ON THE PLANS AT PERIMETER OF PROPOSED SITE DISTURBANCE.
5. INSTALL EROSION CONTROLS AT STOCKPILE SITES.
6. COMMENCE EARTHWORK. INSTALL ADDITIONAL EROSION CONTROLS AS WORK PROGRESSES. TOPSOIL AND SEED SLOPES WHICH HAVE ACHIEVED FINAL SITE GRADING.
7. PROVIDE CONSTRUCTION STAKING OF ALL FOUNDATION CORNERS, UTILITIES, ACCESS DRIVES, FENCES AND OTHER SITE APPURTENANCES.
8. CONDUCT ROUGH GRADING AND FILLING OF SUBGRADES AND SLOPES.
9. BEFORE DISPOSING OF SOIL OR RECEIVING BORROW FOR THE SITE, THE CONTRACTOR MUST PROVIDE EVIDENCE THAT EACH SPOIL OR BORROW AREA HAS AN EROSION AND SEDIMENT CONTROL PLAN APPROVED BY THE APPROPRIATE REGULATORY AGENCIES AND WHICH IS BEING IMPLEMENTED AND MAINTAINED. THE CONTRACTOR SHALL ALSO NOTIFY THE APPROPRIATE REGULATORY AGENCIES IN WRITING OF ALL RECEIVING SPOIL AND BORROW AREAS WHEN THEY HAVE BEEN IDENTIFIED.
10. INSTALL ANY APPLICABLE STORM DRAINAGE AS SUBGRADE ELEVATIONS ARE ACHIEVED.
11. INSTALL FOUNDATIONS.
12. THROUGHOUT CONSTRUCTION SEQUENCE, REMOVE SEDIMENT FROM BEHIND SILT FENCE AND OTHER EROSION CONTROL DEVICES, AND FROM SEDIMENT TRAPS AS REQUIRED. SEDIMENT COLLECTED SHALL BE DEPOSITED AND SPREAD EVENLY UPLAND ON SLOPES DURING CONSTRUCTION.
13. A QUALIFIED INSPECTOR MUST CONDUCT SITE INSPECTIONS AT LEAST ONCE EVERY 7 CALENDAR DAYS WHERE SOIL-DISTURBANCE ACTIVITIES ARE ON-GOING. IF AUTHORIZATION IS RECEIVED TO DISTURB GREATER THAN 5 ACRES OF SOIL AT ANY ONE TIME, THE QUALIFIED INSPECTOR WILL CONDUCT AT LEAST TWO SITE INSPECTIONS EVERY 7 CALENDAR DAYS. THE TWO INSPECTIONS WILL BE SEPARATED BY A MINIMUM OF 2 FULL CALENDAR DAYS.
14. COMPLETE GRADING TO SUBGRADE.
15. CONDUCT FINAL GRADING.
16. INSTALL SURFACE STONE.
17. STABILIZE SITE AS AREAS ARE BROUGHT TO FINAL GRADE. PLACE TOPSOIL ON SLOPES AND IN POND AFTER FINAL GRADING IS COMPLETED. FERTILIZE, SEED, AND MULCH.
18. INSTALL ON-SITE SIGNAGE.
19. CLEAN STORM DRAINAGE PIPE STRUCTURES, DETENTION SYSTEMS AND WATER QUALITY DEVICES OF DEBRIS AND SEDIMENT.
20. UPON DIRECTION OF THE OWNER, ENGINEER, AND REGULATORY AGENT, EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED FOLLOWING STABILIZATION OF THE SITE.



- NOTES:
1. TOTAL POND DEPTH IS 2.0'. FOR A 10-YEAR STORM, THE MAXIMUM POND DEPTH IS CALCULATED TO BE 1.38'.

REVISIONS:	No.	Description	Date



DRAWING NAME:

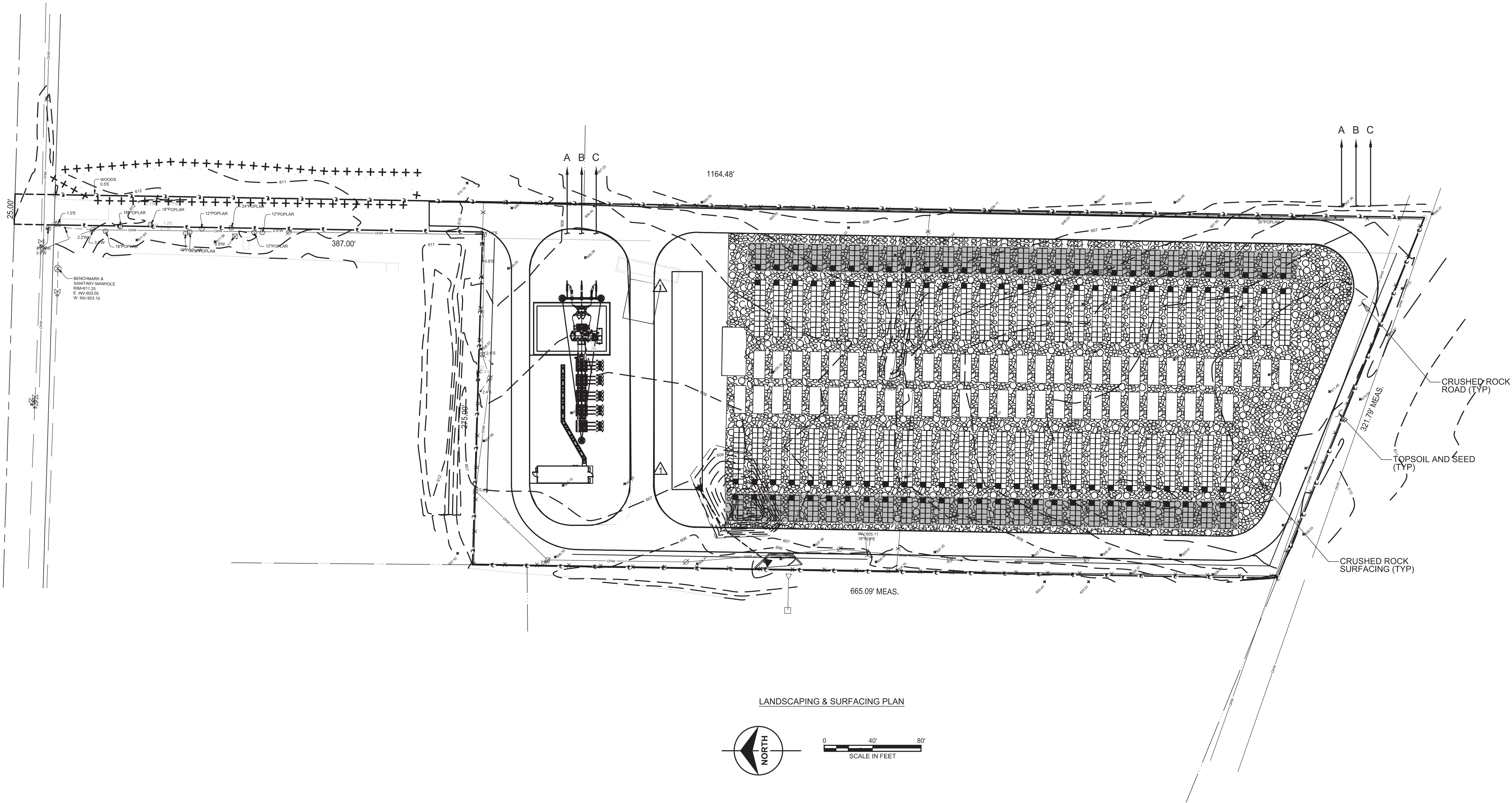
Date: 10.11.22
Drawn By: C. Wood
Scale: As Noted

DRAWING NO.

SKC-04

Project No: 21.259

INDIAN CHURCH
ROAD
(FORMERLY WINCHESTER AVENUE)
(85' WIDE)



DRAWING NAME:

Date: 10.11.22
Drawn By: C. Wood
Scale: As Noted

DRAWING NO.

SKC-05

Project No: 21.259

Levy Grid, LLC

799 Indian Chruch Road
Town of West Seneca, New York, 14224

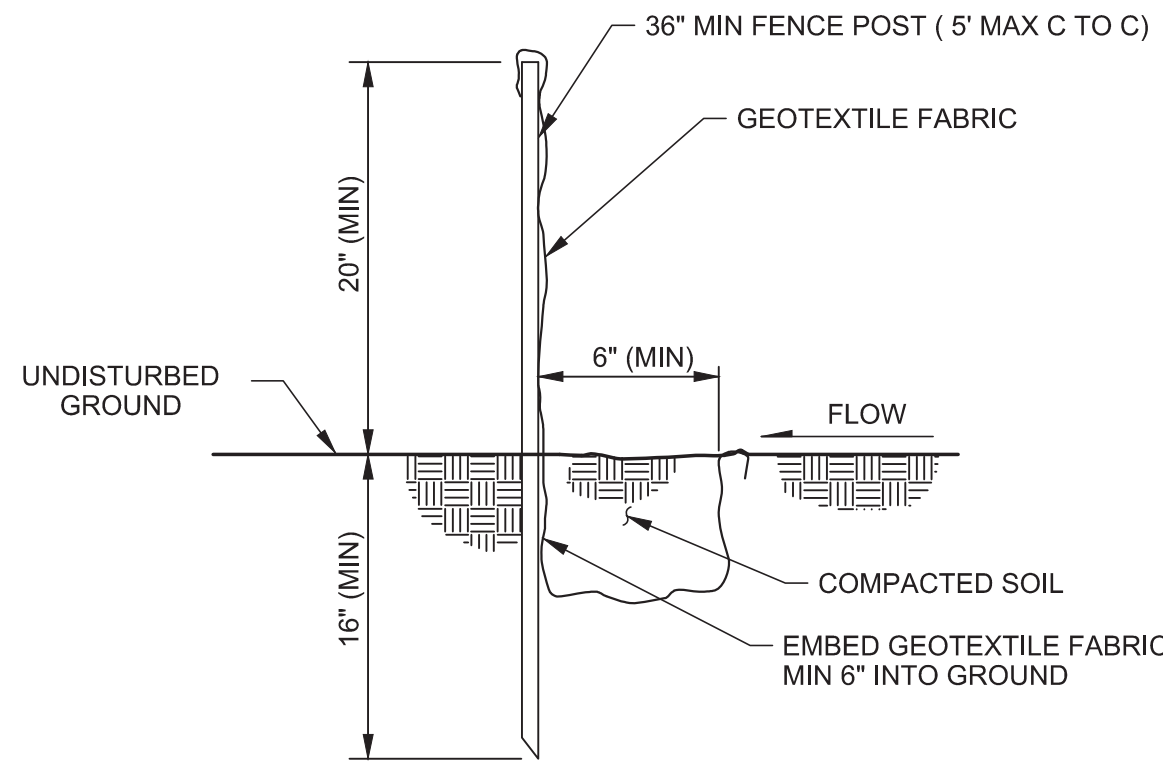
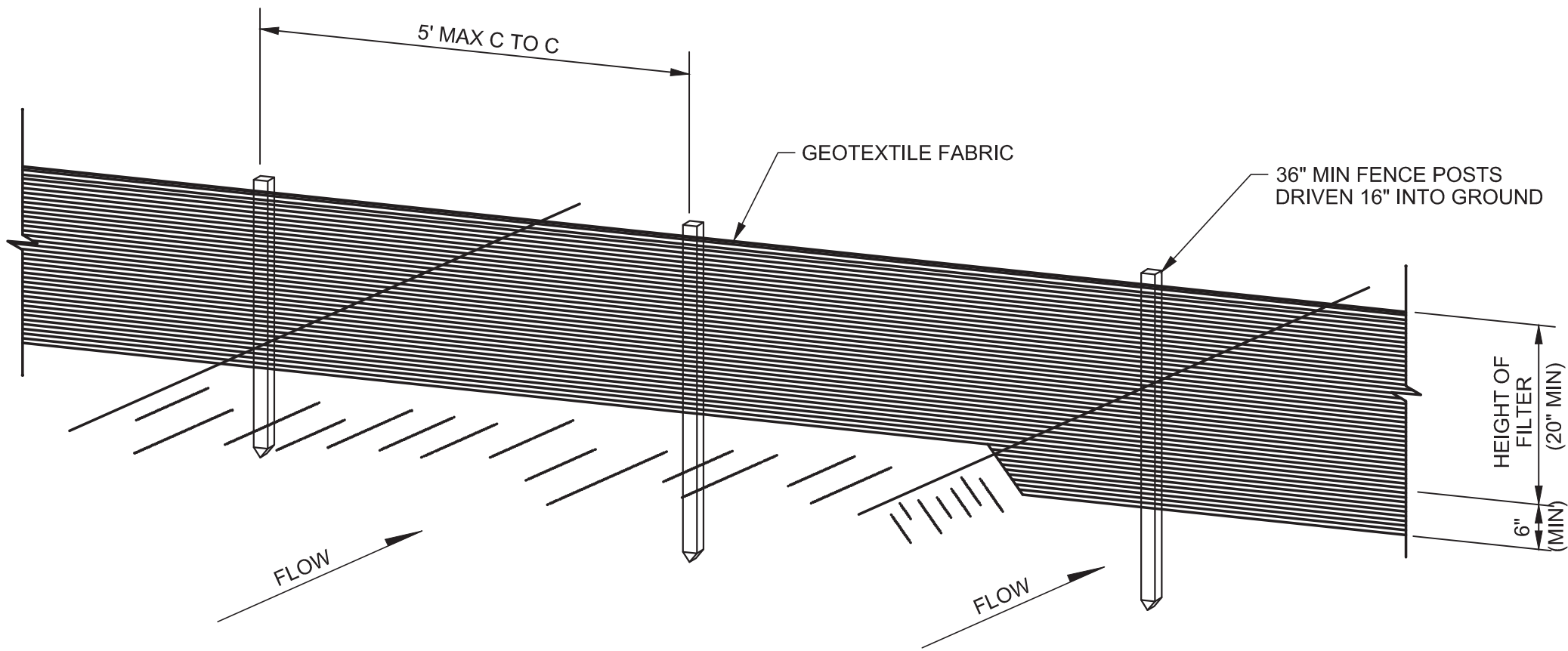
CARMINAWOOD
DESIGN

487 Main Street, Suite 500
Greenwich, NY 11548
Phone: (516) 842-3165

111 Bain Street, Suite 532
Greenwich, NY 11548
Phone: (336) 837-9009

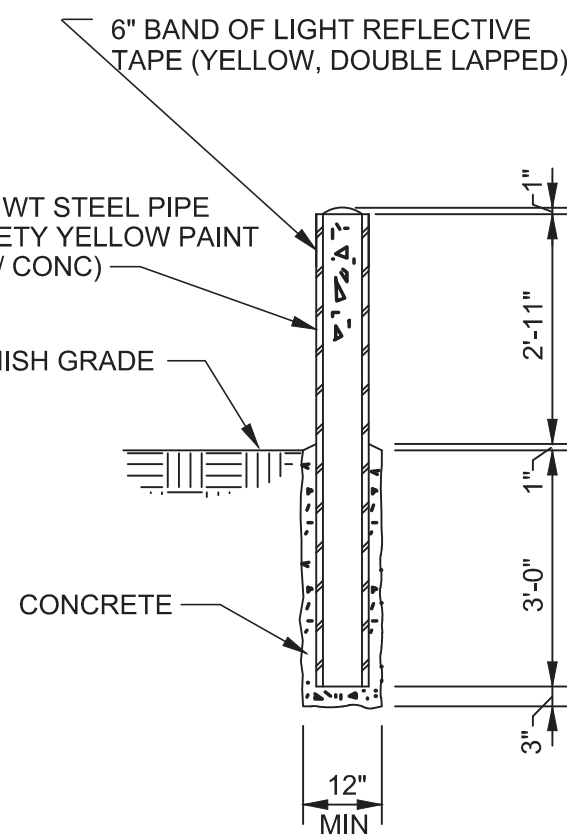
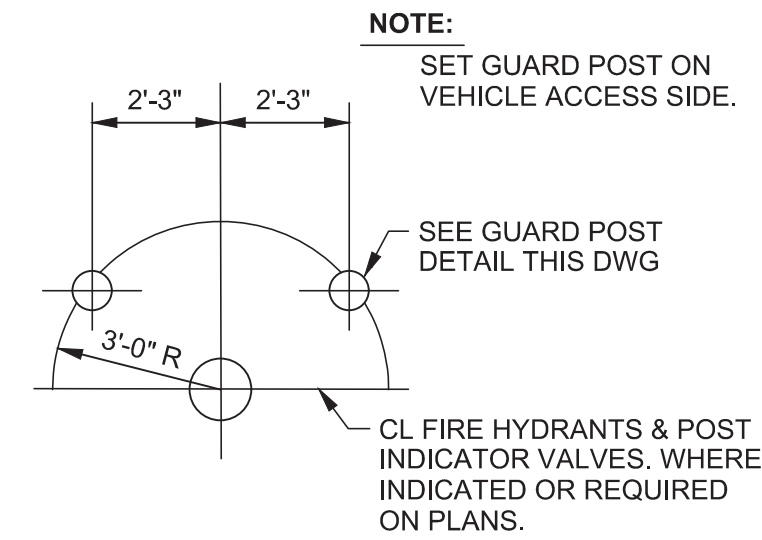
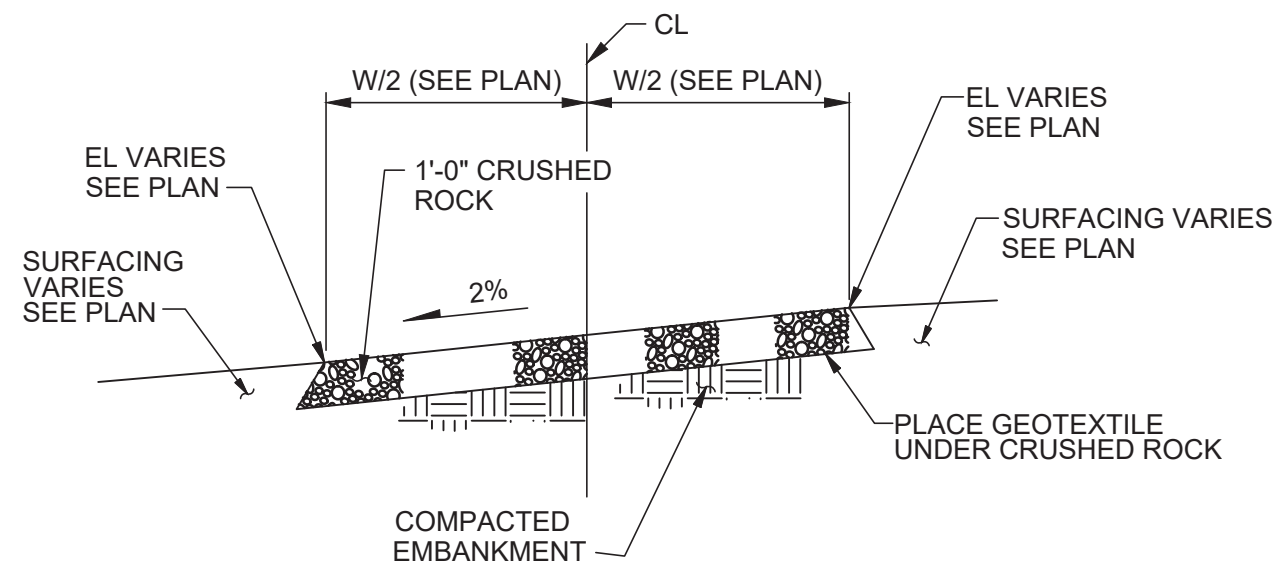
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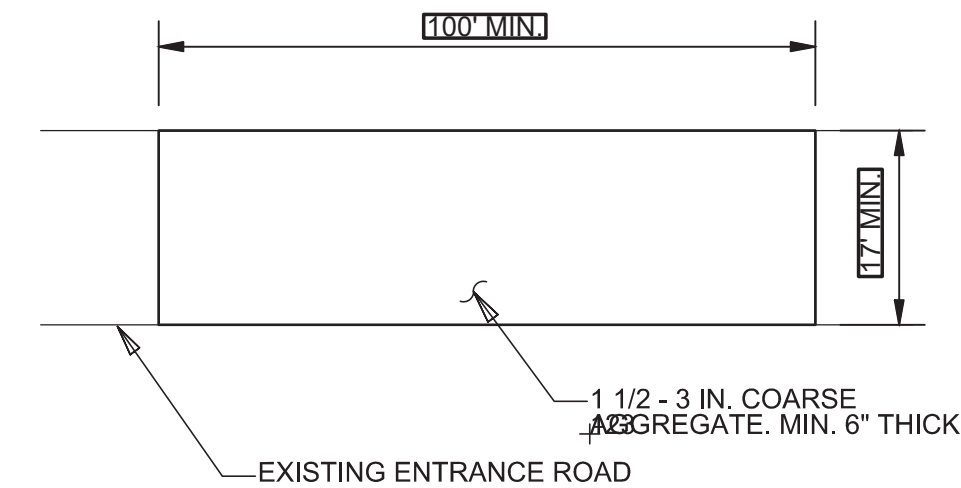
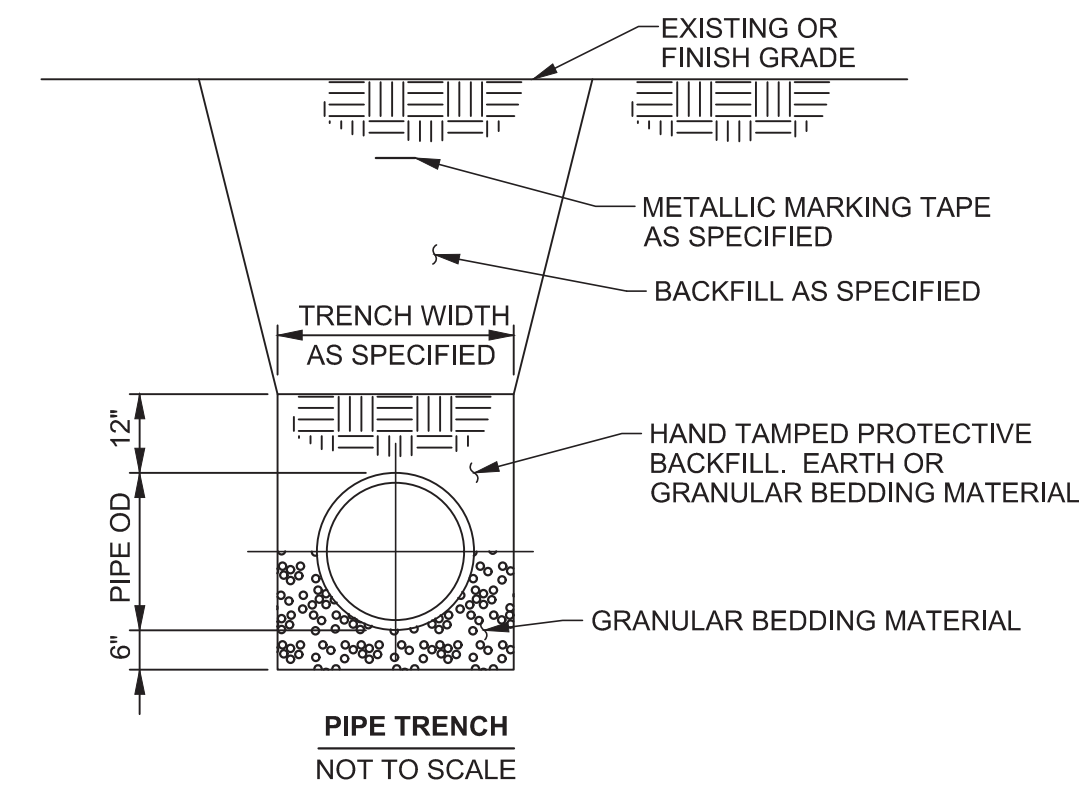
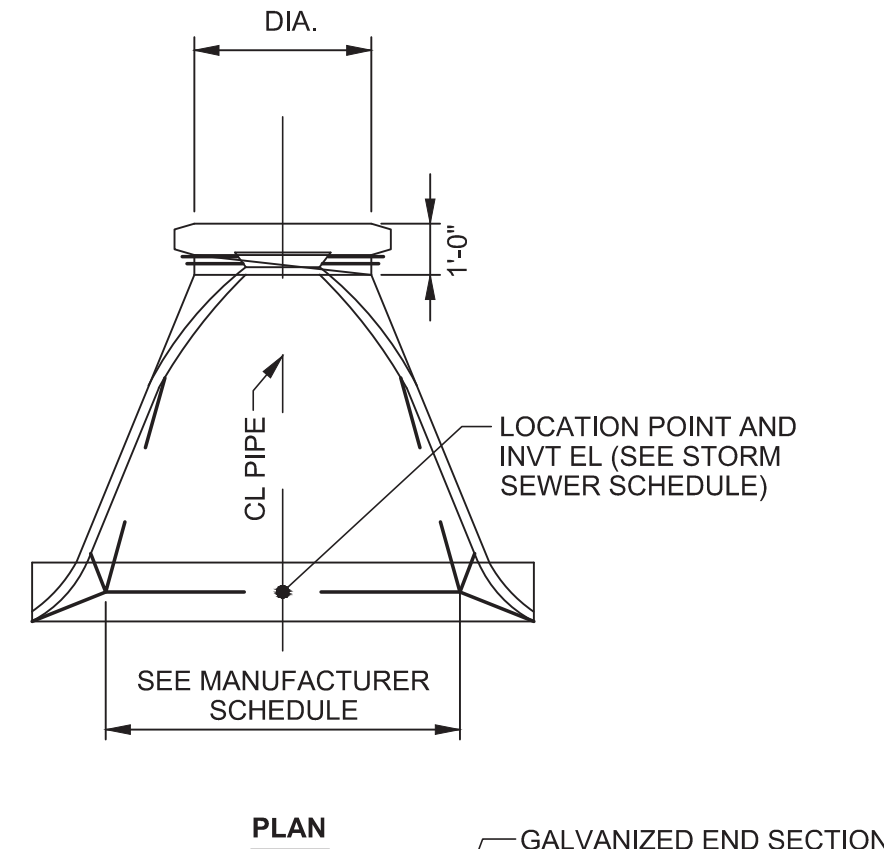
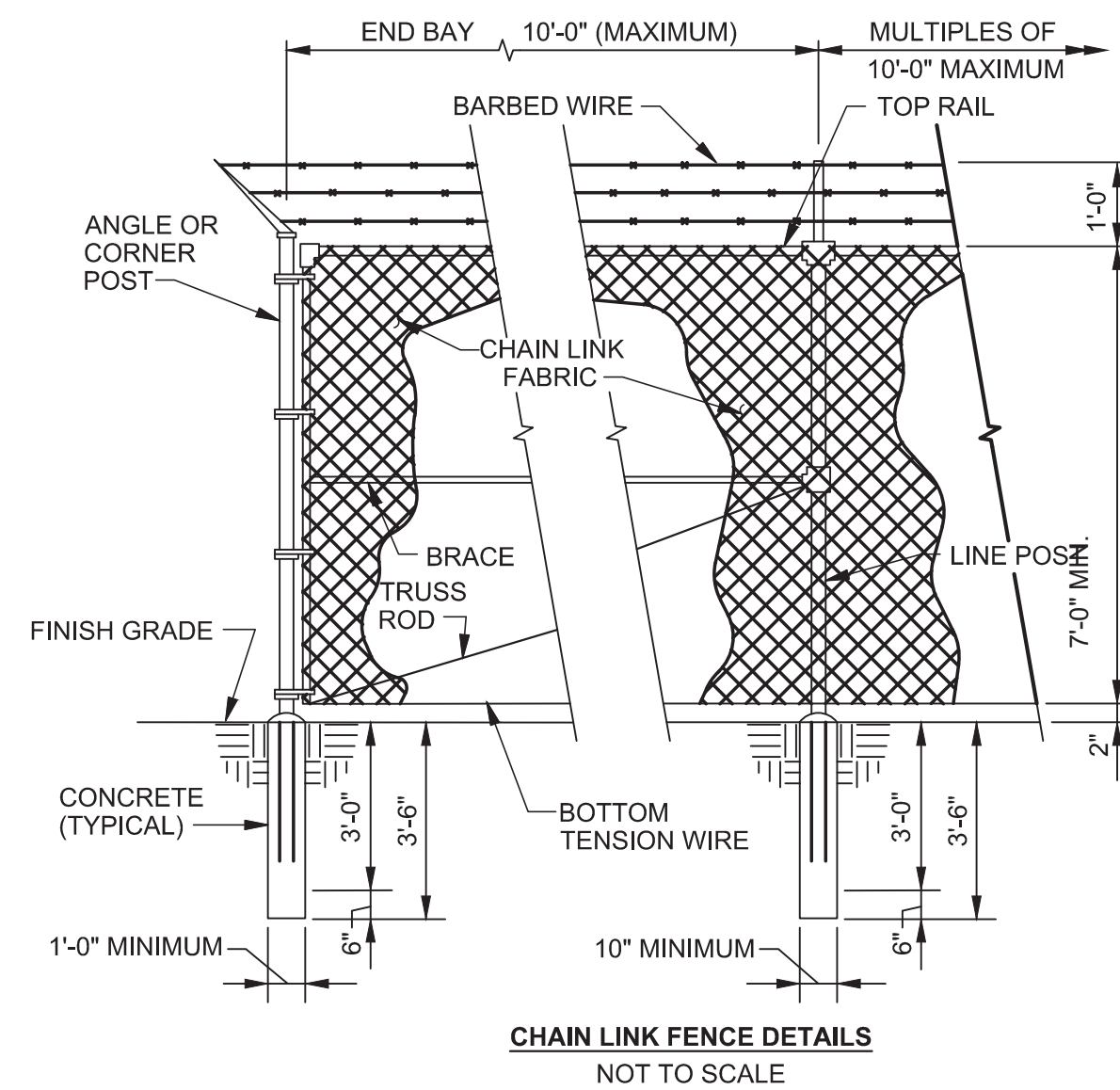
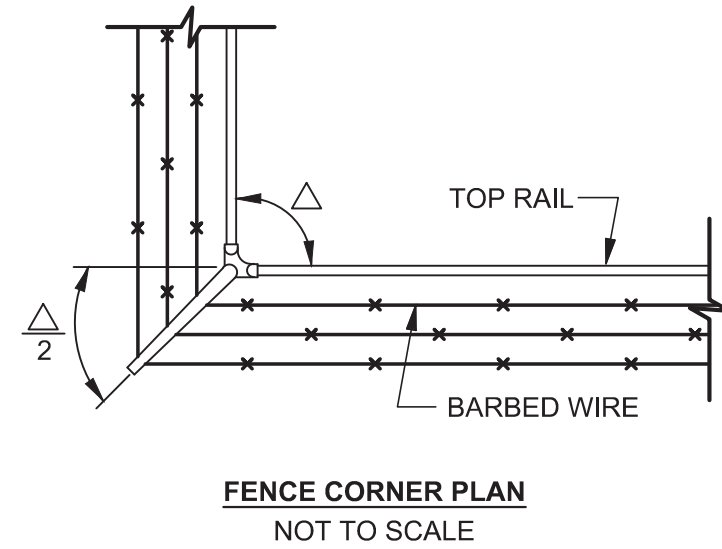
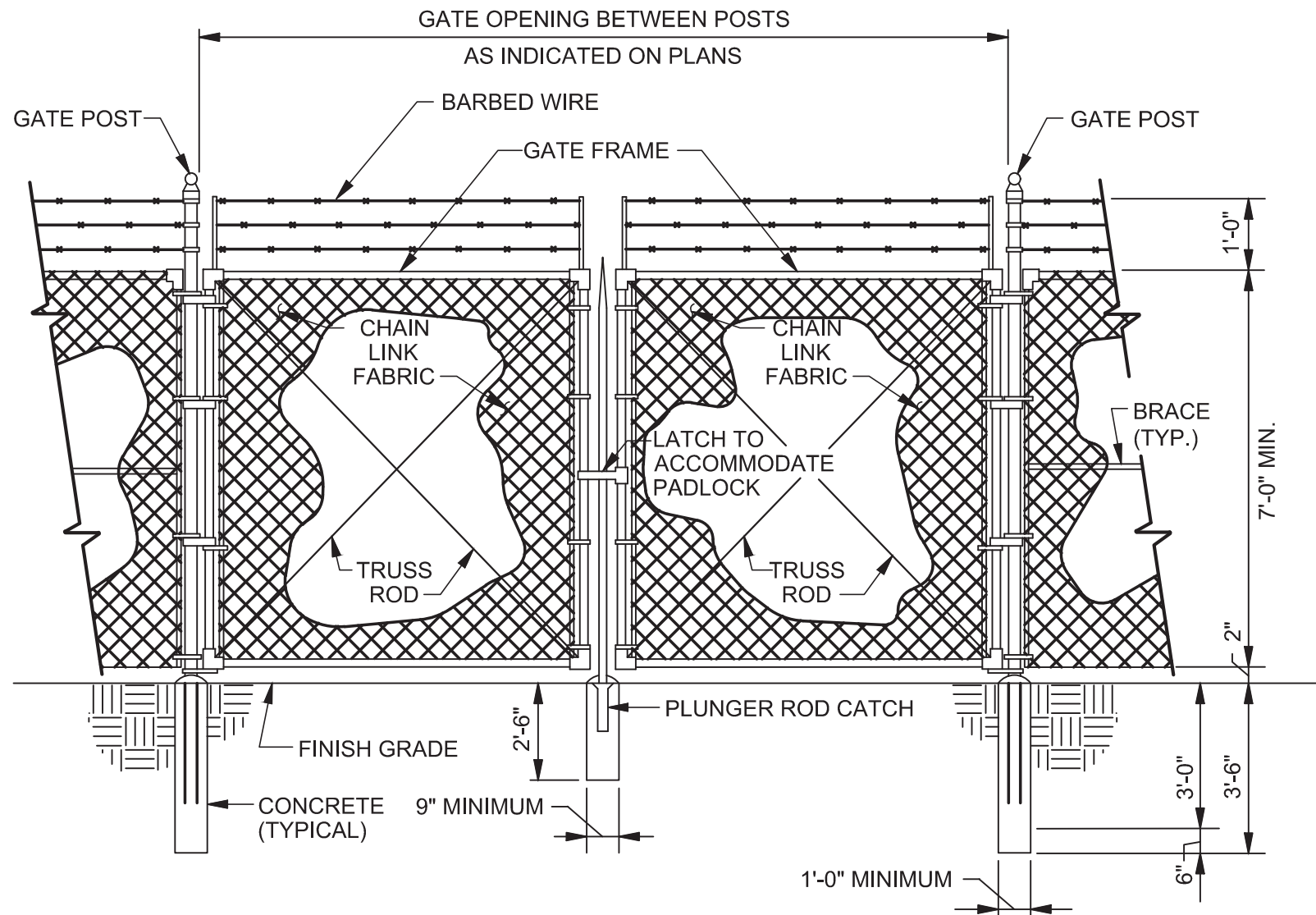
CONSTRUCTION NOTES FOR FABRICATED SILT FENCE

- GEOTEXTILE FABRIC TO BE FASTENED SECURELY TO FENCE POSTS WITH STAPLES.
 - WHEN TWO SECTIONS OF GEOTEXTILE FABRIC ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED.
 - MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.
- POSTS: STEEL EITHER "T" OR "U" TYPE OR 2" HARDWOOD.
- GEOTEXTILE FABRIC: FILTER X, MIRAFI 100X, STABILINKA T140N OR APPROVED EQUAL.
- PREFABRICATED UNIT: OR APPROVED EQUAL



NOTES:

- PREPARE SURFACE IN FIELD BY SSPC-SP11 QUALITY AND 1.0 MIL. MIN. PROFILE DEPTH. FIRST COAT IS TO BE ALKYD PRIMER AT MIN. 40% SOLIDS BY VOLUME, APPLIED AT 2 MILS DRY. SECOND AND THIRD COATS ARE TO BE ALKYD GLOSS ENAMEL MIN. 40% SOLIDS BY VOLUME. EACH COAT APPLIED AT 1.5 MILS DRY. TOTAL COATING 5 MIL. MIN. DRY FILM.



NOTES:

- TOTAL POND DEPTH IS 2.0'. FOR A 10-YEAR STORM, THE MAXIMUM POND DEPTH IS CALCULATED TO BE 1.38'.

CARMINWOOD
DESIGN

111 Bain Street, Suite 500
Greenville, SC 29615
Phone: (336) 837-9009

Lewy Grid, LLC
799 Indian Church Road
Town of West Seneca, New York, 14224

REVISIONS:	Date	
	No.	Description



DRAWING NAME:

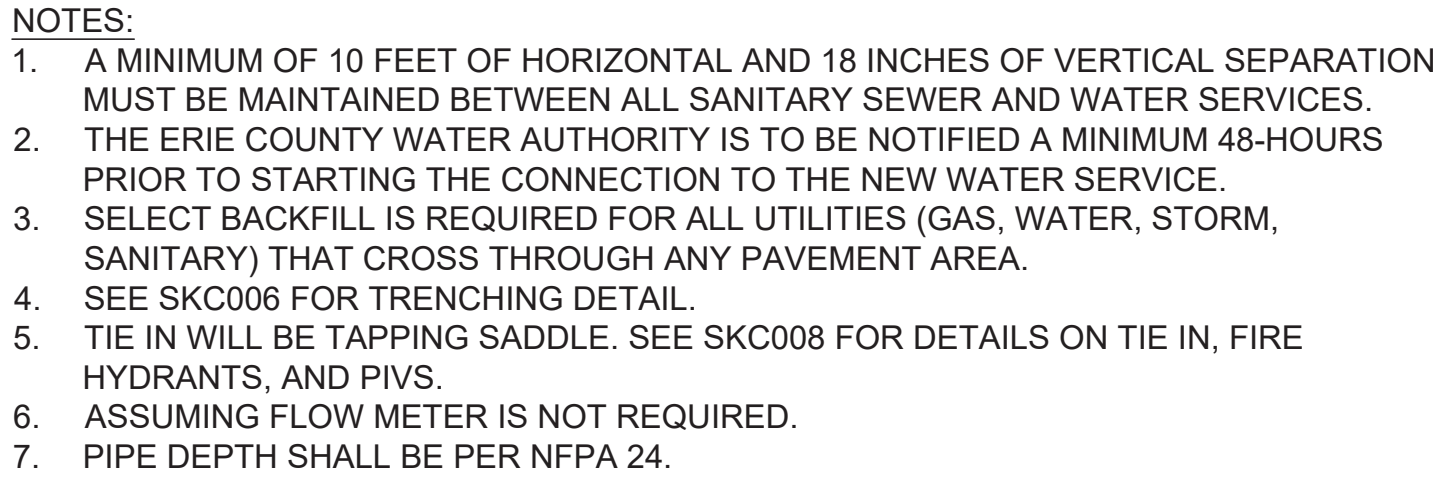
Date: 10.11.22
Drawn By: C. Wood
Scale: As Noted

DRAWING NO.

SKC-06

Project No: 21.259

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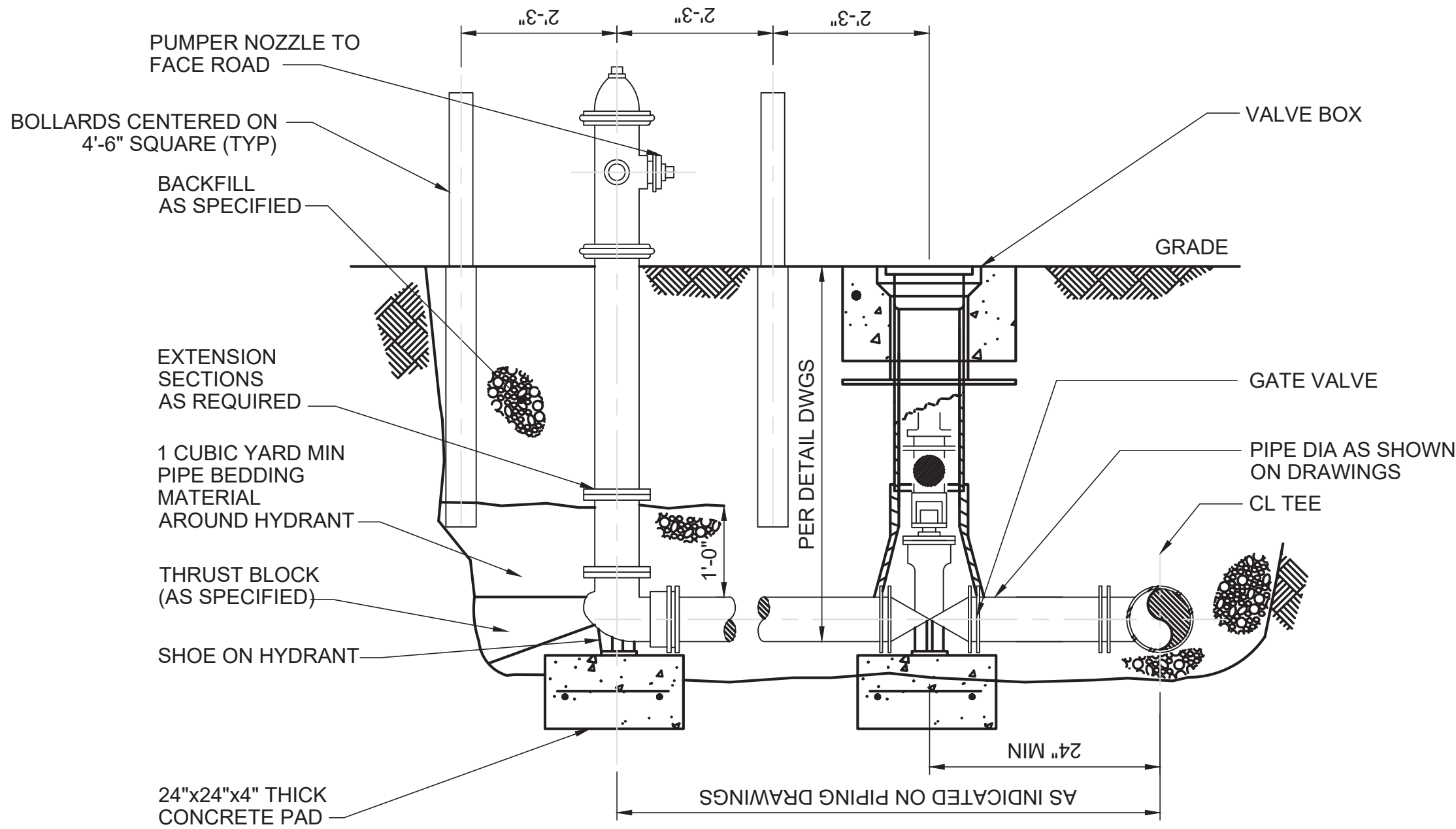
CARMIN/WOOD
DESIGN

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

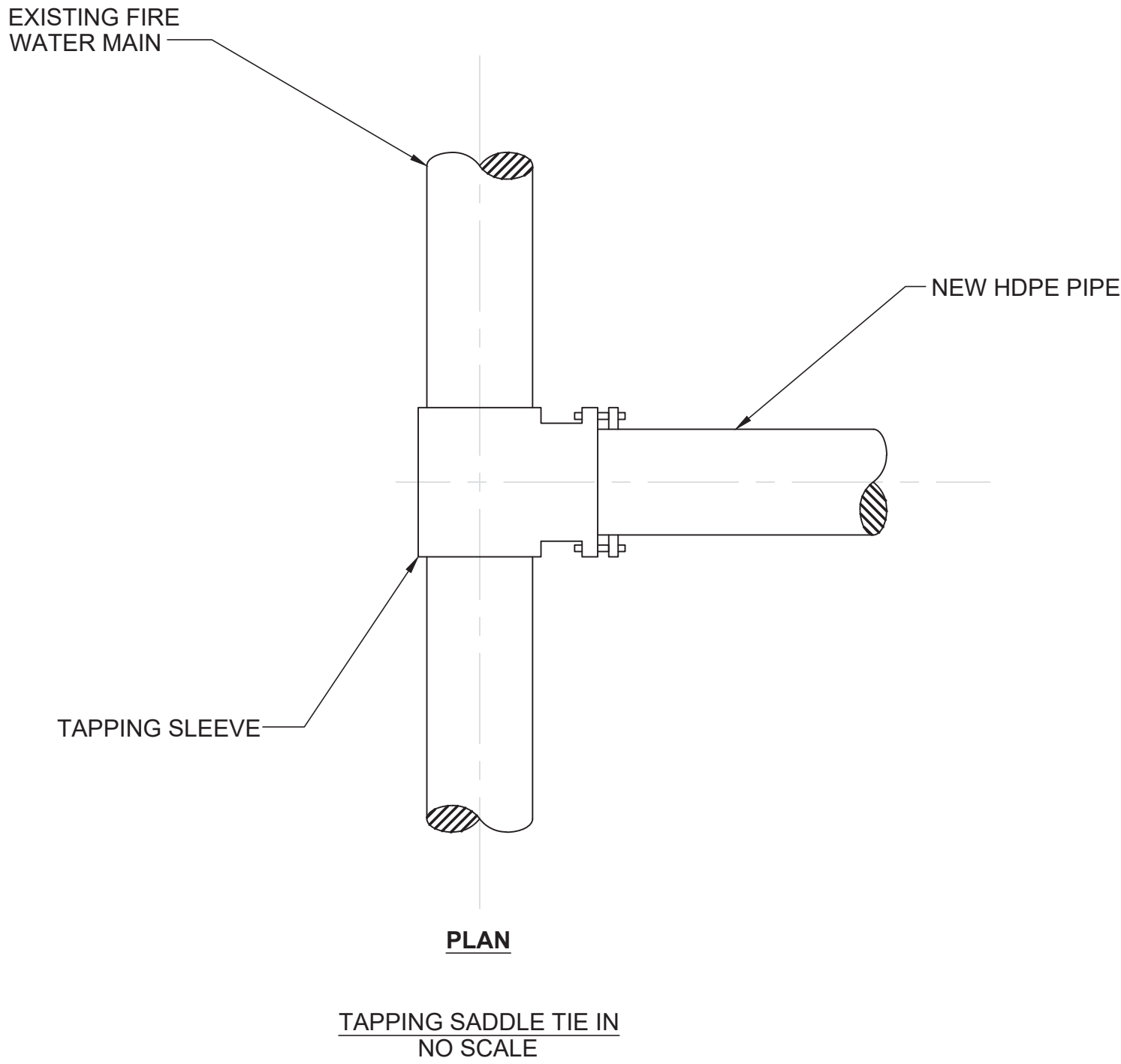
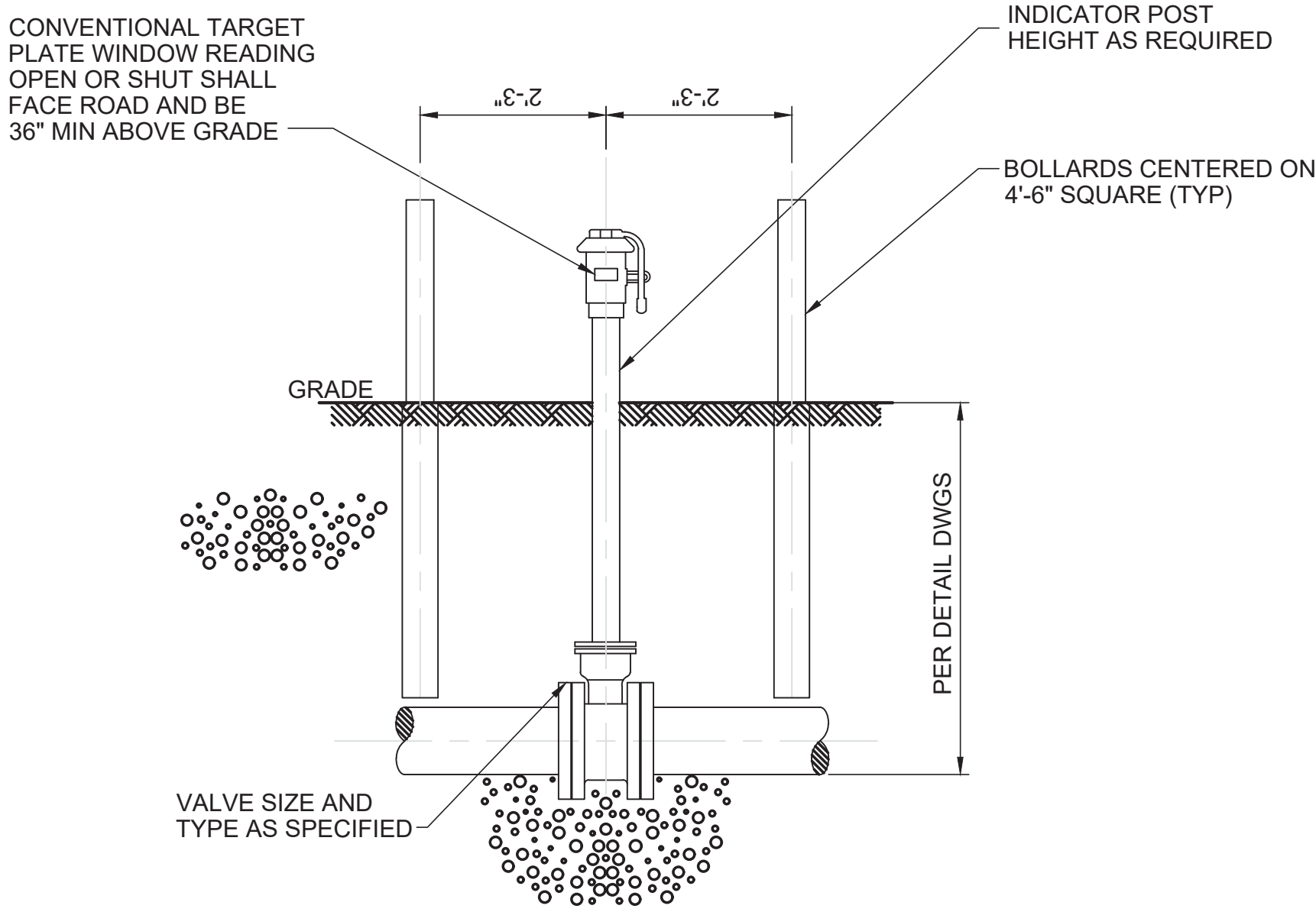
1111 Ban Street, Suite 322
Greensboro, North Carolina 27406
Phone: (336) 937-9009

SKC-07

Project No: 21.259



- NOTES:**
- DO NOT COVER HYDRANT DRAIN HOLES WITH CONCRETE.
 - POLYETHYLENE ENCASE HYDRANT PIPE, VALVE, FITTINGS AND OTHER APPURTENANCES IN ACCORDANCE WITH AWWA C105.
 - VALVE BOX SHALL BE RATED FOR H-20 LOAD.



DRAWING NAME:

Date: 10.11.22
Drawn By: C. Wood
Scale: As Noted

DRAWING NO.

SKC-08

Project No: 21.259

Levy Grid, LLC

799 Indian Chruch Road
Town of West Seneca, New York, 14224

REVISIONS:

No. Description

Date

CARMINAWOOD
DESIGN

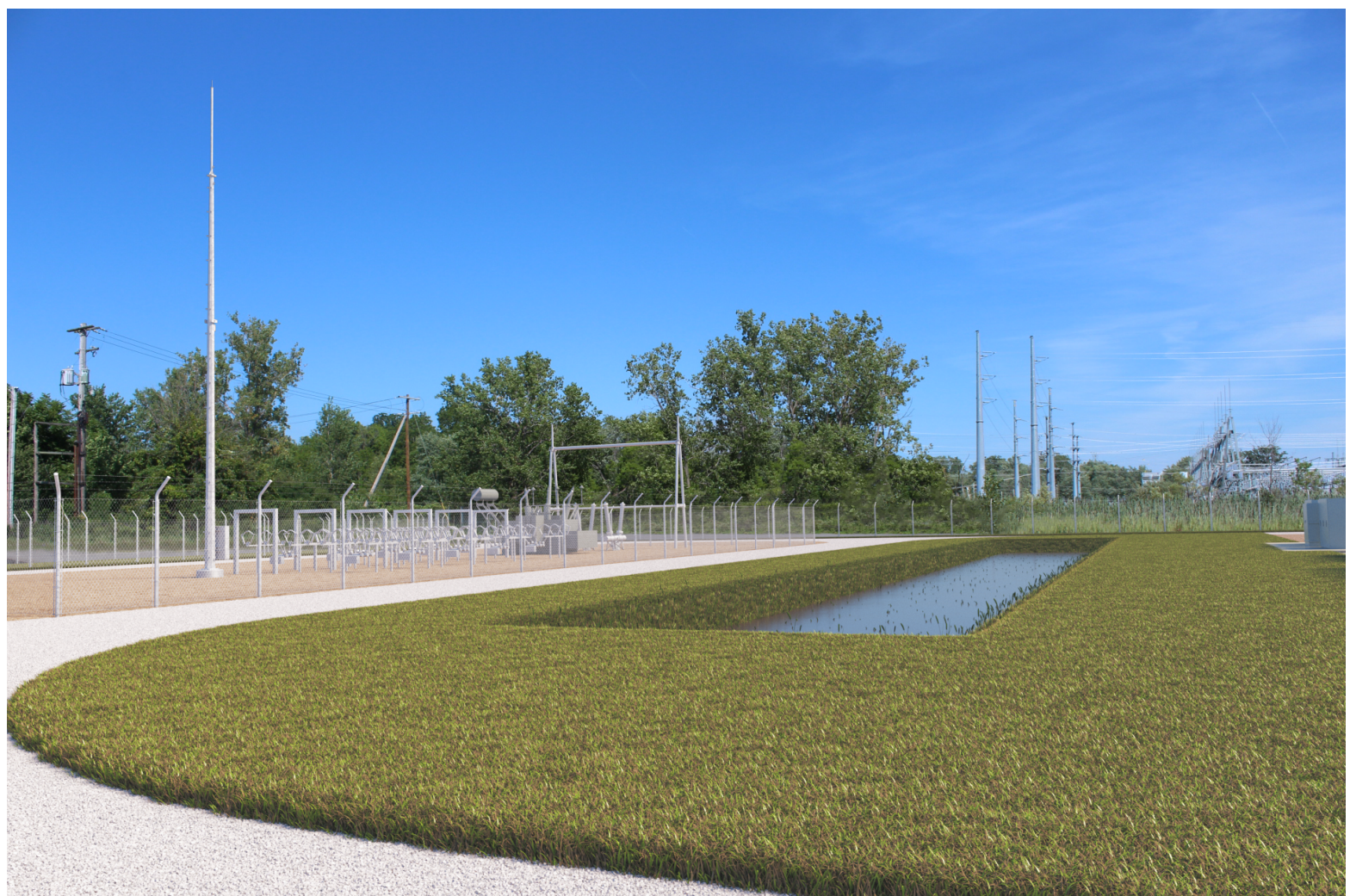
1487 Main Street, Suite 500
Carmina Wood Design LLC
Phone: (716) 842-3165

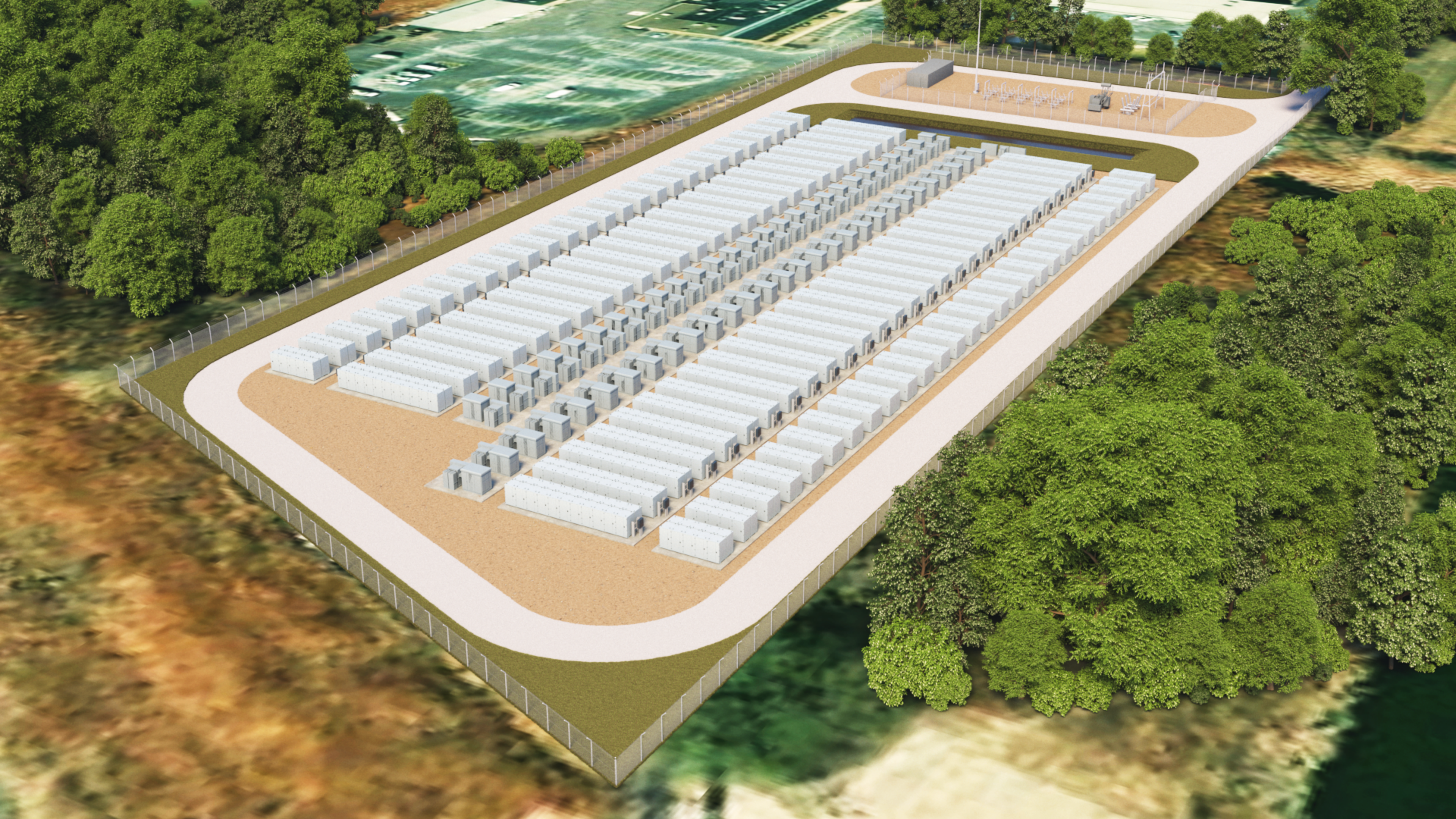
111 Bain Street, Suite 332
Carmina Wood Design LLC
Phone: (336) 837-9099

Visual Simulations





















Prior SEQRA Correspondence

Goldberg, Ari M.

Subject: FW: [EXTERNAL]Re: SEQRA, Battery Storage and Energy Complex, (T) West Seneca SBL 134.06-2-28 (799 Indian Church Rd.)

From: McNamara, Joseph [<mailto:Joseph.McNamara@erie.gov>]

Sent: Monday, August 10, 2020 8:23 AM

To: Jeffrey Schieber; Ortiz, Mariely

Cc: Salah, Mutasem

Subject: [EXTERNAL]Re: SEQRA, Battery Storage and Energy Complex, (T) West Seneca SBL 134.06-2-28 (799 Indian Church Rd.)

The DSM has no objection to the proposed battery energy storage facility in the Town of West Seneca..
Erie County DSM (ECSD #1) approval is necessary if a future connection to the public sewer is determined to be necessary.

Should you have any questions or need further information, please e-mail or call me at ext. 6997

Thanks,

Joseph McNamara | Assistant Sanitary Engineer
Erie County | Div. of Sewerage Management
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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

August 13, 2020

Mr. Jeffrey A. Schieber
Town of West Seneca Building Department
1250 Union Road
West Seneca, NY 14224

Dear Mr. Schieber,

**SEQR Lead Agency Coordination
Battery Storage and Energy Complex
799 Indian Church Road
Town of West Seneca, Erie County**

This is to acknowledge receipt of your August 7, 2020 notice which requested State Environmental Quality Review Act (SEQR) Lead Agency status for the above-noted project. The Department concurs that the Town of West Seneca 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. If any project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-20-001, 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 West Seneca is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of a regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principle executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the NOI, to the Department at NOTICE OF INTENT, NYSDEC, Bureau of Water Permits, 625 Broadway, 4th Floor, Albany, New York 12233-3505, telephone: 518/402-8111 to receive Department approval before construction commences.



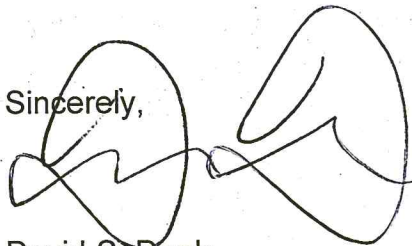
Department of
Environmental
Conservation



2. Hydric soils were identified within the proposed project site. The project sponsor should consult with the United States Department of the Army, Corps of Engineers Office (COE), telephone: 716/879-4330, concerning COE regulatory jurisdiction to ensure that the project will not involve federally regulated wetlands or require any other approval from that agency. If Federal Wetlands are involved, the COE may require the project sponsor to obtain a Water Quality Certification from this Department.
3. The whole site appears to be within an archaeologically sensitive area, as shown on the enclosed New York State Office of Parks, Recreation and Historic Preservation (OPRHP) map (Website www.oprhp.state.ny.us/nr/main.asp). As part of the SEQR process, the Town should evaluate this concern, unless it can be verified by appropriate documentation that the site has been significantly disturbed in a way that would destroy potential artifacts. Please recognize that normal agricultural activities, such as plowing, would not constitute such land disturbance. If there are any questions regarding this, contact OPRHP (telephone: 518/237-8643). Note: If any of the described Department approvals are required, an appropriate archaeological investigation must be conducted in order to satisfy the New York State Historic Preservation Act.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'David S. Denk', with a stylized, looping flourish at the end.

David S. Denk
Regional Permit Administrator

BAD:cmn



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

August 18, 2020

Robert Peltier
Principal Investigator
Tetra Tech, Inc.
301 Ellicott Street
Buffalo, NY 14203

Re: DEC
799 Indian Church Road Battery Energy Storage System Development Project
799 Indian Church Rd, Buffalo, Erie County, NY
20PR04652

Dear Robert Peltier:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

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

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

A handwritten signature in black ink, reading "R. Daniel Mackay".

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation

TOWN OF WEST SENECA



ENGINEERING DEPARTMENT

TOWN SUPERVISOR
GARY A. DICKSON
TOWN COUNCIL
WILLIAM P. HANLEY JR.
JEFF PIEKAREC
JOSEPH CANTAFIO
WILLIAM BAUER

October 6, 2020

Mr. Jeffrey Schieber, CEO
Town of West Seneca Code Enforcement

Re: 799 Indian Church Road

Dear Mr. Schieber,

We have reviewed the revised SWPPP and response letter sent via email to us earlier today. We are satisfied with their response and have no further comments on this project. From a drainage standpoint, we can recommend approval of this project.

Very truly yours,

Steven R. Tanner, P.E.

Steven R. Tanner, P.E.
Town Engineer

cc: Files: TB.
Project

Environmental Assessment Form

Short Environmental Assessment Form

Part 1 - Project Information

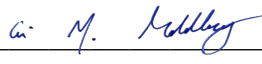
Instructions for Completing

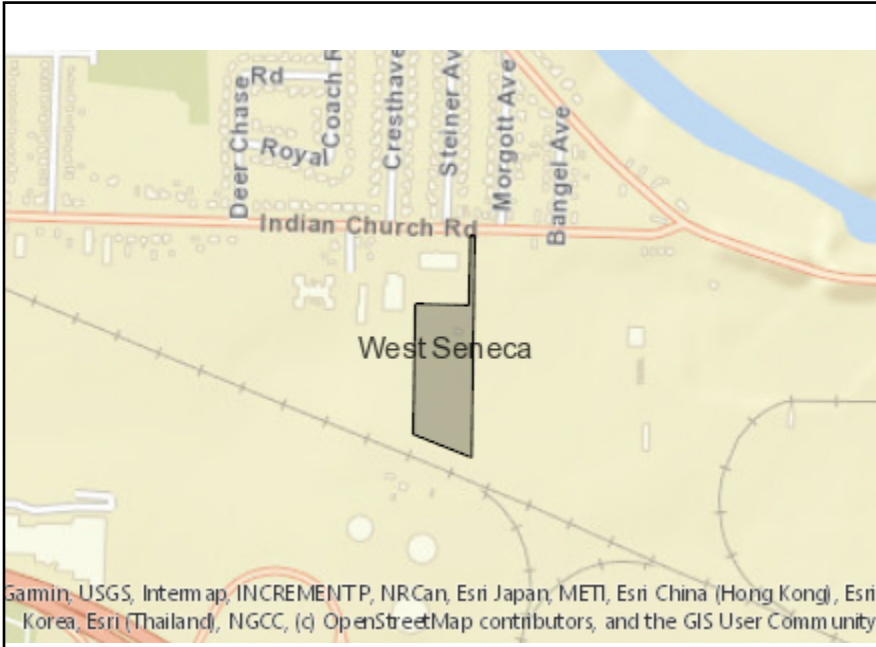
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

Part 1 – Project and Sponsor Information							
Name of Action or Project: Levy Grid							
Project Location (describe, and attach a location map): 799 Indian Church R SBL 134.06-2-28							
Brief Description of Proposed Action: Construction of a standalone Battery Energy Storage System on existing impervious, industrial parcel and stormwater/site improvements. Action has been defined broadly to include all site work and construction activities.							
Name of Applicant or Sponsor: Levy Grid, LLC by Ari Goldberg, Barclay Damon LLP as agent/attorney		Telephone: (716) 858-3878 E-Mail: agoldberg@barclaydamon.com					
Address: 200 Delaware Avenue, Suite 1200							
City/PO: Buffalo		State: NY	Zip Code: 14202				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 5px;">NO</td> <td style="text-align: center; padding: 5px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;">☒</td> <td style="text-align: center; padding: 5px;">☐</td> </tr> </table>	NO	YES	☒	☐
NO	YES						
☒	☐						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: New York State Department of Environmental Conservation; New York Public Service Commission			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 5px;">NO</td> <td style="text-align: center; padding: 5px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;">☐</td> <td style="text-align: center; padding: 5px;">☒</td> </tr> </table>	NO	YES	☐	☒
NO	YES						
☐	☒						
3. a. Total acreage of the site of the proposed action? 5.16 +/- acres b. Total acreage to be physically disturbed? 5.16 +/- acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 5.16 acres							
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. ☐ Urban ☐ Rural (non-agriculture) ☒ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other(Specify): railroad/vacant land ☐ Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ no wastewater will be produced. _____	☒	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☒	see SHPO letter of no impact
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?	NO	YES	
	☐	☒	
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: _____ If a wetland or waterbody regulated by either the State or federal government exists within 500' of the project site, the EAF Mapper will check "yes" on the PDF of the SEAF. South, East, and West of the project, there is state wetland BU-13. Applicant does not anticipate any significant intrusion on the wetland or wetland buffer zone because the site is already disturbed and entirely impervious. A federal wetland, a human-made excavated pond, exists to the east of the site. See also DEC letter enclosed with application. _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban		
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
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☐	☒
	☒	☐
	☐	☒
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
Approximately 4,500 square feet for storm water management.	☐	☒
49. 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
	☒	☐
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
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Levy Grid, LLC by Barclay Damon LLP, Ari Goldberg</u> Date: <u>October 24, 2022</u> Signature: <u></u> Title: <u>agent/attorney</u>		



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



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

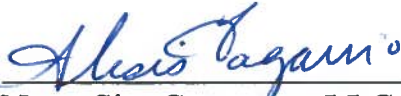
Owner Authorization

AUTHORIZATION

Nova Site Company, LLC, record property owner of 799 Indian Church Road, SBL No. 134.06-2-28, in the Town of West Seneca, hereby authorizes Levy Grid LLC, through the law firm of Barclay Damon, LLP, to file a site plan application along with any necessary supporting documentation, with the Town of West Seneca in connection with the approvals sought for the above referenced property.



By: Nova Site Company, LLC
Gino Zagarrio, Member



By: Nova Site Company, LLC
Alesia Zagarrio, Member

Dated: July, 30 2020