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Feds drop lawsuit against developer over Amherst wetlands

By Phil Fairbanks
Nov 7, 2017



The federal government's decision to drop the civil suit against developer William Huntress came eight years after it first sued him in Buffalo federal court. (News file photo)

By bn

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When the Environmental Protection Agency went after William Huntress, it ran up against a developer with the will and means to fight back.

Eight years later, the government is declaring an end to the battle.

Huntress, in a statement, said the government's decision to voluntarily dismiss its suit against him is a total victory for his company, Acquest Development, and its legal battle over wetlands on Wehrle Drive in Amherst.

He also announced his intention to sue the EPA for \$387 million, citing alleged harm to his company.

The government's decision to drop the civil suit against Huntress came eight years after it first sued him in Buffalo federal court and two years after Acquest pleaded guilty in a separate case.

"This has always been about the EPA trying to impose its will and power on Mr. Huntress for having had the temerity to challenge it," said Matthew D. Miller, a lawyer for the developer. "But the EPA ran into a citizen in Mr. Huntress who had both the emotional and financial wherewithal to fight for what was right."

Over the years, Huntress has butted heads with neighborhood residents and public officials and gained a reputation for hard-ball tactics.

The government's suit against him stems from his purchase in 1997 of a 20-acre parcel of land and allegations that he violated the federal Clean Air Act when he tried to develop the site's wetlands.

Amherst developer's firm, not him, convicted, fined in federal wetlands case

The dispute led to a series of lawsuits by both sides and, ultimately, Huntress' success in winning a \$3.94 million judgement from the Town of Amherst. Huntress sued the Town Board after it voted in 2006 to rescind a previous approval for an office park at 2190 Wehrle Drive.

From Day One, Huntress claimed he bought the land without any knowledge of a 50-year moratorium on development or the \$5 million in federal funds the town had received to maintain it as wetlands.

The town initially agreed to help Huntress seek a waiver of the moratorium but changed its mind in 2006 when the Town Board voted to withdraw that offer.

The government's voluntary dismissal is not Huntress' first legal victory in his ongoing legal battle with the federal government.

He also was successful in dismissing a criminal indictment that centered around Acquest's development of a 97-acre parcel of land at 10880 Transit Road in Amherst. When the government brought new charges, the company agreed to a corporate plea for doing work at the site that violated a court order.

"As a result of that plea, Acquest Transit LLC was sentenced to pay a \$250,000 criminal fine and to a term of probation of two years," Acting U.S. Attorney James P. Kennedy Jr. said in a statement Monday.

In March, Huntress filed a \$387 million claim against the government that centers around his company's "lost income" because of the indictment. The claim is expected to lead to a new federal court lawsuit.

Plea in Amherst wetlands case nets \$250,000 fine by developer Huntress