

**Click on the link below to access the full Application:**

<https://www4.erie.gov/clarence/sites/www4.erie.gov.clarence/files/2023-05/eastern-hills-mall-application.pdf>

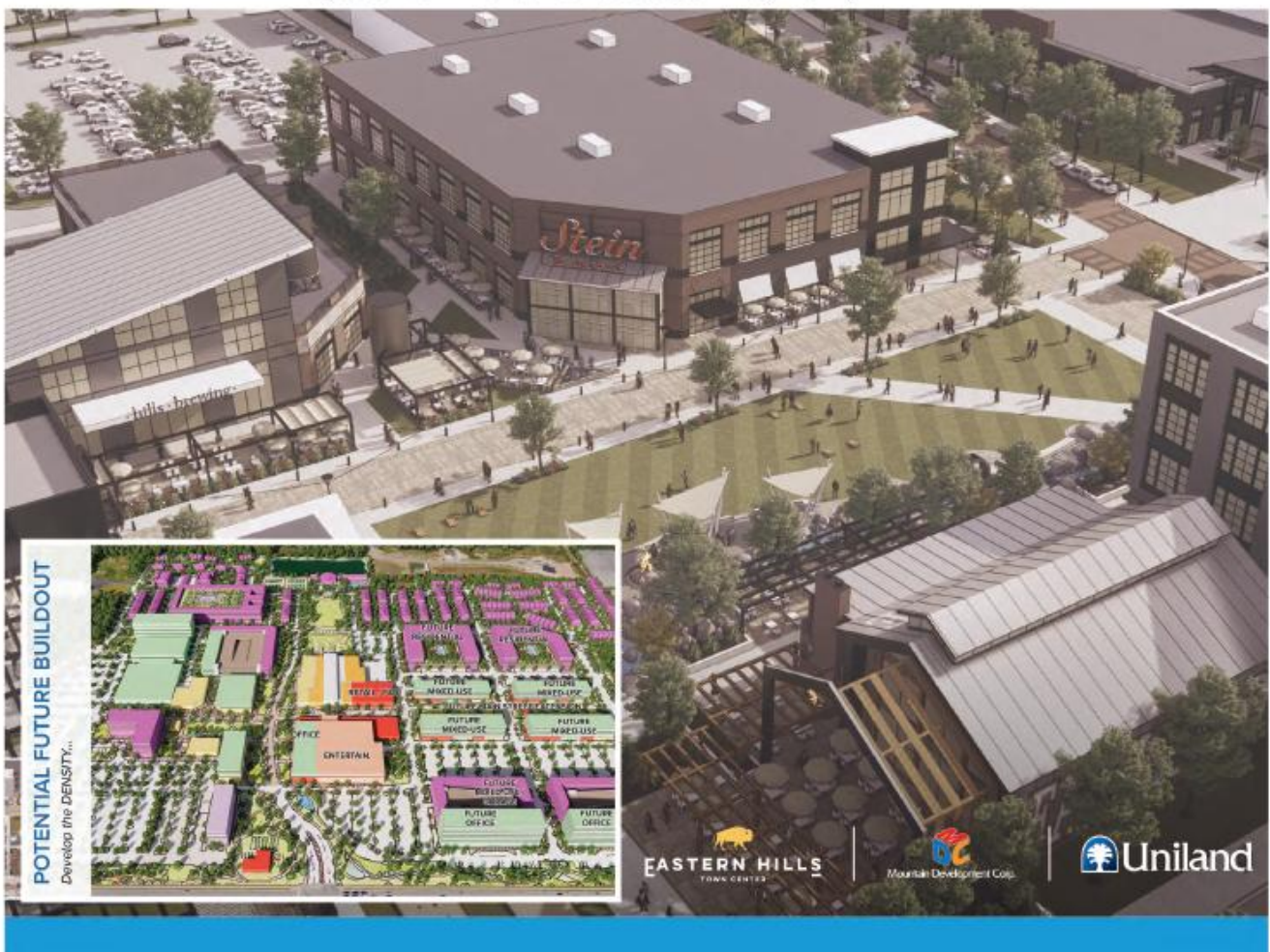


# CONCEPTUAL MASTER PLAN APPLICATION

# EASTERN HILLS MALL REDEVELOPMENT

4545 Transit Road | Clarence, NY 14221

JUNE 11, 2021 (Amended December 8, 2022)  
(Second Amendment October 28, 2024)



**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

<b>Agency Use Only [If applicable]</b>
Project : Eastern Hills Mall Redevelopment
Date : 06-16-2025

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> <div style="text-align: right;"> <input type="checkbox"/> NO      <input checked="" type="checkbox"/> YES         </div>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>2. Impact on Geological Features</b> The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>3. Impacts on Surface Water</b> The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

l. Other impacts: The proposed action will involve the installation of off-site sanitary sewer infrastructure located in ECSD No. 5 and the Town of Amherst.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>



g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b> The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
<p>If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3:</p> <p>e.</p> <p>i. The proposed action may result in the destruction or alteration of all or part of the site or property.</p> <p>ii. The proposed action may result in the alteration of the property’s setting or integrity.</p> <p>iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.</p>	<p>E3e, E3g, E3f</p> <p>E3e, E3f, E3g, E1a, E1b</p> <p>E3e, E3f, E3g, E3h, C2, C3</p>	<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>		
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>		
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		



<b>13. Impact on Transportation</b> The proposed action may result in a change to existing transportation systems. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>14. Impact on Energy</b> The proposed action may cause an increase in the use of any form of energy. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other Impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>15. Impact on Noise, Odor, and Light</b> The proposed action may result in an increase in noise, odors, or outdoor lighting. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: <u>The proposed action will create noise impacts associated with construction activities in furtherance of the Proposed Project on the Project Site.</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)  
*If "Yes", answer questions a - m. If "No", go to Section 17.*

☒ NO

☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____			

<b>17. Consistency with Community Plans</b> The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>18. Consistency with Community Character</b> The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

***Full Environmental Assessment Form***  
***Part 3 - Evaluation of the Magnitude and Importance of Project Impacts***  
***and***  
***Determination of Significance***

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached Part 3b of the Full Environmental Assessment Form providing the Planning Board's reasoned elaboration in support of its issuance of a Negative Declaration pursuant to the State Environmental Quality Review Act ("SEQRA")

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3



Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Clarence Planning Board \_\_\_\_\_ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Eastern Hills Mall Redevelopment

Name of Lead Agency: Town of Clarence Planning Board

Name of Responsible Officer in Lead Agency: Robert Sackett

Title of Responsible Officer: Planning Board Chair

Signature of Responsible Officer in Lead Agency: \_\_\_\_\_ Date: 06-18-2025

Signature of Preparer (if different from Responsible Officer) \_\_\_\_\_ Date: 06-18-2025

**For Further Information:**

Contact Person: Jonathan Bleuer

Address: 1 Town Place, Clarence, NY 14031

Telephone Number: 716-741-8933

E-mail: [jbleuer@clarence.ny.us](mailto:jbleuer@clarence.ny.us)

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

## **FEAF Part 3b Reasons Supporting this Determination:**

**Project Name:** Eastern Hills Mall Redevelopment

**Project Number:** TOC090621

**Project Location:** 4475-4545 Transit Road

**SBL Numbers:** 70.03-1-27.11 | 70.03-1-26 | 70.03-1-12 | 70.03-1-20

**Date:** 06-18-2025

### **Executive Summary:**

The “Project Site” is located at 4475 – 4545 Transit Road, SBL #'s 70.03-1-27.11 | 70.03-1-26 | 70.03-1-12 | 70.03-1-20. The Project Site consists of approximately 106 acres of land that currently consists of an outdated shopping mall and related site improvements. The Project Site is zoned Lifestyle Center District (“LC District”) pursuant to the Town of Clarence Zoning Map. The mixed-use redevelopment project involves the redevelopment of the Eastern Hills Mall to a mixed-use town center development (the “Proposed Project”). The conceptual layout of the Proposed Project is depicted on the Color Conceptual Master Plans prepared by BCT Design Group dated October 28, 2024 provided at Exhibit 4 of the Amended Conceptual Plan Application dated October 8, 2024.

The LC District as described in Article XIIA of the Town of Clarence Zoning Code (“Zoning Code”) was adopted by the Town of Clarence Town Board (“Town Board”) in 2018 to encourage the redevelopment of the of the Project Site. Pursuant to Section 229-108.1 of the Zoning Code, the purpose of LC District is as follows:

“The Lifestyle Center District (“LC District”) is established to permit and to promote upscale and community scale, open air streetscape/main street style mixed commercial/residential centers. The property zoned LC District is comprised of businesses serving the specialty and leisure time shopping needs of the community at large with integrated residential uses to promote a mixed use environment, public convenience and accessibility. In furtherance of this planning objective, mixed-use projects are permitted. Standards to ensure high quality shall be applied to allow flexibility while requiring integrated design within the overall site; limited access to public roadways, and integrated vehicular and pedestrian facilities within the site and adjacent properties. Development of property in the LC District is not intended to be accomplished in a fragmented, lot-by-lot manner or to consist of a single category or type of land use.”

The build-out of the Proposed Project is expected to occur over an approximately 20-year period. Construction of the Proposed Project will be phased dependent on demand and other relevant market conditions. At full buildout, the Proposed Project would consist of 1,342,750 sq.ft. of commercial space and 1,435 residential units along with all required site improvements. Three phases are anticipated at this time. It is anticipated that construction of Phase 1 is projected to occur between years 5 and 10, Phase 2 between years 10 and 15, and Phase 3 (“Full Build-Out”) between years 15 and 20. A description of each of three anticipated phases of the Proposed Project is provided below. It is important to mention that the construction of the

Proposed Project may involve more than three phases and that the description of the phases of the Proposed Project provided below is likely to evolve during the build-out based on demand and market conditions.

The numbers below represent the projected total floor area for various land uses as depicted on the Conceptual Master Plan and the projected number of residential units at the end of each of three (3) proposed phases described above.

Phase 1:

- Retail/Commercial: ±516,375 square feet ("sq.ft.")
- Restaurant: ±92,250 sq.ft.
- Hotel: ±58,000 sq.ft.
- General Office/Co-Work: ±352,700 sq.ft.
- Entertainment: ±62,200 sq.ft.
- Fitness: ±21,475 sq.ft.
- Multi-Family Residential: 87 units

Phase 2:

- Retail/Commercial/Grocery: ±256,250 square feet ("sq.ft.")
- Restaurant: ±122,400 sq.ft.
- Hotel: ±58,000 sq.ft.
- General Office/Co-Work: ±414,500 sq.ft.
- Entertainment: ±80,000 sq.ft.
- Multi-Family Residential: 469 additional units (556 total units)

Phase 3:

- Retail/Commercial/Grocery: ±108,000 square feet ("sq.ft.")
- Restaurant: ±124,500 sq.ft.
- Hotel: ±58,000 sq.ft.
- General Office/Co-Work: ±932,250 sq.ft.
- Entertainment: ±120,000 sq.ft.
- Multi-Family Residential: 879 additional units (1,435 total units)

**Coordinated Environmental Review of the Proposed Project Pursuant to SEQRA:**

The Planning Board has completed a coordinated environmental review of the Proposed Project pursuant to the State Environmental Quality Review Act ("SEQRA") since it is Type 1 action. The Project Sponsor submitted a complete Amended Conceptual Plan Application dated October 28, 2024 with Exhibits 1 to 15. The extensive project documentation included as Exhibits 1 to 15 of the Amended Conceptual Plan Application is listed in Exhibit "1" of this Part 3b of the Full EAF.

On December 12, 2024, a Lead Agency Solicitation Letter along with a complete copy of the Amended Conceptual Plan Application dated October 28, 2024 with Exhibits 1 to 15 was distributed on behalf of the Town of Clarence Planning Board ("Planning Board") to the following involved and interested agencies:

- Erie County Department of Environment and Planning
- Erie County Health Department
- Erie County Department of Public Works
- Erie County Water Authority
- Erie County Division of Sewer Management, ECSD #5
- New York State Department of Environmental Conservation
- New York State Department of Transportation
- Federal Aviation Administration
- Niagara Frontier Transportation Authority
- Town of Amherst
- Harris Hill Volunteer Fire Company
- Clarence Central School District
- Clarence Town Engineering Department
- Clarence Town Building Department
- Clarence Town Building Department, Fire Review
- Clarence Town Highway Department
- Clarence Town Assessor's Office
- Clarence Town Planning Board & Town Board Liaison
- Clarence Town Attorney's Office

The lead agency solicitation letter dated December 12, 2024 stated that involved and interested agencies had until January 30, 2025 to respond to the Planning Board's request to the designated lead agency for the coordinated environmental review of the Proposed Project pursuant to SEQRA. A copy of the Lead Agency Solicitation Letter dated December 12, 2024 is provided at Exhibit "2" of this Part 3b of the Full EAF. None of the involved agencies objected to the Planning Board's request to the designated lead agency pursuant to SEQRA. The following written comments were received from the following involved agencies:

- NYSDEC: Lead Agency Concurrence Letter of Lisa M Czechowicz of the New York State Department of Environmental Conservation dated December 20, 2024 [Copy attached as Exhibit "3"]
- Lead Agency Concurrence Letter issued by Mark Carney of Erie County Water Authority ("ECWA") dated January 8, 2025 [Copy attached as Exhibit "4"]
- Letter from Timothy P. German of the Erie County Department of Environment and Planning ("ECDEP") dated January 17, 2025 [Copy attached as Exhibit "5"]
- Memorandum of Matt A. Salah of the Erie County Division Sewerage Management ("ECDSM") dated January 16, 2025 [Copy attached as Exhibit "6"]



- E-mail issued by Alyssa Schoenfeldt on January 30, 2025 stating that the New York State Department of Transportation (“NYSDOT”) concurs with the Town of Clarence being the lead agency for the coordinated environmental review of the Project pursuant to SEQRA [Copy attached as Exhibit “7”]
- E-mail issued by Alyssa Schoenfeldt on April 30, 2025 containing the NYSDOT’s comments regarding the Proposed Project [Copy attached as Exhibit “8”]
- E-mail issued by Kevin Hebert, P.E. of the NYSDOT dated June 6, 2025 [Copy attached as Exhibit “9”]
- January 30, 2025 stating that the New York State Department of Transportation concurs with the Town of Clarence being the lead agency for the coordinated environmental review of the Project pursuant to SEQRA [Copy attached as Exhibit “10”]

After a thorough coordinated environmental review of the Proposed Project pursuant to the State Environmental Quality Review Act that included the participation of numerous involved and interested agencies, the Town of Clarence Planning Board has identified and thoroughly evaluated the identified potential adverse environmental impacts associated with the Proposed Project and based on its review of relevant project documentation including the Amended Conceptual Plan Application dated October 28, 2024 with Exhibits 1 to 15, numerous reports and studies, review by the Town’s Office of Planning and Zoning, public input, and the preparation of Parts 2 and 3 of the Full Environmental Assessment Form, the Planning Board has been determined that the Proposed Project will not result in any potentially significant adverse impacts to the environment.

#### **1. Impact on Land:**

The Proposed Project involves the partial demolition of the existing outdated shopping mall and related improvements located on the Project Site. The depth to water table is greater than three feet on the Project Site and the Proposed Project does not involve construction on land with slopes of fifteen percent (15%) or greater. The depth to bedrock is greater than 5 feet and the Project Site is not located within a Coastal Erosion hazard area.

A Stormwater Pollution Prevention Plan (“SWPPP”) prepared by a licensed engineering firm will be required for the phases of the Proposed Project that result in disturbance of more than one (1) acre of land. The SWPPP will need to be reviewed and approved by the Town Engineering Department prior to site disturbance. The Proposed Project will result in physical disturbance and limited vegetation removal; however, this potential impact represents a small impact since the Project Site consists predominantly of impervious surfaces and construction activities in furtherance of the Project will need to comply with required applicable erosion and sediment control measures. Such erosion and sediment control measures will be specified in the engineered plans for the Project to be prepared by a licensed engineering firm. The proposed erosion control measures will need to be reviewed and approved by the Town Engineering Department during each phase of the Development Plan Application review process. The Project Site disturbance is considered minimal due to the absence of documented environmentally sensitive features that otherwise could potentially be negatively impacted, and the previous ground disturbance that occurred from the construction of the existing mall and related improvements.

The Proposed Project is expected to occur over an approximately 20-year period with three phases anticipated depending on market conditions. It has been determined the construction of the Proposed Project in multiple phases over a period of more than one year represents a moderate adverse environmental impact (See Question 1e of Part 2 of the Full EAF). However, construction activities in furtherance of the Proposed Project will be intermittent and represent a temporary and unavoidable adverse environmental impact that has been determined to be not potentially significant. Each phase of the Proposed Project will need to comply with the applicable stringent stormwater quality and quantity standards for stormwater management as well as applicable standards for required infrastructure improvements. This will be verified by the Town Engineering Department in connection with its review of the Development Plan Applications for each phase of the Proposed Project.

**2. Impact Geological Features:**

There are no unique or unusual land forms on the Project Site.

**3. Impact on Surface Water:**

The Project Site currently consists of a mall and associated improvements. Except for stormwater management areas that do not comply with the current applicable stringent stormwater quality and quantity standards for new projects that will result in the disturbance of more than one (1) acre of land, there are no existing water bodies on the Project Site. In the lead agency coordination letter issued by Lisa M. Czechowicz of the New York State Department of Environmental Conservation (“NYSDEC”) dated December 20, 2024, it was stated that the Project Site is located within Freshwater Wetland LA-12 or its regulated 100-foot-wide adjacent area. The aforementioned letter stated that a Freshwater Wetlands Permit pursuant to Article 24 of the New York State Environmental Conservation Law may be required by NYSDEC. The Proposed Project does not involve any physical alteration of the Project Site within the 100-foot adjacent area of Freshwater Wetland LA-12; therefore, it is not anticipated that the Project Sponsor will be required to obtain a Freshwater Wetlands Permit from the NYSDEC. However, if the engineered plans for the Proposed Project to be submitted in connection with the Development Plan Applications depict any physical alteration of the Project Site within Freshwater Wetland LA-12 or its 100-foot adjacent area, the Project Sponsor shall be required to obtain a Freshwater Wetlands Permit from the NYSDEC prior to any such proposed impact. The Project Sponsor shall obtain and provide the Town of Clarence with all necessary permits from the NYSDEC prior to disturbance on the Project Site.

In the letter issued by Lisa M. Czechowicz of the NYSDEC dated December 20, 2024, it was stated that a review of soil information indicated the potential for hydric soils on the Project Site. Additionally, it was suggested that the Project Sponsor consults with the United State Army Corps of Engineers (“USACE”) to determine if the USACE has regulatory jurisdiction or requires any other approval. If Federal Wetlands are involved, the USACE may require the Project Sponsor to obtain a Water Quality Certification from the NYSDEC. The Project Sponsor shall coordinate with the USACE to obtain all necessary permits prior to disturbance on the Project Site.

The management of stormwater from impervious surfaces on the Project Site will require the installation of a stormwater management system. The storm water management areas to be installed on the Project Site shall be designed to collect, discharge and improve the quality of surface water. The stormwater management

system shall be designed and installed per the applicable stringent stormwater quality and quantity standards of the NYSDEC and the applicable standards of the Town of Clarence.

The Proposed Project is anticipated to generate 1,584,223 gallons of sanitary sewer flow per day at full buildout. The Project Site is located within Erie County Sewer District No. 5. In the letter issued by Lisa M. Czechowicz of the NYSDEC dated December 20, 2024, it was stated that the Proposed Project requires a sanitary sewer connection that is designed to convey 2,500 gallons/day or more of a municipal sewage and it is therefore considered a sanitary sewer extension. The NYSDEC stated that the Erie County Health Department acts as the NYSDEC agent, and will be the approving agency. As such, a detailed Downstream Sewer Capacity Analysis prepared by an engineering firm must be performed and submitted for the Proposed Project as part of the Engineer's Report.

On January 16, 2025, Matt A. Salah of the Erie County Division Sewerage Management ("ECDSM") issued a Memorandum to Timothy German of the Erie County Department of Environment and Planning ("ECDEP") containing the following comments:

1. The DSM has no objection to the Town of Clarence obtaining Lead Agency status.
2. The proposed Eastern Hills Mall Redevelopment project (redevelopment project) is within the bounds of Erie County Sewer District ("ECSD") No. 5.
3. The infrastructure of ECSD No. 5 is adequately sized to service the former uses of the Eastern Hills Mall, along with the surrounding areas. Therefore, a portion of the proposed wastewater generated from Phase 1 of this redevelopment project may be transmitted via the existing Eastern Hills Pumping Station ("EHPS"), through the ECSD No. 5 sanitary sewer collection system along Transit Road, to the Town of Amherst sanitary sewer collection system, and ultimately to the Town of Amherst Water Pollution Control Facility. This amount is limited to the quantity of wastewater flows previously generated by the Eastern Hills Mall, approximately 100,000 gallons per day ("GPD"). The 100,000 GPD includes both current uses at the Eastern Hills Mall, along with portions of Phase 1 redevelopment.
4. The EHPS and the ECSD No. 5 sanitary sewer collection system along Transit Road has limited capacity beyond approximately 100,000 GPD total flows from the entire site. Should the redevelopment project sponsors wish to implement any Phase 1 components that would result in exceeding 100,000 GPD for the entire site, it will be considered on a case-by-case basis. Due to limitations in the Town of Amherst's sanitary sewer collection system, construction of the "Parallel Peanut Line" sewer is needed before these components may proceed. See Comment #5.
5. Full buildout of Phase 1 and subsequent phases of the redevelopment project exceed the capacity of the existing infrastructure and will require significant sanitary sewer infrastructure upgrades, including replacement of the EHPS and its force main, as well as completion of a proposed 24-inch diameter sanitary sewer known as the "Parallel Peanut Line" within the Town of Amherst.
6. Due to the size of the proposed facilities and the need to maintain continuous service, a new parcel in the vicinity of the existing EHPS will be required for the replacement pumping station. The parcel shall be deeded "fee simple" to the County of Erie.

7. Sanitary Sewer system design for all new infrastructure shall be in accordance with the “Recommended Standards for Wastewater Facilities” (i.e. “Ten State Standards”), the Erie County Sewer District Rules and Regulations, and the DSM’s Design Requirements for Subdivisions and Sanitary Sewer Extensions.
8. In Exhibit 2, the narrative is not clear that each Phase of the redevelopment project will include either conversion or demolition of buildings, such that the total square footage amounts noted are the expected totals at the end of that Phase, not the total square footage installed in that Phase. To be clear, the review of the redevelopment application is based on final buildout of approximately 1.34 million square feet of commercial space total, and 1,435 residential units total.
9. Inflow and Infiltration (“I/I”) remedial work/mitigation for the proposed flows will be required. The amount will be determined at a later date and will likely change from that noted in Exhibit 10.
10. The “Updated Preliminary Engineer’s Report & Downstream Sanitary Capacity Analysis” included in Exhibit 10 notes the 1,435 residential units included the redevelopment project application consist of 719 one-bedroom units and 716 two-bedroom units. This breakdown of residential units was used in determining the total sanitary sewer flow included in the Environmental Assessment Form of approximately 1.58 million gallons per day (“MGD”). There are other areas of the application that indicate different proportions for the residential units; for example, the parking demand assessment in Exhibit 13 notes 430 one-bedroom units, 861 two-bedroom units, and 144 three-bedroom units. There are other areas of the application indicating larger (3,000 square foot) residential units may be included in the redevelopment project, which typically are not one- or two-bedroom units. These inconsistencies should be clarified / addressed – particularly if it impacts the quantity of sanitary sewer flow.
11. The Town of Amherst may provide its own determination of capacity within the Amherst sanitary sewer collection system and treatment plant, and other requirements.
12. Sanitary sewer extensions and upgrades require the approval of this office and the Erie County Department of Health.
13. Please be advised that capacity allocations are only made upon State approval of plans in the case of subdivisions and extensions of the sanitary sewer system, or issuance of a sewer connection permit in the case of a building sewer tap. No representation is made as to future conditions.

The Project Sponsor will be required to obtain approval from the ECDSM for the sanitary sewer flows that will be conveyed into the sanitary sewer infrastructure owned by ECSD #5 and to comply the applicable I/I requirement.

Due to the proposed sanitary sewer impacts during wet weather conditions and the likely need for off-site sanitary sewer infrastructure improvements to accommodate the full build-out of the Proposed Project, it has been determined that a moderate adverse impact may occur (See Question 3k of Part 2 of the Full EAF). It has further been determined that the downstream sanitary sewer flows from the Proposed Project does not represent a potentially significant adverse environmental impact since there are numerous governmental agencies that will need to review the sanitary sewer flows during wet weather conditions for the mixed-use project prior to the commencement of any development that will result in greater than 100,000 GPD of sanitary



sewer flow per the input received from ECDSM in the Memorandum issued by the ECDSM dated January 16, 2025.

While the Project Site is currently serviced by public sanitary sewer infrastructure and is located within Erie County Sewer District No. 5, in order to accommodate the full build-out of the Proposed Project, sanitary sewer improvements must be made. Off-site sanitary sewer improvements to be made include that have been identified include the Peanut Line Parallel Interceptor Sewer Project in the Town of Amherst and the Transit Road Sanitary Sewer Upgrade Project within ECSD No. 5. Both of these identified off-site sewer improvement projects will be subject to their own separate environmental review pursuant to SEQRA.

The purpose of the Peanut Line Parallel Interceptor Sewer Project (“Parallel Sewer Project”) in the Town of Amherst is to provide additional sanitary sewer capacity for future development in both the Town of Amherst and the Town of Clarence, including the Proposed Project, and surcharge relief in the Dodge Road Interceptor sewer. The Parallel Sewer Project includes construction of approximately 3,750 feet of 24-inch diameter PVC gravity sewer. The proposed sanitary sewer infrastructure for the Parallel Sewer Project is anticipated to be primarily located within existing rights of way, with a crossing of a Transit Road, which is New York Highway subject to the jurisdiction of the New York State Department of Transportation (“NYSDOT”). The Parallel Sewer Project represents a joint effort between the Town of Clarence, Town of Amherst, and the Erie County Division of Sewerage Management. The Town of Clarence is currently seeking Lead Agency status to conduct a coordinated review amongst involved and interested agencies under the SEQRA. The Town of Amherst is currently in pre-construction design phase for the Parallel Sewer Project, as the physical work to occur will primarily be in the Town of Amherst and public rights-of-way.

The purpose of the Transit Road Sanitary Sewer Upgrade Project is to address the future sanitary sewer system needs for ECSD No. 5 along the Transit Road corridor, along with various areas identified in the comprehensive and master planning documents. The Transit Road Sanitary Sewer Upgrade Project increases sanitary sewer capacity and improves flow distribution within this corridor, which is vital to the entire Western New York Community. The engineering work consists of design and construction services to implement a new pumping station and force main to service the future sanitary sewer needs in the Transit Road corridor. The Transit Road Sanitary Sewer Upgrade Project represents a joint effort between the Town of Clarence, Town of Amherst, and Erie County Division of Sewerage Management. The Erie County Division of Sewerage Management is currently in the pre-construction design phase, as the work to occur will primarily be in ECSD No. 5 and public rights-of-way. To accommodate the full build-out of the Proposed Project, the Project Sponsor will be obligated to collaborate with the Erie County Division of Sewerage Management on the facilitation of the Proposed Project, including on-site sanitary sewer improvements.

While both the Parallel Sewer Project and Transit Road Sanitary Sewer Upgrade Project will be subject to their own environmental review pursuant to SEQRA, the Planning Board has determined that the issuance of this SEQRA determination for the Proposed Project does not constitute segmentation, which is defined in 6 NYCRR Part 617.2(ah) as “[T]he division of the environmental review of an action so that various activities or stages are addressed as though they were independent, unrelated activities needing individual determinations of significance. Except in special circumstances, considering only a part, or segment, of an overall action is contrary to the intent of SEQR.”

According to the 4<sup>th</sup> Edition of the SEQR Handbook published by the NYSDEC in 2020, a lead agency is determining whether segmentation is occurring, a lead agency should consider the following eight (8) factors:

1. Purpose: Is there a common purpose or goal for each segment?
2. Time: Is there a common reason for each segment being completed at or about the same time?
3. Location: Is there a common geographic location involved?
4. Impacts: Do any of the activities being considered for segmentation share a common impact that may, if the activities are reviewed as one project, result in a potentially significant adverse impact, even if the impacts of single activities are not necessarily significant by themselves?
5. Ownership: Are the different segments under the same or common ownership or control?
6. Common Plan: Is a given segment a component of an identifiable overall plan? Will the initial phase direct the development of subsequent phases or will it preclude or limit the consideration of alternatives in subsequent phases?
7. Utility: Can any of the interrelated phases of various projects be considered functionally dependent on each other?
8. Inducement: Does the approval of one phase or segment commit the agency to approve other phases?

The Planning Board has evaluated the eight (8) factors listed above in connection with its environmental review of the Proposed Project and determined that its issuance of this SEQRA determination does not constitute segmentation for the following reasons:

1. The Parallel Sewer Project and Transit Road Sanitary Sewer Upgrade Project do not have the same common goal or purpose as the Proposed Project, which is to redevelop an outdated shopping mall on the Project Site into a mixed-use development, since the purpose of both of these sanitary sewer improvement projects is for the purpose of providing sanitary sewer capacity for a broad geographic area including properties in both the Town of Clarence and the Town of Amherst, and sanitary sewer mitigation for documented existing environmental conditions. It is important to mention that the need for sanitary sewer improvements in connection with both Parallel Sewer Project and Transit Road Sanitary Sewer Upgrade Project were identified prior to the Proposed Project first being proposed.
2. There is not a common reason for the Proposed Project and the Parallel Sewer Project as well as the Transit Road Sanitary Sewer Upgrade Project to be completed at or about the same time.
3. The geographic scope of both the Parallel Sewer Project and the Transit Road Sanitary Sewer Upgrade Project is much broader than the geographic scope of the Proposed Project, which is limited to the Project Site.
4. The Planning Board has identified and thoroughly evaluated the potential adverse environmental impacts of the Proposed Project and identified that off-site sanitary sewer improvements are needed to

accommodate the build-out of the Proposed Project. The environmental impacts to be evaluated in connection with the Parallel Sewer Project and Transit Road Sanitary Sewer Upgrade are different than the environmental impacts Proposed Project, which involves the redevelopment of an outdated shopping mall as a mixed-use development to be located on the Project Site.

5. The Project Sponsor does not have any ownership of the off-site land that will be impacted in connection with the Parallel Sewer Project and the Transit Road Sanitary Sewer Upgrade Project. These off-site improvements will impact land located in the Town of Amherst and the Town of Clarence (within ECSD No. 5) that is predominantly owned by the Town of Amherst or located within the right-of-way of Transit Road, which is a NYS Highway.
6. The environmental review of the Proposed Project involving the master plan for the redevelopment of an outdated shopping mall. In the event that the Parallel Sewer Project and the Transit Road Sanitary Sewer Upgrade Project do not occur, the Project Sponsor has the option of identifying and proposed alternative means of providing sanitary sewer to facilitate the redevelopment of the Project Site as a mixed-use development.
7. Both the Parallel Sewer Project and the Transit Road Sanitary Sewer Upgrade Project are the result of comprehensive planning efforts and are planned to occur regardless of the Proposed Project. The Parallel Sewer Project and the Transit Road Sanitary Sewer Upgrade Project have been planned for the betterment of the Town of Amherst, the Town of Clarence and ECSD No. 5. Such sanitary sewer improvements are planned to fulfill the goals and objectives contained in Clarence Sewer Plan 2030 dated April 26, 2018.
8. The granting of Conceptual Master Plan approval for the Proposed Project does not commit the governmental agencies to grant the required approvals and/or permits required for the Parallel Sewer Project and the Transit Road Sanitary Sewer Upgrade Project.

Prior to this determination being issued by the Planning Board, both the Parallel Sewer Project and the Transit Road Sanitary Sewer Upgrade Project projects have been evaluated and determined to be feasible and consistent with adopted comprehensive and master planning documents.

#### **4. Impact on Groundwater:**

There will be not be any adverse impacts ground water as a result of the Proposed Project. In a letter dated January 8, 2025 from Mark S. Carney of the Erie County Water Authority ("ECWA") stated that due to the size of the redevelopment, engineering reports providing for each phase will have to be approved by the Erie County Water Authority. The requirement is due to projected demand and the impact the development will have on surrounding water distribution systems. The Project Sponsor shall coordinate with the Erie County Water Authority during the Development Plan phases of the Proposed Project.

#### **5. Impact on Flooding:**

The Project Site is not located in either the regulated 100-year Floodplain nor a designated floodway. The Proposed Project will require modifications of existing drainage patterns. The existing drainage

improvements on the Project Site pre-date the current stringent stormwater quality and quantity standards that apply to projects that will disturb more than one (1) acre of land. Future Development Plan submittals shall include an Engineer's Report prepared by a licensed engineering firm as well as grading and drainage plans and details prepared by a licensed engineering firm for review and approval by the Town's Engineering Department prior to the Planning Board granting Development Plan Approval. In addition, the Proposed Project will include the implementation of NYSDEC compliant stormwater management practices per the applicable standards. Modifications to the existing drainage patterns on the Project Site does not represent a potentially significant adverse environmental impact due to the requirement for the installation of a stormwater management system that complies with the applicable stringent stormwater quantity and quality standards.

**6. Impacts on Air:**

The Proposed Project does not require a State permit for a regulated air emission source.

**7. Impact on Plants and Animals:**

The Project Site currently consist of a large outdated shopping mall and related improvements and predominantly consists of impervious surfaces, and as such does not provide suitable habitat for protected, threatened or endangered species. There is no documented presence of protected, threatened or endangered species on the Project Site as confirmed by a lead agency concurrence letter issued by the NYSDEC dated December 20, 2024. A Landscape Plan prepared by a Registered Landscape Architect will need to be reviewed and approved by the Town Landscape Review Committee for the purpose of introducing native and beneficial vegetation to the Project Site. The new landscaping to be provided in connection with the Proposed Project will result in positive environmental impacts as compared to existing conditions.

**8. Impact on Agricultural Resources:**

The Project Site does not contain agricultural resources and is not located in a County Agricultural District. As such, the Proposed Project will not result in any adverse impacts to agricultural resources.

**9. Impact on Aesthetic Resources:**

The Project Site is located on Transit Road, which is a NYS Highway. The Proposed Project is not in sharp contrast to the nearby land use patterns that include numerous commercial and intensive uses on Transit Road and residential uses on the east of the Project Site. The layout of the Project reflects a deliberate effort to locate residential uses on the eastern portion of the Project Site that are adjacent to existing residential uses. Furthermore, the Proposed Project is consistent with *Clarence 2030 – Town of Clarence Comprehensive Plan* ("Clarence 2030"). There are no federal, state, or local scenic or aesthetic resources within 5 miles of the Project Site, and as such, the Proposed Project will not eliminate or alter an officially designated scenic view.

**10. Impact on Historic and Archeological Resources:**

The Project Site is not located in nor contiguous to a historic district. The Project Site is located within an area designated as sensitive by the New York State Historic Preservation Office ("SHPO") archeological site inventory. However, there are no documented archeological or historical resources on the Project Site. The Project Site currently contains a large outdated shopping mall and related improvements including very large

parking areas that involved previous ground disturbance. In a letter dated June 8, 2021 issued by Daniel Mackay of the SHPO, it was stated that SHPO has reviewed the Proposed Project in accordance with the New York State Historic Preservation Act of 1980 and found 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. The Planning Board has determined that the Proposed Project will not result in adverse impacts to historic, archaeological, or cultural resources.

#### **11. Impact on Open Space and Recreation:**

The Project Site consists of privately owned property that currently contains a large outdated shopping mall and related improvements. The Proposed Project will not result in a loss of recreational opportunities or a reduction of protected open space. As part of the Proposed Project, the project layout will be required to contain a recreational component, as approved by the Town of Clarence. The recreational component will be reviewed during the Development Plan review of each phase of the Proposed Project. Conceptually, the Proposed Project proposes a recreational trail, a community green, a clubhouse with associated facilities, and multiple pedestrian paths.

#### **12. Impact on Critical Environmental Areas:**

The Project Site is not located within or adjacent to a designated Critical Environmental Area.

#### **14. Impact on Transportation:**

Passero Associates prepared Traffic impact Study ("TIS") dated December of 2022 to evaluate the potential traffic impacts associated with the Proposed Project. The study area for the TIS included the following existing intersections:

1. Transit Road/Signalized Sheridan Drive ramp
2. Signalized Sheridan Drive ramp/Sheridan Drive
3. Sheridan Drive/Unsignalized Sheridan Drive spur
4. Sheridan Drive/Eastern Hills Mall driveway
5. Sheridan Drive/Harris Hill Road
6. Main Street/Harris Hill Road
7. Main Street/Transit Road
8. Transit Road/Southerly Eastern Hills Mall driveway
9. Transit Road/Middle Eastern Hills Mall driveway
10. Transit Road/Northerly Eastern Hills Mall driveway

The detailed traffic analysis contained in the TIS was based on an evaluation of each of three planned phases of the Proposed Project as described previously above. As set forth in the TIS, access to the Project Site be provided via the existing Eastern Hills Mall driveways along Sheridan Drive, Transit Road, and through the existing shopping plaza south of the project site to Main Street.

A review of historical traffic volume data obtained by Passero Associates from the Greater Buffalo-Niagara Regional Transportation Council ("GBNRTC") and the New York State Department of Transportation

("NYSDOT") within the study area indicates that traffic has decreased or remained stable between 2006 and 2019. To account for normal increases in background traffic growth, including any unforeseen developments in the project study area aside from the project mentioned, a growth rate of 0.25% per year has been applied to the existing traffic volumes for Phase 1.

The results of the comprehensive traffic analysis conducted by Passero Associates determined that the projected traffic volumes and resulting impacts to study area intersections can be accommodated with the recommended improvements in place. The following sets forth the conclusions and recommendations of Passero Associates as described in Section XII of the TIS were as follows:

1. The proposed project under Phase 1 conditions is expected to generate approximately 342 entering/92 exiting vehicle trips during the weekday AM peak hour and 155 entering/365 exiting vehicle trips during the PM peak hour. Under Phase 2, the project is expected to generate approximately 173 entering/192 exiting vehicle trips during the weekday AM peak hour and 352 entering/357 exiting vehicle trips during the PM peak hour. Under Phase 3, the proposed project is expected to generate approximately 475 entering/269 exiting vehicle trips during the weekday AM peak hour and 302 entering/577 exiting vehicle trips during the PM peak hour. These trips consider internal capture adjustments.
2. A comparison to ITE estimates when considering the existing mall as being fully occupied ( $\pm 955,412$  sq.ft. shopping center) resulted in approximately 557 entering/341 exiting vehicle trips during the weekday AM peak hour and 1,747 entering/1,893 exiting vehicle trips during the PM peak hour.
3. It is noted that the trip generation estimates, especially under full build conditions, are highly variable. Conservative assumptions were made to evaluate future traffic impacts under Phase 2 and Phase 3 conditions. To accommodate the projected volumes and associated impacts, mitigation measures are proposed upon completion of Phase 1, Phase 2, and Phase 3 development conditions. These mitigation measures should be reevaluated as future development of the project site becomes clearly defined (notably under Phases 2 and 3) to determine when, or if, such mitigation measures are needed. Further traffic engineering studies are recommended to accurately evaluate traffic conditions at those points in time as part of a monitoring and the implementation of a mitigation plan.
4. Transportation Demand Management strategies should be considered and implemented, to the extent practicable, to reduce off-site vehicular trip generation.
5. The following table describes strategies to be undertaken at specific intersections as well as general improvements.

LOCATION	MITIGATION MEASURE AND IMPLEMENTATION TIMEFRAME
General	<b>Phase 1:</b> TDM strategies to reduce trip generation volumes <b>Phase 2:</b> Monitor <b>Phase 3:</b> Monitor
Sheridan Drive/ Eastern Hills Mall Driveway	<b>Phase 1:</b> Monitor <b>Phase 2:</b> Monitor <b>Phase 3:</b> Monitor for delay as it relates to potential signalization
Sheridan Drive/ Harris Hill Road	<b>Phase 1:</b> Signal timing adjustments under background conditions during AM peak hour <b>Phase 2:</b> Monitor <b>Phase 3:</b> Construct southbound right-turn only lane
Main Street/ Harris Hill Road	<b>Phase 1:</b> Signal timing adjustments under background conditions during both peak hours <b>Phase 2:</b> Monitor <b>Phase 3:</b> Monitor
Main Street/ Transit Road	<b>Phase 1:</b> Signal timing adjustments under background conditions during PM peak hour <b>Phase 2:</b> Monitor <b>Phase 3:</b> Construct eastbound and westbound right-turn lanes.
Transit Road/Eastern Hills Southerly Driveway	<b>Phase 1:</b> No improvements recommended <b>Phase 2:</b> Construct northbound right-turn lane <b>Phase 3:</b> Monitor
Transit Road/Eastern Hills Mall Middle Driveway	<b>Phase 1:</b> Signal timing adjustments during PM peak hour <b>Phase 2:</b> Construct northbound right-turn lane <b>Phase 3:</b> Monitor
Transit Road/Eastern Hills Northerly Driveway	<b>Phase 1:</b> Monitor <b>Phase 2:</b> Monitor <b>Phase 3:</b> Consider reconstructing intersection for full access and signalization

In an email dated April 30, 2025 from Alyssa Schoenfeldt of the New York State Department of Transportation (“NYSDOT”), it was stated that the NYSDOT has the following comments regarding the Proposed Project based on its review of the TIS:

The permit signal 53-370P at the entrance to the mall will be required to be updated, and the pedestrian features at this intersection be made ADA compliant. This signal will be required to have infrastructure be updated to allow for any driveway changes, traffic cameras be installed for updated detection, crosswalk paint markings on Transit Road and the development entrance, and new pedestrian heads and poles on the proposed crossing quadrants.

1. During the signal work in comment one, the 360-degree cameras shall be coordinated with the NYSDOT Traffic Systems Engineer.
2. An access road to the Benderson development on the north side of Sheridan Drive should be investigated. This is not a requirement for the project to advance. This condition may alleviate traffic demand on Transit Road, as this is a larger retail center in the area.



3. A signal warrant analysis will be required for the development access on Sheridan Drive. This analysis may change depending on if an access road is granted for comment 2.
4. Intersection sight distance calculations will be required for the access point on Sheridan Drive per Chapter 5, Appendix C of the Highway Design Manual.
5. The existing Synchro models are not correct based on the NYSDOT analysis. The development team will be required to work with the NYSDOT to update these models to reflect the current conditions. After the existing conditions are adjusted, the future condition models can be corrected for proper analysis.
6. The existing driveway conditions will be required to be maintained in the future development. Renderings in the design report appear to have the medians shown allowing left turn movements out of the development. The northern and southern entrances should have medians to allow right-outs only as are existing.
7. An agreement will be required to be reached for benchmark TIS updates for this project. The agreed upon benchmarks will be when a cumulative trip generation increases to 500 combined (in/out) trips in the peak hour. However, the NYSDOT reserves the right to request additional studies if concerns arise based on increased volumes creating queueing or safety concerns along linear sections or intersections on NYS routes.

On May 30, 2025, David Kruse of Passero Associates, submitted a letter to the Town and the NYSDOT that contained responses to the eight comments in the e-mail from Alyssa Schoenfeld of the NYSDOT dated April 30, 2025. This letter included the following response to Comment No. 8 above: "Pursuant to the discussion during the virtual meeting held with representatives of NYSDOT and the Town of Clarence on April 10th and Comment No. 8 above, the Project Sponsor is willing to enter into an agreement stating that the Traffic Impact Study prepared by SRF Associates (predecessor to Passero Associates) dated December 2022 will need to be updated during the built-out of the Project each time that the projected cumulative new vehicular trip generation exceeds 500 combined trips (in/out) during the peak hour. The updates to the Traffic Impact Study will provide the NYSDOT and the Planning Board, in its capacity as the lead agency pursuant to SEQRA, with the ability to continue to assess the traffic impacts of the Project based on actual conditions during the build-out of the Project. The Project Sponsor also acknowledges that NYSDOT reserves the right to request additional studies if concerns arise during the built-out of the Project based on increased volumes creating queueing or safety concerns along linear sections or intersections on NYS routes."

On June 6, 2025, Kevin Hebert, P.E., Regional Major Commercial Development Coordinator of the NYSDOT issued an e-mail based on NYSDOT's review of the correspondence of David Kruse of Passero Associates to Jonathan Bleuer dated May 30, 2025 stating "I have reviewed your response letter and the NYSDOT is in general agreement with the responses. As the plans continue to be developed please continue to send to the NYSDOT for review based on our standards and specifications. This review should be for all work within the NYSDOT ROW. Please note all access points along Sheridan Drive and Transit Road shall continue to be designed to allow for queueing of the 95th percentile queue of the development volume. Care should be taken to design this for full build out conditions and not for an early phase condition. Please let me know if you have any questions or concern as it pertains to this development."

In a letter dated January 17, 2025 from Timothy P. German of the Erie County Department of Environment and Planning (“ECDEP”), the ECDEP provided the following comments.

1. The Town and Developer should work with NFTA to integrate transit access into the site plan through the identification of transit stops. Roadways should be designed with sufficient turning radii and other considerations to facilitate bus movement throughout the site.

Throughout the Conceptual Master Plan review process, the Town and Applicant have considered the integration of mass and shared transportation opportunities on-site. Such considerations include the potential for a transportation hub for public transit. The Applicant has engaged in discussions with the Niagara Frontier Transportation Agency (“NFTA”), and will continue to invite collaborative efforts during the Development Plan process. NFTA Bus Routes 47 and 48 currently provide bus service to the Project Site and the Project will include on-site accommodations for residents and employees of businesses, etc. to be located on the Project Site.

Based on its review of the extensive documentation evaluating identified potential adverse traffic impacts including the Updated Traffic Impact Study prepared by Passero Associates dated December of 2022 and the input received from NYSDOT, the Planning Board has determined the Proposed Project will not result in any adverse potential traffic impacts. Due to the anticipated length of the build-out of the Proposed Project, the Project Sponsor shall be required to submit updates to the Traffic Impact Study dated December of 2022 during the built-out of the Proposed Project each time that the projected cumulative new vehicular trip generation exceeds 500 combined trips (in/out) during the peak hour. The updates to the Traffic Impact Study will provide the NYSDOT and the Planning Board with the ability to continue to assess the traffic impacts of the Project based on actual conditions during the build-out of the Proposed Project. Additionally, the Planning Board acknowledges that NYSDOT reserves the right to request additional studies if concerns arise during the built-out of the Project based on increased volumes creating queueing or safety concerns along linear sections or intersections on NYS routes. Based on the input received from the NYSDOT during the coordinated environmental review of the Proposed Project, the Planning Board has determined that the Proposed Project will require the Project Sponsor to implement certain pedestrian and traffic related improvements during the appropriate stages of the build-out of the Project Site as identified in the “Conclusions and Recommendations” section of the Traffic Impact Study prepared by Passero Associates dated December of 2022 and the email dated April 30, 2025 issued by Alyssa Schoenfeldt of the New York State Department of Transportation (“NYSDOT”). All improvements within a NYS Right-of-Way shall require the Project Sponsor to obtain a Highway Work Permit from NYSDOT.

#### **14. Impact on Energy:**

The Proposed Project will cause an increase in the use of energy. The Proposed Project shall be designed to meet energy compliance standards through the installation of energy efficient facilities and features, having minimal impact on the environment. As part of the Development Plan review process for each phase, the Project Sponsor shall coordinate with the appropriate utilities to obtain all appropriate permits as required.

#### **15. Impact on Noise, Odor, and Light:**

The potential impact from noise, odors, and lighting will be addressed through the installation of dark-sky compliant shielded lighting to avoid off-site light pollution; the installation of new landscaping to reduce

noise impacts; and the installation of enclosed dumpsters / tote garbage facilities to reduce odors. In addition, the general impact to noise, odor and light will be consistent with existing surrounding commercial and residential land uses. There will be a temporary and unavoidable impacts to noise, odor and lighting during construction activities in furtherance of the Proposed Project but the Planning Board has determined this is not a potentially significant adverse environmental impact.

#### **16. Impact on Human Health:**

The Project Site does not include a known source of regulated hazardous materials detrimental to human health. If regulated hazardous materials exceeding the applicable NYSDEC thresholds are unexpectedly encountered during the construction of the Proposed Project, clean-up activities compliant with Federal, State and Local standards will be required to completed prior to construction on the relevant portions of the Project Site.

#### **17. Consistency with Community Plans:**

*Clarence 2030 – Town of Clarence Comprehensive Plan* (“Clarence 2030”) is the Town’s adopted Comprehensive Plan. Clarence 2030 encourages redevelopment of former “Big-Box” multi-tenant commercial sites into well-designed, mixed-use lifestyle centers. Clarence 2030 was adopted by the Town Board on December 14, 2016 and the review process began in December 2014, which included numerous opportunities for public input and participation. Map 8 of Clarence 2030 (“Future Land Use Map”) designates the Project Site as appropriate for Business Center. These Business Center areas are generally characterized by the following: 1. a wider range of commercial activity within the community; and 2. large-scale buildings and parking areas. As part of the Town’s Comprehensive Plan, the Town has placed an increasing emphasis on providing pedestrian connectivity throughout these areas as well as building and site design requirements in order to achieve a higher standard of development.

Clarence 2030 also encourages Lifestyle Center Development for former “Big-Box” multi-tenant commercial sites. The Lifestyle Center Development is indented to be used as a floating district within the Town to be used for the appropriate Big-Box areas. Lifestyle centers are characterized by large-scale developments that offer a mix of residential, retail, restaurant, office, and entertainment uses in a dense, walkable environment with high architectural and site design standards. According to Clarence 2030, Lifestyle Centers should strive to achieve the following objectives:

- Foster a high-level of walkability throughout the development.
- Promote mixed uses in traditional, multi-story structures and developments (e.g. commercial below, residential above).
- Employ high-quality design, materials and building techniques that create a distinctive “sense of place” at a pedestrian scale.
- Offer unique destinations and services that include local retailers and specialty businesses and restaurants.

- Provide non-automobile transportation network for pedestrians, bicyclists, and transit riders.
- Celebrate natural features and promote the use of public space through landscape, hardscape, and streetscape design.
- Incorporate green energy technology and design features.

As a result of Clarence 2030, the Town of Clarence rezoned the Project Site from Major Arterial, Commercial, and Restricted Business to Lifestyle Center District ("LC District") in August of 2018 after a review under the State Environmental Quality Review Act. Pursuant to Section 229-108.1 of the Town of Clarence Zoning Code, LC District is established to permit and to promote upscale and community scale, open air streetscape/main street style mixed commercial/residential centers. The LC District is comprised of businesses serving the specialty and leisure time shopping needs of the community at large with integrated residential uses to promote a mixed-use environment, public convenience and accessibility. Standards to ensure high quality shall be applied to allow flexibility while requiring integrated design within the overall site; limited access to public roadways, and integrated vehicular and pedestrian facilities within the site and adjacent properties. Development of property in the LC District is not intended to be accomplished in a fragmented, lot-by-lot manner or to consist of a single category or type of land use.

The Proposed Project will create a pedestrian friendly environment with connectivity between the project components. The Proposed Project is consistent with the recommended land use, design guidelines and site layout guidance for the relevant portion of the Town along Transit Road.

In a letter dated January 17, 2025 from Timothy P. German of the Erie County Department of Environment and Planning ("ECDEP"), the ECDEP provided the following comments:

- According to the *Erie-Niagara Framework for Regional Growth (2006)*, the proposed project is located within a Developed Area. Projects here should, "Spark reinvestment, attract new households and businesses, and improve the livability and economic vitality of the region's existing communities... support the conservation and stabilization of existing neighborhoods; new compact, pedestrian-oriented, mixed-use development on vacant and underutilized sites; and higher density, employment intensive, mixed-use development in Regional Centers and Growth Corridors".
- The *Town of Clarence Comprehensive Plan (2016)* recommends, "Investigate and support the provision of quality, affordable, renter and owner-occupied housing options within the Town for young professionals, young families, recent graduates, seniors, the local workforce, and others". The Town should work with the applicant to ensure that dwellings are priced affordably for a variety of lifestyles and incomes.

In response to Question 17e of Part 2 of the Full EAF, the Project Site is located in a developed area and will not be distant from existing infrastructure; however, the Proposed Project will result in modifications to existing public infrastructure, including but not limited to roadways, sanitary sewer systems, water services, and energy systems. The Planning Board has determined this is not a potentially significant adverse environmental impact. The potential impacts to the aforementioned public infrastructure are elaborated upon in this Part 3b of the Full Environmental Assessment Form.

The State of New York has identified a lack of housing for New York State residents poses as a potentially negative impact to the State. In an effort to address the lack of housing opportunities, New York State developed a Pro-Housing Community Model to assist city, town, and village governments in developing smart growth strategies for pro-housing initiatives. The Proposed Project is consistent with the intent of the New York State Pro-Housing model by providing a diverse range of housing options, including, but not limited to, multiple-family dwellings both for lease and for sale, accessible housing and potential workforce housing.

#### **18. Consistency with Community Character:**

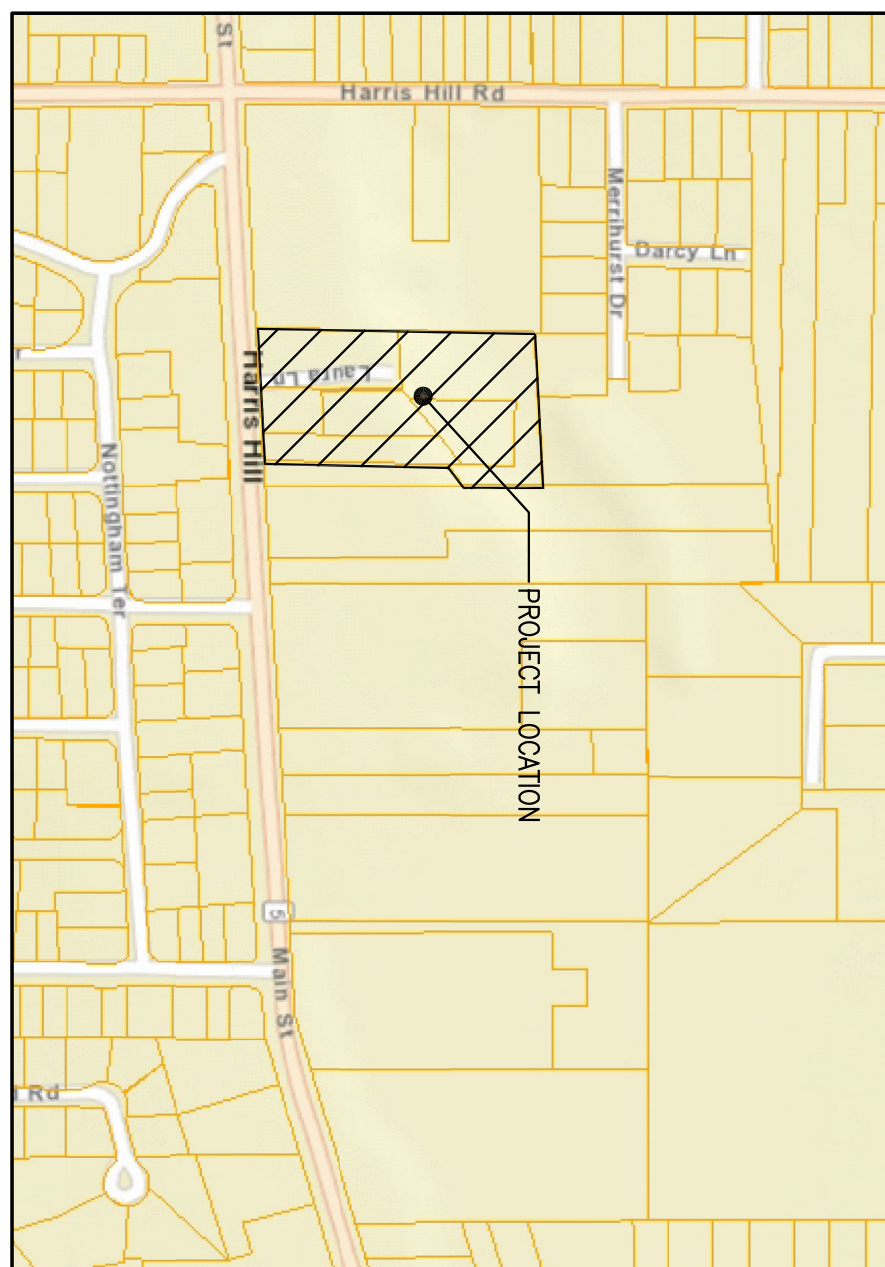
Transit Road is a State Highway made up of numerous existing land uses on both sides, including commercial and mixed-use projects. The Proposed Project will not be in sharp contrast to existing community character. The Proposed Project will improve the community character of the Project Site per the Town's allowable uses in the LC District zone and vision per the Town's adopted Comprehensive Plan.

The Proposed Project is subject to the guidelines and restrictions set forth by the Town Zoning Code for LC District. The Proposed Project meets the stringent standards for the LC District zoning classification, which includes minimum setbacks from property lines, maximum height standards, lot coverage, and the site and architectural design standards. As part of the conceptual review of the Proposed Project, overall design guidelines for the Proposed Project were prepared to ensure consistency and unified design for each phase of the Proposed Project. The layout of the Proposed Project fulfills a transitional land-use pattern, whereby the higher intensity commercial component is oriented along Transit Road while the residential uses are orientated to the east of the Project Site, which is adjacent to the existing residential neighborhoods. This transitional land use pattern achieves compatibility between existing nearby land uses and proposed land uses.

In a letter dated June 8, 2021 from Daniel Mackay of the New York State Office of Parks, Recreation and Historic Preservation ("SHPO") stated that no historic properties, including archeological and/or historic resources, will be impacted by the Proposed Project. While the existing architectural scale and character of the area varies, the Planning Board has determined that the Proposed Project does represent a moderate to large impact to community character due to the Proposed Project being consistent with the underlying zoning classifications and community's design guidelines.

As part of the coordinated review of the Proposed Project pursuant to SEQRA, the Harris Hill Volunteer Fire Company, the Clarence Central School District, and the Town of Amherst were included as involved and/or interested agencies. A copy of the Amended Conceptual Plan Application dated October 28, 2024 with Exhibits 1 to 15 was provided to the involved and interested agencies as part of the coordinated environmental review of the Proposed Project pursuant to SEQRA. All involved and interested agencies were provided an opportunity to comment on the Proposed Project. After thorough review with involved and interest agencies, it has been determined that the Proposed Project will not have significant adverse impacts to the existing community services. During the Development Plan Application review process of each phase of the Proposed Project, there may be community service related improvements that will be identified that are required to be undertaken by the Project Sponsor for emergency and safety services.



SITE LOCATION MAP  
NTS

### BUILDING DATA TABLE

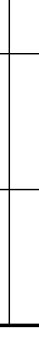
	EXISTING BUILDING #1 – RESIDENTIAL BUILDING	6,800 SF
	TOTAL BUILDING FLOOR AREA =	6,100 SF
	EXISTING BUILDING #2 – MIXED USE BUILDING:	
	2 RESIDENTIAL DWELLING UNITS =	1,190 SF
	2 RESIDENTIAL DWELLING UNITS =	1,190 SF
	TOTAL BUILDING FLOOR AREA =	13,760 SF
	PROPOSED BUILDING #3 – 3 STORY MIXED USE BUILDINGS	
	COMMERCIAL SPACE =	1,022 SF
	TOTAL BUILDING FLOOR AREA =	26,267 SF
	PROPOSED BUILDING #4 – 3 STORY MIXED USE BUILDINGS	
	COMMERCIAL SPACE =	1,785 SF
	TOTAL BUILDING FLOOR AREA =	24,768 SF
	PROPOSED BUILDING #5 – S STOREY TOWNHOUSE:	
	1 DWELLING UNIT =	12,679 SF
	TOTAL SITE SQUARE FOOTAGE =	83,574 SF
	RESIDENTIAL SPACE =	62,963 SF
	COMMERCIAL SPACE =	20,611 SF
	(25% DENSITY)	

## SITE DATA TABLE

2. ZONING =	RS - 1	2. ZONING =	RS - 1
3. AREA OF COMBINED PARCELS =	7.2 ACRES	3. AREA OF COMBINED PARCELS =	7.2 ACRES
4. MINIMUM LOT WIDTH REQUIRED =	150.00' (W/O SEWERS)	4. MINIMUM LOT WIDTH REQUIRED =	150.00' (W/O SEWERS)
5. LOT WIDTH PROVIDED =	376.50'	5. LOT WIDTH PROVIDED =	376.50'
6. LOT DEPTH REQUIRED =	815.37' COMBINED PARCELS	6. LOT DEPTH REQUIRED =	815.37' COMBINED PARCELS
7. MAXIMUM DENSITY ALLOWED =	8.0/DU/ACRE	7. MAXIMUM DENSITY ALLOWED =	8.0/DU/ACRE
8. NUMBER OF UNITS PROVIDED =	49 UNITS	8. NUMBER OF UNITS PROVIDED =	49 UNITS
9. SETBACKS =		9. SETBACKS =	
10. FRONT ALLOWED =	10'	10. FRONT ALLOWED =	10'
11. SIDE ALLOWED =	10'	11. SIDE ALLOWED =	10'
12. REAR PROVIDED =	10'	12. REAR PROVIDED =	10'
13. SIDE PROVIDED =	25'	13. SIDE PROVIDED =	25'
14. REAR PROVIDED =	169.6'	14. REAR PROVIDED =	169.6' (EXISTING)
15. TOTAL PARKING =		15. TOTAL PARKING =	
16. PARKING SPACE FOR COMMERCIAL =	16.61 SF (TOTAL)	16. PARKING SPACE FOR COMMERCIAL =	16.61 SF (TOTAL)
17. PARKING SPACE FOR RESIDENTIAL =	1,000 SF IN MD	17. PARKING SPACE FOR RESIDENTIAL =	1,000 SF IN MD
18. RESTAURANT SPACE AMT =	4,000 SF	18. RESTAURANT SPACE AMT =	4,000 SF
19. PARKING SPACE AMT =	4,000 SF	19. PARKING SPACE AMT =	4,000 SF
20. PARKING REQD FOR RESTAURANT =	1 SPACE / EXTER 3 SEATS	20. PARKING REQD FOR RESTAURANT =	1 SPACE / EXTER 3 SEATS
21. RESIDENTIAL DWELLINGS =	49 UNITS	21. RESIDENTIAL DWELLINGS =	49 UNITS
22. PARKING REQD FOR DU =	2 SPACES / DU	22. PARKING REQD FOR DU =	2 SPACES / DU
23. PARKING FOR RESIDENTIAL =	98 SPACES	23. PARKING FOR RESIDENTIAL =	98 SPACES
24. PARKING FOR COMMERCIAL =	17 SPACES	24. PARKING FOR COMMERCIAL =	17 SPACES
25. TOTAL PARKING =	115 SPACES	25. TOTAL PARKING =	115 SPACES
26. TOTAL SPACES PROVIDED =	205 SPACES	26. TOTAL SPACES PROVIDED =	205 SPACES
27. LOT COVERAGE ALLOWED =	60.0%	27. LOT COVERAGE ALLOWED =	60.0%
28. LOT COVERAGE PROPOSED =	55.87%	28. LOT COVERAGE PROPOSED =	55.87%
29. INTERIOR GREENSPACE REQUIRED =	8.0%	29. INTERIOR GREENSPACE REQUIRED =	8.0%
30. INTERIOR GREENSPACE PROVIDED =	11.1%	30. INTERIOR GREENSPACE PROVIDED =	11.1%

## NOTES:

1) THESE PLANS HAVE BEEN DEVELOPED FROM THE BOUNDARY SURVEYS PREPARED BY KHEOPS DATED FEBRUARY 7, 2018 AND GP DATED SEPTEMBER 21, 2018. THIS IS NOT A PROPERTY SURVEY.

DESIGNED BY:	JCM	 <b>MEZGER</b> <b>CIVIL</b> <b>ENGINEERING, PLLC</b>
DRAWN BY:	JCM	
CHECKED BY:	JCM	
DATE:	11.27.24	
PROJECT #:	8245 SHERIDAN DRIVE WILLIAMSVILLE, MO 14221 PH: 716-633-2801 FAX: 716-633-2704	
NOTES:	1. CHECKED & APPROVED FOR ADDITION TO THIS DRAWING IS A BUILDING FOOTPRINT / ST. REVISIONS 2. SEE SITE EDUCATION PLAN	
BUILDING #2 ADJUSTMENTS	09.10.24	JCM
PAVING LOT PAVED OUT OF POSE	03.18.24	JCM
BUILDING FOOTPRINT / ST. REVISIONS	02.29.24	JCM/JAM
DATE		BY/CHECK
CIVIL ENGINEERING		
LAND PLANNING		
SITE DESIGN		
MUNICIPAL ENGINEERING		

**METZGER**  
**CIVIL**  
**ENGINEERING, PLLC**

**MCE** METZGER  
CIVIL  
ENGINEERING, PLLC

**MIXED USE DEVELOPMENT**  
**8560 – 8574 MAIN STREET**  
**TOWN OF CLARENCE, ERIE COUNTY,**

NEW YORK

## CONCEPT PLAN

CP-3



# METZGER CIVIL ENGINEERING, PLLC

December 13, 2024

Jonathan Bleuer - Director of Community Development  
Town of Clarence Planning Department  
One Town Place  
Clarence, NY 14031

Re: Coordinated SEQR Review Response  
Mixed-Use Development  
8560-8568 Main Street

Dear Jonathan:

The applicant is pleased to submit a comprehensive letter to address all comments that have currently been submitted to the Town, as lead agency, that relate to the SEQR process. Please note only comments received through 11.27.24 are included in the response letter. All comments that have been generated during the SEQR process have been either replicated or summarized below with our responses in **bold** for ease of review.

In addition to the SEQR response comments, we have revised and included herewith 5 copies the Concept Plan dated 11.27.24 based on comments received from the Planning Board Executive Committee (PBX) on September 16, 2024. These revisions include the following:

- The drive-thru has been removed from the plan.
- Additional interior greenspace was added by enlarging the previously existing spaces.
- Parking calculations in the site data table have been better defined by potential uses.
- Lot coverage and interior greenspace calculations are included in the site data table.

Also, proof for parking on neighboring property (Nativity) via recorded easement is attached herewith.

## NYSDEC SEQR Response Letter dated 11.05.24

Comment 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-0-20-001). 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 information on how to electronically submit the eNOI form, is available on NYSDEC's website at [www.dec.ny.gov/chemical/43133.html](http://www.dec.ny.gov/chemical/43133.html). Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the NYSDEC's website at [www.dec.ny.gov/chemical/8468.html](http://www.dec.ny.gov/chemical/8468.html).

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

**Response: Understood. This is a common practice. All civil design drawings will be in compliance with the NYSDEC regulations, including the SWPPP, which will need to be reviewed and approved by the Town Engineer.**

Comment 2: In accordance with the New York State Environmental Conservation Law, a State Pollutant Discharge Elimination System (SPDES) Permit is required for a facility whose treated sanitary wastewater discharge to groundwater is greater than 1,000 gallons per day, and for all sanitary wastewater discharges to surface water. Depending upon the volume of the proposed discharge, permits and/or plan approvals may be required from NYSDEC and the Erie County Health Department (address: 503 Kensington Avenue, Buffalo, New York 14214, telephone: 716.961.6800). The SPDES application and additional information is available on our website at: <https://dec.ny.gov/regulatory/permits-licenses/general-permits/spdes-private-commercial-institutional>.

**Response: The applicant is aware a SPDES permit will be required for sanitary sewerage discharge. The applicant will work with the necessary authorities having jurisdiction (i.e. Erie County Health Department and/or NYSDEC) to obtain the required permits prior to development plan approval.**

## NYSDOT SEQR Response Email dated 11.04.24

Comment 1: NYSDOT concurs with the Town of Clarence for it to act as the Lead Agency.

**Response: Understood.**

Comment 2: NYSDOT only permits 1 driveway on State Highways – NYSDOT recommends the removal of the western drive and keeping the main Laura Lane access.

**Response: The project is comprised of several parcels of property. 8560 & 8568 Main will each have only one driveway. Further, the existing property has multiple points of egress / ingress to the site, which is fully paved over the length of the property frontage creating multiple points of conflict. The proposed development will remove these multiple points of conflict and provide only 2 points of egress / ingress and the removed pavement will be replaced with grassed landscaping. Lastly, the proposed 2 points of egress / ingress will provide better fire fighting and other emergency response capabilities to the proposed 49 residential living units and more than 20,000 square feet of commercial space.**

Comment 3: A NYSDOT Highway Work Permit will be required for work located within the State Highway Right-of-Way. More review will be performed as part of the Highway Work Permit application and an 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.

- A separate permit will be required for any sanitary sewer work performed during construction
- Additional information on permits can be found at:



<http://www.dot.ny.gov/division/operating/oom/transportation-systems/traffic-operations-section/highway-permits>.

- Applicant should direct the Highway Work Permit application and/or questions to:

Kathryn Poodry  
Assistant Resident Engineer  
New York State Department of Transportation Region 5  
Broadway & Indian Road – Depew, New York 14043  
Phone: 716.683.3476  
Email: [Kathryn.poodry@dot.ny.gov](mailto:Kathryn.poodry@dot.ny.gov)

**Response: Understood.**

## Erie County Department of Environment & Planning Letter dated 11.06.24

Comment 1: According to the *Erie-Niagara Framework for Regional Growth* (2006), the project site is located in a Developed Area. For the developed area, the Framework encourages new compact, pedestrian-oriented, mixed-use development (Page 47). In order to provide the safest and most comfortable pedestrian environment, the proposed three-story mixed-use building should be oriented parallel to the street with parking located to the rear.

**Response: The proposed development is exactly what is recommended in the 2006 *Erie-Niagara Framework for Regional Growth* publication and as called for in the ECDEP letter. This development is a mixed-use development with a compact density in the front of the parcel at the roadway.**

Comment 2: The *Town of Clarence Comprehensive Plan* (2016) identifies the project area as “Hamlet Neighborhood” in its future land use map, near the Hamlet of Harris Hill (Page 47).

- The applicant should ensure that pedestrian facilities are clearly defined and separated from the roadway and parking areas with landscaped medians. Signage and high-visibility marking should be provided at all driveway crossings.
- The proposed drive-thru lane may result in conflicts between motorists and pedestrians. This area should receive special consideration, including measure to limit vehicle speeds and maximize sight distances for exiting vehicles.
- Excessive off-street parking generally conflicts with the intent of hamlet areas, which are characterized by compact development and a traditional village-like character. The Town and applicant should work to reduce the proposed number of parking spaces, which presently is far in excess of that required.

**Response: All pedestrian walkways will be clearly defined as concrete sidewalks with green space between the buildings and walkways. Hatched markings at all pedestrian crossings are also identified on the plan. The sidewalk along Main Street was recently rehabilitated and the new development proposes to return sections of existing pavement to landscaped areas on both sides of the public sidewalk along Main Street.**

**Further, the proposed drive-thru will be removed, which will alleviate the concerns with motorist and pedestrian conflicts.**

**It should be noted there is over 20,000 square feet of potential commercial space of unknown usage. The applicants would like to see small restaurants in the commercial space, which generate higher parking usage than typical business and / or office usage. For this reason, the applicant is proposing ample parking. It should also be understood that approximately 40% of the proposed parking spaces are currently existing parking.**

### ECWA SEQR Response Letter dated 10.11.24

Comment 1: The Engineering and Legal Department of the Erie County Water Authority has reviewed the solicitation for lead agency status with respect to the above project and has no objection to the Town of Clarence acting as the Lead Agent.

**Response: Understood.**

Comment 2: Please be advised that any new water service must be revised and approved by the Erie County Water Authority prior to service.

**Response: Understood.**

### SHPO SEQR Response Letter dated 10.25.24

Comment 1: The buildings retail buildings at 8560 Main St, 8568 Main St, and the residential building at 8564 Main St are not eligible for listing in the State and National Registers and we'd have no concerns with their removal.

**Response: Understood.**

Comment 2: New construction must be compatible with the adjacent, historic Nativity of the Blessed Virgin Mary Complex in design, materials, height, scale and massing. From our review of the renderings, elevations and site plans provided and when compared with the surrounding commercial development and existing buildings near the proposed project area; it appears as though the proposed new construction would be minimally compatible with the adjacent, historic complex. At three stories, it appears some of the new construction might be taller than existing one to two-story buildings surrounding the height of the roof or number of floors on the proposed three-story building could be reduced. Reductions in overall height may further minimize any visual impacts that new construction might have on the adjacent complex. At this location new construction should not exceed three stories.

**Response: The proposed buildings will not exceed three stories in height. Further, the architecture has been revised previously to match the character of the neighborhood through the use of brick, siding and stone as well as roofline changes to attenuate the visual height utilizing pitched roofs. It should be noted the three story mixed use buildings will not exceed the height of the adjacent Nativity of the Blessed Virgin Mary steeple, and will resemble the heights of the large structures located across the street at 8545 & 8555 Main Street.**

Comment 3: We recommend a demolition and construction monitoring and protection plan be developed and implemented to protect the Nativity of the Blessed Virgin Mary School ( a contributing building to the complex) from potential damage during demolition and construction activities.

**Response: The Nativity of the Blessed Virgin Mary School is located over 80 feet away from the building to be demolished with a buffer of trees and large landscape boulders. Further, there is no ground disturbance planned on the adjacent property not owned by the applicant. Please note all**

**typical construction practices will be implemented to prevent unintended damage to neighboring properties and structures.**

Comment 4: Our Archaeology unit has no archaeological concerns.

**Response: Understood.**

### Local Resident Email dated 10.2.24

Comment: We just returned from the planning board meeting where this Visone Co. project was discussed. We are happy about this project and looking forward to the improvements that come with it. It looks nice, improves the traffic flow in and out of that plaza area and reuses some existing structures. The height is a bit of a concern, but overall this is a welcome improvement. Everyone has something to complain about these days so we wanted to give some positive feedback.

**Response: Agreed.**

We ask that you please distribute and review these materials at your earliest convenience. Should you have any questions please don't hesitate to contact the undersigned at 716-633-2601 or via email at [meteng@roadrunner.com](mailto:meteng@roadrunner.com).

Yours truly,

A handwritten signature in blue ink, appearing to read 'J Metzger', with a stylized flourish at the end.

Jacob Metzger, P.E.

CC. Tom Celik [via email]  
Brianne Frawley [via email]  
Lou Visone [via email]

11-2-82

Agreement  
Visone Bros., Inc.  
Nativity of the Blessed Virgin Mary  
Roman Catholic Church  
Society of Harris Hill, New York

67

STATE OF NEW YORK - ERIE COUNTY CLERK'S OFFICE  
Recorded to U.M. 9167 pgs 434  
15 days of Charles A. D. 12-2-82 11:29 AM  
and notation  
Harris Hill, New York  
COUNTY CLERK

7-22-82

25

ACKNOWLEDGMENT AND AGREEMENT

WHEREAS, the Undersigned, Visone Brothers, Inc., Lucian Visone and John Visone own real property situate in the Town of Clarence, County of Erie and State of New York, commonly known as 8560 Main Street, and said real property lies easterly and adjacent to real property owned by Nativity of the Blessed Virgin Mary Roman Catholic Church Society of Harris Hill, New York, and

WHEREAS, according to a survey map prepared by Krehbiel Associates dated April 1, 1982, drawing No. C-942 attached hereto, blacktop parking servicing the premises of the Undersigned at 8560 Main Street, Clarence, New York encroaches approximately 19.2 feet upon the premises of the Nativity of the Blessed Virgin Mary Roman Catholic Church Society of Harris Hill, New York, and

NOW THEREFORE, the Undersigned hereby acknowledge that the use of the blacktop parking area located upon the premises of the Nativity of the Blessed Virgin Mary Roman Catholic Church Society of Harris Hill, New York is being used by the Undersigned with the consent and permission of the Nativity of the Blessed Virgin Mary Roman Catholic Church Society of Harris Hill, New York, and

THE Undersigned further acknowledges and understands that they acquire no title to any part of the premises of the Nativity of the Blessed Virgin Mary Roman Catholic Church Society of Harris Hill, New York presently paved as a blacktop parking area as shown on said survey attached and lying westerly of the easterly boundary of the Nativity of the Blessed Virgin

CLERK'S OFFICE  
ERIE COUNTY  
FILED

LINEA 9167 pgs 434

60-11-11 51 130 789

25

Mary Roman Catholic Church Society of Harris Hill property as shown  
by said survey and,

THE Undersigned further acknowledge, understand and agree  
that the continued use of any part of the blacktop parking area  
located within the easterly boundary of the <sup>Nativity of the</sup> Blessed Virgin Mary Roman  
Catholic Church Society of Harris Hill, New York property as shown on  
said survey may be terminated at any time and without cause by the Nativity  
of the Blessed Virgin Mary Roman Catholic Church Society of Harris Hill,  
New York.

VISIONE BROTHERS, INC.

By: Lucian D. Visono  
President

Lucian D. Visono  
Lucian Visono

John Visono  
John Visono

STATE OF NEW YORK )  
COUNTY OF ERIE ) SS:  
CITY OF BUFFALO )

On this 18<sup>th</sup> day of August, 1982, before me the  
subscriber, personally appeared LUCIAN VISIONE, to me personally known  
to be the same person described in and who executed the foregoing  
Acknowledgment and Agreement, and he severally acknowledged to me that  
he executed the same.

JOHN M. AUGUSTINE

JOHN M. AUGUSTINE  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
My Commission Expires March 30, 1983

LIBER 9167 PAGE 435

25



517  
(4.1-82)

500.48

664.18

1/4 SECTION LINE OF MAP TO VER. 2195

BACK  
FRONT  
HOUSE

400  
9.38 9.85

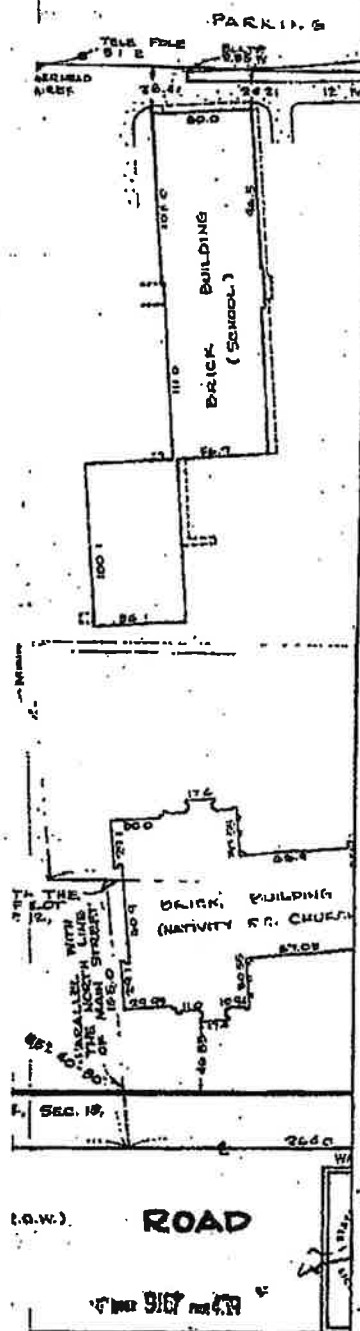
257.53

HARRIS

PL. 111 9167 111.33























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# TOWNHOMES & APARTMENT BUILDINGS

8560-8568 MAIN STREET  
CLARENCE, NY

ISSUE:

SA PROJECT TEAM: PRINCIPAL P. Silvestri  
PROJ. ARCH. \_\_\_\_\_ DRAFTER \_\_\_\_\_  
JOB CAPT. \_\_\_\_\_ INTERIORS \_\_\_\_\_

SEAL:

TITLE:

## PROPOSED BUILDING 3 FLOOR PLANS



**SILVESTRI**  
ARCHITECTS • PC

1321 MILLERSPORT HWY PH. 716.691.0900  
AMHERST, NY 14221 FAX 716.691.4773

SA JOB #: **23084.01** DATE: **05-30-24**

DRAWING #: **A-201**



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**TOWNHOMES  
& APARTMENT  
BUILDINGS**

8560-8568 MAIN STREET  
CLARENCE, NY


ISSUE:

SA PROJECT TEAM: PRINCIPAL P. Silvestri  
PROJ. ARCH. \_\_\_\_\_ DRAFTER \_\_\_\_\_  
JOB CAPT. \_\_\_\_\_ INTERIORS \_\_\_\_\_

SEAL:

TITLE:

**PROPOSED  
BUILDING 4  
FLOOR PLANS**



**SILVESTRI  
ARCHITECTS • PC**

1321 MILLERSPORT HWY PH. 716.691.0900  
AMHERST, NY 14221 FAX 716.691.4773

SA JOB #: **23084.01** DATE: **05-30-24**

DRAWING #: **A-202**



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**TOWNHOMES & APARTMENT BUILDINGS**

8560-8568 MAIN STREET  
CLARENCE, NY

ISSUE:

SA PROJECT TEAM: PRINCIPAL P. Silvestri  
PROJ. ARCH. \_\_\_\_\_ DRAFTER \_\_\_\_\_  
JOB CAPT. \_\_\_\_\_ INTERIORS \_\_\_\_\_

SEAL:

TITLE:

**PROPOSED BUILDING 3 FLOOR PLANS**

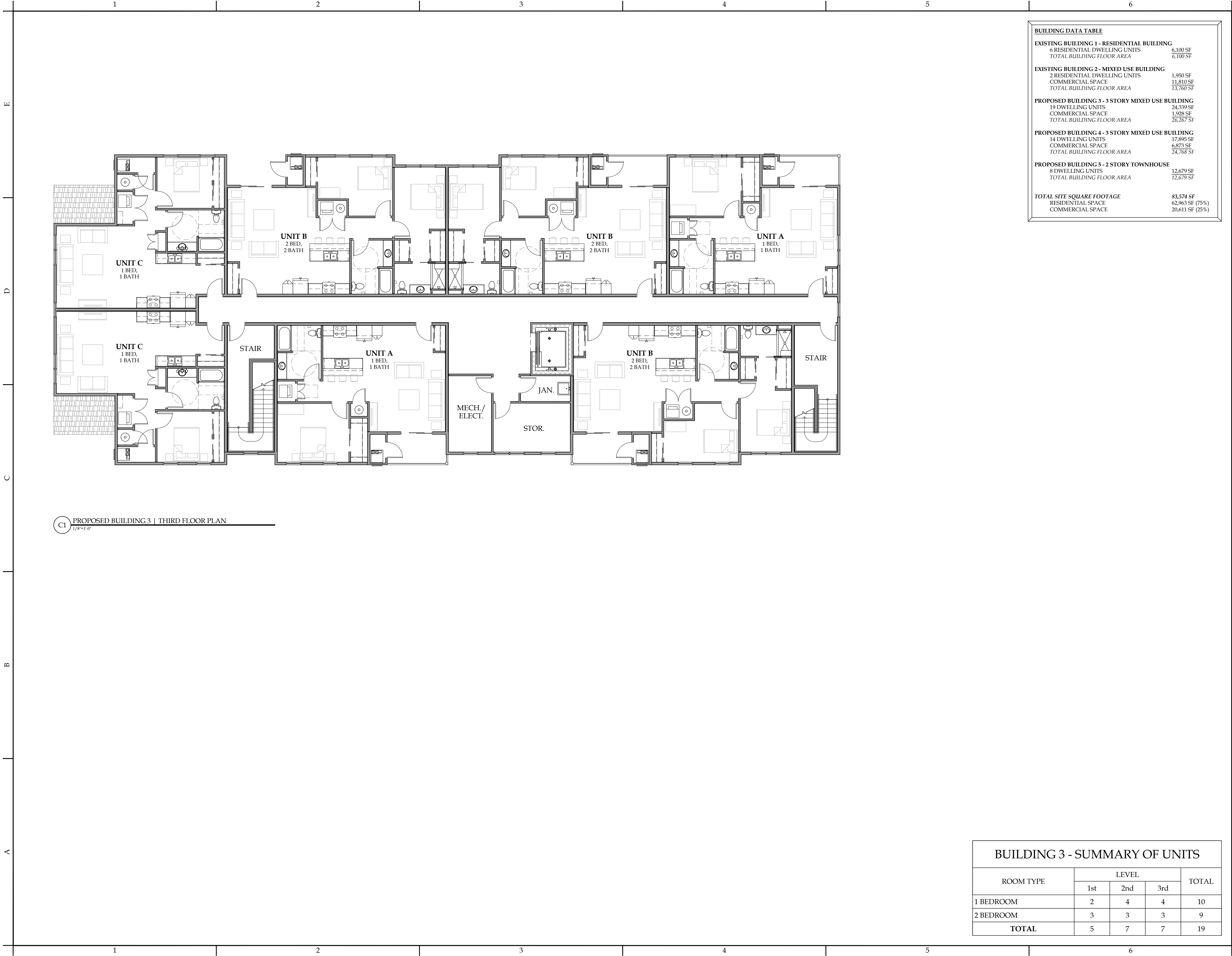
**SILVESTRI ARCHITECTS • PC**

1321 MILLERSPORT HWY PH. 716.691.0900  
AMHERST, NY 14221 FAX 716.691.4773

SA JOB #:	DATE:
<b>23084.01</b>	<b>05-13-24</b>

DRAWING #:

**A-101**



BUILDING DATA TABLE	
<b>EXISTING BUILDING 1 - RESIDENTIAL BUILDING</b>	
6 RESIDENTIAL DWELLING UNITS	6,100 SF
TOTAL BUILDING FLOOR AREA	6,100 SF
<b>EXISTING BUILDING 2 - MIXED USE BUILDING</b>	
2 RESIDENTIAL DWELLING UNITS	1,950 SF
COMMERCIAL SPACE	11,810 SF
TOTAL BUILDING FLOOR AREA	13,760 SF
<b>PROPOSED BUILDING 3 - 3 STORY MIXED USE BUILDING</b>	
19 DWELLING UNITS	24,339 SF
COMMERCIAL SPACE	1,928 SF
TOTAL BUILDING FLOOR AREA	26,267 SF
<b>PROPOSED BUILDING 4 - 3 STORY MIXED USE BUILDING</b>	
14 DWELLING UNITS	17,895 SF
COMMERCIAL SPACE	6,873 SF
TOTAL BUILDING FLOOR AREA	24,768 SF
<b>PROPOSED BUILDING 5 - 2 STORY TOWNHOUSE</b>	
8 DWELLING UNITS	12,679 SF
TOTAL BUILDING FLOOR AREA	12,679 SF
<b>TOTAL SITE SQUARE FOOTAGE</b>	
RESIDENTIAL SPACE	83,574 SF
COMMERCIAL SPACE	62,963 SF (75%)
	20,611 SF (25%)

BUILDING 3 - SUMMARY OF UNITS				
ROOM TYPE	LEVEL			TOTAL
	1st	2nd	3rd	
1 BEDROOM	2	4	4	10
2 BEDROOM	3	3	3	9
TOTAL	5	7	7	19

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**TOWNHOMES & APARTMENT BUILDINGS**

8560-8568 MAIN STREET  
CLARENCE, NY


ISSUE:

SA PROJECT TEAM: PRINCIPAL P. Silvestri  
PROJ. ARCH. \_\_\_\_\_ DRAFTER \_\_\_\_\_  
JOB CAPT. \_\_\_\_\_ INTERIORS \_\_\_\_\_

SEAL:

TITLE:

**PROPOSED BUILDING 3 FLOOR PLANS**



**SILVESTRI**  
ARCHITECTS • PC

1321 MILLERSPORT HWY PH. 716.691.0900  
AMHERST, NY 14221 FAX 716.691.4773

SA JOB #:

**23084.01**

DATE:

**05-13-24**

DRAWING #:

**A-101b**





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## TOWNHOMES & APARTMENT BUILDINGS

8560-8568 MAIN STREET  
CLARENCE, NY

ISSUE:

SA PROJECT TEAM: PRINCIPAL P.Silvestri  
PROJ. ARCH. \_\_\_\_\_ DRAFTER \_\_\_\_\_  
JOB CAPT. \_\_\_\_\_ INTERIORS \_\_\_\_\_

SEAL:

TITLE:

## PROPOSED BUILDING 4 FLOOR PLANS



**SILVESTRI  
ARCHITECTS • PC**

1321 MILLERSPORT HWY PH. 716.691.0900  
AMHERST, NY 14221 FAX 716.691.4773

SA JOB #:

**23084.01**

DATE:

**05-13-24**

DRAWING #:

**A-102**



**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

<b>Agency Use Only [If applicable]</b>
Project : <span style="border: 1px solid black; padding: 0 5px;">Visone Main Street Mixed-Use</span>
Date : <span style="border: 1px solid black; padding: 0 5px;">06-18-2025</span>

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> <div style="text-align: right; padding-right: 20px;"> <input type="checkbox"/> NO      <input checked="" type="checkbox"/> YES         </div>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>2. Impact on Geological Features</b> The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>3. Impacts on Surface Water</b> The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

l. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b> The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
<p>If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3:</p> <p>e.</p> <p>i. The proposed action may result in the destruction or alteration of all or part of the site or property.</p> <p>ii. The proposed action may result in the alteration of the property’s setting or integrity.</p> <p>iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.</p>	<p>E3e, E3g, E3f</p> <p>E3e, E3f, E3g, E1a, E1b</p> <p>E3e, E3f, E3g, E3h, C2, C3</p>	<input type="checkbox"/>   <input type="checkbox"/>   <input type="checkbox"/>   	<input type="checkbox"/>   <input type="checkbox"/>   <input type="checkbox"/>   

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>		
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>		
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.

☐ NO

☒ YES

(See Part 1. D.2.j)

*If "Yes", answer questions a - f. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.

☐ NO

☒ YES

(See Part 1. D.2.k)

*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO

☒ YES

(See Part 1. D.2.m., n., and o.)

*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>



d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

#### 16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

*If "Yes", answer questions a - m. If "No", go to Section 17.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

<b>17. Consistency with Community Plans</b> The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>18. Consistency with Community Character</b> The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

***Full Environmental Assessment Form***  
***Part 3 - Evaluation of the Magnitude and Importance of Project Impacts***  
***and***  
***Determination of Significance***

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

After a thorough review with involved and interested agencies, it has been determined that the Proposed Project will not have significant adverse impacts to the environment. See attached part 3b for the reasons supporting this determination.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Clarence Planning Board as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Visone Main Street Mixed-Use (8560 – 8574 Main Street)

Name of Lead Agency: Town of Clarence Planning Board

Name of Responsible Officer in Lead Agency: Robert Sackett

Title of Responsible Officer: Planning Board Chair

Signature of Responsible Officer in Lead Agency: Date: 06-18-2025

Signature of Preparer (if different from Responsible Officer) Date: 06-18-2025

**For Further Information:**

Contact Person: Jonathan Bleuer

Address: 1 Town Place, Clarence, NY 14031

Telephone Number: 716-741-8933

E-mail: [jbleuer@clarence.ny.us](mailto:jbleuer@clarence.ny.us)

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

## FEAF Part 3b Reasons Supporting this Determination:

**Project Name:** Visone Main Street Mixed-Use

**Project Location:** 8560 – 8574 Main Street

SBL: 70.19-3-1.221 | 70.19-3-2 | 70.19-3-3 | 70.19-3-4 | 70.19-3-5 | 70.19-3-6

**Date:** 06-18-2025

### **Executive Summary:**

The “Project Site” is located at 8560 – 8574 Main Street. The Project Site consists of +/- 7.2 acres of land and is split zoned between Traditional Neighborhood (“TND”) and Residential Single-Family (“R-SF”) pursuant to the Town of Clarence Zoning Map. The Project Sponsor is proposing to rezone the rear of the property from the current R-SF zoning to the TND zoning to accommodate the Proposed Project. The “Proposed Project” involves the redevelopment of an existing commercial plaza into a mixed-use project containing multiple-family housing and commercial space. The Proposed Project would result in a total of 49 apartments (41 newly proposed) and a total of 20,611 sq.ft. of commercial space (8,801 sq.ft. newly proposed).

#### West Mixed-Use Building (New):

- 3-story building with a total height of 45’8” (\*variance for height required\*)
- 19 dwelling units
- 1,928 sq.ft. of commercial space on the 1<sup>st</sup> floor.

#### East Mixed-Use Building (New):

- 3-story building with a total height of 45’8” (\*variance for height required\*)
- 14 dwelling units
- 6,873 sq.ft. of commercial space on the 1<sup>st</sup> floor.

#### Townhome Building (New):

- 2-story building
- 8 dwelling units

#### Northwest Mixed-Use Building (Existing & Remaining):

- 1-story building
- 2 dwelling units
- 11,810 sq.ft. of commercial space

#### North Apartment Building (Existing & Remaining):

- 2-story building
- 6 dwelling units

After a thorough review with involved and interested agencies, it has been determined that the Proposed Project will not have a potentially significant adverse impact to the environment. The Proposed Project is in keeping with the zoning classifications recommended land use, design guidelines, and site layout standards. *Clarence 2030 – Town of Clarence Comprehensive Plan*, encourages the development of complementary commercial and residential uses in the Town of Clarence.

**1. Impact on Land:**

The Proposed Project involves the partial demolition of the existing commercial plaza and associated facilities on the Project Site. The depth to water table is greater than three feet on the Project Site. The Proposed Project does not involve construction on slopes of 15% or greater. Bedrock is within 5 feet of the existing ground surface on certain portions of the Project Site. While blasting is not expected due to the depth to bedrock on the property, if blasting is necessary for infrastructure installation it shall be subject to compliance with all Federal, State and Local Laws and regulations. In addition, seismographs shall be deployed to monitor all blasts. Vibration and air blast over-pressure shall stay within the United States Bureau of Mines criteria. An audible warning system will be implemented to secure the blast area. Finally, and prior to any blasting, a Blast Plan shall be formulated by the blasting company on behalf of the Project Sponsor, in compliance with all Federal State and Local Laws and regulations. The Proposed Project will not involve the excavation and removal of more than 1,000 tons of natural material. Since the Proposed Project will result in disturbance of more than one acre of land, a Stormwater Pollution Prevention Plan ("SWPPP") prepared by a licensed engineering firm will be required and the SWPPP will need to be reviewed and approved by the Town Engineering Department prior to site disturbance. The requirement for the SWPPP is outlined per the letter dated June 3, 2025 from Joseph Lancellotti of the Town of Clarence Engineering Department, and per the letter dated November 5, 2024 from Michelle R. Woznick of the New York State Department of Environmental Conservation ("NYSDEC")

The Proposed Project will result in physical disturbance and vegetation removal; however, this potential impact represents a small impact since construction activities will need to comply with required applicable erosion and sediment control measures. Such erosion and sediment control measures will be specified in the engineered plans to be prepared by a licensed engineering firm as well as the required Stormwater Pollution Prevention Plan ("SWPPP"). The proposed erosion control measures will be reviewed by the Town Engineering Department during the Development Plan review process. The Project Site is not located within a designated Coastal Erosion hazard area.

Construction of the Proposed Project is anticipated to occur in one (1) phase and the construction of the Proposed Project is anticipated to occur for a period of more than one year. However, construction activities in furtherance of the Proposed Project will be intermittent and represent a temporary and unavoidable adverse impact that is not potentially significant. During the construction phases, the Proposed Project will need to comply with the applicable

stringent standards for stormwater quality and storm quantity management as well as applicable standards for required infrastructure improvements. This will be verified by the Town Engineering Department in connection with the Development Plan review process.

**2. Impact Geological Features:**

There are no unique or unusual land forms on the Project Site.

**3. Impact on Surface Water:**

The Project Site currently consists of a commercial plaza with residential uses and associated facilities. Except for stormwater management, there are no existing water bodies on the Project Site. The management of stormwater from impervious surfaces on the Project Site will require the installation of a stormwater management system. The stormwater management system will be designed by a licensed engineering firm to collect, discharge and improve the quality of surface water. The stormwater management system will be required to comply with the applicable stringent stormwater quality and quantity standards of the NYSDEC and the applicable drainage standards of the Town of Clarence.

There are no regulated freshwater wetlands subject to the jurisdiction of the NYSDEC on the Project Site, and this is confirmed by the letter dated November 5, 2024 from Michelle R. Woznick of the NYSDEC. Additionally, there are no wetlands subject to the jurisdiction of the U.S. Army Corp of Engineers ("USACE") on the Project Site. The Proposed Project does not involve any physical land alteration within a jurisdictional wetland or the 100-foot adjacent area of a wetland.

**4. Impact on Groundwater:**

There will be minimal additional ground water introduced as a result of the Proposed Project. A portion of the post developed site stormwater will be collected, managed and disbursed on-site for eventual percolation into the groundwater system, through stormwater detention areas, as designed and permitted to meet Federal, State and Local standards.

The Proposed Project will connect to existing water services and will require review and approval by the Erie County Water Authority ("ECWA"). The Project Sponsor identified that there will be a need for new water services requiring anticipated water usage/demand per day of approximately 15,536 gallons. In a letter dated October 15, 2024 from Mark S. Carney of the ECWA, it was stated that any new water service must be reviewed and approved by the ECWA prior to service. The comment from the ECWA will be addressed during the Development Plan review process.

The Proposed Project includes treated wastewater discharge to groundwater in the form of an on-site sanitary system. In a letter dated November 5, 2024 from Michelle R. Woznick of the NYSDEC, it was stated that a State Pollutant Discharge Elimination System Permit, and additional permits and/or plan approvals from the NYSDEC and/or Erie County

Health Department (“ECHD”), are required for the Proposed Project. The on-site sanitary system shall be designed and permitted to function per ECHD and NYSDEC standards.

**5. Impact on Flooding:**

The Project Site is not located in either the regulated 100-year Floodplain nor a designated floodway. The Proposed Project will require modification of existing drainage patterns. Any future Development Plan submittal shall be prepared by a licensed engineering firm and shall include an Engineer’s Report and full grading and drainage plans with details. The aforementioned Development Plan submittal will be subject to review by the Town prior to Development Plan Approval. In addition, the Proposed Project will include the implementation of NYSDEC compliant stormwater management practices.

**6. Impacts on Air:**

The Proposed Project does not involve a State regulated air emission source.

**7. Impact on Plants and Animals:**

Although the Project Site was historically developed and disturbed, the Proposed Project will result in the clearing of existing vegetation on the Project Site. There was no documented presence of protected, threatened or endangered species on the Project Site as confirmed by lead agency concurrence letter issued by the NYSDEC dated November 5, 2024. A Landscape Plan prepared by a Registered Landscape Architect will need to be reviewed and approved by the Town Landscape Review Committee for the purpose of introducing native and beneficial vegetation to the Project Site.

**8. Impact on Agricultural Resources:**

The Project Site does not contain agricultural resources and is not located in a County Agricultural District. Additionally, there are no agricultural fields currently on the Project Site and a majority of the undeveloped portions of the Project Site are naturally occurring vegetations and mowed lawns. As such, the Proposed Project will not result in any adverse impacts to agricultural resources.

**9. Impact on Aesthetic Resources:**

The Project Site is located on Main Street, which is a New York State Highway. The Proposed Project contains multiple-family housing and commercial space, which is not in sharp contrast to the nearby land use patterns. Surrounding land use patterns include numerous commercial uses, residential homes, churches, and schools. Furthermore, the proposed mixed-use project is consistent with the *Town’s Comprehensive Plan, Clarence 2030*. There are no officially designated federal, state, or local scenic or aesthetic resources within 5 miles of the Project Site, and the Proposed Project would not eliminate or significantly screen an officially designated scenic view.



## **10. Impact on Historic and Archeological Resources:**

The Project Site is located in, or is adjacent to, an area designated as sensitive by the New York State Historic Preservation Office (“SHPO”) archeological site inventory. In a letter dated October 25, 2024 from Derek Rohde of SHPO, it was stated that the Proposed Project is adjacent to the Nativity of the Blessed Virgin Mary Complex, which is eligible for listing in the State and National Registers of Historic Places. Therefore, under SEQRA, SHPO has reviewed the Proposed Project to provide the following comments regarding potential impacts to architectural or archaeological resources.

1. The buildings retail buildings at 8560 Main Street, 8568 Main Street, and the residential building at 8564 Main Street are not eligible for listing in the State and National Registers and SHPO would have no concerns with their removal.
2. New construction must be compatible with the adjacent, historic Nativity of the Blessed Virgin Mary Complex in design, materials, height, scale and massing. From SHPO’s review of the renderings, elevations and site plans provided and when compared with the surrounding commercial development and existing buildings near the proposed project area; it appears as though the proposed new construction would be minimally compatible with the adjacent, historic complex. At three stories, it appears some of the new construction might be taller than existing one to two-story buildings surrounding the historic resource and project area. Excessive height should be avoided, and SHPO asks if the height of the roof or number of floors on the proposed three-story buildings could be reduced. Reductions in overall height may further minimize any visual impacts that new construction might have on the adjacent complex. At this location new construction should not exceed three stories.
3. SHPO recommended a demolition and construction monitoring and protection plan be developed and implemented to protect the Nativity of the Blessed Virgin Mary School (a contributing building to the complex) from potential damage during demolition and construction activities.
4. SHPOs Archaeology Unit has no archaeological concerns.

The Nativity of the Blessed Virgin Mary Complex (“the Complex”) contains three primary buildings; the Church at the corner of Harris Hill Road and Main Street, the School on the east section of the Complex, and the Office on Harris Hill Road. The Complex is also adjacent to two office buildings located at 8545 Main Street and 8555 Main Street. All of the aforementioned buildings range from 2 to 3 stories, have a mixture of flat and pitched roofs, and are made of a mixture of building materials with the primary material being brick. The Proposed Project is incorporating a mixture of building materials, including a brick / stone façade that fronts Main Street and the Complex. The Proposed Project includes two three-story mixed-use buildings; however, the potentially significant adverse impact to the Complex from these three-story buildings are mitigated through the incorporation of pitched roofs, gradual building step-backs from Main Street, and the breaking up of the long stretches of the buildings.

In a letter dated June 3, 2025 from Joseph Lancellotti of the Town of Clarence Engineering Department, it was stated that the Project Sponsor must provide finish floor elevations for all adjacent structures in future submittals, and that a hydrogeologic / geotechnical evaluation report for the deep stormwater basin and sanitary sewer pump station excavations. The aforementioned Engineers Report is to be stamped and signed by a hydrogeologic or geotechnical engineer licensed by the State of New York. The Engineers Report, along with the construction monitoring and protection plan shall be provided during the Development Plan review process of the Proposed Project.

**11. Impact on Open Space and Recreation:**

The Proposed Project that consists of privately owned property will not result in a loss of recreational opportunities or a reduction of protected open space. As part of the Proposed Project there will be a requirement to include a recreational component, as approved by the Town of Clarence, for the use of the residents.

**12. Impact on Critical Environmental Areas:**

The Project Site is not located within or adjacent to a designated Critical Environmental Area.

**13. Impact on Transportation:**

After a thorough review by involved and interested agencies, including but not limited to the New York State Department of Transportation (“NYSDOT”), Clarence Fire Review, Erie County Department of Public Works, and Clarence Highway Department, it has been determined that the Proposed Project will not have a significant adverse impact on the existing transportation system.

On November 4, 2024 Casey Gordon of the NYSDOT issued an e-mail communication stating the following.

- NYSDOT concurs with the Town of Clarence for it to act as the Lead Agency.
- NYSDOT only permits 1 driveway on State Highways – NYSDOT recommends the removal of the western drive and keeping the main Laura Lane access.
- A NYSDOT Highway Work Permit will be required for work located within the State Highway Right-of-Way. More detailed plans will be performed as part of the Highway Work Permit process.

As a result of the aforementioned letter from the NYSDOT, the Project Sponsor provided additional information to the NYSDOT regarding the two-driveway proposal. On April 3, 2025 Kevin Hebert of the NYSDOT issued a subsequent e-mail communication stating that the NYSDOT will allow two points of access to the Proposed Project. Kevin Hebert also stated that the two points of access are an improvement from what exists on the Project Site, and that the two driveways appear to be a necessity for the development to function. Finally, Kevin Hebert stated that a larger review, along with some adjustments of the plans and traffic study, may be

required prior to a permit being issued by the NYSDOT. The Project Sponsor will be required to obtain all appropriate permits from NYSDOT for any proposed curb cut modifications.

**14. Impact on Energy:**

The Proposed Project will cause an increase in the use of energy. The Proposed Project shall be designed to meet energy compliance standards through the installation of energy efficient facilities and features, having minimal impact on the environment. As part of the Development Plan review process, the Project Sponsor shall coordinate with the appropriate utilities to obtain all appropriate permits as required.

**15. Impact on Noise, Odor, and Light:**

The potential impacts from noise, odors, and lighting will be addressed through the installation of new landscaping to reduce noise impacts, the installation of enclosed dumpsters / tote garbage facilities to reduce odors, and the installation of dark-sky compliant shielded lighting to avoid off-site light pollution. In addition, the general impact to noise, odor and light will be consistent with existing surrounding commercial and residential land uses. There will be a temporary and unavoidable impact to noise, odor and lighting during construction; however, this is not a potentially significant adverse environmental impact.

**16. Impact on Human Health:**

The Project Site does not include a known source of regulated hazardous materials detrimental to human health. If regulated hazardous materials exceeding the applicable NYSDEC thresholds are unexpectedly encountered during the construction of the Proposed Project, clean-up activities compliant with Federal, State and Local standards will be completed prior to construction on the relevant portions of the Project Site.

**17. Consistency with Community Plans:**

*Clarence 2030 – Town of Clarence Comprehensive Plan (“Clarence 2030”)* is the Town’s adopted Comprehensive Plan. *Clarence 2030* encourages the development of complementary mixed-use projects. *Clarence 2030* was adopted by the Town Board in December of 2016 and the review process began in December 2014, which included numerous opportunities for public input and participation. Map 8 of *Clarence 2030* (“Future Land Use Map”) designates the Project Site as appropriate for Hamlet Neighborhood; specifically, the Project Site falls within the boundaries of the Harris Hill Hamlet Neighborhood. The Harris Hill Hamlet is generally characterized by a mix of land uses, providing public and community uses as well as commercial establishments in close proximity to residential neighborhoods. As part of *Clarence 2030*, the Town has placed an increasing emphasis on providing pedestrian connectivity throughout these areas, as well as building and site design requirements in order to achieve a higher standard of development.

The Proposed Project requires a rezoning of the northern portion of the Project Site from Residential Single-Family (“R-SF”) to Traditional Neighborhood (“TND”). Should the

rezoning to TND be granted by the Town Board, it has been determined that this rezoning does not represent a potentially significant adverse environmental impact. The rezoning is keeping with the Future Land Use Map of *Clarence 2030*, and the Proposed Project is keeping with the desired complementary mixed-use design of this section of Main Street.

*Vision: Main Street* was adopted by the Town Board in April of 2017. The goals of *Vision Main Street* are to identify a unified approach to improve the physical and visual appeal of Main Street, recognize and build upon the unique character areas contained within the corridor, and bridge the broad initiatives and policies in the Comprehensive Plan with focused efforts for Main Street. The plan developed a range of design guidelines specifically for the Harris Hill section of Main Street. The key design guidelines for the Harris Hill area include:

- Two to three story buildings are encouraged, though one to two are more common. Where more than two stories are proposed, higher stories can be stepped back from the front building edge.
- Prominent facades along Main Street.
- Larger groups of buildings should be arranged in a campus-like setting.
- The building should include articulation of lower and upper stories and a street presence that is inviting to pedestrians and cyclists as well as motorists.
- The use of high-quality building materials and addition of architectural details.
- Roofs are to be pitched. Parapet walls can be used to give the appearance of a flat roof, provided architectural details and facade articulation are incorporated

The Proposed Project is consistent with the recommended land use, design guidelines and site layout guidance for the relevant portion of the Town along Main Street. The Proposed Project will require one (1) variance from the Zoning Board of Appeals. The variance would be for the overall height of the proposed mixed-use buildings along Main Street. Should the area variance for the overall height of the mixed-use building be granted by the Zoning Board of Appeals, it has been determined that this area variance does not represent a potentially significant adverse environmental impact. Three-story mixed-use buildings are permitted in the Traditional Neighborhood zoning classification pursuant to the Town's Multifamily Law, and *Vision Main Street* encourages the use of three-story mixed-use buildings with pitched roofs. The Proposed Project is intending to keep with the desired character as outlined in the Town's guiding documents. If the Zoning Board of Appeals does not grant the area variance for the overall height of the mixed-use buildings, the Project Sponsor will be required to adjust the design of the proposed mixed-use building to comply with the relevant height standard.

The Proposed Project will require a Special Exception Use Permit from the Town Board for the Multiple-Family component, and for structures measuring between 10,000 and 30,000 square feet. A density calculation for the number of multifamily units to be provided was prepared pursuant to the Section 229-126E of the Zoning Code, and is as follows:

- Per section 229-126(E)(1) of the zoning code: The maximum residential density of the multiple-family development shall be limited to eight units per acre.
  - Traditional Neighborhood land area (\*if rezoned\*) = 7.2 acres
  - 7.2 acres x 8 allow units = 57 units allowed
  - 49 units are proposed with 8 of the 49 already existing on the Project Site.
- Per section 229-126(E)(2) of the zoning code: A minimum of 25% of the total floor space shall be committed to commercial uses.
  - Total proposed floor space = 83,574 sq.ft.
  - Total proposed residential space = 62,963 sq.ft. (75%)
  - Total proposed commercial space = 20,611 sq.ft. (25%)

Should the Special Exception Use Permits be granted by the Town Board, it has been determined that this action does not represent a potentially significant adverse environmental impact. The density and square footage of the Proposed Project is keeping with the allowable provisions set by the Town's Zoning Code.

In a letter dated November 6, 2024 from Timothy P. German of the Erie County Department of Environment and Planning, the following comments were provided.

- According to the *Erie-Niagara Framework for Regional Growth* (2006), the project site is located in a Developed Area. For the Developed area, the Framework encourages new compact, pedestrian-oriented, mixed-use development. (Page 47) In order to provide the safest and most comfortable pedestrian environment, the proposed three-story mixed-use building should be oriented parallel to the street with parking located to the rear.
- The *Town of Clarence Comprehensive Plan* (2016) identifies the project area as "Hamlet Neighborhood" in its future land use map, near the Hamlet of Harris Hill. (Page 47):
  - The applicant should ensure that pedestrian facilities are clearly defined and separated from the roadway and parking areas with landscaped medians. Signage and high-visibility markings should be provided at all driveway crossings.
  - The proposed drive-thru lane may result in conflicts between motorists and pedestrians. This area should receive special consideration, including measures to limit vehicle speeds and maximize sight distances for exiting vehicles.
  - Excessive off-street parking generally conflicts with the intent of hamlet areas, which are characterized by compact development and a traditional village-like character. The Town and applicant should work to reduce the proposed number of parking spaces, which presently is far in excess of that required.

The Project Sponsor, in collaboration with the Town and the County, removed the original drive-thru land proposed for the Proposed Project. Additionally, the Project Sponsor will work with the Town to determine the feasibility of reducing or land-banking parking spaces for the Proposed Project during the Development Plan review process.

## **18. Consistency with Community Character:**

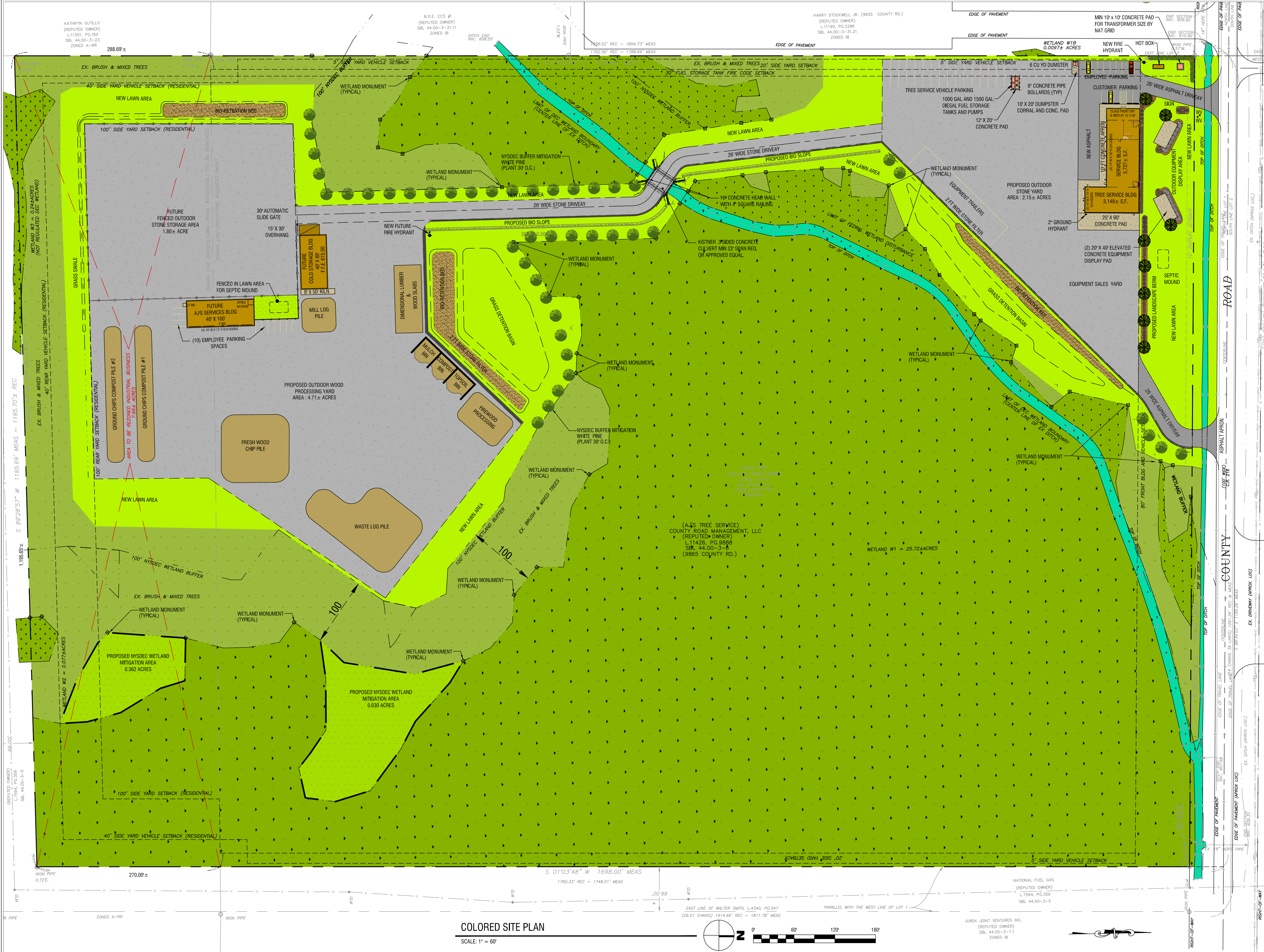
Main Street is a State Highway made up of a mixture of land uses on either side, including commercial and mixed-use. The Proposed Project will not be in sharp contrast to existing community character. The Proposed Project will result in a more compliant community character per the Town's allowable uses in the zone and vision per the adopted Comprehensive Plan. The primary buildings in the immediate area of the Project Site are a mixture of 2 to 3 story buildings that contain a range of uses, from professional office, retail, churches, and schools.

The Proposed Project is subject to the guidelines and restrictions set forth by the Town Zoning Code for Traditional Neighborhood and the Town's Comprehensive Plan. The Proposed Project is consistent with the stringent standards for the Traditional Neighborhood zoning classification, which includes minimum setbacks from property lines, lot coverage, and the site and architectural design standards. As part of the conceptual review of the Proposed Project, overall design guidelines for the Proposed Project were prepared to ensure consistency and unified design for the Harris Hill Hamlet. The layout of the Proposed Project fulfills a transitional land-use pattern, whereby the higher intensity commercial component is oriented along Main Street while the residential uses are orientated to the north of the Project Site, which is adjacent to the existing residential neighborhoods. This transitional land use pattern achieves compatibility between existing and proposed land uses. While the existing architectural scale and character of the area varies, the Proposed Project does not reflect a moderate to large impact due to the Proposed Project being consistent with the underlying zoning classifications and community's design guidelines.

As part of the Coordinated Review for this Proposed Project, the Harris Hill Volunteer Fire Company and the Clarence Central School District were listed as involved / interested agencies. A copy of the full application was provided to all listed agencies as part of the Coordinated Review under SEQRA, and all agencies were provided an opportunity to comment on the Proposed Project.



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300 State Street, Suite 201  
Rochester, NY 14614  
585-454-6110  
labellapc.com

EXP: ###/###/20## EXP: ###/###/20##

CERTIFICATE OF AUTHORIZATION NUMBER:  
PROFESSIONAL ENGINEERING: 018281  
LAND SURVEYING: 017976  
GEOLOGICAL: 018750

It is a violation of New York Education Law Art. 145 Sec. 7209 & Art. 147 Sec. 7307, for any person, unless acting under the direction of a licensed architect, professional engineer, or land surveyor, to alter an item in any way. If an item bearing the seal of an architect, engineer, or land surveyor is altered; the altering architect, engineer, or land surveyor shall affix to the item their seal and notation "altered by" followed by their signature and date of such alteration, and a specific description of the alteration.

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**AJ'S TREE SERVICE**  
9500 MARTIN ROAD  
CLARENCE CENTER, NEW YORK 14032



**COMMERCIAL SITE DEVELOPMENT**  
9865 COUNTY ROAD  
CLARENCE, NEW YORK 14031

NOT FOR CONSTRUCTION

NO.	DATE:	DESCRIPTION:
Revisions		

PROJECT NUMBER:

DRAWN BY: D.A.S.

REVIEWED BY: K.J.W.

ISSUED FOR: CONCEPT REVIEW

DATE: APRIL 30, 2025

DRAWING NAME:

COLORED SITE PLAN

DRAWING NUMBER:

C100



NOT FOR CONSTRUCTION

CERTIFICATE OF AUTHORIZATION NUMBER:  
PROFESSIONAL ENGINEERING: 018281  
LAND SURVEYING: 017976  
GEOLOGICAL: 018750

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9500 MARTIN ROAD  
CLARENCE CENTER, NEW YORK 14032

## COMMERCIAL SITE DEVELOPMENT

0 COUNTY ROAD  
CLARENCE, NEW YORK 14032

NO.	DATE:	DESCRIPTION:
Revisions		

PROJECT NUMBER: 2250578

DRAWN BY: JMR

REVIEWED BY: TBD

ISSUED FOR: SITE PLAN REVIEW

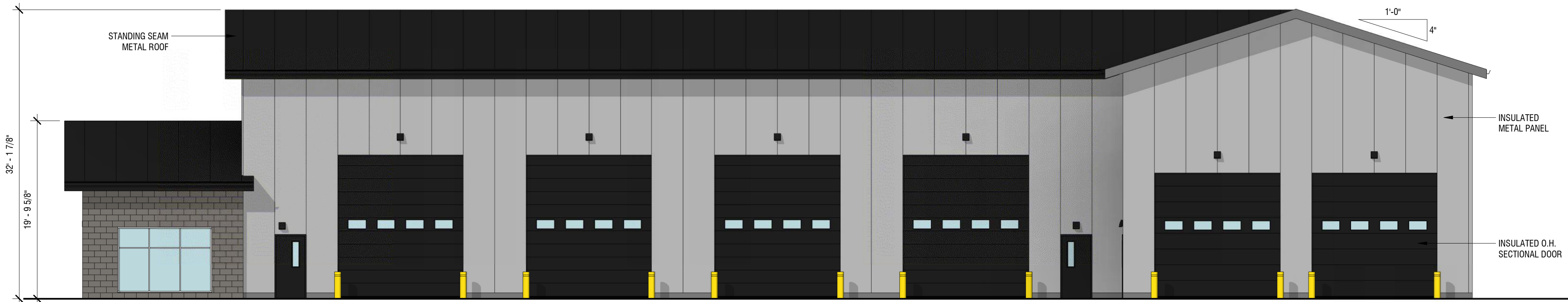
DATE: 4/28/2025

DRAWING NAME:

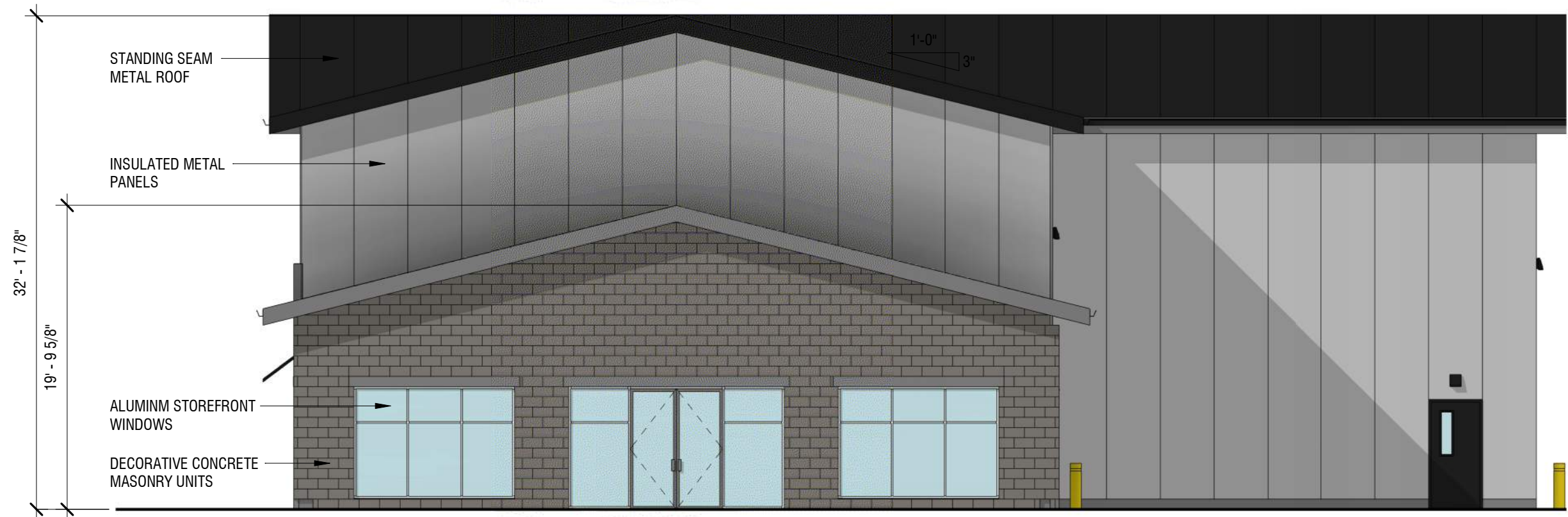
## EXTERIOR ELEVATIONS RENDERED

DRAWING NUMBER:

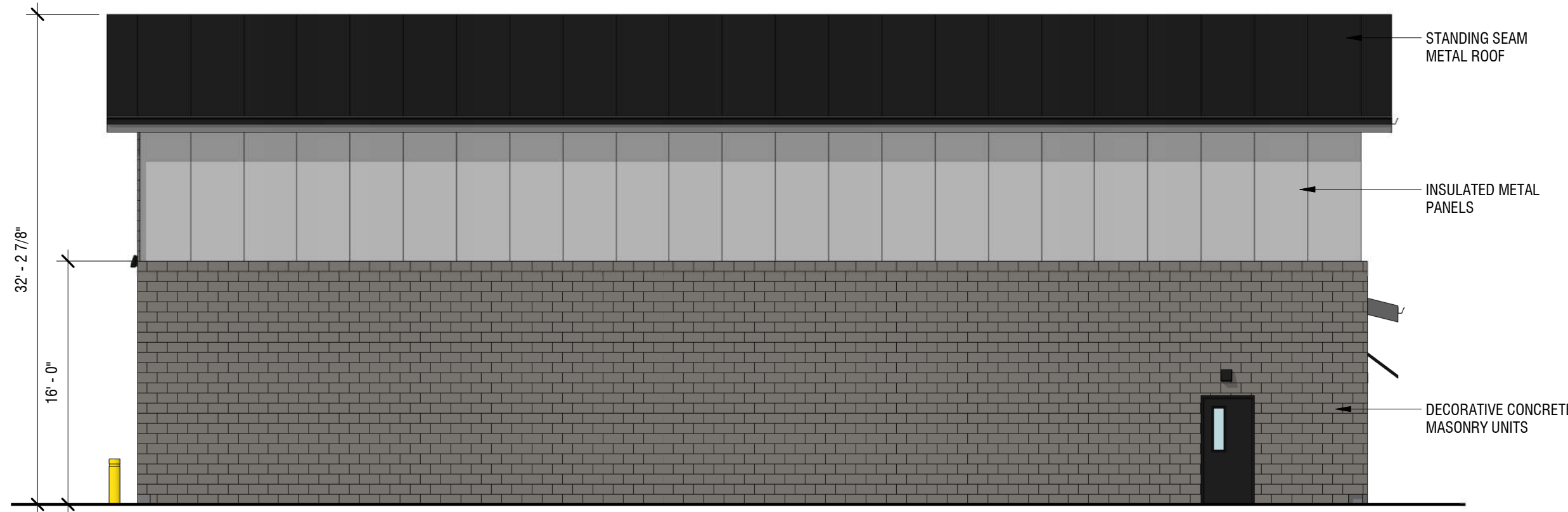
BLDG 1  
P201



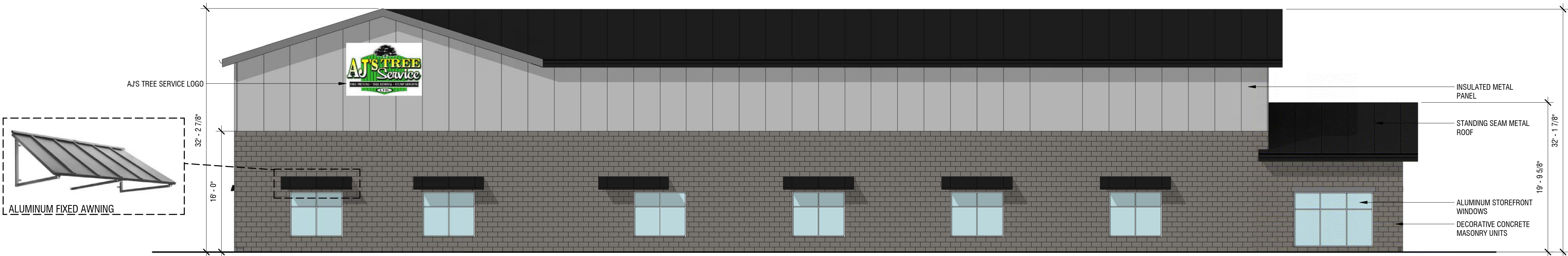
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P201 SCALE: 1/8" = 1'-0"



2 WEST ELEVATION RENDERED  
P201 SCALE: 1/8" = 1'-0"



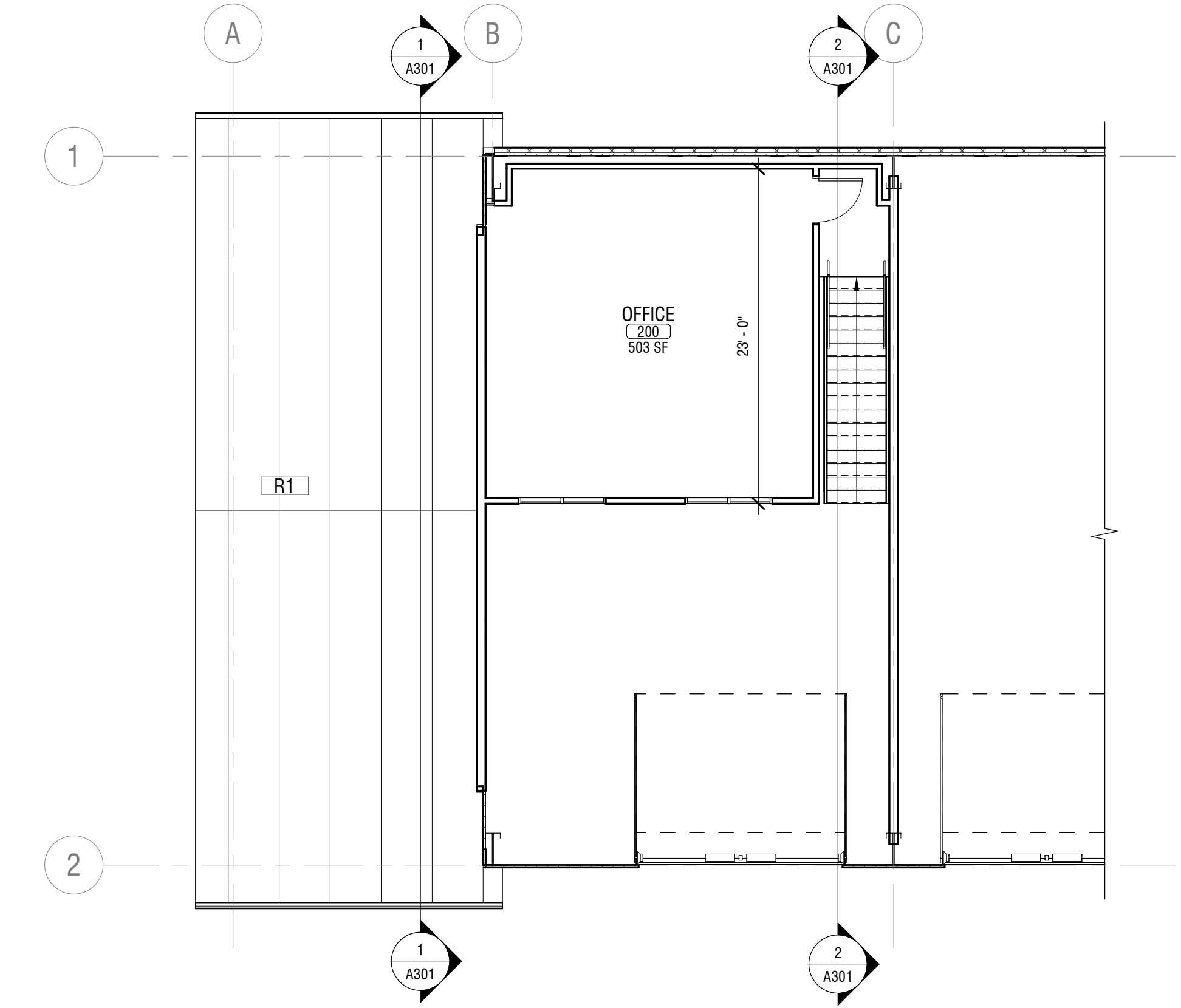
3 EAST ELEVATION RENDERED  
P201 SCALE: 1/8" = 1'-0"



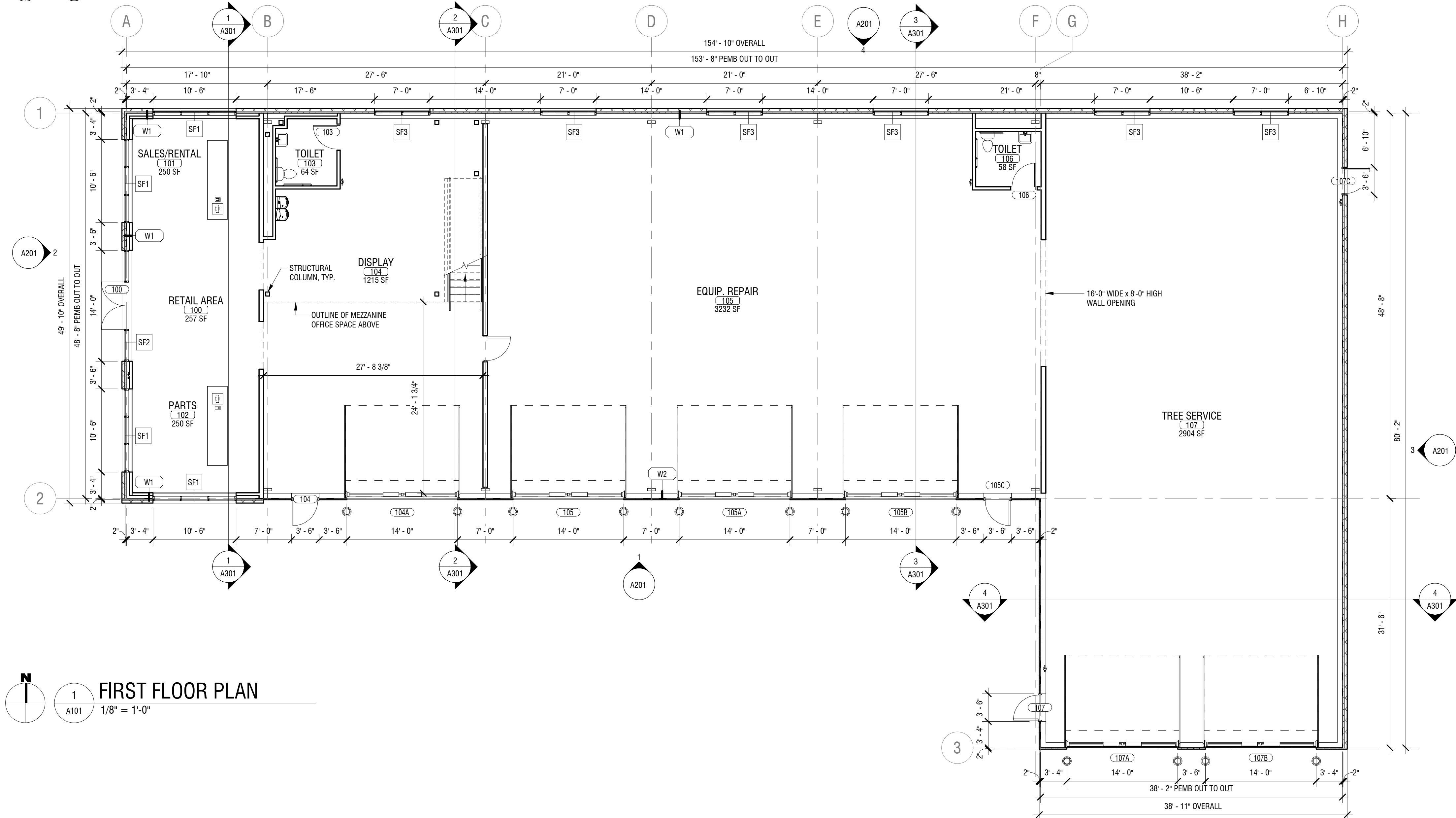
4 NORTH ELEVATION RENDERED  
P201 SCALE: 1/8" = 1'-0"



4/29/2025 12:47:15 PM



**MEZZANINE PLAN**  
2 A101  
SCALE: 1/8" = 1'-0"



**FIRST FLOOR PLAN**  
1 A101  
1/8" = 1'-0"

NOT FOR CONSTRUCTION

CERTIFICATE OF AUTHORIZATION NUMBER:  
PROFESSIONAL ENGINEERING: 018281  
LAND SURVEYING: 017976  
GEOLOGICAL: 018750

It is a violation of New York Education Law Art. 145 Sec. 7209 & Art. 147 Sec. 7307, for any person, unless acting under the direction of a licensed architect, professional engineer, or land surveyor, to alter an item in any way. If an item bearing the seal of an architect, engineer, or land surveyor is altered; the altering architect, engineer, or land surveyor shall affix to the item their seal and notation "altered by" followed by their signature and date of such alteration, and a specific description of the alteration.

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9500 MARTIN ROAD  
CLARENCE CENTER, NEW YORK 14032

## COMMERCIAL SITE DEVELOPMENT

0 COUNTY ROAD  
CLARENCE, NEW YORK 14032

NO.	DATE:	DESCRIPTION:
Revisions		

PROJECT NUMBER: 2250578

DRAWN BY: JMR

REVIEWED BY: TBD

ISSUED FOR: SITE PLAN REVIEW

DATE: 4/28/2025

DRAWING NAME:

## FLOOR PLANS

DRAWING NUMBER:

**BLDG 1**  
**A101**

NOT FOR CONSTRUCTION

CERTIFICATE OF AUTHORIZATION NUMBER:  
PROFESSIONAL ENGINEERING: 018281  
LAND SURVEYING: 017976  
GEOLOGICAL: 018750

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9500 MARTIN ROAD  
CLARENCE CENTER, NEW YORK 14032

## COMMERCIAL SITE DEVELOPMENT

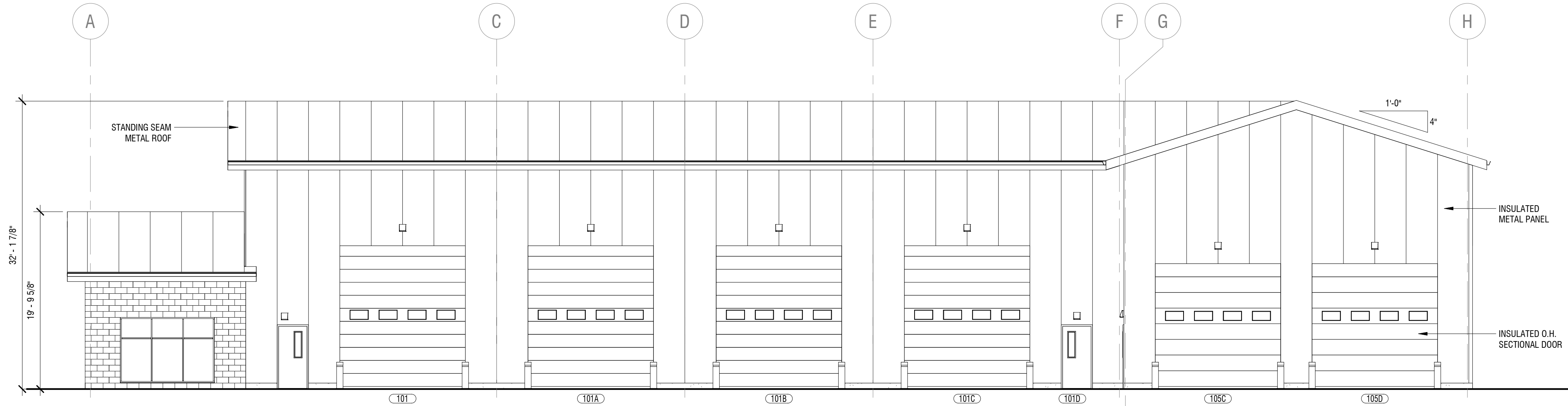
0 COUNTY ROAD  
CLARENCE, NEW YORK 14032

NO.	DATE:	DESCRIPTION:
Revisions		
PROJECT NUMBER: 2250578		
DRAWN BY: JMR		
REVIEWED BY: TBD		
ISSUED FOR: SITE PLAN REVIEW		
DATE: 4/28/2025		
DRAWING NAME:		

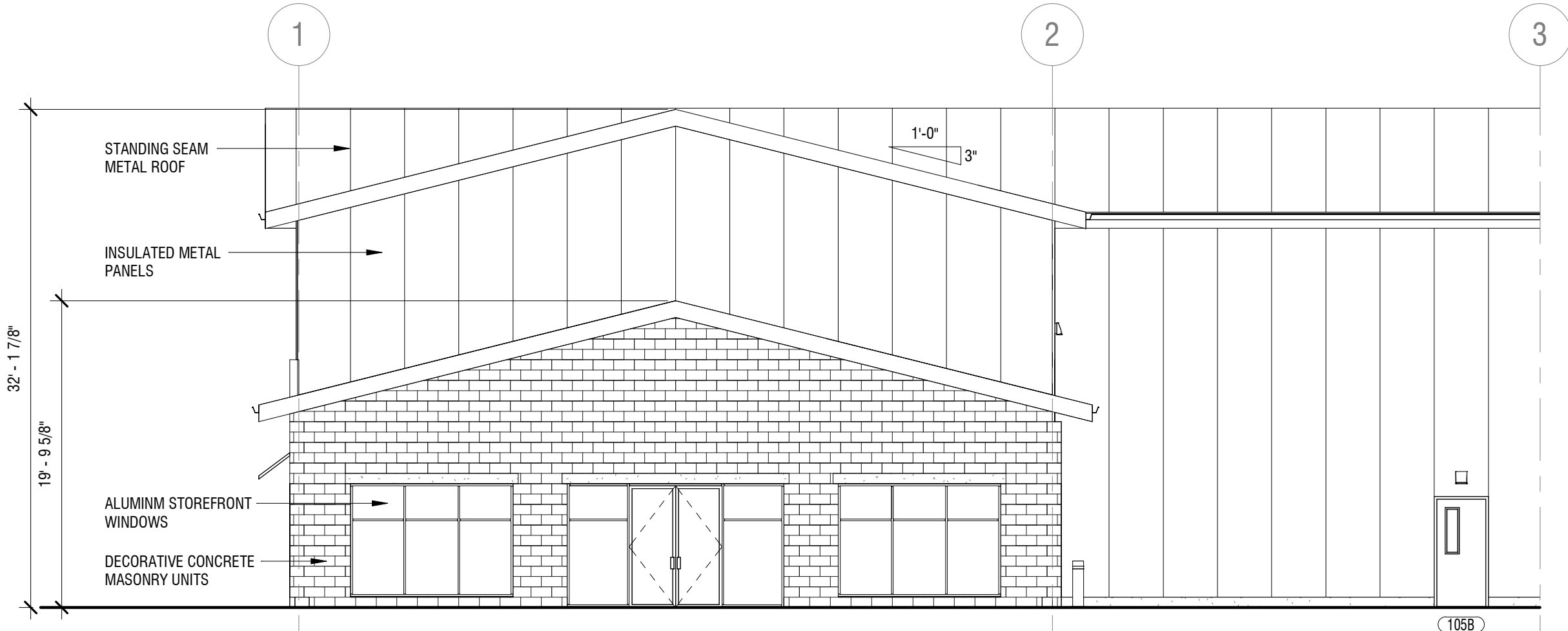
## EXTERIOR ELEVATIONS

DRAWING NUMBER:

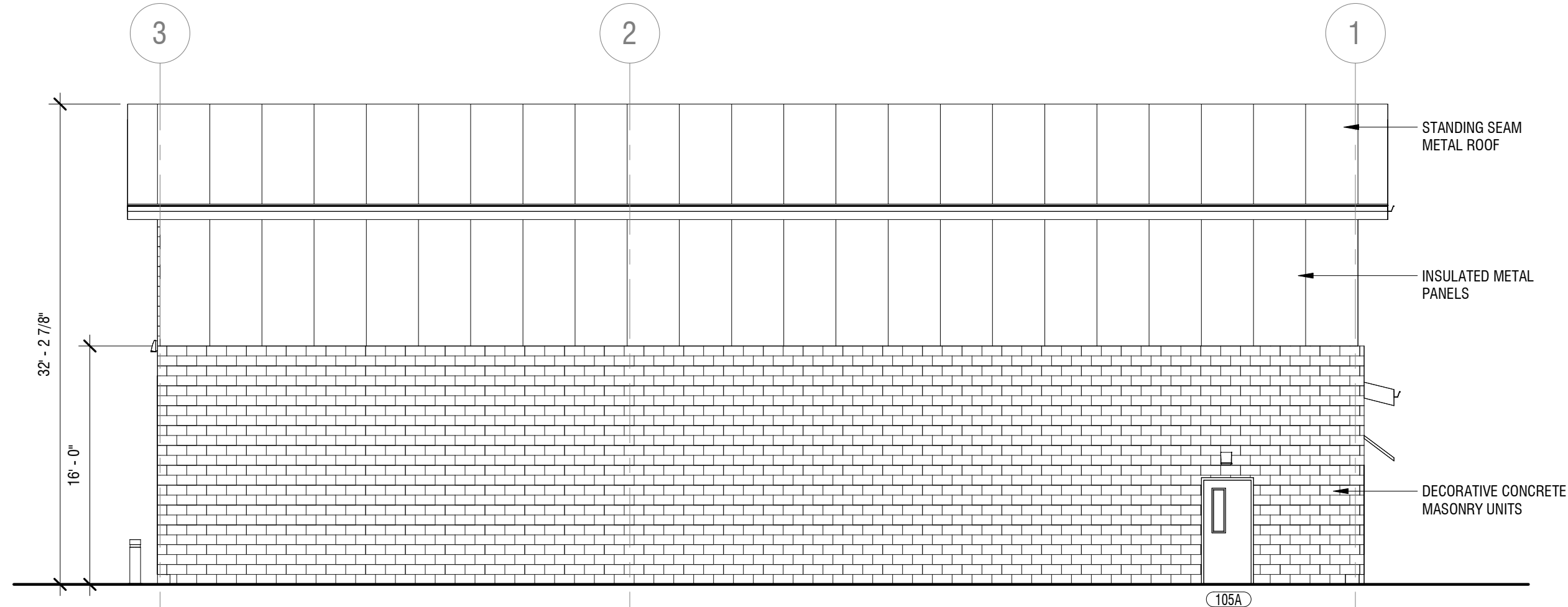
BLDG 1  
A201



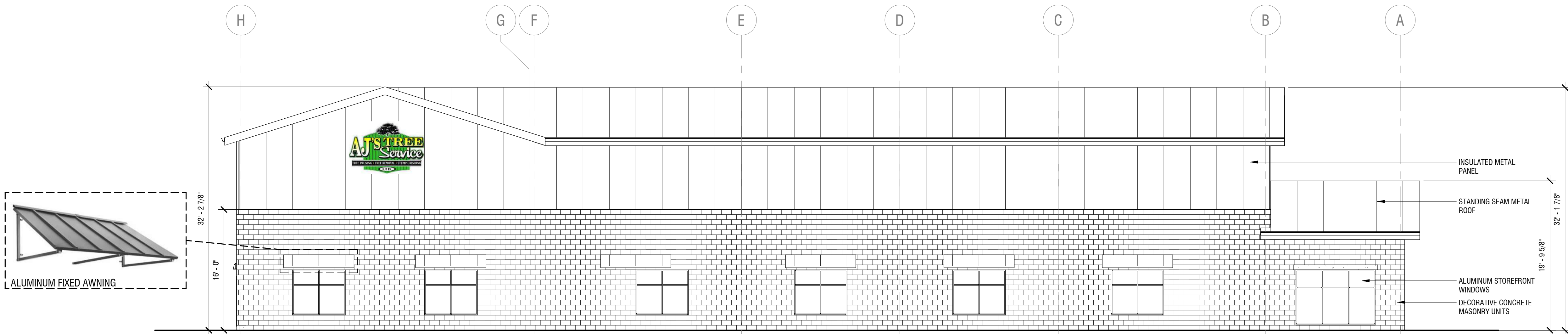
1 SOUTH ELEVATION  
A201 SCALE: 1/8" = 1'-0"



2 WEST ELEVATION  
A201 SCALE: 1/8" = 1'-0"



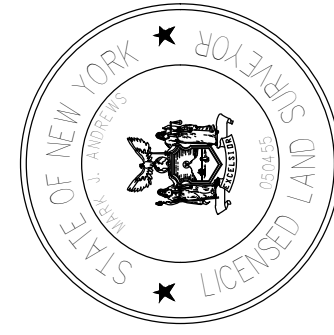
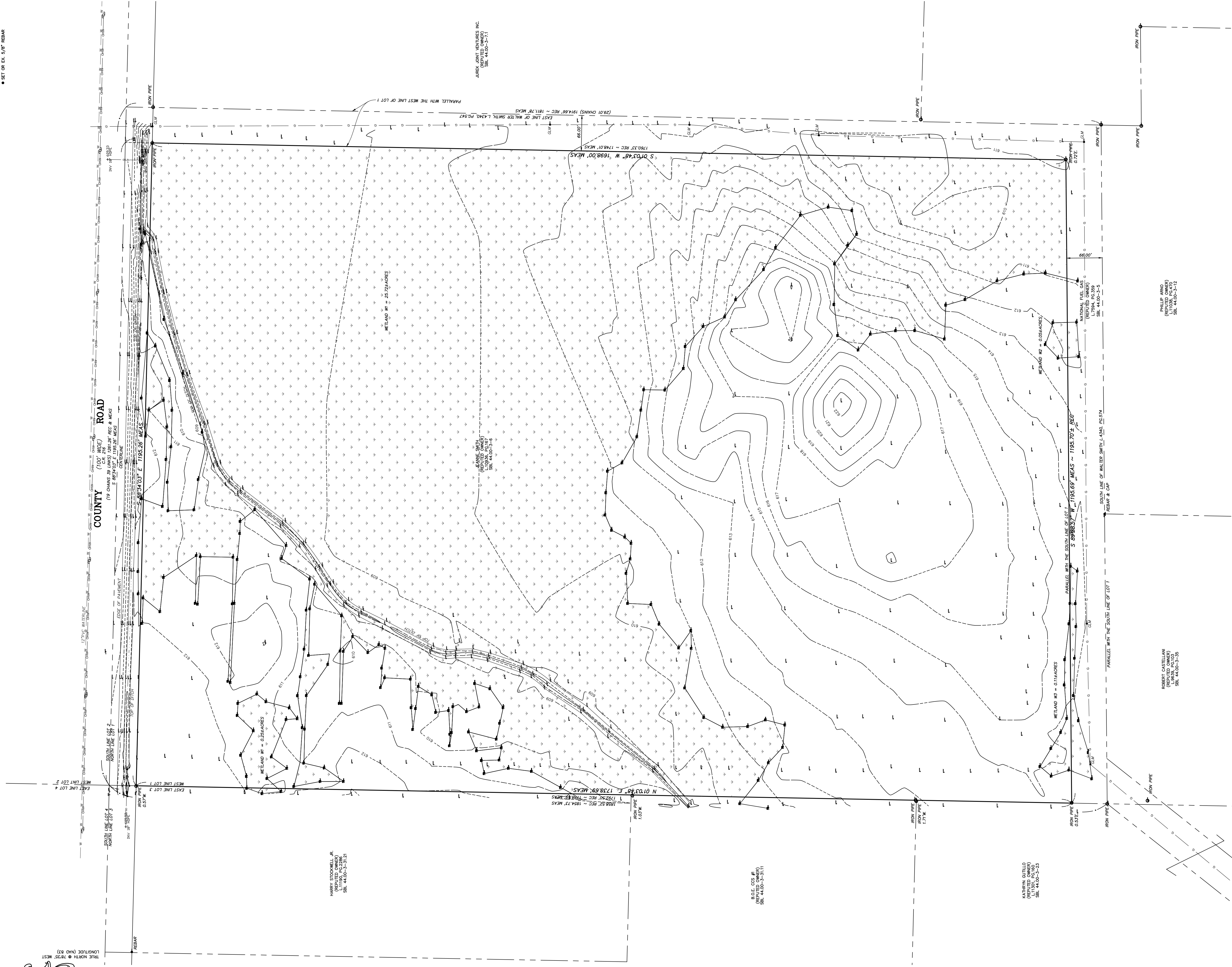
3 EAST ELEVATION  
A201 SCALE: 1/8" = 1'-0"



4 NORTH ELEVATION  
A201 SCALE: 1/8" = 1'-0"



NOTES: THIS SURVEY WAS PREPARED WITHOUT THE  
REQUIREMENT OF A PROFESSIONAL SURVEYOR  
• SET OR EX. 5/8" REBAR



Handwritten signature of the surveyor.

DATE	REVISION/TYPE

- NOTES:
1. WETLANDS WERE DELINEATED BY EARTH DIMENSIONS ON MAY 25, 2023. EDI PROJECT CODE: W42030.
  2. HORIZONTAL DATUM IS BASED UPON NEW YORK STATE PLANE COORDINATE SYSTEM, WEST ZONE, AS DEFINED BY NAD 83 (2011).
  3. VERTICAL DATUM IS BASED UPON NAVD83 DEFINED BY GEOID 12A. BOTH HORIZONTAL AND VERTICAL WERE OBTAINED BY USING THE NEW YORK STATE CORS STATION NETWORK (NYSN4).

BOUNDARY, WETLANDS & TOPOGRAPHIC SURVEY OF  
PART OF LOT 1, SECTION 8, TOWNSHIP 12, RANGE 6  
HOLLAND LAND COMPANY'S SURVEY  
TOWN OF CLARENCE, ERIE COUNTY, NEW YORK

**GPI**  
GPI ENGINEERING, LANDSCAPE  
ARCHITECTURE & SURVEYING, LLP  
ENGINEERING - SURVEYING - LANDSCAPE ARCHITECTURE  
4800 BANCROFT STREET, SUITE 100  
CLARENCE, NEW YORK 14939  
(716) 633-4844 FAX 633-4840

Job No. 11005 Date: AUGUST 18, 2023  
Scale: 1" = 80' TAX No. 44-00-3-6

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS  
DOCUMENT IS A VIOLATION OF ERIE COUNTY ZONING ORDINANCE 2  
AND MAY BE SUBJECT TO PROSECUTION UNDER ERIE COUNTY  
NEW YORK STATE EDUCATION LAW.





NOT FOR CONSTRUCTION

NO.	DATE:	DESCRIPTION:
Revisions		

PROJECT NUMBER:

DRAWN BY: D.A.S.  
REVIEWED BY: K.J.W.

ISSUED FOR: CONCEPT REVIEW

DATE: APRIL 30, 2025

DRAWING NAME:

DEMOLITION PLAN

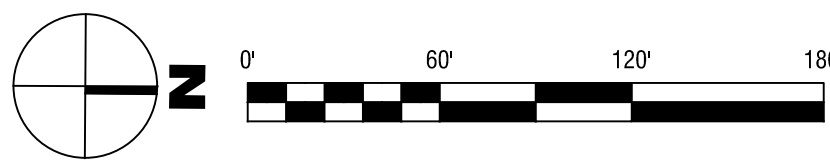
DRAWING NUMBER:

CD101



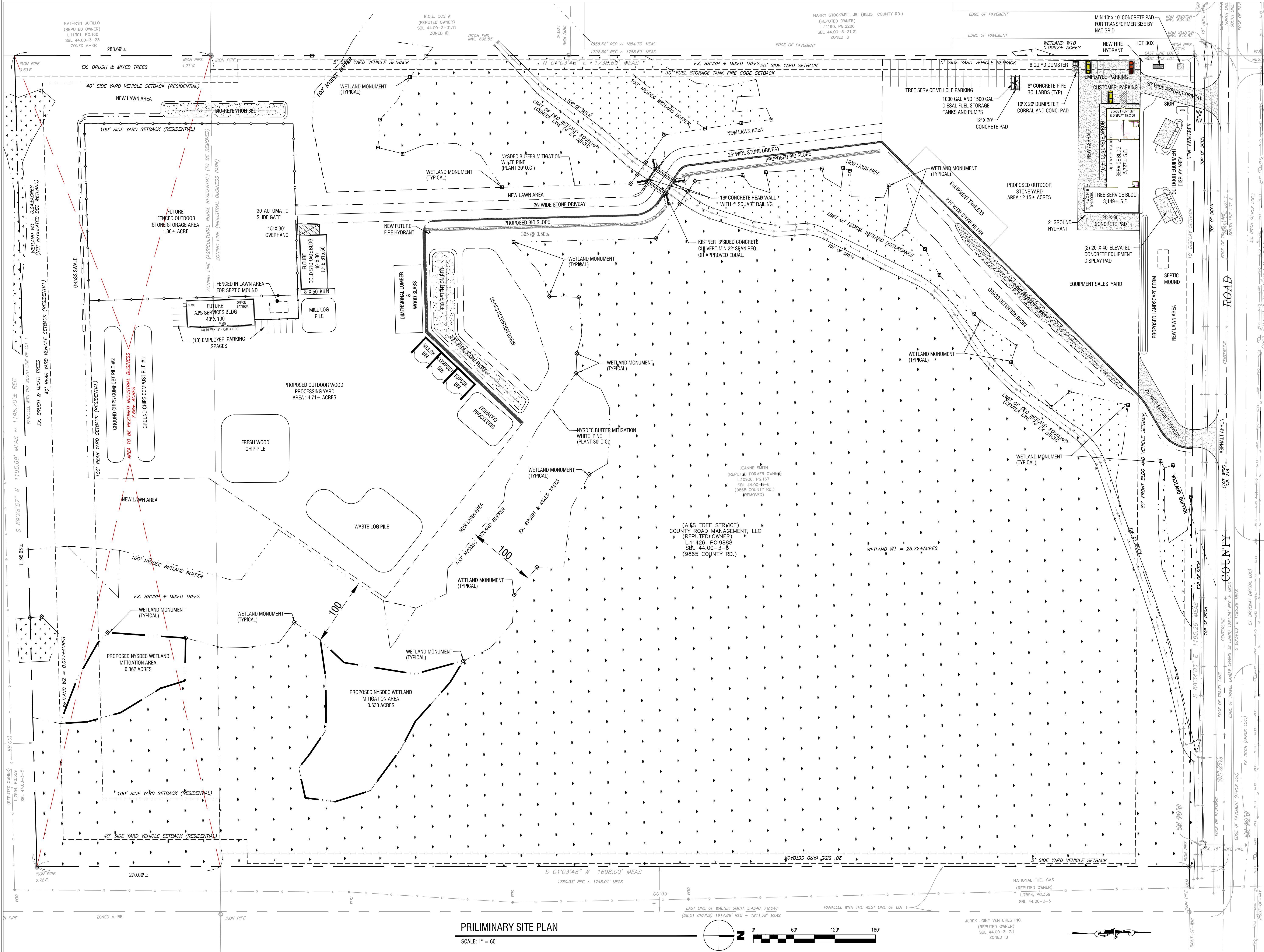
DEMOLITION PLAN

SCALE: 1" = 60'





4/29/2025 5:31:54 PM  
B:\GLOBAL Projects\AJ's Tree Service\2250576 - 0 County Road Final Design\06 Drawings\DWG\DESIGN SITE.dwg



300 State Street, Suite 201  
Rochester, NY 14614  
585-454-6110

labellapp.com

EXP: ###/##/20## EXP: ###/##/20##

CERTIFICATE OF AUTHORIZATION NUMBER:  
PROFESSIONAL ENGINEERING: 018281  
LAND SURVEYING: 017976  
GEOLOGICAL: 018750

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**AJ'S TREE SERVICE**  
9500 MARTIN ROAD  
CLARENCE CENTER, NEW YORK 14032



**COMMERCIAL SITE DEVELOPMENT**  
9865 COUNTY ROAD  
CLARENCE, NEW YORK 14031

NOT FOR CONSTRUCTION

NO.	DATE:	DESCRIPTION:
Revisions		

PROJECT NUMBER:

DRAWN BY: D.A.S.

REVIEWED BY: K.J.W.

ISSUED FOR: CONCEPT REVIEW

DATE: APRIL 30, 2025

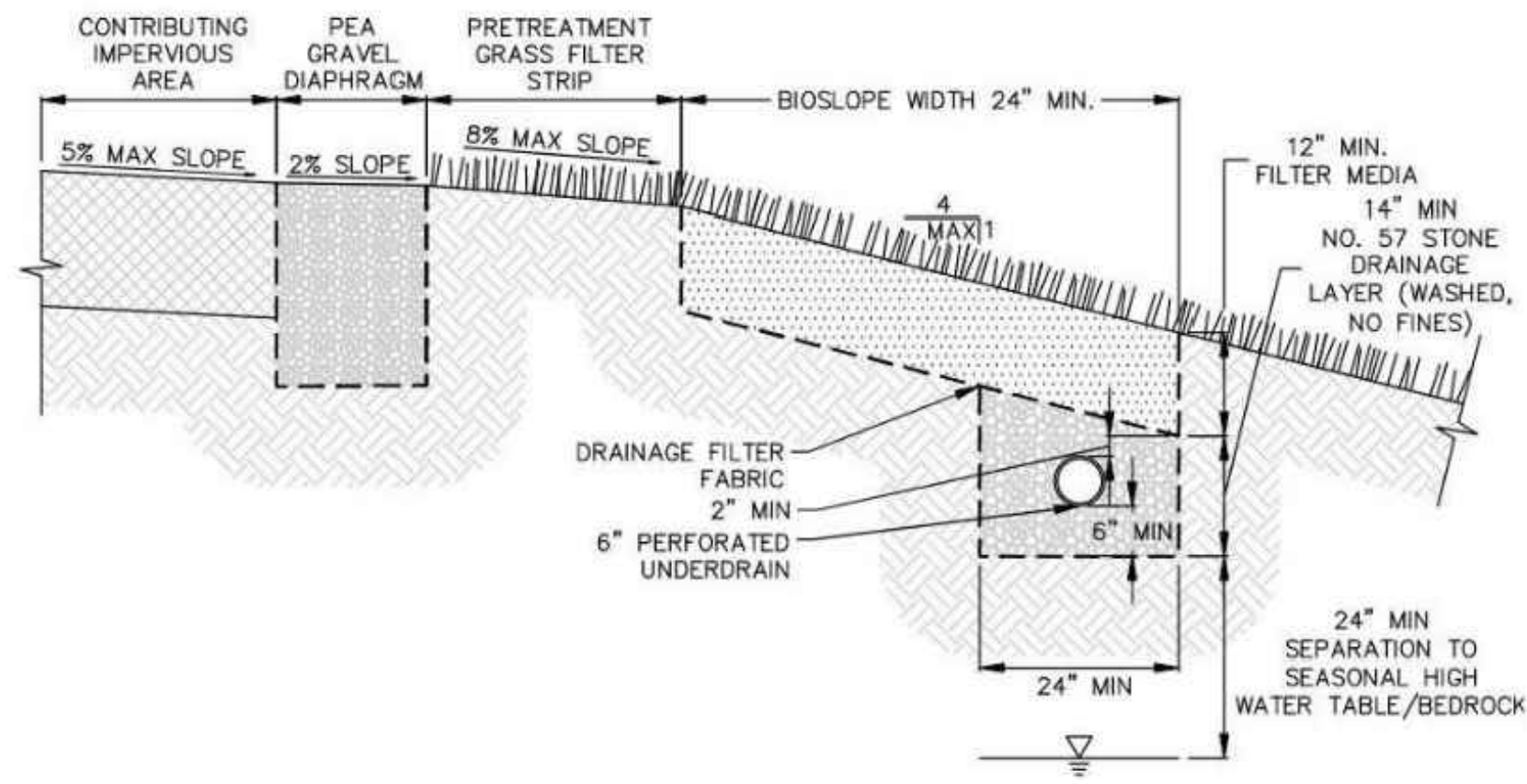
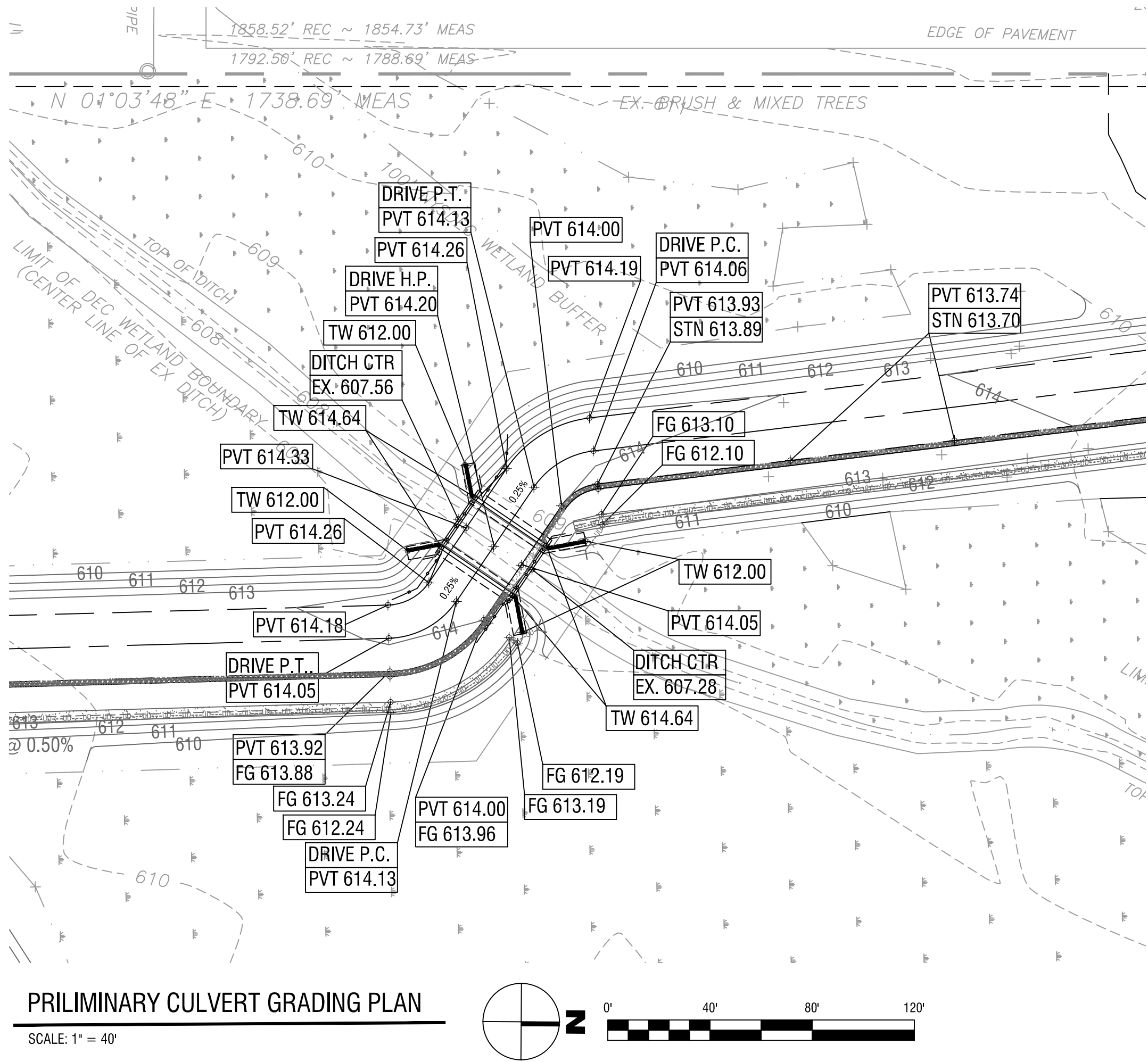
DRAWING NAME:

PRELIMINARY SITE PLAN

DRAWING NUMBER:

C101





NOT FOR CONSTRUCTION

NO.	DATE:	DESCRIPTION:
Revisions		

PROJECT NUMBER:

DRAWN BY: D.A.S.  
REVIEWED BY: K.J.W.  
ISSUED FOR: CONCEPT REVIEW

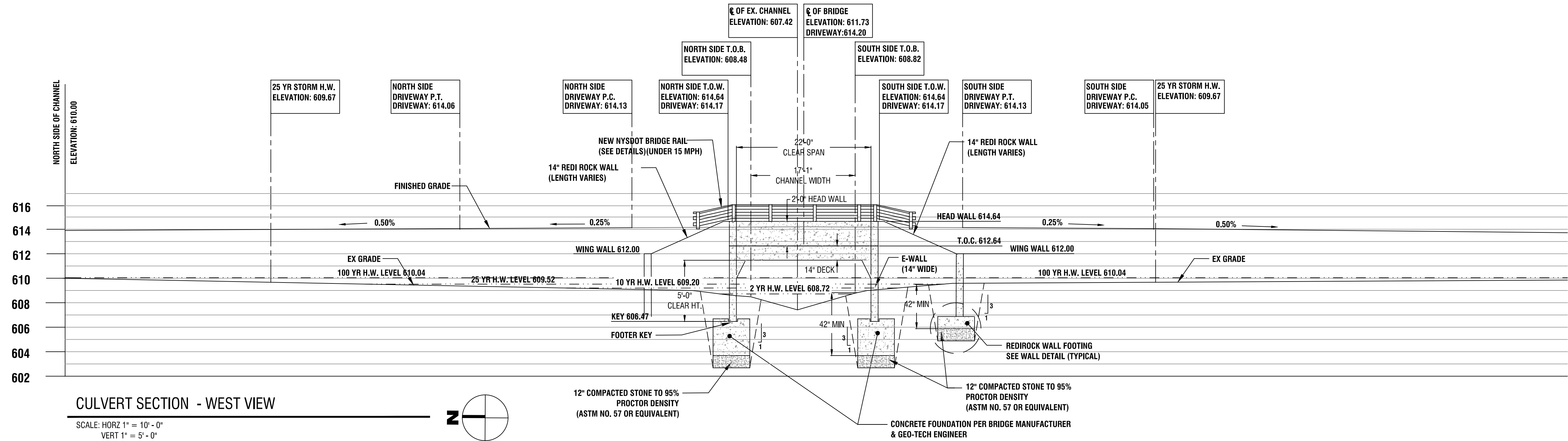
DATE: APRIL 30, 2025

DRAWING NAME:

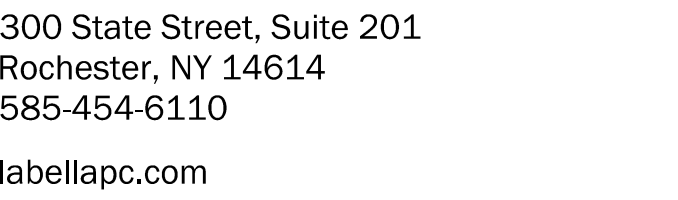
PRELIMINARY CULVERT PLAN

DRAWING NUMBER:

C102







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**AJ'S TREE SERVICE**  
9500 MARTIN ROAD  
CLARENCE CENTER , NEW YORK 14032



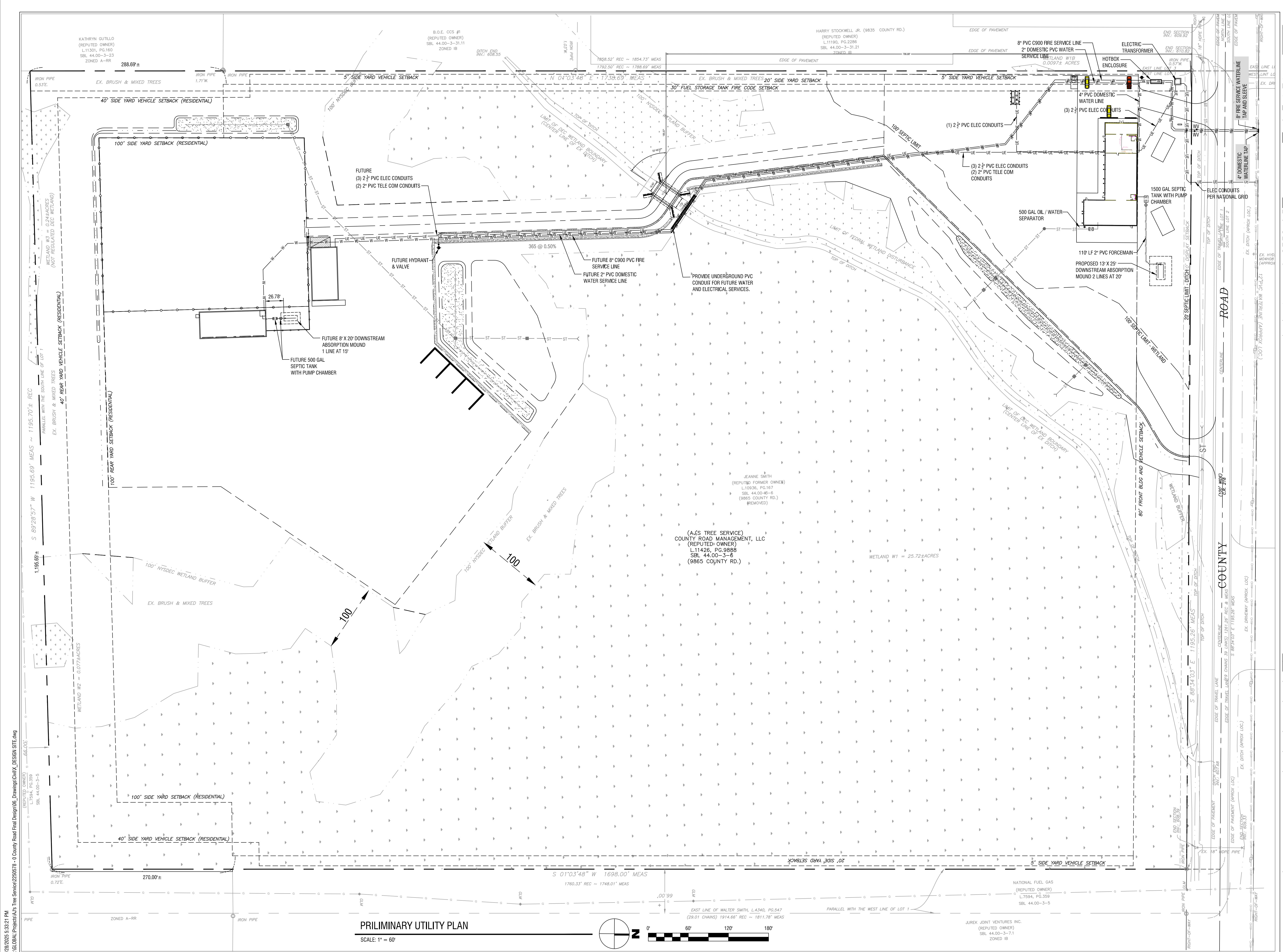
NO:	DATE:	DESCRIPTION:
Revisions		

DRAWN BY:	D.A.S.
REVIEWED BY:	K.J.W.
ISSUED FOR:	CONCEPT REVIEW

DATE: **APRIL 30, 2025**

# PRELIMINARY UTILITY PLAN

# C301





NOT FOR CONSTRUCTION

EXP: ###/##/20## EXP: ###/##/20##

CERTIFICATE OF AUTHORIZATION NUMBER:  
PROFESSIONAL ENGINEERING: 018281  
LAND SURVEYING: 017976  
GEOLOGICAL: 018750

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**AJ'S TREE SERVICE**  
9500 MARTIN ROAD  
CLARENCE CENTER, NEW YORK 14032



**COMMERCIAL SITE DEVELOPMENT**  
9865 COUNTY ROAD  
CLARENCE, NEW YORK 14031

NO.	DATE:	DESCRIPTION:
Revisions		

PROJECT NUMBER:

DRAWN BY: D.A.S.

REVIEWED BY: K.J.W.

ISSUED FOR: CONCEPT REVIEW

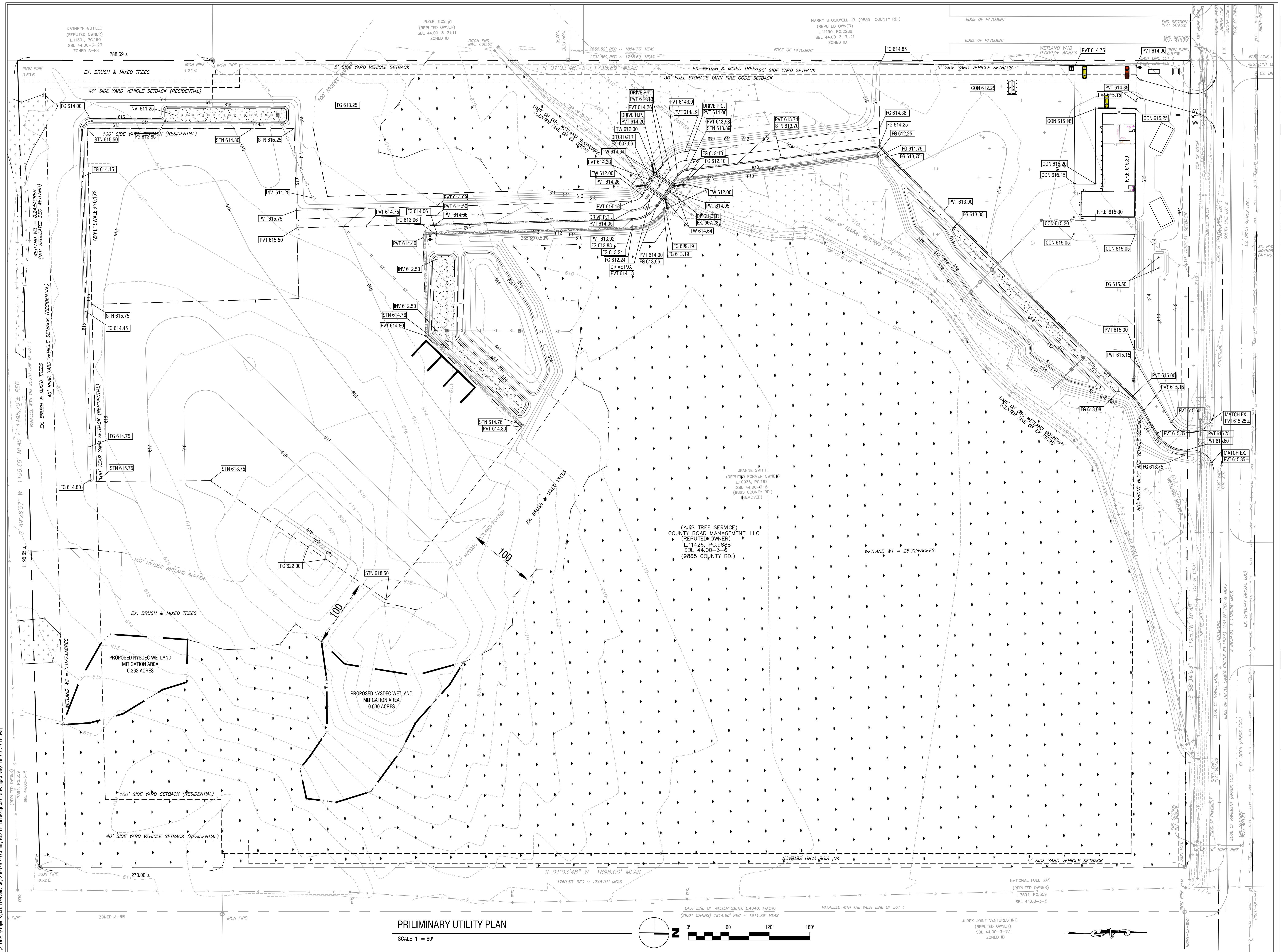
DATE: APRIL 30, 2025

DRAWING NAME:

PRELIMINARY GRADING PLAN

DRAWING NUMBER:

C401



PRILIMINARY UTILITY PLAN

SCALE: 1" = 60'



**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

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

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

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

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Commercial Site Development		
Project Location (describe, and attach a general location map): 9865 County Rd. Clarence New York 14031		
Brief Description of Proposed Action (include purpose or need): Site design to locate (1) 8,876 sf building along County Road with all required parking, utilities and site amenities per town codes. Provide Future Concept Design of the rear lot to meet rezoning review requirements from the Town of Clarence. The Southern portion of the site is currently zoned A-RR Agricultural Rural Residential. Intent is to rezone as Industrial Business (IB). Provide a stone pad area in the rear of the parcel, with driveway access and culvert crossing through the wetland for space to accommodate tree service operations, employee parking and equipment. Provide 2 new driveways at County Road for access to the site. Wetland delineation & mitigation - NYSDEC mitigation assumed to be on site. USACE mitigation to be off site through Ducks Unlimited. Provide septic design for up to 20 employees.		
Name of Applicant/Sponsor: AJ's Tree Service / Labella Associates	Telephone: 716-255-0345 / 716-710-3060 E-Mail: jeff@ajstreeservice.com, dstutz@labellpc.com	
Address: 9500 Martin Rd		
City/PO: Clarence	State: New York	Zip Code: 14031
Project Contact (if not same as sponsor; give name and title/role): David Stutz, Project Manager	Telephone: 716-310-3060 E-Mail: dstutz@labellpc.com	
Address: 300 Pearl St , Suite 300		
City/PO: Buffalo	State: New York	Zip Code: 14202
Property Owner (if not same as sponsor): Jeff Tomaro	Telephone: 716-255-0345 E-Mail: jeff@ajstreeservice.com	
Address: 9500 Martin Rd		
City/PO: Clarence	State: New York	Zip Code: 14031

## B. Government Approvals

### B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Clarence Town Board	4-25-25
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Clarence Planning board	6-18-25
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Clarenec Zoning Board	TBD
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ECWA, ECDOH, E.C. Highway	TBD
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC	1-23-24
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	USACE	TBD
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## C. Planning and Zoning

### C.1. Planning and zoning actions.

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

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

### C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☒ No

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

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

If Yes, identify the plan(s):

NYS Heritage Areas: West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

<b>C.3. Zoning</b>	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? Industrial Business (IB) and Agricultural Rural Residential (A-RR)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<hr/>	
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes,	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
i. What is the proposed new zoning for the site? <u>Rear portion of the site approx 7.66 acres from A-RR to IB</u>	
<hr/>	
<b>C.4. Existing community services.</b>	
a. In what school district is the project site located? <u>Clarence</u>	
<hr/>	
b. What police or other public protection forces serve the project site? <u>Clarence Police</u>	
<hr/>	
c. Which fire protection and emergency medical services serve the project site? <u>Clarence Fire Dept</u>	
<hr/>	
d. What parks serve the project site? <u>none</u>	
<hr/>	

## D. Project Details

<b>D.1. Proposed and Potential Development</b>	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? <u>Commercial</u>	
<hr/>	
b. a. Total acreage of the site of the proposed action?	<u>47.15</u> acres
b. Total acreage to be physically disturbed?	<u>15.62</u> acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>47.15</u> acres
<hr/>	
c. Is the proposed action an expansion of an existing project or use?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
<hr/>	
d. Is the proposed action a subdivision, or does it include a subdivision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes,	
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)	
<hr/>	
ii. Is a cluster/conservation layout proposed? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
<hr/>	
e. Will the proposed action be constructed in multiple phases?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
i. If No, anticipated period of construction: _____ months	
ii. If Yes:	
• Total number of phases anticipated	<u>2</u>
• Anticipated commencement date of phase 1 (including demolition)	<u>OCT</u> month <u>2025</u> year
• Anticipated completion date of final phase	<u>TBD</u> month <u>TBD</u> year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____	
<u>Phase 1 of the project involves all stone lots, parking lots, driveways, bridge, utilities, stormwater facilities, north building and landscaping.</u>	
<u>Phase 2 when applicable would involve the 2 rear buildings and fencing around ex stone lot in the rear.</u>	
<hr/>	

f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Total number of structures <u>3</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>29</u> height; <u>50</u> width; and <u>155</u> length	
iii. Approximate extent of building space to be heated or cooled: <u>8,960</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Purpose of the impoundment: <u>stormwater management</u>	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input checked="" type="checkbox"/> Other specify: <u>surface runoff from impervious areas</u>	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: <u>+/- 0.44</u> million gallons; surface area: <u>+/- 0.54</u> acres	
v. Dimensions of the proposed dam or impounding structure: <u>+/- 2.5 ft</u> height; <u>395 ft</u> length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): <u>earth fill</u>	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> <li>• Volume (specify tons or cubic yards): _____</li> <li>• Over what duration of time? _____</li> </ul>	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
ix. Summarize site reclamation goals and plan: _____	
_____	
_____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>NYSDEC Wetland 1 (south of the on site ditch) Type PSS1E/PF0/PEM1E</u>	
<u>NYSDEC Wetland 1 designated as USACE Wetland (north of the on site ditch) Type PSS1E/PF0/PEM1E</u>	

*ii.* Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:  
 NYSDEC Wetland 1 (south of the on site ditch) Type PSS1E/PF0/PEM1E will have 0.489 of 22.72 acres in disturbance  
 NYSDEC Wetland 1 designated as USACE Wetland (north of the on site ditch) Type PSS1E/PF0/PEM1E will have 1.124 of 2.996 acres in disturbance.

---

*iii.* Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☒ No  
 If Yes, describe: \_\_\_\_\_

*iv.* Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☒ No  
 If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

*v.* Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_  
 NYSDEC mitigation will occur in the southeast corner of the site. USACE mitigation will occur off site through Ducks Unlimited

---

*c.* Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No  
 If Yes:

*i.* Total anticipated water usage/demand per day: \_\_\_\_\_ 300 gallons/day

*ii.* Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No  
 If Yes:

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

*iii.* Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

*iv.* Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No  
 If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

*v.* If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

*vi.* If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

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*d.* Will the proposed action generate liquid wastes? ☒ Yes ☐ No  
 If Yes:

*i.* Total anticipated liquid waste generation per day: \_\_\_\_\_ 300 gallons/day

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

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*iii.* Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☒ No  
 If Yes:

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

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a line extension within an existing district be necessary to serve the project? _____</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____          _____          _____</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____          _____          _____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____          _____          _____</p>	

<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?          _____ Square feet or <u>9.59</u> acres (impervious surface)          _____ Square feet or <u>47.15</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>Stone lots and buildings</u></p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  <u>on site bio-retention basins and stormwater basins outlet to on site drainage ditch</u></p> <p>_____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____  <u>Beeman Creek via on site drainage ditch</u></li> <li>• Will stormwater runoff flow to adjacent properties? _____</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>	

<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	--



<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ dawn to dusk</li> <li>• Saturday: _____ dawn to dusk</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ dawn to dusk</li> <li>• Saturday: _____ dawn to dusk</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ dawn to dusk</li> <li>• Saturday: _____ dawn to dusk</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ dawn to dusk</li> <li>• Saturday: _____ dawn to dusk</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____</p> <p>Lighting for site will be limited to all overhead doors, man doors and security lighting as needed. _____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored <u>Diesel gas</u> for refueling trucks and equipment. _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p><u>2 above ground white storage tanks, one 1500 gallons and one 1000 gallons. Located on concrete pad protect by bollards</u></p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul>	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: \_\_\_\_\_ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: \_\_\_\_\_

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

## E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☐ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☒ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	9.59	9.59
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	21.43	13.53	- 7.90
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)	25.72	24.03	- 1.69
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul>	
ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____	
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ iii. Describe any development constraints due to the prior solid waste activities: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes – Spills Incidents database      Provide DEC ID number(s): _____ <input type="checkbox"/> Yes – Environmental Site Remediation database      Provide DEC ID number(s): _____ <input type="checkbox"/> Neither database	
ii. If site has been subject of RCRA corrective activities, describe control measures: _____	
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>																			
<ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____</li> </ul>																			
<b>E.2. Natural Resources On or Near Project Site</b>																			
a. What is the average depth to bedrock on the project site? <span style="float: right;">_____ 5 - 10 feet</span>																			
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %																			
c. Predominant soil type(s) present on project site: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;">odessa silt</td> <td style="width: 30%; text-align: right; border-bottom: 1px solid black;">40.7 %</td> </tr> <tr> <td style="border-bottom: 1px solid black;">lakemont silt &amp; mucky</td> <td style="text-align: right; border-bottom: 1px solid black;">27.1 %</td> </tr> <tr> <td style="border-bottom: 1px solid black;">collamer</td> <td style="text-align: right; border-bottom: 1px solid black;">13.1 %</td> </tr> </table>		odessa silt	40.7 %	lakemont silt & mucky	27.1 %	collamer	13.1 %												
odessa silt	40.7 %																		
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d. What is the average depth to the water table on the project site? Average: _____ .5 - 2 feet																			
e. Drainage status of project site soils: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><input type="checkbox"/> Well Drained:</td> <td style="width: 70%; text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">_____ 100 % of site</td> </tr> </table>		<input type="checkbox"/> Well Drained:	_____ % of site	<input type="checkbox"/> Moderately Well Drained:	_____ % of site	<input type="checkbox"/> Poorly Drained	_____ 100 % of site												
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f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><input type="checkbox"/> 0-10%:</td> <td style="width: 70%; text-align: right;">_____ 100 % of site</td> </tr> <tr> <td><input type="checkbox"/> 10-15%:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">_____ % of site</td> </tr> </table>		<input type="checkbox"/> 0-10%:	_____ 100 % of site	<input type="checkbox"/> 10-15%:	_____ % of site	<input type="checkbox"/> 15% or greater:	_____ % of site												
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<input type="checkbox"/> 10-15%:	_____ % of site																		
<input type="checkbox"/> 15% or greater:	_____ % of site																		
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, describe: _____																			
h. Surface water features. <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?</td> <td style="width: 20%; text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>ii. Do any wetlands or other waterbodies adjoin the project site?</td> <td style="text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </table> If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?</td> <td style="width: 20%; text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </table> iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name _____</td> <td style="width: 50%;">Classification _____</td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name Federal Waters, Federal Waters, Federal Waters,...</td> <td>Approximate Size 47.15</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">PSS1E/PF0/PEM1E</td> </tr> </table>		i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ii. Do any wetlands or other waterbodies adjoin the project site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	• Streams:	Name _____	Classification _____	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name Federal Waters, Federal Waters, Federal Waters,...	Approximate Size 47.15	• Wetland No. (if regulated by DEC)	PSS1E/PF0/PEM1E	
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v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, name of impaired water body/bodies and basis for listing as impaired: Name - Pollutants - Uses: Beeman Creek and tribs - Fecal Coliforms; Total Phosphorus; Dissolved Oxygen																			
i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>																			
j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>																			
k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>																			
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">i. Name of aquifer: _____</td> <td style="width: 20%;"></td> </tr> </table>		i. Name of aquifer: _____																	
i. Name of aquifer: _____																			

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>Henslow's Sparrow, _____</p> <p>Short Eared Owl _____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>Henslow's Sparrow, Short-eared Owl _____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: <u>ERIEc01</u></p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <div style="margin-left: 20px;">           i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site      <input type="checkbox"/> Historic Building or District         </div> <div style="margin-left: 20px;">           ii. Name: _____         </div> <div style="margin-left: 20px;">           iii. Brief description of attributes on which listing is based: _____         </div>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <div style="margin-left: 20px;">           i. Describe possible resource(s): _____         </div> <div style="margin-left: 20px;">           ii. Basis for identification: _____         </div>	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <div style="margin-left: 20px;">           i. Identify resource: _____         </div> <div style="margin-left: 20px;">           ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____         </div> <div style="margin-left: 20px;">           iii. Distance between project and resource: _____ miles.         </div>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <div style="margin-left: 20px;">           i. Identify the name of the river and its designation: _____         </div> <div style="margin-left: 20px;">           ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?         </div>	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

#### F. Additional Information

Attach any additional information which may be needed to clarify your project.

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

#### G. Verification

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

Applicant/Sponsor Name David Stutz Date June 13, 2025

Signature David A. Stutz Title Project Manager





**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 to confirm data provided by the Mapper or to obtain data not provided by the Mapper.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.ii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses: Beeman Creek and tribs - Fecal Coliforms; Total Phosphorus; Dissolved Oxygen

E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Henslow's Sparrow, Short-eared Owl
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	ERIEc01
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No