



Town of Newstead

P.O. Box 227 - 5 Clarence Center Rd - Akron, NY 14001

(716) 542-4573

Supervisor: **option 5*** Town Clerk: **option 2*** Court: **option 1***

Assessor/Code Enforcement: **option 4*** Fax: (716) 542-3702

Calls for Hearing Impaired: 1-800-662-1220

Date: October 24, 2023

Subject: **SEQR/COORDINATED REVIEW**
TOWN OF NEWSTEAD
12474 Main Road
Relocate U-Gate Store to this property

To All Interested Agencies:

This is to direct you to the above-mentioned project's Notice of Lead Agency Designation, project location map, site plan and EAF for the referenced project found online at:

www.erie.gov/Newstead

- Legal Notices & Job Postings
- Project Plans
- Fancher Properties

As a potential permitting or interested agency, please notify us (within 30 days) by **November 27th** if your agency objects to the Town of Newstead acting as lead agency. Otherwise, we will proceed with our review and determination of significance.

Please email any concerns or requests for additional information to:

jbrady@townofnewstead.com

or mail your response to:

Mrs. Julie Brady

Town of Newstead

PO Box 227

Akron, NY 14001

Phone: (716) 542-4573; option #4

Fax: (716) 542-3702

If no response is received by **November 27, 2023** we will assume your agency has no specific concerns about this action.

BY ORDER OF THE TOWN OF NEWSTEAD TOWN BOARD


Dawn Izdorczyk, Town Supervisor

This institution is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, X/Planning/SEQR/SEQR-LEAD U-Gate 12474 Main, Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

NOTICE
SEQR: LEAD AGENCY DESIGNATION
TOWN OF NEWSTEAD

- ☒ Newstead Town Board
- ☐ Newstead Planning Board
- ☐ Newstead Zoning Board of Appeals
- ☐ Water District
- ☐ Sewer District
- ☐ Agricultural District
- ☐ Other (insert)

This notice is filed pursuant to Part 617 6NYCRR. Article 8 of the Environmental Conservation Law (SEQR).

The Town Board has received a complete application from:

Applicant: Joseph Frey
11 West Main
Corfu, NY 14036

Contact person for applicant: Joseph Frey
Phone: Cell (716-474-1911)

Project Description: To relocate the U-Gate Store to this property, a business engaged in the sale and service of commercial yard equipment

As the most local agency with permitting authority, the Town of Newstead wishes to declare SEQR Lead Agency status and conduct a coordinated review of the proposal.

Other potential permitting agencies identified are:

- ☒ Newstead Highway Superintendent
- ☒ Newstead Code Enforcement Officer
- ☐ Erie County Highway Dept. Commissioner of Public Works
- ☒ Erie County Health Dept.
- ☒ Erie County Water Authority
- ☐ Erie County Soil & Water Conservation
- ☒ Erie County Dept. of Environment & Planning
- ☐ New York State Dept. of Environmental Conservation
- ☐ New York State Office of Parks, Recreation & Historic Preservation
- ☐ New York State Dept. of Transportation
- ☐ New York State Dept. of Health
- ☐ U.S. Army Corps of Engineers
- ☒ New York State Dept. of Agriculture & Markets
- ☐ New York State Dept. of Agriculture & Markets District Program

Other interested agencies may be:

___ School District: **Akron Central**

X Fire Company: **Akron Fire Company, Newstead Fire Company,**

___ Others:

A preliminary review of the proposed action indicates that it is a SEQR:

___ Type 1:

(check if yes)

___ Land Use Plan Adoption

___ Comprehensive Resource Management

___ Zoning, Change of Allowable Uses >25 acres

___ Construction Activity, Change Meeting or Exceeding:

___ 10 acres

___ 2 MGD Water use

___ 1000 Cars parking

___ 100,000 SF Gross, non- residential

___ 250 Residential Units

___ 100 Ft. above grade

___ Agricultural District + exceeds 25% above; reduced threshold

___ Historic Site

___ Public Park Land

Critical Environmental Area:

___ Wetland (#)

___ Flood Plain

___ Protected Plain

___ Navigable Waterway

___ Other:

or:

X Unlisted Action

**Town of Newstead
Lead Agency Declaration**

**Site Plan Application
U-Gate Store
12474 Main Road**

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER DUGAN,
WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER JENDROWSKI.

WHEREAS, the Town of Newstead has received a site plan application from Joseph Frey/U-Gate Store to develop approximately 4-acres of the 23-acre parcel located at 12474 Main Road in the C-2 zone in the Town of Newstead (known as: SBL# 60.00-2-59.12); and

WHEREAS, this parcel is owned by Joseph Frey and the proposed development is requested with the intent of relocating the U-Gate Store to this property, a business engaged in the sale and service of commercial yard equipment, and

WHEREAS, the proposed action is a SEQR Unlisted action;

NOW THEREFORE BE IT RESOLVED,

The Newstead Town Board, being the most local agency with permitting authority, wishes to declare SEQR Lead Agency status and conduct a coordinated review; be it further

RESOLVED,

That the Newstead Town Board authorizes the Building Department to coordinate the required mailings and notifications; and that this resolution take effect immediately.

The above resolution was duly put to a roll call vote on October 23, 2023 the results of which were as follows:

Supervisor Izydorczak	Aye
Councilmember Dugan	Aye
Councilmember Burke	Aye
Councilmember Jendrowski	Aye
Councilmember Pope	Aye



SITE PLAN

LETTER OF INTENT/PROJECT DESCRIPTION

Property Owner Name: Joe Frey

Mailing Address: 11 West Main, Corfu, NY 14036

Phone # 716-474-1911

Applicant Name: U-Gate Store - Joseph Frey

Mailing Address: 12666 Main, Akron, NY 14001

Phone # 716-474-1911

Project Location: 12474 Main Road at Cummings Road

Proposed use: Commercial yard equipment sales and service

Site Acreage: 24.0+ Zoning: C2, SA SBL# 60.00-2-59.1

of new parking spaces: 14

DEVELOPER (applicant)

Name Joseph Frey

Address 12666 Main, Akron, NY 14001

Phone # 716-474-1911

ARCHITECT or ENGINEER:

Name K2 Architecture

Address 164 Lafayette, Buffalo, NY 14213

Phone # 716-908-1756

Have you provided proof of ownership or documentation from the land owner that the applicant is proceeding with the land owner's written authorization? YES
yes/no

[illegible]

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: U-Gate Store		
Project Location (describe, and attach a general location map): 12474 Main Road at Cummings Road, (T)Newstead		
Brief Description of Proposed Action (include purpose or need): Redevelopment of agricultural barn structure with new paved outdoor equipment storage and parking lot for retail use. Approximately 4 acres of the total 23 ac parcel will be disturbed for this redevelopment, none of which is currently farmed. The remaining existing furrowed field shall remain as (leased) farmland.		
Name of Applicant/Sponsor: Joseph Frey		Telephone: (716) 474-1911 E-Mail: joefreysmail@gmail.com
Address: 12666 Main Road		
City/PO: Akron	State: NY	Zip Code: 14001
Project Contact (if not same as sponsor; give name and title/role): Douglas Klotzbach		Telephone: (716) 908-1756 E-Mail: douglas@k2architecture.com
Address: 164 Lafayette		
City/PO: Buffalo	State: NY	Zip Code: 14213
Property Owner (if not same as sponsor): Joseph Frey		Telephone: (716) 474-1911 E-Mail: joefreysmail@gmail.com
Address: 11 West Main St.		
City/PO: Corfu	State: NY	Zip Code: 14036

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 Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board - Site Plan, SEQR	
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board - Site Plan	
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Erie County Dept of Health - On-site wastewater treatment	
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC SPDES Permit for Stormwater Management	
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
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 I

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plans 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):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
C2 - Commercial, Suburban Agriculture, & Route 5 overlay

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site?

C.4. Existing community services.

a. In what school district is the project site located? Akron

b. What police or other public protection forces serve the project site?

Akron Police, NYS Troopers

c. Which fire protection and emergency medical services serve the project site?

Akron Fire District

d. What parks serve the project site?

Akron Falls

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Commercial yard equipment sales and service

b. a. Total acreage of the site of the proposed action? 2.5 acres

b. Total acreage to be physically disturbed? 2.5 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 24 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ 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:

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed?

iv. Minimum and maximum proposed lot sizes? Minimum Maximum

c. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: months

ii. If Yes:

- Total number of phases anticipated
- Anticipated commencement date of phase 1 (including demolition) month year
- Anticipated completion date of final phase month year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

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

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures <u>1</u> ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width, and _____ length iii. Approximate extent of building space to be heated or cooled: _____ 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 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 checked="" type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ <u>Stormwater runoff</u> iii. If other than water, identify the type of impounded contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: <u>0.29</u> acres v. Dimensions of the proposed dam or impounding structure: <u>3.5</u> height; <u>159</u> length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____ <u>Earthen depression</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) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 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? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ 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? <input type="checkbox"/> Yes <input type="checkbox"/> No 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? <input type="checkbox"/> Yes <input type="checkbox"/> No 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____ _____	

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:

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:

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: 1600 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: ECWA
- Does the existing public water supply have capacity to serve the proposal?
- Is the project site in the existing district?
- Is expansion of the district needed?
- Do existing lines serve the project site?

☒ Yes ☐ No

☒ Yes ☐ No

☐ Yes ☒ No

☒ 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.

d. Will the proposed action generate liquid wastes?

☒ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: 1440 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 wastewater

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?
- Is the project site in the existing district?
- Is expansion of the district needed?

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? • Will a line extension within an existing district be necessary to serve the project? <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
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): Subsurface disposal from on-site wastewater treatment system _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ n/a _____	
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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <ul style="list-style-type: none"> i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or <u>2</u> acres (impervious surface) _____ Square feet or <u>24</u> acres (parcel size) ii. Describe types of new point sources. <u>Basin outlet to existing on-site pond and drainage ditch</u> 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 stormwater management</u> 	
<ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ • Will stormwater runoff flow to adjacent properties? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, identify: <ul style="list-style-type: none"> i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____ 	
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <ul style="list-style-type: none"> 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) <input type="checkbox"/> Yes <input type="checkbox"/> No ii. In addition to emissions as calculated in the application, the project will generate: <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

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? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____

ii. For commercial activities only, projected number of truck trips day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? ☐ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☒ Yes ☐ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

tbcd

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

local grid

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☒ No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____ 7am-4pm
- Saturday: _____ 7am-4pm
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____ 7am-7pm
- Saturday: _____ 7am-4pm
- Sunday: _____
- Holidays: _____

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</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>Pole-mounted, downlighting for outdoor secure storage and parking lot. Residences 200-ft east on far-side of Cummings Road.</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</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. 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</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"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <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"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

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

If Yes:

- Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
- Anticipated rate of disposal processing:
 - _____ Tons/month, if transfer or other non-combustion thermal treatment, or
 - _____ Tons/hour, if combustion or thermal treatment
- 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:

- Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____
- Generally describe processes or activities involving hazardous wastes or constituents: _____
- Specify amount to be handled or generated _____ tons/month
- Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____
- 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 Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.40	2.3	+1.9
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	3.0	0	-3.0
• Agricultural (includes active orchards, field, greenhouse etc.)	19.0	19.0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.6	0.6	0
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: Lawn/landscape	0	1.1	+1.1

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
 i. If Yes: explain: _____

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? ☐ Yes ☒ No
 If Yes:
 i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☒ No
 If Yes:
 i. Dimensions of the dam and impoundment:
 • Dam height: _____ feet
 • Dam length: _____ feet
 • Surface area: _____ acres
 • Volume impounded: _____ gallons OR acre-feet
 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? ☐ Yes ☒ No
 If Yes:
 i. Has the facility been formally closed? ☐ Yes ☐ No
 • 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: _____

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? ☐ Yes ☒ No
 If Yes:
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

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? ☐ Yes ☒ No
 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: ☐ Yes ☐ No
☐ Yes - Spills Incidents database Provide DEC ID number(s): _____
☐ Yes - Environmental Site Remediation database Provide DEC ID number(s): _____
☐ 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? ☐ Yes ☒ No
 If yes, provide DEC ID number(s): _____
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 4 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

HoB - Honeyoe loam	41 %
LmA - Lima loam	51 %
Nh - Niagara silt loam	8 %

d. What is the average depth to the water table on the project site? Average: _____ >5 feet

e. Drainage status of project site soils: ☐ Well Drained: _____ % of site
☒ Moderately Well Drained: 92 % of site
☒ Poorly Drained: 8 % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: 16 % of site
☐ 10-15%: _____ % of site
☐ 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☒ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

• Streams:	Name _____	Classification _____
• Lakes or Ponds:	Name _____	Classification _____
• Wetlands:	Name _____	Approximate Size _____
• Wetland No. (if regulated by DEC)	_____	

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☒ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☒ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No

If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____ <u>White-tail deer</u> _____ <u>Raptors</u> _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Species and listing (endangered or threatened): _____ <u>Northern Long-eared Bat</u>	
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Species and listing: _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____	
E.3. Designated Public Resources On or Near Project Site	
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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide county plus district name/number: <u>ERIE001</u>	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

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:		
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District		
ii. Name: _____		
iii. Brief description of attributes on which listing is based: _____		
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:		
i. Describe possible resource(s): _____		
ii. Basis for identification: _____		
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:		
i. Identify resource: _____		
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____		
iii. Distance between project and resource: _____ miles.		
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:		
i. Identify the name of the river and its designation: _____		
ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666?		<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 Joe Frey Date 4/28/23

Signature  Title Owner

PRINT FORM

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



B.1.i [Coastal or Waterfront Area]	No
B.1.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]	No
E.2.h.ii [Surface Water Features]	Yes on-site man-made pond
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
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.b. [Endangered or Threatened Species - Name]	Northern Long-eared Bat	no tree removals this project
E.2.p. [Rare Plants or Animals]	No	
E.3.a. [Agricultural District]	Yes	development located adjacent to existing furrowed field
E.3.a. [Agricultural District]	ERIE001	
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	



AGRICULTURAL DATA STATEMENT

NYS Agricultural and Markets Law requires the submission of an agricultural data statement by an applicant to the municipality for a rezoning, special use permit, site plan approval, use variance, or subdivision of parcel(s) occurring on property within an agricultural district containing a farm operation or on property within 500 feet of an active farm operation located in an agricultural district.

Applicant's Name & Address	Owner's Name & Address (if different from applicant)
- J. Grey	
11 West Main Corfu N.Y.	N/A
14036	

Type of Application	<input type="checkbox"/> Rezoning	<input type="checkbox"/> Special Use Permit	<input checked="" type="checkbox"/> Site Plan Approval
	<input type="checkbox"/> Use Variance	<input type="checkbox"/> Subdivision Approval	

Project Description:

One-Story Retail Bldg Addition and Renovations with paved surface parking lot and outdoor equipment storage yards on an existing farmstead.

Project Address: 12474 Main Road, Akron, NY 14001

Project Location: North side of Main Road, at northwest intersection of Cummings Road
(Example: west side of Main Street)

Project Size: +/- 4 acres land development includes +5000sf building addition, on total +24 acre parcel.
(Square footage, acreage, etc.)

Current Use of Site:

- Retail Amish Sheds
- Flea mkt Retail in Barn
- agricultural crops on open land

History of Farming on Site:

(Last year farmed, type of activity, number of acres, by owner or another, etc.)

Last farmed in 2021, corn and wheat, ~12 acres,
owner leased to another

Other Site Information:

(Drainage direction and features, e.g. ditches, tiles, streams, gullies, proposed changes, etc.)

Include a tax or other map with project boundaries clearly marked and with nearby farm operations indicated. *(Municipal assessor or County tax office may be able to assist with this requirement.)*

Use the space below to provide the full mailing address of all farm operations within 500 feet of this project, including lands used in agricultural production. If necessary, please continue on a separate sheet. *(Municipal assessor or County tax office may be able to assist with this requirement.)*

O'Neill - 12477 Main Rd. Akron, NY 14001

Kaminski - 5659 Cummings Rd. Akron, NY 14001

Ball - [vacant land] no mailing address

Applicant Signature: _____

Owner Signature: _____

(if different from applicant)

THE MUNICIPALITY MUST REFER A COPY OF THIS STATEMENT TO THE ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING, 95 FRANKLIN STREET, BUFFALO, NY 14202
AND TO ALL ADDRESSES ON THE FARM OPERATION MAILING LIST

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN OF NEWSTEAD, NEW YORK

PLEASE TAKE NOTICE, that a public hearing of the Town Board will be held at Newstead Town Hall, 5 Clarence Center Road in the Village of Akron, New York at 7:20pm on the 13th day of November, 2023 to consider the following:

Site plan approval request from Joseph Frey/U-Gate Store, to develop a parcel at 12474 Main Road in the C-2 zone district in the Town of Newstead, with the intent of relocating the U-Gate Store, which is engaged in the sale and service of commercial yard equipment.

The site plan is on file in the Building Department of the Town of Newstead and is open for inspection to any interested person during business hours. The hearing is open to the public. Interested individuals are invited to attend and may submit written comments in advance of the public hearing. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town Clerk at 542-4573 by November 8, 2023.

Dated: October 23, 2023

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD