

**VILLAGE OF WILLIAMSVILLE**  
**BLOCHER HOMES REDEVELOPMENT PROJECT**  
**135 EVANS STREET**

**State Environmental Quality Review Act**  
**Determination of Significance/Negative Declaration**

The Village of Williamsville Planning and Architectural Review Board (“Planning Board”), as the lead agency under the State Environmental Quality Review Act (“SEQRA”), adopts the following determination of significance regarding the proposed redevelopment of approximately 5.26 acres of property located at 135 Evans Street (the “Project Site”).

In connection with its decision to issue this Negative Declaration, the Planning Board has identified the relevant areas of environmental concern and thoroughly evaluated the identified potential adverse environmental impacts based on its review of extensive documentation and input it has received as summarized herein. Prior to issuing this Negative Declaration, the Planning Board reviewed the action during numerous meetings including its meetings held on August 5, 2017, October 7, 2017, November 4, 2019, December 2, 2019, January 6, 2020 and February 3, 2020.

**Description of the Proposed Action (the “Project”)**

The proposed action consists of the redevelopment of the Project Site as a Multi-Family Project consisting of 97 mixed-income apartments and all related site improvements as depicted on the fully engineered plans including the Site Layout Plan [Drawing C-2] prepared by Tredo Engineers (hereinafter, “Project” or “Action”). Eighty (80) of the apartments will consist of one-bedroom and seventeen (17) of the apartments will consist of two-bedrooms. The Project includes the conversion of the existing approximately 50,000 sq. ft. enhanced living residence into apartments along with the construction of three new proposed buildings along the Evans Street frontage, each with a footprint of less than 10,000 sq. ft. The footprint of the three buildings to be

located along the Evans Street frontage of the Project Site are as follows: North Building – 9,900 sq. ft.; Center Building – 9,630 sq. ft.; and South Building – 9,418 sq. ft. Pursuant to Section 112-17(F)(2)(c) of the Village Zoning Code, the maximum building footprint within the Neighborhood Mixed Use (“NMU”) Zoning District is 10,000 sq. ft. The height of the proposed buildings will not exceed the allowable height of 36 ft. pursuant to Section 112-17(F)(2)(f) of the Zoning Code.

For purpose of the coordinated environmental review of the action pursuant to SEQRA, the Action was defined broadly by the Planning Board to include: i.) All proposed site improvements including a small addition to the existing building, the three proposed residential buildings, access aisles and 107 parking spaces, two curbs cuts onto Evans Street, demolition of an existing home, storm water management improvements, landscaping, lighting and utility improvements and connections including water and sanitary sewer infrastructure; and, ii.) all required discretionary approval and permits from the municipal boards of the Village of Williamsville and other involved agencies.

### **Background and Setting**

The roots of the Action date to the adoption of the Village Community Plan, an officially adopted Comprehensive Plan pursuant to New York Village Law §7-722, in 2010, and amended in 2015, wherein the Village Board adopted a Conceptual Land Use Plan envisioning the eventual rezoning of certain properties, including the Project Site and parcels to the north of the Project Site located on the east side of Evans Street, to NMU to allow for residential, commercial, office and institutional uses in appropriately designed and scaled buildings.

Consistent with the adopted Comprehensive Plan, in 2015, the Village Board rezoned the Project Site and other properties on the east side of Evans Street north of the Project Site and adopted design standards governing development within the NMU District. The design standards

(“NMU Design Standards”) governing the development of properties in the NMU District are codified in Section 112-17 of the Zoning Code. The proposed use of the Project Site as Multi-Family Dwellings is an expressly permitted use in the NMU District pursuant to Section 112-17A(6)(a)(13) of the Zoning Code.

### **The Originally Proposed Action (“Original Project”)**

The layout of the Project as originally proposed was modified based on input received from the Planning Board, the Zoning Board of Appeals and the public. People Inc. (“Project Sponsor”) began the process of seeking the required approvals and permits for the proposed redevelopment of the Project Site as a Multi-Family Project by submitting a Variance Application and supporting documentation dated July 8, 2019 which included a completed Short Environmental Assessment Form (“EAF”).

The Original Project consisted of approximately 87 mixed-income apartments and related site improvements as depicted on the full-size Site Layout Plan [Drawing C-2] prepared by Tredo Engineers attached to the Variance Application. The original layout was comprised of a two-story and three-story addition to the existing building located along the Evans Street frontage of the Project Site as well as 131 parking spaces on the eastern portion of the Project Site and related site improvements including a driveway connection to Village Pointe Lane. The footprint of the existing building is 24,780 sq. ft., and the footprint of the originally proposed addition to the existing building consisted of 25,209 sq. ft. The Original Project layout required three area variances from the Village of Williamsville Zoning Board of Appeals as follows:

1. The southern building side yard setback was greater than permitted pursuant to Section 112-17(B)(2)(h) of the Zoning Code [40 ft. maximum allowed vs. 223 ft. proposed].

2. The northern building side yard setback was greater than permitted pursuant to Section 112-17(B)(2)(h) of the Zoning Code [40 ft. maximum allowed vs. 101 ft. proposed].
3. The gross building area of the building was greater than permitted pursuant to Section 112-17F(2)(c) of the Zoning Code [10,000 sq. ft. allowed for each story of a building vs. building footprint of 49,989 sq. ft. proposed].

The Original Project was reviewed by the Planning Board during its meeting on August 5, 2019. During this meeting, the Planning Board provided preliminary input regarding the project layout and it adopted a resolution for the purpose of seeking lead agency status in connection with a coordinated environmental review of the action pursuant SEQRA.<sup>1</sup>

The Zoning Board of Appeals (“ZBA”) held a public hearing on the three requested area variances during its meeting on August 7, 2019. The ZBA adjourned the public hearing until a future date since the issuance of a SEQRA determination is prerequisite for the ZBA issuing a decision on the area variances that were required for the Original Project.

The updated plans for the Project were first presented to the Planning Board during its meeting on October 7, 2019, and further updated subsequent to the Planning Board meeting on October 7, 2019. The primary modifications to the layout of the Project made subsequent to the October 7, 2019 Planning Board meeting consisted of adding an internal access aisle behind the existing building to connect the two parking areas and elimination of the previously proposed driveway connection to Village Pointe Lane based on the Town of Amherst Highway Superintendent advising that he will not grant a permit to allow a driveway connection to Village Pointe Lane.

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<sup>1</sup> While the SEQRA Regulations do not require a coordinated environmental review of a project that is an Unlisted Action, the Planning Board elected to conduct a coordinated environmental review so that input and comments of involved and interested agencies could be obtained and evaluated prior to its issuance of a Determination of Significance.

### **Classification of the Action:**

The Planning Board has classified the Project as an Unlisted Action pursuant to SEQRA since none of the impacts associated with the proposed action exceed thresholds for a Type I action contained in 6 NYCRR § 617.4. Although not required since the Project is an Unlisted Action, the Planning Board elected to conduct a coordinated environmental review of the Action in order to obtain input from involved and interested agencies regarding the potential adverse environmental impacts.

### **Lead Agency Solicitation and Establishment of the Planning Board as the Lead Agency for Purpose of the Coordinated Environmental Review of the Action**

On August 8, 2019, a lead agency solicitation notice and copies of project documentation including but not limited to the EAF was provided to involved and interested agencies including the ZBA, the Village of Williamsville Department of Public Works, the Town of Amherst Highway Department, the New York State Department of Environmental Conservation, the Erie County Health Department, the Erie County Water Authority the New York State Housing and Finance Agency, the Town of Amherst Industrial Development Agency.

Project documentation provided to involved and interested agencies included the EAF with Attachments A (Response to Question 2 of the Short EAF) and Attachment B (No Impact Determination Letter issued by R. Daniel Mackay of the New York State Office of Parks, Recreation and Historic Preservation dated July 3, 2019 as well as copies of the plans for the proposed redevelopment project including the following: Topographic Survey of the Project Site prepared by Millard, MacKay & Delles Land Surveyors LLP; Site Layout Plan [Drawing C-2] prepared by Tredo Engineers; Site Grading, Drainage & Utilities Plan [Drawing C-3] prepared by Tredo Engineers; Landscape Plan & Planting Schedule Plan [Drawing L-1] prepared by Tredo

Engineers; Sitework Details Plan [Drawing C-4] prepared by Tredo Engineers; and Elevations Plan and color building rendering plans prepared by Long Associates Architects.

The lead agency solicitation notice issued on behalf of the Planning Board provided involved agencies with thirty days to respond to the Planning Board's request to be the designated lead agency for the coordinated environmental review of the action.

None of the involved or interested agencies expressed any objections to the Planning Board acting as the lead agency for the coordinated environmental review of the Project. Additionally, none of the numerous letters and communication issued by involved or interested agencies during the lengthy environmental review of the action expressed any concerns that the action may result in significant adverse environmental impacts.

On October 8, 2019, a letter was sent to involved and interested agencies to solicit their input based on modification to the Site Plan for the Project that included the elimination of the three previously requested area variances and a reduction of the number of parking spaces. None of the involved or interested agencies that responded to the October 8, 2019 letter expressed concerns regarding potential adverse environmental impacts.

#### **Evaluation of the Identified Environmental Impacts:**

The Planning Board has carefully and deliberately identified and evaluated the potential environmental impacts associated with the action by reviewing extensive documentation and comments including but not limited to the following:

- The original Short EAF dated July 10, 2019 and the Amended Short EAF dated October 3, 2019
- The engineered plans prepared by Tredo Engineers most recently updated on February 5, 2020 consisting of the following: C-1 Site Demolition and Erosion Control Plan; C-2 Site Layout Plan; C-2a Site Layout Plan – North; C-2b Site Layout Plan – South; C-3a Site Grading Plan – North; C-3b Site Grading Plan – South; C-4a Site Drainage and Utilities Plan – North; C-4b Site Drainage and Utilities Plan – South; C-5 Site Details; C-6 Site

Details; L-1 Landscape Plan & Planting Schedule; EL-101 Exterior Site Lighting Plan; and 3 standard detail sheets from the Erie County of Public Works; DWG. No. 1 Asphalt Wearing Surface Open Cutting Roads and Shoulders; EC 93-2 Standard Detail Sheet; and EC 94-1 Standard Detail Sheet;

- The Engineer's Report prepared by Tredo Engineers including a downstream sanitary sewer capacity analysis during wet weather conditions;
- The Storm Water Pollution Prevention Plan prepared by Tredo Engineers;
- The elevation plans prepared by Long Associates Architects most recently updated on February 5, 2020 consisting of the following: A-201 North Building Elevations; A-202 Middle Building Elevations; A-203 South Building Elevations; A-204 Existing and Proposed South Elevations; A-205 Existing and Proposed East Elevations; A-206 Existing and Proposed North Elevations; A-207 Existing and Proposed West Elevations and the Sightline Plan;
- The letters issued Edward Schiller, P.E. of Wm. Schutt & Associates, the Village's engineering firm, dated October 31, 2019, December 30, 2019 and February 3, 2020;
- The most recent version of the Traffic Impact Study prepared by SRF Associates dated October 2017 (and previous versions of the Traffic Impact Study);
- The traffic review letters issued by Timothy R. Faulkner, P.E., of Fisher Associates dated November 2, 2019 and January 2, 2020;
- The letter of Steven Ferranti, P.E. of SRF Associates dated November 11, 2019 that included updated to the traffic analysis contained in the Traffic Impact Study;
- Input received from the Village's Historic Preservation Commission including its comments dated, the Environmental Advisory Committee and the Traffic & Safety Committee;
- Reviewing comments received from involved and interested agencies, including the following:
  - Letter issued by R. Daniel Mackay of the New York State Office of Parks, Recreation and Historic Preservation dated July 3, 2019;
  - Letters from the Town of Amherst Planning Department dated September 4, 2019 and October 21, 2019;
  - Letter from the Erie County Department of Environment and Planning dated November 8, 2019;
  - E-mail from Gina Wilkolaski of the Erie County Department of Public Works dated

November 25, 2019;

- Letter issued by Garrett Hacker, P.E, of Erie County Department of Public Works dated December 26, 2019 approving the fully engineered plans and Engineer's Report;
- E-mail communication of Molly Bebak of the NYSDEC's Division of Water dated January 29, 2020
- Letter of the Town of Amherst Engineering Department dated February 3, 2020
- Letter from Patrick Lucey of the Town of Amherst Highway Department dated February 13, 2010;
- Letter of Andrew Marino of Tredo Engineers dated January 9, 2020 responding to comments contained in the letter of Edward Schiller, P.E. of Wm. Schutt & Associates dated December 30, 2019 that included updated plans
- Memorandum of Andrew Marino of Tredo Engineers dated February 3, 2020 responding to the comments in the e-mail communication of Jane Vohwinkel of the Environmental Advisory Council dated January 30, 2019
- Considering numerous written and oral public comments submitted by residents and other interested persons including comments made by the 22 people who spoke during the public hearing held by the Planning Board on December 2, 2019
- Completing Part 2 of the Short EAF

Based upon the review of the relevant documentation and information, and after taking a hard look at the identified potential environmental impacts associated with the Action with respect to the criteria specified in 6 NYCRR § 617.7(c), the Planning Board has made the following findings with respect to such criteria:

**(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems.**

**Finding:** No significant potential adverse impacts were identified regarding these criteria.

As a residential development, the Project is not expected to adversely impact air quality, particularly as compared to existing conditions. Although the increased density will likely produce

greater vehicular exhaust from the increased number of automobiles at the Project Site, such emissions do not represent a significant adverse environmental impact. The Project Site is located in walkable area that will provide future residents with the ability to walk and bike to a diverse range of nearby uses including a grocery store, numerous restaurants, a pharmacy, office buildings including medical offices, a post office, parks, etc.

The Project will result in an increase in the amount of impervious surfaces on the Project Site including the three new buildings, new parking access aisles and parking spaces and other impervious surfaces. The Project Sponsor has submitted a Storm Water Pollution Prevention Plan (“SWPPP”) prepared by Tredo Engineers dated November 2019 that contains a detailed description of the proposed stormwater management system improvements to be installed in connection with the Project. The SWPPP includes detailed calculations demonstrating that stormwater discharge rates from the Project for the 1 yr. 10 yr. and 100 yr. storm events will be less than existing discharge rates during these storm events based on existing conditions.

The Project will not result in any significant adverse impacts to surface or ground water quality or quantity, or lead to an increase in the potential for erosion, flooding, leaching or drainage problems. In fact, because the Project will comply with NYSDEC stormwater management regulations and the stringent stormwater quality and stormwater quality standards contained in the New York State Stormwater Management Design Manual, the Project is expected to improve drainage conditions relative to the essentially uncontrolled existing drainage conditions associated with existing development on the Project Site. The Project Site is not located with a regulated floodway or 100 year floodplain. Additionally, there are not any wetlands subject to the jurisdiction of either the United States Army Corps of Engineers or the New York State Department of Environmental Conservation located on the Project Site.

Stormwater runoff during the construction of the Project will be handled as described in detail in the SWPPP prepared by Tredo Engineers. The Project will be required to comply with the water quality and water quantity standards of the NYSDEC SPDES Permit GP-15-002 for stormwater discharges from construction activities resulting in a soil disturbance area of greater than one acre. The components of the erosion control measures to be implemented are described in Section III of the SWPP and include daily site maintenance, construction sequencing (including installation of construction and perimeter silt fencing, the seeding and mulching of landscaped areas, etc.) and post construction operation and maintenance (including inspection catch basins and storm piping for debris and sediments, the removal and properly dispose of any collected debris from the structures, flushing of piping with water, if necessary, to remove accumulated sediments, etc.).

Pursuant to Section 112-28G(1)(4) of the Village Code, the Project Sponsor will be required to enter into a formal maintenance agreement with the Village for the maintenance of the stormwater management facilities to be installed in connection with the Project. The stormwater management maintenance agreement will be binding upon all subsequent owners of the Project Site and will be recorded at the Erie County Clerk's Office.

The Project Sponsor has submitted an Engineer's Report prepared by Tredo Engineers dated January 2020 confirming the existing water supply and storm and sanitary sewer systems have adequate capacity to serve the Project.

With respect to sanitary sewer, the proposed sanitary sewer improvements are described in Section III of the Engineer's Report of Tredo Engineers dated January 2020 and will consist of new private wastewater lateral connections to the existing building and each of the proposed three buildings connecting to the eight inch sewer main located in the center of the Evans Street Right-

of-Way. Each building will be serviced by a six inch PVC lateral and tap sloped as a minimum of one percent and a maximum of three percent. A trap, vent and PVC cleanout will be installed on each of the building sanitary sewer laterals at the building exit point.

The Project will result in a net increase of average daily sanitary sewer flow of 2,350 gpd as compared to the existing average daily sanitary sewer flow from the existing 65 bed facility. The peak hourly sanitary flow for the Project is 9,984 gpd (four times the average daily sanitary sewer flow). With respect to sanitary sewer demand and downstream sanitary sewer capacity during wet weather conditions (defined as a rain event of more than 0.5 inches), Tec Smith tested the downstream sanitary sewer flows at two downstream manholes located at 1210 Maple Road and North Forest Road and Carriage Circle during wet weather conditions during rain events of more than 0.5 inches occurring on October 31, 2019 (1.42" of rain) and November 11, 2019 (0.81" of rain). The results of the downstream sanitary sewer testing during wet weather conditions at the two nodes is contained in Appendix A of the Engineer's Report of Tredo Engineers dated January 2020. The downstream sanitary sewer flow capacity analysis prepared by Tredo Engineers also included an analysis of data provided by the Town of Amherst Engineering Department at a node located on Evans Street at the northern boundary of the Village of Williamsville.

The sanitary sewer flow from the Project will enter into the Village of Williamsville sewer system at Evans Street and flow north by gravity and then be conveyed into the Town of Amherst sewer system until reaching Town of Amherst Wastewater Treatment Plant on Tonawanda Creek Road.

On January 20, 2020, Molly Bebak of the NYSDEC's Division of Water issued an e-mail communication stating that since the net sanitary sewer flow increase from the Project Site will be

less than 2,500 gpd that NYSDEC approval of a Downstream Sanitary Capacity Analysis and I&I mitigation are not required.

On February 3, 2020, the Town of Amherst Engineering Department issued a letter to the Erie County Department of Health confirming that it had evaluated the net daily and peak sanitary sewer flows from the Project and not identified any concerns. This letter described the routing of sanitary sewer flows from the Project Site and stated as follows: “Considering re-use of the existing facilities, the net daily average and peak sanitary sewer flows increase by 0.00235 and 0.00989 MGD respectively will result in a negligible increase to the current peak flow surcharge levels within the downstream sewers. Our records do not indicate that there are any existing back-up of overflow problems in the downstream sewers. As such, we do not anticipate that the proposed flows will adversely impact the downstream sewers.”

As described in Section II of the Engineer’s Report of Tredo Engineers dated January 2020, a new private water service connection will be made for the Project that will replace the existing water service. A backflow prevention will also be installed as required per the standards of the ECWA. The water service will include a new four inch domestic water line and a new six inch water line for fire protection services.

Edward Schiller, P.E. of Wm. Schutt & Associates, the Village’s engineering firm, has reviewed the fully engineered plans and technical documentation prepared by Tredo Engineers on a number of occasions. On February 3, 2020, Mr. Schiller issued a letter stating that the engineered plans had been updated and corrected in accordance with his previous comments, that the updated SWPPP was acceptable and correspondence with the NYSDEC and the Town’s Engineering Department confirmed that sanitary sewer and I&I issues have been addressed.

With respect to noise, there may be some increase in noise associated with increased occupancy at the site, but such long-term noise impacts will not be potentially significant. There will be unavoidable temporary noise impacts associated with construction activities in furtherance of the Project. However, construction activities will be limited to daytime hours and will primarily occur only on weekdays.

With respect to traffic impacts, an increase in daily vehicular traffic on Evans Street, which is an Erie County Highway and other streets in the vicinity of the Project Site will occur. However, the comprehensive analysis of traffic impacts demonstrates that the projected increase in the traffic volume on Evans Street and other streets in the vicinity of the Project Site in the morning and evening peak travel periods will not result in a significant impacts on existing levels of traffic within the vicinity of the Project Site or the Village in general. According to DEC's Full EAF Workbook, Part 1, Question D.2.j., apartment complexes of fewer than 150 units are not expected to generate in excess of 100 peak hour trips, and thus are not generally considered to result in a substantial increase in traffic. The analysis of potential traffic impacts confirmed that the proposed total of 97 apartments (80 one-bedroom units and 17 two-bedroom units) will generate significantly less than this 100 peak hour trips.

The Traffic Impact Study prepared by SRF Associates, dated October 18, 2019, contains a comprehensive analysis of the potential traffic impacts associated with the Project. The study area for the Traffic Impact Study consisted of the following intersections: Evans Street/Essjay Road (signalized); Essjay Road/Village Pointe Lane (nonsignalized); Evans Street/Eagle Street (four-way stop); Evans Street?existing Northern Driveway (nonsignalized); Evans Street/Existing Southern Driveway (nonsignalized) and Evans Street/Belmont Place. The Traffic Impact Study

included table II (reproduced below) regarding the projected trips to be generated by the Redevelopment Project during the A.M. and P.M. weekday hours as follows:

DESCRIPTION	ITE LUC	SIZE/ UNITS	AM PEAK		PM PEAK	
			ENTER	EXIT	ENTER	EXIT
Multifamily Housing	220	97	10	36	36	21

Section VII of the Traffic Impact Study consists a capacity analysis of the intersections in the study area. Capacity analysis is a technique used for determining a measure of effectiveness for a section of roadway and/or intersection based on the number of vehicles during a specific time period. The measure of effectiveness used for the capacity analysis is referred to as a Level of Service (“LOS”). Levels of Service are calculated to provide an indication of the amount of delay that a motorist experiences while traveling along a roadway or through an intersection. Since the most amount of delay to motorists usually occurs at intersections, capacity analysis typically focuses on intersection, as opposed to highway segments. Table III of the Traffic Impact Study summarizes the capacity analysis at the intersections in the study area and indicated that each of the intersections in the study area will operate at an acceptable Level of Service based on consideration of background growth and the vehicular trips to be generated by the Redevelopment Project.

Section IX of the Traffic Impact Study consists of a parking assessment performed to quantify the demand for parking. The ITE Parking Generation Manual (5th Edition) was used to project the estimated parking demand. Using the Affordable Housing land use (ITE Land Use Code 223), the estimated parking demand calculated by SRF Associates is approximately 96 parking spaces as compared to the 107 proposed parking spaces. According to SRF Associates, the estimated parking demand of 96 spaces is conservative given that 80 of the proposed 97 units will consist of only one-bedroom and also given that the Project Site is located in a highly walkable

location with easy access to many destinations and also given that future residents will have the ability to utilize public transportation consisting of bus service provided by the NFTA.

The SRF Traffic Impact Study contained the following conclusions and recommendations:

1. The traffic analysis conducted by our company supports our professional opinion that the proposed project will not result in any potentially significant adverse traffic impacts. The traffic analysis contained in this report provides the Village of Williamsville's municipal boards and committees and other governmental agencies including the Erie County Department of Public Works with detailed information to enable an assessment of the potential traffic impacts of the proposed project pursuant to SEQRA.
2. The proposed project is expected to generate approximately 10 entering/36 exiting vehicle trips during the AM peak hour and 36 entering/21 exiting vehicle trips during the PM peak hour under full build conditions. There is an increase of 39 total vehicle trips during the AM and PM peak weekday hours under the proposed conditions compared to existing conditions.
3. The existing north site driveway is expected to operate at LOS "C" during the AM peak hour and LOS "D" during the PM peak hour. Due to the heavy volumes of existing traffic along Evans Street during both the AM and PM peaks, vehicles exiting the site through the north driveway are expected to experience longer delays.

Traffic simulations were performed using an extension of SYNCHRO intersection analysis software called SimTraffic. SimTraffic is a dynamic simulation model that takes into account the traffic flow and gap conditions at intersections and can more accurately reflect actual operating conditions. A close inspection of traffic conditions during the AM and PM peak hours reveals that a maximum queue of two to three vehicles is expected to build up at the existing north driveway along Evans Street, which is acceptable. No mitigation is warranted or recommended at this intersection.

4. Based upon the results of the parking assessment, the estimated parking demand for the 80 one-bedroom units and 17 two-bedroom units as depicted on the updated Site Layout Plan can be sufficiently accommodated on the project site via the proposed 107 parking spaces.
5. The results of the alternative access analysis show that there are no changes in LOS projected as a result of the proposed project. Under this access scenario, the proposed project will not have significant adverse traffic impacts on the existing roadway network. The twenty-four foot internal access drive behind the existing Blocher Home building as depicted on the Alternative Site Layout Plan [Drawing C-2A] provided at Figure 9 connecting the two parking areas is recommended.

The Traffic Impact Study was provided to the Erie County Department of Public Works (“ECDPW”) since Evans Street is an Erie County Highway and it was also provided to Fisher Associates for an independent review at the request of the Planning Board.

On November 2, 2019, Timothy Faulkner, P.E. of Fisher Associates issued a comment letter identifying certain inconsistencies and necessary updates to the analysis of traffic impacts in the Traffic Impact Study. This comment letter stated that Fisher Associates concurred that the 107 proposed parking spaces should be adequate for the Redevelopment Project.

On November 11, 2019, Steven Ferranti, P.E. of SRF Associates issued a letter with response to each of the five categories of comments contained in the comment letter of Timothy Faulkner, P.E. of Fisher Associates dated November 2, 2019. The letter of Mr. Ferranti included an updated capacity analysis as requested by Fisher Associates.

On January 2, 2020, Timothy Faulkner, P.E. of Fisher Associates issued a comment letter confirming that letter of Steven Ferranti, P.E. of SRF Associates including the updated capacity analysis adequately addressed its previous comments.

The Traffic Impact Study prepared by SRF Associates, as well as the e-mail communication of Gina Wilkolaski of the ECDPW dated November 25, 2019 and the comment letter issued by Timothy Faulkner, P.E. of Fisher Associates dated January 2, 2020, collectively indicate that no significant increase in overall traffic in the vicinity of the Project Site is expected, that adequate site distances are provided for driveway connections to Evans Street, and that no intersection upgrades would be required as a result of the Project.

Thus, while it is clear that the Village currently experiences heavy traffic volume, and traffic volumes in the Village remains a concern of the Planning Board, the empirical evidence

regarding potential traffic impacts made available to the Planning Board confirms that the traffic impacts resulting from the Project will not be significant.

Both the Planning Board and the Traffic & Safety Committee expressed a preference for the Project to include a driveway connection to Village Pointe Lane, which is a Town of Amherst highway subject to the jurisdiction of the Town's Highway Superintendent. The benefits of the driveway connection to Village Pointe Lane consist of another means of ingress and egress to the Project Site besides the two driveway connections to Evans Street. On February 13, 2020, Patrick Lucey, the Town's Highway Superintendent, issued a letter that he had determined the driveway connection to Village Pointe Lane would not be appropriate. Section X of the Traffic Impact Study evaluated the traffic impacts of the Redevelopment Project with a driveway connection to Village Pointe Lane and the results showed no change in Level of Service between existing, background, and full development conditions with the addition of a driveway connection to Village Pointe Lane.

**(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.**

**Finding:** No significant adverse impacts were identified regarding these criteria. The Project Site is a previously developed property that does not provide habitat for protected flora or fauna. The comment letters of the NYSDEC issued on August 19, 2019 and October 23, 2019 did not raise any concerns regarding impacts of the Redevelopment Project to natural resources. The NYSDEC's Environmental Resource Mapper does not identify any records of animals or plants that are rare in New York State, including those listed as endangered or threatened, as existing on the Project Site. Additionally, the NYSDEC's Environmental Resource Mapper does not identify any significant natural communities, such as rare or high-quality forests, wetlands, and other habitat types as existing on the Project Site. The public has advised the Planning Board that

wildlife including deer are present on the Project Site but the presence of typical suburban species on the Project Site is not unique to the Project Site and does not represent a significant adverse impact. The Project will not eliminate any protected environmental resources.

On January 30, 2020, the Environmental Advisory Council issued an e-mail communication with that included comments pertaining to landscaping including requesting confirmation that there will space for the planting of trees in front of the proposed new buildings and requesting that the Landscape Plan & Planting Schedule prepared by Tredo Engineers be updated to eliminate non-native species. On February 3, 2020, Andrew Marino of Tredo Engineers issued a Memorandum confirming that trees will be planted along the Evans Street frontage and that the Landscape & Planting Schedule [Drawing L-1] would be updated to incorporate the replacement plant species listed in Comment No. 7 of the e-mail communication of the Environmental Advisory Council dated January 30, 2019.

An updated Landscape & Planting Schedule [Drawing L-1] prepared by Tredo Engineers was submitted on February 7, 2020 for the purpose of incorporating plant species recommended by the Environmental Advisory Council. The planting schedule on the updated Landscape & Planting Schedule [Drawing L-1] confirms that 49 new trees will be planted (5 types), 293 shrubs (7 types) and 312 perennials (4 types). The new landscaping to be planted on the Project Site is consistent with the landscaping standards contained in Section 112-17E of the NMU Design Standards and the updated Landscape & Planting Schedule [Drawing L-1] will be evaluated by the Environmental Advisory Council.

**(iii) the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part.**

**Finding:** There are no critical environmental areas in the vicinity of the Project Site and thus no impacts are expected.

**(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted.**

**Finding:** The Project consisting is consistent with the Village's adopted Community Plan. The Project Site is properly zoned NMU, and the Project has been designed in accordance with the NMU Design Standards relative to orientation and setbacks of the three proposed buildings, pedestrian and vehicular circulation; stormwater management; landscaping and screening; architectural details and lighting.

**(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;**

**Finding:** No significant adverse impacts were identified with respect to these criteria. The Project includes the demolition of an existing home located on the Project Site. The Project Site is not located in historic district or in the immediate vicinity of any designated historic resource. The Village's Historic Preservation Commission ("HPC") evaluated the existing home based on the five criteria for the designation of historical landmark contained in Section 47-4A of the Village Code, which states as follows:

- A. The Commission may recommend designation of an individual property as a landmark, subject to Village Board approval, if it:
- (1) Is associated with the lives of individuals or of people or of events significant in the national, state or local history.
  - (2) Embodies the distinctive characteristics of a type, a period or a method of construction.
  - (3) Represents the work of a master architect or designer or possesses high artistic values.
  - (4) Represents a significant or distinguished entity whose components may lack individual or special distinction.
  - (5) Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.

During its meeting on July 23, 2019, the HPC voted that it would not pursue designating the existing home or the Project Site as a landmark.

The Project Site is identified as being located or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office archaeological site inventory. As such, the Project Sponsor solicited input from the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”). On July 3, 2019, OPRHP issued a letter stating as follows: “Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.”

New lighting will be installed on the Project Site in connection with the Project. An Exterior Site Lighting Plan [Drawing EL-100] prepared by Tredo Engineers was submitted. The Exterior Lighting Plan demonstrates that the new lighting will result in any lighting spillover onto properties contiguous to the Project Site. The lighting fixtures will be dark sky compliant as required by Section 112-17I(c) of the Zoning Code and none of the lighting fixtures along the perimeter of the parking areas will face the boundaries of the Project Site per the requirement contained in Section 112-17I(f) of the Zoning Code.

Regarding existing community character, the Project will result in a new land use (multifamily dwellings) on the developed Project Site that is permitted by the NMU zoning classification. Detailed information regarding appearance and architecture of the three buildings was provided on the plans prepared by Long Associates Architects and the architecture and materials will comply with standards contained in Section 112-17G of the NMU Design Standards. A number of individuals expressed a concern that the scale of the Project will be out of character with the surrounding area, and the Project will add three relatively large buildings much closer to

Evans Street than current conditions at the Project Site. However, as noted above, the Project is designed to conform to the Village's carefully considered NMU Design Standards in terms of building massing and set back, and area in the vicinity of the Project Site is characterized by a mix of uses and building scales, including a large office park to the north and northeast, a condominium project to the north and single-family homes to the east of the Project Site on Village Pointe Lane and to the west of the Project Site on Evans Street and other Village streets connecting to Evans Street. The Planning Board has determined that, on balance, the Project, which consists of residential use designed in accordance with the NMU design standards (with the exception of the number of parking spaces, which will reduce the amount of impervious surfaces on the Project Site), will be compatible with community character and as such will not result in significant adverse community character impacts.

**(vi) a major change in the use of either the quantity or type of energy;**

**Finding:** The Action is not expected to result in a significant increase in overall energy consumption or alter the type of energy utilized at the site. The three new buildings to be constructed on the Project Site will be constructed in accordance with energy conservation standard contained in the NYS Building Code.

**(vii) the creation of a hazard to human health;**

**Finding:** No significant human health risks are anticipated in connection with the proposed Action. The residential nature of the Project will not create human health hazards. The renovations to the existing building the three new building will be constructed in accordance with building permits and the building permit review process will ensure that the action complies with all applicable standards including those contained in the Fire Code of New York State.

**(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;**

**Finding:** The action will increase the level of density on the Project Site and such density will be greater than the density of some nearby land uses including single family homes on individual lots. However, this proposed increase in density is consistent with current NMU zoning and the Community Plan's Conceptual Land Use Plan and will not fundamentally alter the type of land use to which the Project Site has historically been used (i.e., multi-family residential). The Action will not have any adverse impacts on agricultural, open space or recreational resources. The future residents of the Project will have access to public parks in the Village that are in relatively close proximity to the Project Site and the existing parks have capacity to accommodate increased usage.

**(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;**

**Finding:** The action will increase the number of people living and visiting the site as compared to past and current conditions, but such increase will not result in any significant adverse environmental impacts. The Village is largely fully developed urban municipality, and the increase in population that will result from the Project will far less than 5%. This potential population increase would be well short of the peak population of the Village of over 7000 people in the 1970s, and the Village possesses the necessary infrastructure necessary to absorb the increase of the number of people residing in the Village.

**(x) the creation of a material demand for other actions that would result in one of the above consequences;**

**Finding:** No such impacts were identified.

**(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or**

**Finding:** No such impacts were identified. The Planning Board has deliberately defined the action broadly in order to ensure a thorough review of all identified potential adverse environmental impacts.

**(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.**

**Finding:** The Planning Board has evaluated the identified potential adverse environmental impacts of the entire Action and there are not any other proposed projects in the vicinity of the Project Site that would have warranted the consideration of the cumulative impacts of two or more related actions. As such, no such cumulative impacts were identified.

### **Conclusion**

Based on these findings constituting the Planning Board's reasoned elaboration, the Planning Board, acting in capacity as the designated lead agency, concludes pursuant to 6 NYCRR § 617.7(a)(2), that the action will not have any significant adverse environmental impacts and therefore adopts this Negative Declaration with respect to the action.