

**Appendix F**  
SEQRA documents

## NOTICE

### SEQR: LEAD AGENCY DESIGNATION TOWN OF WHEATFIELD TOWN BOARD

May 25, 2012

This notice is filed pursuant to Part 617 6NYCRR, Article 8 of the Environmental Conservation Law (SEQRA) and Local Law 1979-2.

**The Town of Wheatfield has received a complete application from:**

**Name:** Town of Wheatfield  
**Address:** Town Hall  
2800 Church Road  
Wheatfield, NY 14120

**Contact Person:** Robert O'Toole, Town Attorney  
**Telephone:** (716) 504-0494

**Regarding:** Town of Wheatfield Local Waterfront Revitalization Program (LWRP)

**Description and Location of Action:**

The Town of Wheatfield intends to adopt a Local Waterfront Revitalization Program (LWRP) for designated areas adjacent to the Niagara River and Tonawanda Creek shorelines. The LWRP is a locally prepared, comprehensive land and water use plan that addresses issues relevant to the protection of community character, improved public access and recreation, environmental resource protection, protection and enhancement of water quality, flooding and erosion, and scenic and historic resources.

This action also includes adoption of LWRP Consistency Review Law to establish procedures for determining if proposed actions, as defined in the law, to be directly undertaken, funded or permitted within the designated Local Waterfront Revitalization Area are consistent with the policies set forth in the Town of Wheatfield LWRP as well as zoning changes along the Niagara River shoreline to bring local zoning into conformance with proposed land uses identified in the LWRP document.

**As the local agency with permitting authority, the Town Board wishes to declare Lead Agency for this action.**

**Other potential permitting agencies identified are: (check each)**

- Town Board
- Planning Board
- Zoning Board of Appeals
- Highway Department Superintendent
- Town Code Enforcement Office and Fire Council
- Water Department
- Niagara County Department of Economic Development
- NYS DOS, Division of Coastal Resources
- State Department of Environmental Conservation
- State Department of Transportation
- State Department of Health
- Others: Federal Aviation Administration, NYADO

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**Other interested agencies may be:**

- School District
- Army Corp of Engineers
- NYS Office of Parks, Recreation and Historic Preservation
- Western New York Land Conservancy, Inc.
- Other – Adjacent Municipalities; City of Niagara Falls, City of North Tonawanda

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**A preliminary review of the proposed action indicates that it is a SEQRA**

TYPE 1

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Adoption of Comprehensive Plan,<br>Resource Management Plan or Zoning | <input type="checkbox"/> Agricultural District, exceed<br>25% Above |
| <input type="checkbox"/> Zoning, Change of allowable uses<br>greater than 25 acres                        | <input type="checkbox"/> Historic Site                              |
|   | <input type="checkbox"/> Public Park Land                           |
| <input type="checkbox"/> Zoning or Site Plan change exceeding:  | <input type="checkbox"/> Critical Environmental Area<br>(SEE BELOW) |
| <input type="checkbox"/> 10 Acres   | <input type="checkbox"/> Wetland                                    |
| <input type="checkbox"/> 2 MGD Water Use  | <input type="checkbox"/> Floodplain                                 |
| <input type="checkbox"/> 1000 Cars Parking  | <input type="checkbox"/> Protected Stream                           |
| <input type="checkbox"/> 100,000 SF Gross, Non-<br>Residential  | <input type="checkbox"/> Navigable Waterway                         |
| <input type="checkbox"/> 250 Residential Units  | <input type="checkbox"/> Other _____                                |
| <input type="checkbox"/> 100 Ft. Above Grade  |   |
| <input type="checkbox"/> Telecommunication Tower Facility   |   |

OR:

UNLISTED ACTION (Coordinated Review Option)

The attached Environmental Assessment Form has been filed by the applicant. A full copy of the Draft LWRP will be provided by the NYSDOS as part of the forthcoming 60-day review.

Please notify me at the address below by June 15, 2012 if your agency objects to our acting as lead agency, or June 25, 2012 with any information or concerns pertinent to this matter. If no response is received by the latter date, we will assume your agency has no specific concerns about the action and we will proceed with our review and determination of significance.

Please respond in writing to:

Wendy E. Salvati, AICP  
Wendel  
140 John James Audubon Pkwy.  
Amherst, New York, 14228  
Phone: (716) 688-0766  
Fax: (716) 625-6825  
wsalvati@wd-ae.com

Mailing List:

Niagara County Planning Board  
Vantage Center – Suite One  
6311 Inducon Corporate Drive  
Sanborn, NY 14132

David Denk  
Regional Permit Administrator  
NYS Department of Environmental Conservation  
Region 9  
270 Michigan Avenue  
Buffalo, NY 14203-2915



# TOWN OF WHEATFIELD NIAGARA COUNTY

2800 Church Road  
North Tonawanda, NY 14120-1099  
Phone: (716) 694-6440 Fax: (716) 694-5419

## Town of Wheatfield AUTHORIZING RESOLUTION

Kathleen M. Harrington  
Town Clerk  
Registrar of Vital Statistics  
Records Management Officer  
Marriage Officer

**RECEIVED**

JUN 14 2012

**WENDEL**

I, Kathleen Harrington, elected Town Clerk of The Town of Wheatfield, 2800 Church Road, North Tonawanda, NY 14120, do hereby certify that the following resolution was adopted at the regular meeting of the Town of Wheatfield held on June 11, 2012 at 7:30 pm, and is incorporated in the original minutes of said meeting and that said resolution has not been altered, amended or revoked and is in full force and effect.

**Resolved:** Moved by Councilman Retzlaff and seconded by Councilman Helwig as follows:

WHEREAS, the Town of Wheatfield has prepared a Draft Local Waterfront Revitalization Program (LWRP), pursuant to the guidelines and requirements of Article 42 of the New York State Executive Law; and

WHEREAS, the draft LWRP has been prepared under the review and guidance of the Town of Wheatfield Waterfront Advisory Committee, with consultant planning assistance provided by Wendel, the Town Engineer; and

WHEREAS, the Wheatfield Town Board prepared an Environmental Assessment Form to identify and evaluate the potential impacts of adopting the LWRP and to conduct a coordinated review, in accordance with the requirements of the State Environmental Quality Review Act (SEQRA) and Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law (ECL); and

WHEREAS, pursuant to Part 617 of the ECL implementing regulations, the Wheatfield Town Board wishes to designate themselves as the SEQR Lead Agency for this action.

NOW, THEREFORE, BE IT RESOLVED, that the Wheatfield Town Board establishes SEQR Lead Agency status for the SEQR review of the Draft LWRP, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Engineer undertake the necessary notices and filings for this action, and

BE IT FURTHER RESOLVED, that two certified copies of this Lead Agency resolution be provided to the Town Engineer for the required distribution and filings.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Kathleen M. Harrington  
Town Clerk

**617.20  
Appendix A  
State Environmental Quality Review  
FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

**DETERMINATION OF SIGNIFICANCE – Type 1 and Unlisted Actions**

Identify the Portions of EAF completed for this project:      Part 1      Part 2      Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have significant impact on the environment, therefore a **negative declaration will be prepared**.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in Part 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.\***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared**.

\* A conditioned Negative Declaration is only valid for Unlisted Actions

**Town of Wheatfield Local Waterfront Revitalization Program (LWRP)**

Name of Action

**Town of Wheatfield Town Board**

Name of Lead Agency

**Robert B. Cliff**

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

**Supervisor**

Title of Responsible Officer

Signature of Preparer (if different from responsible officer)

**7/9/12**

Date



3. What is predominant soil type(s) on project site? varies
- a. Soil Drainage:  Well drained \_\_\_\_\_ % of site |  Moderately well drained \_\_\_\_\_ % of site  
 Poorly drained \_\_\_\_\_ % of site
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres. (See NYCRR 370)
4. Are there bedrock outcroppings on project site? | Yes |  No
- a. What is depth to bedrock? varies (in feet)
5. Approximate percentage of proposed project site with slopes: |  0-10% 100 % |  10-15% \_\_\_\_\_ %  
 15% or greater \_\_\_\_\_ %
6. Is project substantially contiguous to, or contain a building, or district, listed on the State or the National Registers of Historic Places? | Yes |  No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? | Yes |  No
8. What is the depth of the water table? varies (in feet)
9. Is site located over a primary, principal, or sole source aquifer? | Yes |  No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? |  Yes | No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  
 Yes | No According to: NYSDEC  
 Identify each species Sub-Area 1 – native species of Goldenrod; Sub-Area 2 – freshwater clams in Tonawanda Creek
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)  
 | Yes |  No Describe: \_\_\_\_\_
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?  
 Yes | No If yes, explain: RB Uren Park in Sub-Area 1 and Baisch Memorial Park in Sub-Area 2
14. Does the present site include scenic views known to be important to the community? |  Yes | No
15. Streams within or contiguous to project area: Niagara River (Sub-Area 1), Tonawanda Creek and Bull Creek (Sub-Area 2)
- a. Name of Stream and name of River to which it is tributary: Niagara River flows into Lake Ontario  
 Tonawanda Creek and a tributary to Black Creek flow into the Niagara River  
 Bull Creek is a tributary of Tonawanda Creek
16. Lakes, ponds, wetland areas within or contiguous to project area: various inland locations in Sub-Area 1 and along Tonawanda and Bull Creeks in Sub-Area 2
- a. Name: \_\_\_\_\_ b. Size (In acres): varies
17. Is the site served by existing public utilities? |  Yes | No  
 a. If Yes, does sufficient capacity exist to allow connection? |  Yes | No  
 b. If Yes, will improvements be necessary to allow connection? |  Yes | No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  
 | Yes |  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  
 | Yes |  No
20. Has the site ever been used for the disposal of solid or hazardous wastes? | Yes |  No

**B. Project Description**

1. Physical dimensions and scale of project (fill in dimensions as appropriate) **N/A**
  - a. Total contiguous acreage owned or controlled by project sponsor \_\_\_\_\_ acres.
  - b. Project acreage to be developed: \_\_\_\_\_ acres initially; \_\_\_\_\_ acres ultimately.
  - c. Project acreage to remain undeveloped 0 acres.
  - d. Length of project, in miles: \_\_\_\_\_ (If appropriate)
  - e. If the project is an expansion, indicate percent of expansion proposed \_\_\_\_\_ %;
  - f. Number of off-street parking spaces existing \_\_\_\_\_ ; proposed \_\_\_\_\_
  - g. Maximum vehicular trips generated per hour \_\_\_\_\_ (upon completion of project)?
  - h. If residential: Number and type of housing units: **N/A**

	One Family	Two Family	Multiple Family	Condominium
Initially	_____	_____	_____	_____
Ultimately	_____	_____	_____	_____
  - i. Dimensions (in feet) of largest proposed structure \_\_\_\_\_ height; \_\_\_\_\_ width; \_\_\_\_\_ length.
  - j. Linear feet of frontage along a public thoroughfare project will occupy is? \_\_\_\_\_ ft.
2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? **N/A** tons/cubic yards
3. Will disturbed areas be reclaimed?
 

		Yes		No		<b>X</b>		N/A
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  - a. If yes, for what intended purpose is the site being reclaimed?
  - b. Will topsoil be stockpiled for reclamation
 

		Yes		No
--	--	-----	--	----
  - c. Will upper subsoil be stockpiled for reclamation?
 

		Yes		No
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4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? **N/A** acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? **N/A**

		Yes		No
--	--	-----	--	----
6. If single phase project: Anticipated period of construction **N/A** months, (including demolition).
7. If multi-phased:
  - a. Total number of phases anticipated \_\_\_\_\_ (number)
  - b. Anticipated date of commencement phase 1 \_\_\_\_\_ month \_\_\_\_\_ year, (including demolition)
  - c. Approximate completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year.
  - d. Is phase 1 functionally dependent on subsequent phases?
 

		Yes		No
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8. Will blasting occur during construction? **N/A**

		Yes		No
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9. Number of jobs generated: during construction **N/A** ; after project is complete \_\_\_\_\_ .
10. Number of jobs eliminated by this project **N/A**
11. Will project require relocation of any projects or facilities? **N/A**

		Yes		No
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 If yes, explain: \_\_\_\_\_

12. Is surface liquid waste disposal involved?  Yes  No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount \_\_\_\_\_
- b. Name of water body into which effluent will be discharged \_\_\_\_\_
13. Is subsurface liquid waste disposal involved?  Yes  No  
Type: \_\_\_\_\_
14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No  
Explain: \_\_\_\_\_
15. Is project or any portion of project located in a 100-year flood plain?  Yes  No
16. Will the project generate solid waste?  Yes  No
- a. If yes, what is the amount per month \_\_\_\_\_ tons
- b. If yes, will an existing solid waste facility be used?  Yes  No
- c. If yes, give name \_\_\_\_\_ ; location \_\_\_\_\_
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill:  Yes  No
- e. If Yes, explain: \_\_\_\_\_
17. Will the project involve the disposal of solid waste?  Yes  No
- a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.
- b. If yes, what is the anticipated site life? \_\_\_\_\_ years.
18. Will project use herbicides or pesticides?  Yes  No
19. Will project routinely produce odors (more than one hour per day)?  Yes  No
20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No
21. Will project result in an increase in energy use?  Yes  No  
If yes, indicate type(s) \_\_\_\_\_
22. If water supply is from wells, indicate pumping capacity  gallons/minute.
23. Total anticipated water usage per day \_\_\_\_\_ gallons/day.
24. Does project involve local, state, or federal funding?  Yes  No  
If Yes, explain: \_\_\_\_\_

**25. Approvals Required:**

					Type	Submittal Date
City, Town, Village Board	<b>Town Board</b>	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	<u>adoption</u>	_____
City, Town, Village Planning Board		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	_____	_____
City, Town Zoning Board		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	_____	_____
City, County Health Department		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	_____	_____
Other Local Agencies		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	_____	_____
Other Regional Agencies	<b>Niagara County DEP</b>	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	<u>review</u>	_____
State Agencies	<b>NYS DOS</b>	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	<u>approval</u>	_____
Federal Agencies	<b>NOAA OCRM</b>	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	<u>concurrence</u>	_____

**C. Zoning and Planning Information**

1. Does proposed action involve a planning or zoning decision?  Yes  No
- If Yes, indicate decision required:
- |  |   |   |                                      |
|--|---|---|--------------------------------------|
| <input checked="" type="checkbox"/> zoning amendment | <input type="checkbox"/> zoning variance                        | <input type="checkbox"/> special use permit       | <input type="checkbox"/> subdivision |
| <input type="checkbox"/> site plan                   | <input checked="" type="checkbox"/> new/revision of master plan | <input type="checkbox"/> resource management plan | <input type="checkbox"/> other       |

2. What is the zoning classification(s) of the site: Sub-area 1: Commercial, Light Industrial, Residential-2, Residential-3  
Sub-area 2: Commercial, Residential-2, Niagara Falls Blvd. Overlay
3. What is the maximum potential development of the site if developed as permitted by the present zoning? N/A
4. What is the proposed zoning of the site? Sub-area 1 - Change existing residential areas to Waterfront Residential District R-W.  
Sub-area 2 - Change portion of Commercial District to Residential-2 and remove from Niagara Falls Blvd. Overlay to reflect existing land use.
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? N/A
6. Is the proposed action consistent with the recommended uses in adopted local land use plans? |  | Yes | | No
7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action? Residential, commercial, parkland, public and private utilities
8. Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile? |  | Yes | | No
9. If the proposed action is the subdivision of land, how many lots are proposed? N/A  
 What is the minimum lot size proposed? \_\_\_\_\_
10. Will proposed action require any authorization(s) for the formation of sewer or water districts? | | Yes |  | No
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? | | Yes |  | No  
 If yes, is existing capacity sufficient to handle projected demand? | | Yes | | No
12. Will the proposed action result in the generation of traffic significantly above present levels? | | Yes |  | No  
 If yes, is the existing road network adequate to handle the additional traffic? | | Yes | | No

**D. Information Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

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

Applicant/Sponsor Name Wendy E. Weber Salvati, AICP Date 5-26-12  
 Signature *Wendy E. Weber Salvati* Title Town Planning Consultant

If the action is in the Coastal area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.



**IMPACT ON WATER**

3. Will proposed action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)  
 No  Yes

**Examples** that would apply to column 2

- Developable area of site contains protected water body.
- Dredging more than 100 cubic yards of material from channel of a protected stream.
- Extension of utility distribution facilities through a protected water body.
- Construction in a designated freshwater or tidal wetland.
- Other impacts: LWRP policies are aimed at protecting local surface waters

4. Will proposed action affect any non-protected existing or new body of water?  
 No  Yes

**Examples** that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.
- Construction of a body of water that exceeds 10 acres of surface area
- Other impacts: \_\_\_\_\_

5. Will proposed action affect surface or groundwater quality or quantity?  
 No  Yes

**Examples** that would apply to column 2

- Proposed Action will require a discharge permit.
- Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.
- Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed Action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- Proposed Action would use water in excess of 20,000 gallons per day.
- Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed Action will allow residential uses in areas without water and/or sewer services.
- Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.
- Other impacts: LWRP policies include guidance to protect water quality and limit non-point source pollution

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
NO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
NO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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NO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
NO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON WATER (cont'd)**

6. Will proposed action alter drainage flow or patterns or surface water runoff?  No  Yes

**Examples** that would apply to column 2

- Proposed Action would change flood water flows.
- Proposed Action may cause substantial erosion.
- Proposed Action is incompatible with existing drainage patterns.
- Other impacts: The LWRP promotes the Town's stormwater management standards and addresses flooding and erosion

**IMPACT ON AIR**

7. Will proposed action affect air quality?  No  Yes

**Examples** that would apply to column 2

- Proposed Action will induce 1,000 or more vehicle trips in any given hour.
- Proposed action will result in the incineration of more than 1 ton of refuse per hour.
- Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.
- Proposed action will allow an increase in the amount of land committed to industrial use.
- Proposed action will allow an increase in the density of industrial development within existing industrial areas.
- Other impacts: \_\_\_\_\_

**IMPACT ON PLANTS AND ANIMALS**

8. Will Proposed Action affect any threatened or endangered species?  No  Yes

**Examples** that would apply to column 2

- Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site or found on the site.
- Removal of any portion of a critical or significant wildlife habitat.
- Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.
- Other impacts: The LWRP recognizes protected species and includes standards and policies to protect these resources

9. Will Proposed Action substantially affect non-threatened or non-endangered species?  No  Yes

**Examples** that would apply to column 2

- Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.
- Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.
- Other impacts: \_\_\_\_\_

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
6. Will proposed action alter drainage flow or patterns or surface water runoff? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
<b>Examples</b> that would apply to column 2			
Proposed Action would change flood water flows.	NO		<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action may cause substantial erosion.	NO		<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action is incompatible with existing drainage patterns.	NO		<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts: <u>The LWRP promotes the Town's stormwater management standards and addresses flooding and erosion</u>	<input checked="" type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IMPACT ON AIR</b>			
7. Will proposed action affect air quality? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
<b>Examples</b> that would apply to column 2			
Proposed Action will induce 1,000 or more vehicle trips in any given hour.	NO		<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed action will result in the incineration of more than 1 ton of refuse per hour.	NO		<input type="checkbox"/> Yes <input type="checkbox"/> No
Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.	NO		<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed action will allow an increase in the amount of land committed to industrial use.	NO		<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed action will allow an increase in the density of industrial development within existing industrial areas.	NO		<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts: _____			<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IMPACT ON PLANTS AND ANIMALS</b>			
8. Will Proposed Action affect any threatened or endangered species? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
<b>Examples</b> that would apply to column 2			
Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site or found on the site.	NO		<input type="checkbox"/> Yes <input type="checkbox"/> No
Removal of any portion of a critical or significant wildlife habitat.	NO		<input type="checkbox"/> Yes <input type="checkbox"/> No
Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	NO		<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts: <u>The LWRP recognizes protected species and includes standards and policies to protect these resources</u>	<input checked="" type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Will Proposed Action substantially affect non-threatened or non-endangered species? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
<b>Examples</b> that would apply to column 2			
Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	NO		<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	NO		<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts: _____			<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON AGRICULTURAL LAND RESOURCES**

10. Will the Proposed action affect agricultural land resources?  No  Yes

Examples that would apply to column 2

- The proposed action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)
- Construction activity would excavate or compact the soil profile of agricultural land.
- The proposed action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.
- The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff)
- Other impacts: There are no agricultural resources in the local waterfront revitalization area

**IMPACT ON AESTHETIC RESOURCES**

11. Will proposed action affect aesthetic resources?  No  Yes (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

Examples that would apply to column 2

- Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural
- Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of the resource.
- Project components that will result in the elimination or significant screening of scenic views known to be important to the area.
- Other impacts: The LWRP promotes the protection of important scenic views and resources in the LWRA

12. Will proposed Action impact any site or structure of historic, pre-historic, or paleontological importance?  No  Yes

Examples that would apply to column 2

- Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or Nation Register of historic places.
- Any impact to an archaeological site or fossil be located within the project site.
- Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.
- Other impacts: The LWRP recognizes important cultural resources and promotes their protection

**IMPACT ON OPEN SPACE AND RECREATION**

13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?  No  Yes

Examples that would apply to column 2

- The permanent foreclosure of a future recreational opportunity.
- A major reduction of an open space important to the community.
- Other impacts: The LWRP promotes new opportunities for public recreation and open space protection

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
10. Will the Proposed action affect agricultural land resources? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Examples that would apply to column 2			
· The proposed action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)			Yes     No
· Construction activity would excavate or compact the soil profile of agricultural land.			Yes     No
· The proposed action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.			Yes     No
· The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff)			Yes     No
· Other impacts: <u>There are no agricultural resources in the local waterfront revitalization area</u>			Yes     No
<b>IMPACT ON AESTHETIC RESOURCES</b>			
11. Will proposed action affect aesthetic resources? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)			
Examples that would apply to column 2			
· Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural	NO		Yes     No
· Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of the resource.	NO		Yes     No
· Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	NO		Yes     No
· Other impacts: <u>The LWRP promotes the protection of important scenic views and resources in the LWRA</u>	X		Yes     No
12. Will proposed Action impact any site or structure of historic, pre-historic, or paleontological importance? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
Examples that would apply to column 2			
· Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or Nation Register of historic places.	NO		Yes     No
· Any impact to an archaeological site or fossil be located within the project site.	NO		Yes     No
· Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	NO		Yes     No
· Other impacts: <u>The LWRP recognizes important cultural resources and promotes their protection</u>	X		Yes     No
<b>IMPACT ON OPEN SPACE AND RECREATION</b>			
13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
Examples that would apply to column 2			
· The permanent foreclosure of a future recreational opportunity.	NO		Yes     No
· A major reduction of an open space important to the community.	NO		Yes     No
· Other impacts: <u>The LWRP promotes new opportunities for public recreation and open space protection</u>	X		Yes     No

**IMPACT ON CRITICAL ENVIRONMENTAL AREA**

14. Will Proposed Action impact the exceptional or unique characteristics of critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)?  No  Yes

List the environmental characteristics that caused the designation of the CEA.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Example** that would apply to column 2

Proposed Action to locate within the CEA?

Proposed Action will result in a reduction in the quantity of the resource?

Proposed Action will result in a reduction in the quality of the resource?

Proposed Action will impact the use, function or enjoyment of the resource?

Other impacts: \_\_\_\_\_

**IMPACT ON TRANSPORTATION**

15. Will there be an effect to existing transportation systems?  No  Yes

**Examples** that would apply to column 2

Alteration of present patterns of movement of people and/or goods.

Proposed action will result in major traffic problems.

Other impacts: The LWRP promotes traffic calming along River Road in an effort to improve traffic safety in the LWRA

**IMPACT ON ENERGY**

16. Will proposed action affect the community's sources of fuel or energy supply?  No  Yes

**Examples** that would apply to column 2

Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality

Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.

Other impacts: \_\_\_\_\_

**NOISE AND ODOR IMPACTS**

17. Will there be objectionable odors, noise, vibration as a result of the Proposed Action?  No  Yes

**Examples** that would apply to column 2

Blasting within 1,500 feet of a hospital, school or other sensitive facility.

Odors will occur routinely (more than one hour per day).

Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.

Other impacts: \_\_\_\_\_

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
14.			
Proposed Action to locate within the CEA?			Yes     No
Proposed Action will result in a reduction in the quantity of the resource?			Yes     No
Proposed Action will result in a reduction in the quality of the resource?			Yes     No
Proposed Action will impact the use, function or enjoyment of the resource?			Yes     No
Other impacts:			Yes     No
15.			
Alteration of present patterns of movement of people and/or goods.	NO		Yes     No
Proposed action will result in major traffic problems.	NO		Yes     No
Other impacts:	X		Yes     No
16.			
Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality	NO		Yes     No
Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.	NO		Yes     No
Other impacts:			Yes     No
17.			
Blasting within 1,500 feet of a hospital, school or other sensitive facility.	NO		Yes     No
Odors will occur routinely (more than one hour per day).	NO		Yes     No
Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.	NO		Yes     No
Other impacts:			Yes     No

**IMPACT ON PUBLIC HEALTH**

18. Will Proposed Action affect public health and safety?  
 No  Yes

**Examples that would apply to column 2**

- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e., oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed Action may result in the burial of "hazardous wastes" in any form (i.e., toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)
- Storage facilities for one million or more gallons of liquified natural gas or other flammable liquids.
- Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste/
- Other impacts: \_\_\_\_\_

**IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD**

19. Will proposed action affect the character of the existing community?  
 No  Yes

**Examples that would apply to column 2**

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed Action will conflict with officially adopted plans or goals.
- Proposed Action will cause a change in the density of land use.
- Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g., schools, police and fire, etc.)
- Proposed Action will set an important precedent for future projects.
- Proposed Action will create or eliminate employment.
- Other impacts: \_\_\_\_\_

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
	NO		Yes No
			Yes No
	NO		Yes No
			Yes No

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?  
 No  Yes

**IF ANY ACTION IN PART 2 IS IDENTIFIED AS A POTENTIAL LARGE IMPACT OR IF YOU CANNOT DETERMINE THE MAGNITUDE OF IMPACT, PROCEED TO PART 3**

**PART 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS**

**Responsibility of Lead Agency**

**Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.**

**Instructions**

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.  
To answer the question of importance, consider:
  - The probability of the impact occurring
  - The duration of the impact
  - Its irreversibility, including permanently lost resources of value
  - Whether the impact can or will be controlled
  - The regional consequence of the impact
  - Its potential divergence from local needs and goals
  - Whether known objections to the project relate to this impact.

(Continue on attachments)

**The ENB SEQRA Notice Publication Form - Please check all that apply**

**Deadline:** Notices must be received by **6 p.m. Wednesday** to appear in the following Wednesday's ENB

- |   |  |
|---|--|
| <input type="checkbox"/> Negative Declaration - Type I    | <input type="checkbox"/> Draft EIS           |
| <input type="checkbox"/> Conditioned Negative Declaration | <input type="checkbox"/> with Public Hearing |
| <input type="checkbox"/> Draft Negative Declaration       | <input type="checkbox"/> Generic             |
| <input type="checkbox"/> Positive Declaration             | <input type="checkbox"/> Supplemental        |
| <input type="checkbox"/> with Public Scoping Session      | <input type="checkbox"/> Final EIS           |
|   | <input type="checkbox"/> Generic             |
|   | <input type="checkbox"/> Supplemental        |

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DEC Region # \_\_\_\_\_ County: \_\_\_\_\_ Lead Agency: \_\_\_\_\_

Project Title:

Brief Project Description: The action involves . . .

Project Location (include street address/municipality):

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

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For Draft Negative Declaration / Draft EIS: Public Comment Period ends: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

For Public Hearing or Scoping Session: Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Time: \_\_\_\_: \_\_\_\_ am/pm

Location:

A hard copy of the DEIS/FEIS is available at the following locations:

The online version of the DEIS/FEIS is available at the following publically accessible web site:

For Conditioned Negative Declaration: In summary, conditions include:



## ENB - Region 9 Notices 7/18/2012

### Public Notice

The New York State Department of Environmental Conservation (NYS DEC) has determined that site ID # 907003 known as the Dunkirk Landfill site, may be deleted from the New York State Registry of Inactive Hazardous Waste Disposal Sites. This site is located on South Roberts Road in the Town of Dunkirk, Chautauqua County. **Comments regarding this action must be submitted no later than August 20, 2012.** [Information regarding the site](#), the proposed delisting, and how to submit comments electronically can be found at: <http://www.dec.ny.gov/chemical/60063.html> or send comments to: Michael Cruden, NYS DEC - Division of Environmental Remediation, Bureau E, 625 Broadway, 12th Floor, Albany, NY 12233-7017 Phone: (518) 402-9814, E-mail: [mjcruden@gw.dec.state.ny.us](mailto:mjcruden@gw.dec.state.ny.us).

To have information such as this notice sent right to your e-mail, sign up with county [e-mail listservs](#) available at: [www.dec.ny.gov/chemical/61092.html](http://www.dec.ny.gov/chemical/61092.html).

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### Negative Declaration

**Niagara County** - The Town of Wheatfield Town Board, as lead agency, has determined that the proposed Local Waterfront Revitalization Program will not have a significant adverse environmental impact. The action involves the adoption by the Town of Wheatfield for a Local Waterfront Revitalization Program (LWRP) for designated areas adjacent to the Niagara River and Tonawanda Creek shorelines. The LWRP is a locally prepared, comprehensive land and water use plan that addresses issues relevant to the protection of community character, improved public access and recreation, environmental resource protection, protection and enhancement of water quality, flooding and erosion, and scenic and historic resources.

This action also includes adoption of LWRP Consistency Review Law to establish procedures for determining if proposed actions, as defined in the law, to be directly undertaken, funded or permitted within the designated Local Waterfront Revitalization Area are consistent with the policies set forth in the Town of Wheatfield LWRP, as well as zoning changes along the Niagara River shoreline to bring local zoning into conformance with proposed land uses identified in the LWRP document.

The project is located on the Niagara River and Tonawanda Creek shorelines in the Town of Wheatfield, New York.

**Contact:** Robert O'Toole, Town of Wheatfield, 2800 Church Street, Wheatfield, NY 14120, Phone: (716) 504-0494, E-mail: [bobo@wheatfield.ny.us](mailto:bobo@wheatfield.ny.us).

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**Niagara County** - The New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP), as lead agency, has determined that the proposed Avian Habitat Restoration at Joseph Davis State Park will not have a significant adverse environmental impact. The action involves approval of avian habitat restoration work on 132 acres in the eastern area of Joseph Davis State Park by the Buffalo Audubon Society. The project will remove invasive species and plant appropriate native

species consistent with the habitat restoration and management plan; enhance and protect approximately 75 acres of critical bird habitat along the upper Niagara River Corridor and restore sensitive bird habitat that will further improve the ability of the Corridor to attract resident and migratory bird populations; enhance and perpetuate the site as a Bird Conservation Area (BCA) by providing habitats for the breeding, shelter, migration, and sustenance of resident and neotropical migratory wild bird populations; and implement an invasive species control and management plan based on site surveys and mapping. The project is located in the Joseph Davis State Park on River Road in the Town of Lewiston, New York.

**Contact:** Karen Terbush, NYS OPRHP, 625 Broadway, Albany, NY 12238, Phone: (518) 474-8765, E-mail: karen.terbush@parks.ny.

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## Positive Declaration

**Erie County** - The City of Buffalo Common Council, as lead agency, has determined that the proposed Buffalo Consolidated Development Framework may have a significant adverse impact on the environment and a Draft Environmental Impact Statement must be prepared. The action involves the adoption of the Buffalo Consolidated Development Framework (BCDF) which will consist of the following:

- Unified Development Ordinance (UDO) which encompasses a future land use plan that accommodates appropriate uses and forms and reinforces the existing character of the City, a form based zoning code that will prioritize form over defined uses, as well as revised subdivision and sign ordinances;
- A Local Waterfront Revitalization Plan that will guide development along the City's coastal areas;
- Revisions to Urban Renewal Areas to encourage development in these areas; and
- Planning and the zoning for the South Buffalo, Buffalo River Corridor, Buffalo Harbor, and Tonawanda Street Corridor Brownfield Opportunity Areas, including the River Bend Master Plan.

The project is located throughout the City of Buffalo, New York.

**Contact:** Kevin Linder, City of Buffalo, 1413 City Hall, Buffalo, NY 14202, Phone: (716) 851-5161.

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# TOWN OF WHEATFIELD NIAGARA COUNTY

2800 Church Road  
North Tonawanda, NY 14120-1099  
Phone: (716) 694-6440 Fax: (716) 694-5419

Kathleen M. Harrington  
Town Clerk  
Registrar of Vital Statistics  
Records Management Officer  
Marriage Officer

## Town of Wheatfield AUTHORIZING RESOLUTION

I, Kathleen Harrington, elected Town Clerk of The Town of Wheatfield, 2800 Church Road, North Tonawanda, NY 14120, do hereby certify that the following resolution was adopted at the regular meeting of the Town of Wheatfield held on July 9, 2012 at 7:30 pm, and is incorporated in the original minutes of said meeting and that said resolution has not been altered, amended or revoked and is in full force and effect.

Resolved: Resolution for the Town Board Issuance of the SEQR Negative Declaration

WHEREAS, the Town of Wheatfield has prepared a Draft Local Waterfront Revitalization Program (LWRP), pursuant to guidelines and requirements of Article 42 of the New York State Executive Law; and

WHEREAS, the draft LWRP has been prepared under the review and guidance of the Town of Wheatfield Waterfront Advisory Committee, with consultant planning assistance provided by Wendel, the Town Engineer; and

WHEREAS, in accordance with Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), the Wheatfield Town Board was designated as the SEQR Lead Agency and prepared an Environmental Assessment Form to identify and evaluate the potential impacts of adopting the LWRP and associated Local Consistency Review Law and proposed Residential Waterfront (R-W) zoning classification; and

WHEREAS, the Town Board, as SEQR Lead Agent, conducted a coordinated review of the Draft LWRP and has appropriately acknowledged and addressed all comments received from interested and involved agencies; and

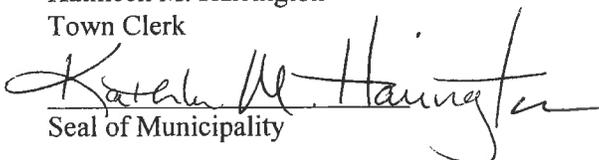
WHEREAS, the findings of the environmental review indicated that the adoption of the Town of Wheatfield Local Waterfront Revitalization Program, the Consistency Review Law and the creation of the proposed R-W Zoning District, will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, and is consistent with all associated social and economic considerations.

NOW, THEREFORE BE IT RESOLVED, that the Wheatfield Town Board, acting as the lead government entity for this action, has determined that the adoption of the Local Waterfront Revitalization Program, Local Consistency Review Law and R-W Zoning classification is not anticipated to result in any significant adverse impacts on the environment, and that a Negative Declaration is hereby issued based on the findings set forth in the Negative Declaration Notice of Determination of Non-Significance ; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign the Environmental Assessment Form and direct the Town Engineer to undertake the necessary filings and notifications; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be provided to the Town Engineer for required distribution and filing.

Kathleen M. Harrington  
Town Clerk

  
Seal of Municipality

**State Environmental Quality Review**  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

**Date** June 25, 2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act SEQR) of the Environmental Conservation Law.

The Town of Wheatfield, as SEQR Lead Agency, has determined that the proposed action described below will not have a significant adverse effect on the environment and that a Draft Environmental Impact Statement will, therefore, not be prepared.

**Applicant Name:** Town of Wheatfield  
**Phone:** (716) 694-6440  
**Address:** 2800 Church Road  
Wheatfield, New York 14120

**Name of Action:** Adoption of the Town of Wheatfield Local Waterfront Revitalization Program (LWRP) pursuant to the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act, adoption of the Town of Wheatfield Local Waterfront Revitalization Program Consistency Review Law, and adoption of the Residential Waterfront (R-W) Zoning classification.

**SEQR Status:**

Type 1  
 Unlisted

**Conditioned Negative Declaration:**

Yes  
 No

**Location:** Town of Wheatfield, Niagara County, New York

**Description of Action:** The Wheatfield Town Board, as Lead Agency, intends to adopt a Local Waterfront Revitalization Program (LWRP) as a comprehensive planning program for the waterfront to addresses issues relevant to waterfront revitalization, environmental resource protection, public access and recreation, commercial and recreation surface water uses, and flooding and erosion. The LWRP amendment was prepared under the guidelines established by the New York State Department of State and includes: (1) delineation of the waterfront revitalization area boundary for the Niagara River and Erie Canal (Tonawanda Creek); (2) an inventory of existing natural and man-made resources within the waterfront area, as well as an analysis of the opportunities and constraints to future development and redevelopment; (3) Preparation of coastal management policies for the use, protection, and development of waterfront resources; (4) recommended land and water uses for the waterfront area, and specific

projects to implement the local program; (5) a description of local laws, regulations, and other local techniques necessary for implementation of the LWRP; (6) a description of the State and Federal programs likely to affect, and are necessary to further the implementation of the LWRP; (7) a description of the consultation efforts undertaken with affected State and local agencies during the preparation of the LWRP amendment; and (8) a description of the local commitment identified for the preparation of the LWRP amendment. Upon adoption of the LWRP by the Town of Wheatfield, and its subsequent approval by the New York State Secretary of State and incorporation into the State's Coastal Management Program, all local, State and Federal actions are to be undertaken in a manner consistent with the Town of Wheatfield LWRP, to the maximum extent practicable.

The proposed LWRP Consistency Review Law will establish procedures for determining the consistency of proposed actions with the Town of Wheatfield LWRP, will require a consistency determination for all Type I and Unlisted SEQR actions proposed within the boundaries of the Town's Local Waterfront Revitalization Area, and provides for the prosecution of violations of these requirements. The proposed local law would take effect immediately upon its filing with the New York State Secretary of State.

### **Reasons Supporting this Documentation:**

1. **Impact on Land:** The local program will manage land use along the waterfront and aid in better land use decision making. The LWRP sets forth future land uses and zoning to maintain community character, protect private help achieve LWRP policies for the waterfront areas. Therefore, no significant adverse land use impacts are expected to result from this action.
2. **Impact on Water:** The local program will help to protect important water resources and allow the Town to better manage surface waters, drainage, and other development impacts that could affect water resources. Therefore, no significant adverse impacts to water resources are anticipated.
3. **Impact on Plants and Animals:** The local program includes policies to recognize and strengthen the protection of significant flora and fauna, particularly in the vicinity of the Niagara River and Tonawanda Creek. Therefore, no significant adverse ecological impacts at expected.
4. **Impact on Archaeological and Historic Resources:** There are no historic structures located along the waterfront and no known sites of archaeological significance have been identified or are known to exist in either of the waterfront areas. Therefore, adoption of the local program will not adversely impact cultural resources.
5. **Impacts on Scenic Resources:** There are no Scenic Areas of Statewide Significance within the LWRA. Adoption and implementation of the LWRP will help to protect and enhance vistas of the Niagara River and Erie Canal. River Road is also part of the NY Great Lakes Seaway Trail and a National Scenic By-Way. The LWRP recognizes this designation and sets forth policy provisions to enhance and improve this corridor. Therefore, the proposed action is not anticipated to adversely impact important scenic resources in the waterfront area.
6. **Impact on Transportation:** The local program recognizes the need for traffic calming and safety improvements along River Road (NYS Route 382/265). The program also supports the

development of a multi-use trail on abandoned rail right-of-way, north of River Road, separating bicycle activity and other activity from this busy roadway. No significant adverse traffic impacts are expected to result from this action.

7. **Impact on Flooding and Erosion:** The LWRP policies recognize and address areas subject to shoreline erosion and flooding. Consistency with policy standards will help to avoid potential adverse environmental impacts.
8. **Impact on Energy:** There will be no significant impacts on energy or the use of energy resources. Land use management policies will help to ensure controlled development with focus on uses that are in keeping with waterfront character, conservation of energy resources, and promotion of alternative, self-sustaining energy sources.
9. **Noise and Odor Impacts:** This local program will have no significant noise or odor impacts.
10. **Impact on Public Health:** The local program will not adversely affect public health and safety. LWRP policies include provisions for the protection of public health and safety, including traffic calming for River Road and the construction of a multi-use pathway that is separated from this roadway.
11. **Impact on Growth and Character of the Community:** No significant growth is anticipated in the waterfront area as a result of the adoption of the LWRP amendment. The local program will help to guide future growth and protect community character to enable waterfront protection and revitalization.
12. **Consistency Review:** The Town of Wheatfield LWRP will constitute a comprehensive management plan for the beneficial use, protection, and management of the Town's waterfront areas. The local program reflects and addresses existing conditions along the waterfront. State, Federal and local agencies will be required to undertake their respective actions along the waterfront in a manner consistent with the policies and purposes of the Town's LWRP, as provided by law. The implementation of the LWRP will result in positive impacts to the natural, institutional, economic, developmental, and social resources of the Town.

The Town of Wheatfield, therefore, concludes that this action will not adversely affect the natural resources of the State and/or health, safety, and welfare of the public, and is consistent with all associated social and economic considerations. In reaching this decision, the Town carefully considered all Criteria for Determination of Significance, as listed in the SEQRA Regulations (6 NYCRR 617.11)

**For Further Information:**

Contact Person:	Wendy E. Weber Salvati, AICP Wendel 140 John James Audubon Pkwy., Ste. 201 Amherst, New York 14228 (716) 688-0766	Robert O'Toole, Esq. Wheatfield Town Hall 2800 Church Road Wheatfield, NY 14120 (716) 694-6440
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**Date:** July 9, 2012 (as adopted by the Wheatfield Town Board, as Lead Agency)