

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MAZUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER LEARY, TO WIT:

**WHEREAS**, Natale Builders, Inc. has submitted an application to the Town of Lancaster (the “Town”) to develop a 24 +/- lot single-family residential subdivision of 24 homes (the “Project”) located on approximately 9.7 +/- acres located west of Stutzman Road in the Town (the “Property”); and

**WHEREAS**, the Town of Lancaster Town Board (the “Town Board”) has established itself as the Lead Agency pursuant to the State Environmental Quality Review Act (“SEQRA”) and the Town Board hereby ratifies such designation; and

**WHEREAS**, the Town Board has determined that the Action is an “Unlisted” action under SEQRA; and

**WHEREAS**, the Planning Board, as part of its advisory function, has reviewed the Project and has recommended that the Town Board issue a positive declaration of significance under SEQRA; and

**WHEREAS**, the Town Board has duly considered the Project, the Environmental Assessment Form (“EAF”), the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c), the draft Positive Declaration, and such other information deemed appropriate; and

**WHEREAS**, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination;

**NOW THEREFORE,**

**BE IT RESOLVED**, by the Town Board of the Town of Lancaster that:

1. Based upon a thorough review and examination of the known facts relating to the Project and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings relating to the Project, the Town Board finds that the Project may have a significant adverse impact on the environment and that a draft environmental impact statement shall be prepared. The potential significant adverse environmental impacts that require preparation of an environmental impact statement are set forth in the attached Positive Declaration.

2. The Town Board has reviewed part 1 of the EAF and has completed parts 2 and 3 of the EAF, which are incorporated herein by reference.

3. The attached Positive Declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the attached Positive Declaration.

4. Scoping shall be conducted as follows: The Applicant shall prepare and submit a draft scope to the Town Board in accordance with 6 N.Y.C.R.R. § 617.8. Upon receipt of the draft scope, the Town Board shall forward the same to all involved and/or interested agencies, and to any individual that has expressed an interest in writing to the lead agency. The Town Board shall provide an opportunity for public participation in writing for no less than thirty (30) days after the draft scope is submitted. The Town Board may consider holding a public meeting on the draft scope to receive additional comments, depending on the written comments received. A final scope will be issued in accordance with 6 N.Y.C.R.R. § 617.8.

5. The Town Attorney, Town Clerk, or Special Counsel shall publish the required notices in the Environmental Notice Bulletin and file the required documents pursuant to 6 N.Y.C.R.R. § 617.12.

6. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

March 2, 2020

**STATE ENVIRONMENTAL QUALITY REVIEW ACT**  
**POSITIVE DECLARATION**  
**Notice of Intent to Prepare a Draft EIS**  
**Determination of Significance**

**Lead Agency:** Town of Lancaster Town Board

**Date:** March 2, 2020

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

The Town of Lancaster Town Board (the "Town Board"), as lead agency, has reviewed the proposed action and determined that it may have a significant adverse environmental impact on the environment and that a Draft Environmental Impact Statement shall be prepared.

**Name of Action:** Stutzman Road Subdivision (the "Project")

**Location:** 0 Stutzman Road, Town of Lancaster (SBL 93.10-1-5.2).

**SEQRA Status:** Unlisted

**Scoping:** Scoping will be conducted as follows: The Applicant shall prepare and submit a draft scope to the Town Board in accordance with 6 N.Y.C.R.R. § 617.8. Upon receipt of the draft scope, the Town Board shall forward the same to all involved and/or interested agencies, and to any individual that has expressed an interest in writing to the lead agency. The Town Board shall provide an opportunity for public participation in writing for no less than thirty (30) days after the draft scope is submitted. The Town Board may consider holding a public meeting on the draft scope to receive additional comments, depending on the written comments received. A final scope will be issued in accordance with 6 N.Y.C.R.R. § 617.8.

**Description of Action:** The Applicant seeks the necessary approvals and/or permits to develop a 24 +/- lot single-family residential subdivision development located on approximately 9.7 +/- acres of land located west of Stutzman Road in the Town of Lancaster, New York. Additional work includes installation of the roadway and all necessary site infrastructure to service the development.

**Reasons Supporting this Determination:**

The Town Board has identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by the State Environmental Quality Review Act ("SEQRA"). The Town Board compared the action with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). The Town Board has reviewed and analyzed part 1 of the EAF and has completed parts 2 and 3. As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the action may have a significant impact on the environment.

**(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;**

In general, it is expected that the Project may result in significant impacts to ground or surface water quality and quantity, traffic, noise, and may cause a substantial increase in the potential for erosion, flooding, leaching and/or drainage problems.

**a. Traffic Impacts**

There will be an increase in traffic that will exceed the capacity of the existing road network. The Project is proposed to be near Lancaster High School, but the June 2019 traffic study offered by the Applicant was completed at a time when there was waterline work limiting traffic on Pleasant View Drive (a direct route to the school) and Stutzman Road. Moreover, school was not in session during the study, meaning that normal morning and afternoon traffic

attributable to the school was not evaluated. Further, the cul-de-sac inhibits connectivity, which is not in line with the 2017 Town of Lancaster, Village of Lancaster, and Village of Depew Comprehensive Plan Update (the “Comprehensive Plan”). There is also only one ingress/egress for the subdivision with no alternative options for emergency vehicles.

**b. Noise Impacts**

Significant adverse impacts are expected related to noise during construction of the Project.

**c. Ground or Surface Water Quality Impacts**

Surface water impacts are expected to exceed acceptable levels. The Project anticipates the creation of a new stormwater retention water body and the introduction of 2.3 +/- acres of new impervious surfaces in an area with already poorly drained soil. The Project may create turbidity in a water body, either from upland erosion, runoff, or by disturbing bottom sediments, and may also cause soil erosion or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies such as Ellicott Creek. Surface waters are also in danger from the application of pesticides or herbicides in or around any water body on or near the Project site.

**d. Air Quality Impacts**

No significant adverse impacts are expected related to air quality.

**e. Wetland Impacts**

No significant adverse impacts are expected related to wetlands.

**f. Erosion, Flooding and Drainage Impacts**

Potential for increased impacts due to erosion, flooding and drainage problems is high due to poorly drained soils and existing impacts to properties surrounding the Project site. The Town drainage system on Stutzman Road is impacted when Ellicott Creek experiences a high water event, and this Project will add to the inflow of water to the Creek. There is no rear yard drainage for the existing homes on Stutzman, and the Project may exacerbate the issues with the introduction of additional impervious surfaces. The cumulative effect will be an increase in duration of high water in the Creek, which in turn can lead to flooding and degradation of water quality from erosion. Additional construction in an area with already poor drainage will have significant negative impacts.

**g. Solid Waste Production**

No significant adverse impacts are expected related to solid waste production.

**(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;**

The use of land will change from an open meadow and may involve construction within 5 feet of the bedrock. Vegetation and habitat for animals will be removed. This may result in a significant adverse impact to natural resources, particularly trees that would be removed.

**(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;**

There is no Critical Environmental Area within the Town of Lancaster; thus, there will be no significant adverse impacts related to this issue.

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

The Project would cause a change in density that is not supported by existing infrastructure. In an area where water pressure is already low, the Project's water and sewer needs would result in unacceptable demands on water resources and water pressure that may be insufficient for emergency fire hydrant usage needs. Similarly, the Project would increase demands on community services such as schools, police, and fire. It is inconsistent with the character of the existing landscape, particularly as it relates to Bowmansville, and would destroy open land and wildlife space currently enjoyed by area residents.

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

The area in question is currently open and natural space. The proposed development will permanently diminish this area and the existing community. Lights will be frequently shining into windows of existing homes, as well as contributing to an increase in sky-glow effects, resulting in a decrease in the quality of life. The Project is located in an archeologically sensitive area as designated by the New York State Historic Preservation Office.

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

No significant adverse impacts are expected related to a major change in the use of either the quantity or type of energy.

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

No significant adverse impacts are expected related to the creation of a hazard to human health.

**(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;**

No significant impacts to open space and recreational resources are expected.

**(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;**

No significant adverse impacts are expected related to this criterion.

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

No significant adverse impacts are expected related to this criterion.

**(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**

No significant adverse impacts are expected related to this criterion.

**(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.**

No significant adverse impacts are expected related to this criterion.

**For Further Information:**

Contact Person: Ronald Ruffino, Town Supervisor  
Address: Town of Lancaster  
21 Central Ave.  
Lancaster, New York 14086  
Telephone Number: (716) 683-1610

State of New York  
County of Erie } ss:  
Town of Lancaster

This is to certify that I, Diane M. Terranova, Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of a resolution with the original thereof filed in my office at Lancaster, New York, which was adopted by the Town Board on the 2<sup>nd</sup> day of March 2020 and that the same is a true and correct transcript of said original, and of the whole thereof.

**In Witness Whereof**, I have hereunto set my hand and affixed the seal of said Town this 6<sup>th</sup> day of March 2020.

Seal

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Clerk of the Town Board  
and Registrar of Vital Statistics