

DRAFT SCOPING DOCUMENT

Proposed Project:

Stutzman Subdivision

Project Location:

**Approximately 9.7 Acres of Vacant Land
Town of Lancaster, Erie County, New York
SBL #93.10-1-52**

Project Sponsor:

**Natale Builders, Inc.
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Lead Agency:

**Town of Lancaster Town Board
21 Central Avenue
Lancaster, New York 14086**

Draft Scoping Document Submitted:

April 9, 2020

**Town of Lancaster Town Board
Draft Scoping Document**

**SCOPING DOCUMENT
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Positive Declaration Issued: March 2, 2020

Draft Scoping Document Submitted: April 9, 2020-Comments Accepted Through:
_____, 2020

Final Scoping Documents Issued: _____, 2020

Project Sponsor Contact Person: Jeffery D. Palumbo, Esq.
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Lead Agency Contact Person: _____

1.0 INTRODUCTION

This subdivision originally consisted of 24 single family lots on a 9.7 acre parcel of land. The Applicant submitted a Sketch Plan application on or about June 16, 2018. On July 18, 2018, the Planning Board tabled the request. Subsequent to the July 18, 2018 meeting, the Applicant held three outreach meetings with the community. In addition, information concerning wetlands and traffic was submitted to the Town. On February 20, 2019, the Planning Board voted “to not approve” the proposed Sketch Plan. A copy of the Planning Board Chairman’s letter dated February 20, 2019 setting forth the reasons for their action is attached as Exhibit A.

On December 13, 2019, the Applicant submitted a new Sketch Plan application to the Town. In response to the February 20, 2019 letter of the Planning Board Chairman, the following supporting studies, documentation and information was submitted with the application:

1. McFarland Johnson Traffic Study dated July 26, 2019.
2. GPI Associates Drainage Study dated November 2019.
3. Earth Dimensions Wetland Study dated September 12, 2019.
4. Earth Dimensions Wildlife Habitat Assessment dated September 12, 2019.
5. Density Calculations and Comparisons attached to sketch plan application.

On January 8, 2020, the Planning Board once again reviewed the application and voted to table the request and recommend to the Town Board that a positive declaration be issued.

On March 2, 2020, the Town Board issued a positive declaration.

2.0 SITE LOCATION AND DESCRIPTION OF PROPOSED ACTION:

The proposed action now consists of a residential subdivision consisting of 24 lots for detached single family homes on the approximately 9.7 acre Project Site. The Project Site currently consists of vacant land. The proposed action has been defined to include all necessary

approvals and permits required from the Town of Lancaster, New York, as well as installation of the roadway and all necessary site infrastructure to service the development.

3.0 REVIEW PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”):

The State Environmental Quality Review Act (“SEQRA”) provides a process for the consideration of potentially significant adverse environmental impacts resulting from a proposed action requiring one or more discretionary approvals and/or permits. Discretionary decisions of a state, regional, or local agency to approve, fund or directly undertake an action that may affect the environment are subject to review under the SEQRA. It is the intent of the SEQRA that protection and enhancement of the environment and community resources be balanced with social and economic factors in the decision-making process.

3.1 Project Classification and Lead Agency Designation:

The Town of Lancaster Town Board classified the Project as an Unlisted Action for the purposes of environmental review based on a determination that the impacts of the proposed action do not cross any of the thresholds for a Type I action contained in 6 NYCRR Part 617.4. While not required by the SEQRA Regulations, the Town of Lancaster Town Board decided to conduct a coordinated environmental review of the Project. A lead agency solicitation letter was issued to involved and interested agencies on or about January 10, 2020. None of the involved agencies objected to the Town Board’s request to be the lead agency.

In accordance with 6 NYCRR Part 617.7, based on its review of all agency comments, the completed Part 1 of the Full Environmental Assessment Form and application materials (including reports and studies) submitted by the Project Sponsor, and the completion of Part 2 and 3 of the Full Environmental Assessment Form, the Town Board considered the potential environmental impacts of the proposed action and determined the action may result in significant adverse

environment impacts and that a Draft Environmental Impact Statement (“DEIS”) must be prepared. The Town of Lancaster Town Board issued a positive declaration on March 2, 2020 and determined that the proposed action may include potentially significant environmental impacts to:

- Traffic;
- Surface Water, Quality or Quantity;
- Ground Water, Quality;
- Flooding; Erosion, Leaching and/or Drainage Problems;
- Plants and Animals, Natural Resources;
- Noise;
- Community Character¹

3.2 Purpose of the Scoping Process:

The Town of Lancaster Town Board, as the designated Lead Agency, has decided to conduct scoping for the Project. The purpose of the scoping process is to identify the potentially significant adverse environmental impacts to be evaluated in the DEIS and eliminate consideration of those impacts that are irrelevant or insignificant. The objectives of project scoping are as follows:

- Identify potentially significant adverse environmental impacts;
- Identify limits or extent of DEIS;
- Identify information needed to adequately address impacts;
- Identify potential mitigation measures;
- Identify the range of reasonable alternatives; and

¹ A copy of the Positive Declaration issued by the Town Board pursuant to SEQRA is attached to this Draft Scoping Document at Exhibit “B”.

- Eliminate irrelevant or insignificant issues.

On April 9 2020 the Project Sponsor submitted a Draft Scoping Document to the Town. As part of the DEIS process, and in accordance with SEQRA Regulations, the Town of Lancaster Town Board shall forward said scoping document to all involved agencies for comment, and shall also afford the public the opportunity to comment on same. This will provide the public and involved and interested agencies with the opportunity to provide input regarding the potentially significant environmental impacts to be evaluated in the DEIS.

The process ensures that the DEIS will be a concise, accurate and complete document upon which all involved and interested agencies can evaluate and issue decisions regarding discretionary approvals and permits needed for the proposed project. By including the public, as well as other agencies in the scoping process, the lead agency can obtain additional information and specialized knowledge that may reduce the likelihood of additional issues arising during the public review period for the DEIS. It is the responsibility of the Town of Lancaster Town Board, as the designated Lead Agency, to complete the scoping process and issue the final Scoping Document.

3.3 Lead Agency, Involved Agencies and Interested Agencies:

Pursuant to SEQRA, there are three types of agencies: the Lead Agency, Involved Agencies and Interested Agencies. The Lead Agency is the Involved Agency that has the responsibility, under SEQRA, to conduct the environmental review process for a proposed action. The Town of Lancaster Town Board was previously designated as the Lead Agency for the proposed action because it has jurisdiction with respect to issuing a decision regarding preliminary plat approval for the Project.

Involved Agencies are agencies that have jurisdiction to fund, approve, or directly undertake an action. The Involved Agencies for the environmental review of the Project are as follows:

- United States Army Corps of Engineers
- New York State Department of Environmental Conservation (“NYSDEC”)
- New York State Office of Parks, Recreation and Historic Preservation (“SHPO”)
- Town of Lancaster Town Board
- Erie County Department of Sewage Management
- Erie County Health Department
- Erie County Department of Environmental Planning

Interested Agencies consist of federal agencies and agencies that do not have jurisdiction with respect to discretionary approvals or permits for a proposed action, but that may want to participate in the environmental review process because of their expertise or concern regarding the proposed action. For the Project, interested agencies include but may not be limited to:

- Town of Lancaster Planning Board
- Town of Lancaster Building Inspector/Code Enforcement Officer
- Town of Lancaster Engineering Department
- Town of Lancaster Highway Department

4.0 CONTENT OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS):

6 NYCRR Part 617.9(b) of the SEQRA Regulations set forth the minimum content that should be included in a DEIS. The subject areas expected to be included in the DEIS for this project are described below.

4.1 Cover Sheet and Table of Contents:

4.2 Executive Summary:

The Executive Summary should provide a brief summary of the Draft Environmental Impact Statement.

4.3 Introduction:

The introduction should provide a summary of the Project, including the following topics:

- Project location and setting;
- Project description (including proposed action, changes to the site, acreage to be developed, etc.);
- Purpose and objectives of the Project;
- Public need and benefits of the Project;
- Project History including environmental review pursuant to SEQRA, description of Planning Board recommendations;
- Site layout and design;
- On-site traffic circulation;
- Utilities and stormwater management facilities;
- Site access (existing and proposed); and
- Regulatory compliance, including zoning and required project approvals and permit.

4.4 Existing Conditions of the Project Site:

The existing conditions section of the DEIS should present a narrative discussion of each subject area to provide for a sufficient understanding of the potential impacts of the proposed action and how they may affect the environment, such as:

- Topographic setting of the Project Site;

- Wetlands subject to the jurisdiction of the United States Army Corps of Engineers;
- Existing environmental conditions of the Project Site;
- Existing terrestrial and aquatic ecology, including any endangered, threatened, or special concern species;
- Existing surface and ground water resources;
- Existing mapped floodway and floodplain boundaries;
- Existing means of site drainage and stormwater management;
- Existing land uses on the Project Site and in the vicinity of the Project Site;
- Existing zoning and other land use regulations governing the use of the Project Site;
- Existing utilities;
- Existing solid waste disposal services;
- Existing air quality, noise and lighting levels on the Project Site;
- Existing traffic patterns and conditions in the vicinity of the Project Site;
- Existing community and emergency services for the Project Site (schools, police and fire protection);
- Existing historical, archaeological, or cultural resources on the Project Site;
- Existing neighborhood character and setting.

4.5 Evaluation Potentially Significant Adverse Environmental Impacts:

This section of the DGEIS should provide a detailed discussion of the identified potentially significant adverse environmental impacts of the Project, the severity of the impacts, and the practical mitigation measures that could reduce the magnitude of identified potentially significant adverse environmental impacts. This section should also address all substantive concerns regarding potentially significant adverse environmental impacts raised during the public scoping process.

4.5.1 Impact on Land:

A. Summary:

This section should provide a detailed discussion of all the physical impacts the Project will have on the Project Site including, but not limited to:

- Location and description of the Project Site;
- Description of proposed infrastructure improvements;
- Discussion of the proposed use of the Project Site;
- Existing topography;
- Proposed grading and fill requirements for the Project;
- Removal of existing vegetation and topsoil;
- Construction related impacts and procedures, including temporary impacts; and
- Construction phasing of the project.

4.5.2 Impact on Surface Water and Ground Water Resources:

A. Summary:

This section should provide a detailed discussion of the Project's impact to any water resources and on drainage/stormwater management of the site including, but not limited to:

- Provide a Stormwater Management Plan/Engineer's Report that meets the State's stormwater requirements ("SPDES") and that demonstrates the proposed action will not result in adverse drainage impacts;
- Location, type and discussion of existing and proposed stormwater management facilities;
- Describe maintenance of the stormwater facilities;
- Impacts to federal wetlands;
- Impacts to existing floodways or floodplains;
- Any temporary impacts to surface waters due to construction activities; and

- Impacts to ground water resources.

4.5.3 Impact on Plants and Animals:

A. Summary:

This section should provide a detailed discussion of the potential impacts of the proposed project on plants and animals, including any endangered, threatened or special concern species.

4.5.4 Impact on Transportation/Traffic:

A. Summary:

This section should provide a detailed discussion and analysis of potential traffic impacts and shall include a summary of the Traffic Impact Study (“TIS”). This section should identify all potential impacts that the Project will have on the transportation system including, but not limited to:

- Traffic projections for the proposed project;
- Information on proposed trip generation and distribution and intersection operations;
- Discussion of proposed vehicular access to the Project Site; and
- Ingress and egress opportunities.

4.5.5 Noise Impacts:

A. Summary:

This section should provide a detailed discussion on the noise impacts anticipated from this project including, but not limited to:

- All potential noise sources during construction activities.

4.5.6 Impact on Growth and Character of Community or Neighborhood:

A. Summary:

This section should provide a detailed discussion on how the project fits into the context of the surrounding area and how it will impact the character of the community including, but not limited to:

- A description of how the changes in land use on the Project Site will impact the surrounding neighborhood;
- A summary of how activities on the Project Site, such as lighting and noise will impact nearby residential uses;
- Consistency of the Project with the Comprehensive Plan and the goals of the community;
- The consistency of the Project with the existing zoning and subdivision standards; and
- Impacts on community services such as fire and police protection, schools, parks and recreation, etc.

5. EVALUATION OF MITIGATION MEASURES:

The Draft Environmental Impact Statement should include a discussion of the identified potentially significant adverse environmental impacts and a description of the proposed mitigation measures to be implemented to minimize the identified potentially significant impacts to the maximum extent practicable. If mitigation measures are adequately addressed in the discussion of the identified environmental impacts in Section 4 of the DGEIS, this section can act as a summary.

6. PROJECT ALTERNATIVES:

A discussion of on-site alternatives to the proposed action should be included, such as:

- No Action Alternative: An evaluation of the potential adverse and beneficial impacts that would result in the reasonable, foreseeable future if the proposed action was not undertaken.
- Project Site Layout Reconfiguration: An evaluation and assessment of a revised layout for the proposed action that would consist of a reduced number of lots for detached single family home consisting of residential lots with larger than the required lot width.

7. CUMULATIVE IMPACTS:

The impacts of the proposed action in the context of other proposed project (if any) in the vicinity of the Project Site.

8. POTENTIAL IMPACTS DETERMINED TO BE INSIGNIFICANT:

Under 6 NYCRR Part 617 of the SEQRA Regulations, the Lead Agency is responsible for eliminating consideration of those impacts and concerns that have been identified during the scoping process that are determined to be irrelevant or insignificant either because they are not legally relevant to the environmental review of the proposed action, they are not environmentally significant, or they have been adequately addressed prior to the scoping process. These issues and concerns should not be included in the DEIS.

9. INFORMATION TO BE INCLUDED IN THE APPENDICES OF THE DEIS:

The DEIS shall provide sufficient detail to enable the reader to understand, interpret and evaluate the existing conditions, potential impacts, mitigation measures, and alternative project scenarios. The Appendices shall contain copies of studies and reports that supplement and support the narrative in the DEIS. The methodologies and results of the studies and technical reports shall be summaries and explained in the DEIS. Only site-specific documents that are not readily available to the public should be included as appendices to the DEIS. The following are examples of documents to be included in the Appendices:

- All application materials;
- Parts 1, 2 and 3 of the Full Environmental Assessment Form (“EAF”);
- Positive Declaration issued by the Town Board on March 2, 2020;
- Final Scoping Document;
- Correspondence related to the Project;

- Minutes of Meetings of the Town of Lancaster Planning Board and Town Board;
- Plans for the development of the Project as a 23 lot residential subdivision;
- Conceptual Plans for the identified alternatives to the Project, if any;
- Traffic Impact Study;
- Storm Water Pollution Prevention Plan (“SWPPP”);
- Engineer’s Report;
- Wetland Delineation Report;
- Jurisdictional Determination issued by the United States Army Corps of Engineers;

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