

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
FINAL WRITTEN FINDINGS STATEMENT
MAY 14, 2008**

This written findings statement has been prepared and is being issued by the Town Board of the Town of Clarence, New York ("Town") as Lead Agency in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated under Article 8 and set forth at Part 617 of Title VI of the New York Code of Rules and Regulations (collectively referred to as "SEQR")

Project Name:

Clarence Hollow Pollution Abatement Project
Supplemented to Address Site Specific Impacts From:

The Spaulding Green Open Space Design Subdivision

Project Location:

East of Goodrich Road and North of Greiner Road in the Town of Clarence, Erie County, New York.

SEQRA Status:

Type I Action

Lead Agency:

Clarence Town Board
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Contact Name:

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Project Description:

The proposed action involves the construction of a 380 +/- unit mixed, residential housing development on a tract of land approximately 419 acres in size, located east of Goodrich Road and north of Greiner Road, in the Town of Clarence, New York. The GEIS for the Heise-Brookhaven Trunk Sewer anticipated development of the subject parcel but did not address the specific impacts related to development of the subject land.

Findings:

GENERAL ISSUES:

1. A Positive Findings Statement was issued on August 22, 2001 by the Clarence Town Board to approve the Heise-Brookhaven Trunk Sewer Line. This pollution abatement project extended a private trunk sewer line to solve an existing pollution problem in Clarence Hollow in exchange for utilization of the reserve capacity within said trunk line. This reserve capacity was authorized for use to develop the equivalent of 1000 residential dwelling units at two distinct locations within the Town of Clarence. The proposed Spaulding Greens Open Space Design Subdivision represents one of the site specific areas that will utilize the reserve capacity within the Heise-Brookhaven Trunk Sewer Line.
2. The Findings Statement for the Clarence Hollow Pollution Abatement Project identified that future project-related development that exceeded pre-determined thresholds must be evaluated by the Town to determine whether a Supplemental Environmental Impact Statement would be required. The Spaulding Greens Open Space Design Subdivision exceeded the identified thresholds and the Clarence Town Board issued a Positive Declaration under SEQRA and required that a Supplemental Environmental Impact Statement be prepared.
3. Several alternatives to the project were developed and analyzed in the DGEIS and FGEIS. The null/no build alternative does not fulfill the agreed upon contractual obligation that grants utilization of reserve sewer capacity to the private development interests that helped make the Clarence Hollow Pollution Abatement Project a reality. The concept of the Town acquiring the open space via the Town Open Space Bond Act is not practical as the applicant is not a willing seller of the development rights of the property and the cost associated with the Town acquiring the open space would not be practical. The legality and cost associated with the Town purchasing the reserve sewer capacity would be cost prohibitive to the community and to any associated sewer district, rendering this alternative impractical.
4. The proposed Spaulding Green Open Space Design Subdivision is located within the Residential Single-Family zoning classification and the proposed use of the property for mixed single-family housing is a permitted use. The proposed design preserves 50% of the overall property as perpetual open space and conforms with section 229-106 thru 108 of the Clarence Zoning Law as to density and the amount of land identified for preservation.
5. Findings as forwarded by the Erie County Department of Environment and Planning are incorporated and made a part of this Final Findings Statement.
6. Project approvals are limited to the 419 acres as identified in the Project Description. Any future project related expansions will require submittal of a Part

1 Environmental Assessment Form from the Project Sponsor and will require a full environmental analysis.

7. All Findings as identified in the original Clarence Hollow Pollution Abatement Project remain in full force.

SPECIFIC DESIGN ISSUES:

1. Connectivity between land uses is necessary to encourage physical activity such as walking and bicycling. The final design of the subdivision should not isolate open space but rather provide connectivity to enhance physical activity.
2. As many connections to existing County Roads as is practical should be encouraged to disperse traffic to the greatest extent feasible. This includes connecting to Green Valley Drive as well as to Greiner Road and multiple connections to Goodrich Road.
3. Access to Goodrich should coordinate with the access to Clarence Town Hall as well as the Town Park.
4. A high visibility crosswalk shall be installed from the project to Town Hall Town Park. Sidewalks and trails throughout the development should work to provide pedestrian and bicycle connections to the Town Park as well to existing recreational trails in conformance with the Town of Clarence bike Path Master Plan.

CLARENCE CENTRAL SCHOOLS ISSUES:

1. All Findings as forwarded from the Clarence Central School District are incorporated and made a part of this Final Findings Statement.

COUNTY HIGHWAY ISSUES

1. All findings as forwarded from the Erie County Department of Public Works as related to roadway mitigations are incorporated and made a part of this Final Findings Statement.

WETLAND IMPACTS:

The NYSDEC has identified a need for wetland mitigation measures. They also have identified additional wetland acreage they feel will be impacted by the project. NYSDEC

has requested that the impacted acreage be adjusted to reflect the new wetlands identified. The applicant proposes to undertake a wetlands restoration in the open space area along Gott Creek.

1. All required New York State Department of Environmental Conservation and United States Army Corps of Engineers permits must be issued prior to commencement of any construction related to the project development.

ARCHEOLOGICAL IMPACTS:

1. All requirements as identified by the NYS Office of Parks Recreation and Historic Preservation and the NYS Department of Environmental Conservation must be finalized prior to commencement of any construction related to the project development.

TRAFFIC ISSUES:

The Town has analyzed the information contained within the FEIS and finds it complete for the purposes of considering the transportation impacts of the proposed development. These impacts are unavoidable. Transportation improvements have been recommended. These improvements minimize, to the greatest extent practical, the significant adverse impacts upon the transportation system. The impacts can be addressed by making capacity improvements to the highway system. These improvements may include extending an existing collector road (Roll Road), increasing local road and pedestrian connectivity in the development (Green Valley Drive connection and cross walk to Town Park), and upgrading existing connector road and arterial road intersections surrounding the development to accommodate the increased traffic volumes that will result from the project.

Several mechanisms exist for the development to contribute towards the transportation capital improvements in an equitable manner. The on-site improvements shall be incorporated into the final design and can be constructed by the development at their own expense. To address the off-site adverse impacts at surrounding intersections, the Town shall utilize one or more of the contribution options available to proportionally assess the cost of the improvements to the development. The project shall be constructed in phases, and subject to the Town's Building Permit Cap as specified in the 2015 Master

Plan, in order to ensure the growth does not outpace the ability of the Town, County and State to design and construct the transportation capital improvements.

The transportation impacts, and the subsequent improvements to address them, have considered the social and economic and fiscal considerations. The upgrading of the un-signalized intersections to signalized intersections may impact the character of the area which is a rural setting. Rural intersections that experience increases in traffic volumes become less rural in character. The density of traffic on rural roads impacts character. The Town's Comprehensive Plan and related zoning and subdivision regulations permit the density of housing proposed. The only method available to provide safe intersections is to upgrade them to handle more traffic.

The project shall provide the necessary collector roads that provide regional network access, the opportunity for traffic movement to serve the regional trip stage, and appropriate emergency access. The final subdivision plan may provide an extension of Roll Road to Greiner Road designed as a collector road. This roadway modification will require a stream crossing which can be mitigated using appropriate design to minimize erosion and address non-point source pollution from storm water runoff. The Town's preferred Roll Road extension design would not connect to Kraus Road, which would help protect its character as rural road. And it may help preserve the existing NYS Agricultural Districts on Kraus Road.

The local road connection to Green Valley Drive is necessary to provide proper and complete roadway network to serve the entire community. Green Valley Drive is a local road and will be connected to a new local road versus being upgraded to a collector road. Extending the local road system is necessary to (1) disperse traffic from collector roads needing access to individual homes in the development, (2) reduce trip times of residents traveling between Green Valley Drive and residences in the new development, (3)

provide emergency access, and (4) provide connectivity between neighborhoods and extend the existing character of Green Valley Drive.

The project will increase traffic volumes on Goodrich Road. As these volumes increase, gaps in traffic will decrease which will have a significant impact upon pedestrian safety on Goodrich Road. The gaps in traffic currently can provide safe passage for pedestrians accessing the Town Park and Town Hall complex to the west of the development. But as the gaps decrease it will provide less and less time for crossing as traffic increases. A properly designed mid-block crossing shall be required of the development to facilitate safer passage across Goodrich Road. Sidewalk or pathway connections to this crossing shall be provided along the local roads that would serve as the primary routes to and from the park. This crossing minimizes, to the greatest extent possible, the adverse impact of increasing traffic volumes on Goodrich Road.

It is the Town's responsibility to facilitate the development of the community in a manner that protects the public health. It has been well documented that the built environment can facilitate physical activity. The Town seeks to harbor subdivision design that encourages physical activity such as bicycling and walking. Connectivity between land uses is a necessary component of encouraging these activities. It also disperses traffic, reduces walking distances, reduces reliance on arterial and collector roads for all trips. This project includes several dead ending streets. Every effort should be made to connect streets with trails and/or other streets to facilitate multi-modal transportation trips. Where physical or environmental barriers exist, these connections may be in the form of less intrusive paved pathways or seasonal trails. The final subdivision plan shall provide for a network of bike trails that will provide access between streets and to the greater network of trails throughout the Town.

Attached and made a part of these findings are the charts and maps that specifically identify the mitigations necessary to maintain an acceptable level of service through the full build out of the project.

Direct Impacts Identified						
		Location	Improvement Required	Identified by	Total cost	
1.		Goodrich Rd. and Greiner Rd.	1. Install left turn lanes on all approaches 2. Upgrade signal to permit 8-phase actuation	FEIS	\$ 1,566,200.00 + R.O.W.	
2.		Goodrich Rd. and Roll Rd.	1. Roll Road Extension 2. Add left turn lane northbound 3. Add right turn lane southbound 4. Install traffic signal	FEIS	\$ 933,545.20 + R.O.W.	
3.		Local Road connection to Green Valley Dr	Local roadway construction	TEQR	NA	
4		Driveway #? And Goodrich Rd.	Install high visibility crosswalk to Town Hall and Town Park	TEQR	\$20,000.00	
Cumulative Impacts Identified						
		Intersection	Improvement Required	Identified by	Total cost	State
1		Main St (NYS Rte. 5) and Goodrich Rd.	1. Widen Main Street to 4 lanes between Goodrich and Gunnville Rds. 2. Install add'l left lane on southbound approach	FEIS	\$3,945,474.40 + R.O.W.	8
2		Goodrich Rd. and Clarence Ctr. Rd.	Install new traffic signal	FEIS	\$ 207,508.00 + ROW	8
3		Greiner Rd. and Thompson Rd.	1. Install left turn lane on westbound approach 2. Install new two-phase traffic signal	Erie Co. DPW	\$ 907,180.40 + R.O.W.	8

In light of the identified need for traffic mitigation at certain intersections prior to full build out of the Open Space Design Subdivision and the Town's Traffic/Transportation Management System Action Plan, the Town has determined that it will be necessary for the Project Sponsors to update the Spaulding Greens Final Traffic Study, as developed in the Final Environmental Impact Statement, periodically until the project reaches full build out. Moreover, if any of the updates identify deficient levels of service as a result of the next anticipated phase of the PURD build out, the Project Sponsors will be required to contribute towards traffic mitigation measures.

All facts and findings of this review are on file at the Town of Clarence Department of Planning and Zoning, 1 Town Place, Clarence, New York 14031. These files may be examined by the public between the hours of 8:00 AM and 4:30 PM of any normal operating day.

In consideration of the above determinations and the relevant environmental impacts, facts and conclusions disclosed in the Final Supplementary EIS, the Town of Clarence has weighed and balanced relevant environmental impacts with social, economic and other considerations and certifies:

- 1. The requirements of the Environmental Conservation Law have been met.**
- 2. The action is one that avoids or minimizes environmental impacts to the extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.**