

**STATE ENVIRONMENTAL QUALITY REVIEW  
SOLICITATION FOR LEAD AGENCY STATUS  
UNLISTED ACTION**

FILED APR 26 '11 AM 10:32

Pursuant to Part 617 of the implementing regulations pertaining to Article 8, (State Environmental Quality Review Act) of the Environmental Conservation Law.

**Date:** April 20, 2011

**To:** NYS Department of Environmental Conservation, Region 9  
Hon. Francis Pordum, Supervisor, Town of Evans  
Erie County Legislature  
Erie County Health Department  
New York State Department of Transportation, Region 5  
Erie County Executive  
Erie County Department of Environment & Planning, Sewerage Mgmt. Div.

**Name of Action:** Lake Erie Beach Neighborhood Revitalization – Town of Evans

**Location:** Blackney Ave, Scott St, and Monroe Ave, Town of Evans, Erie County, NY

**Project Number:** C617-10-45

Erie County Department of Environment and Planning has identified this project as an Unlisted action for the purpose of SEQR and is not required but has chosen to coordinate the review of involved agencies pursuant to Part 617.6 (b).

Any involved or interested agency may submit objections in writing within thirty (30) days of the date of this notification. If no objections are expressed, Erie County Department of Environment and Planning will assume lead agency status for this action and will make a determination of its significance.

The Erie County Department of Environment and Planning has made an initial determination of no significant impact and anticipates issuing a negative declaration if no significant concerns are identified. Part 1 of the SEQR EAF is attached for your review.

*Written comments may be submitted to:*

Planner Marie Thornton  
Erie County Department of Environment and Planning  
Edward A. Rath County Office Building  
95 Franklin Street, Room 1053  
Buffalo, NY 14202

**before May 20, 2011.**

## SEQR REFERRAL RESPONSE

Project Name: Lake Erie Beach Neighborhood Revitalization – Town of Evans

Project Number: C617-10-45

Location: Blackney Ave, Scott St, Monroe Ave, Town of Evans, Erie County, NY

### **Lead Agency**

☐ Erie County should act as lead agency.

☐ \_\_\_\_\_ should act as lead agency because \_\_\_\_\_

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

Please provide input for scoping, reflecting your agency's concerns, permit jurisdictions, and information needs sufficient to making your SEQR findings.

### **Approval/Permits**

\_\_\_\_\_ (your agency) considers itself an (involved/interested) agency, as per SEQR regulations, for this action. The following approvals and/or permits are necessary:

(Type)

(From)

_____	_____
_____	_____
_____	_____

**Comments/Concerns** to be addressed in positive or negative declaration. (Please note or attach additional page if needed)

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

**Information Needs** (for Involved Agencies)

If a positive declaration is issued, the DEIS should study the following to assist in the making of SEQR findings:

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Agency: \_\_\_\_\_

Responsible official: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Please return by: **May 20, 2011** to:

Erie County Department of Environment and Planning  
Marie Thornton, Planner (716-858-7839)  
Edward A. Rath County Office Building  
95 Franklin Street, Room 1053  
Buffalo, New York 14202

## Appendix C

## State Environmental Quality Review

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

<b>1. APPLICANT/SPONSOR</b> Erie County Department of Environment & Planning	<b>2. PROJECT NAME</b> Lake Erie Beach Neighborhood Revitalization - Town of Evans
<b>3. PROJECT LOCATION:</b> Municipality <u>Town of Evans</u> County <u>Erie</u>	
<b>4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)</b> Blackney Avenue (from Lakeshore Road to the dead-end near Scott Street), Scott Street (from Herr Road to the dead-end near Blackney), and Monroe Avenue (from Granger to Ellicott).	
<b>5. PROPOSED ACTION IS:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
<b>6. DESCRIBE PROJECT BRIEFLY:</b> Reconstruction of streets listed above by paving various streets, providing improved drainage, and replacing and/or installing new waterlines as necessary. Project is located within the Lake Erie Beach neighborhood, a predominantly low/moderate income area. Project will address health and safety issues for area residents currently posed by the existing dirt, unimproved roads.	
<b>7. AMOUNT OF LAND AFFECTED:</b> Initially <u>~3.5</u> acres    Ultimately <u>~3.5</u> acres	
<b>8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
<b>9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?</b> <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input checked="" type="checkbox"/> Other Describe: Primarily residential, with some vacant, tree covered lots.	
<b>10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals: NYSDEC - Stormwater Discharge Permit US HUD - CDBG funding approval	
<b>11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
<b>12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Erie County Department of Environment &amp; Planning</u> Date: <u>4/20/11</u> Signature: <u>Mase Thornton, Planner</u>	

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

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

☒ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

Minimal, negative impacts during the construction phase of project (i.e.: construction noise, dust, and traffic disruptions); h/e, these impacts are short term and not of a magnitude considered to be significant. Proper disposal of all construc. wastes.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

N/A - no historic or archeological sensitive areas in project vicinity. No changes to community/neighborhood character.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

N/A - project is in a primarily developed, existing residential area.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

Project is consistent with recently adopted "Lake Erie Beach Neighborhood Revitalization Strategy".

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

Project location is a primarily developed, existing residential neighborhood.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

N/A

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

N/A

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

☐ Yes ☒ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☒ No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Erie County Department of Environment & Planning

\_\_\_\_\_  
Name of Lead Agency

Kathy Konst

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Title of Responsible Officer

Marie Thornton, 4/20/11

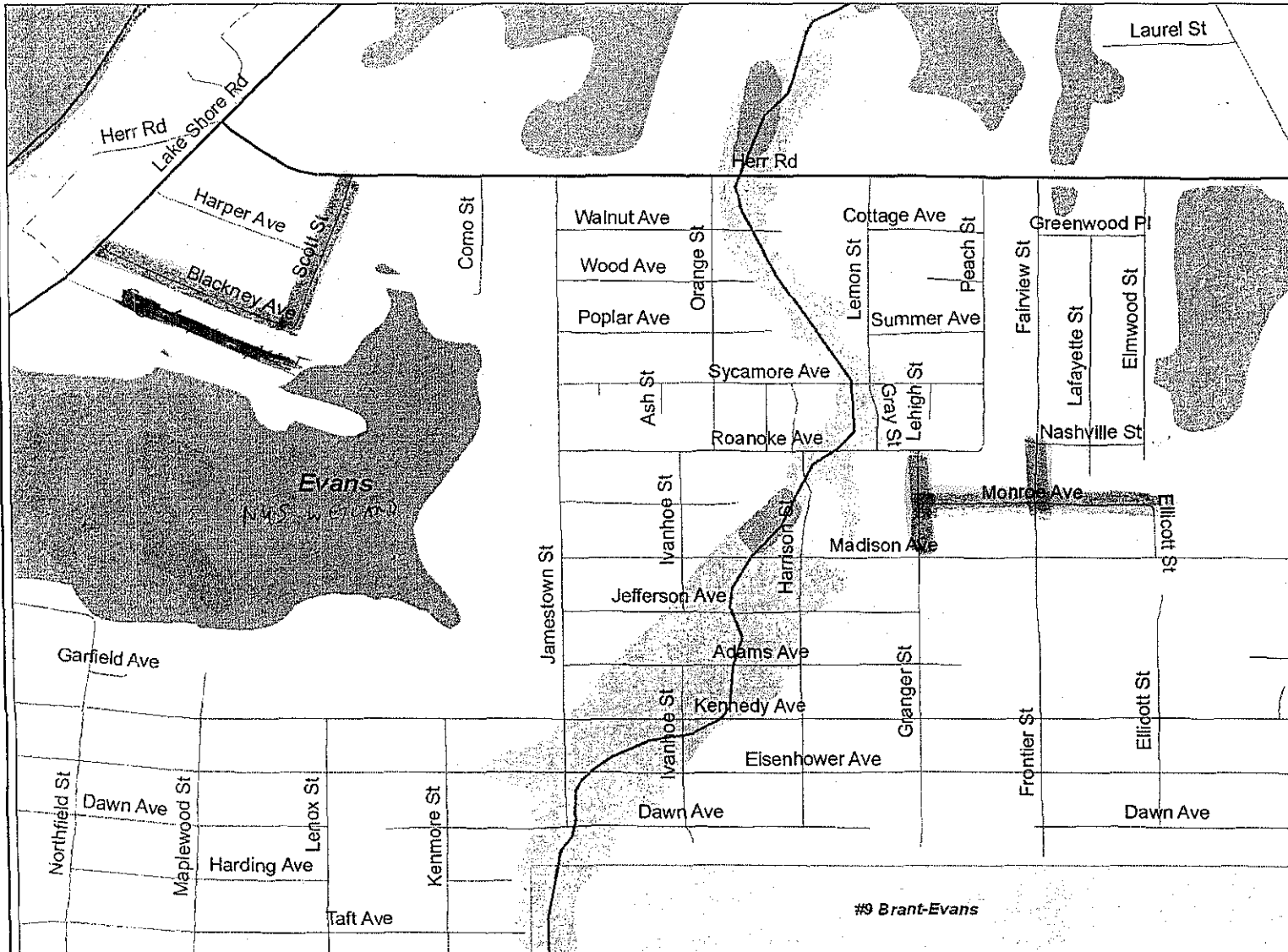
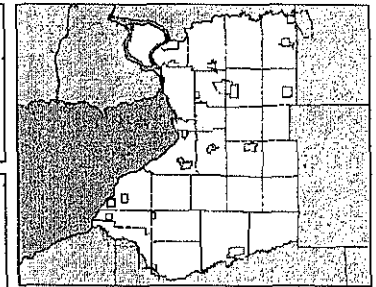
\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

Reset





# Erie County On-Line Mapping System



## Legend

- Railroads
- Streets and Highways**
  - Interstate
  - Primary State Road
  - Secondary State Road
  - County Road
  - Local Road
- Streams
- Lakes / Ponds
- DEC Wetlands**
  - National Wetlands Inventory
    - Wetlands
    - No Digital Data
  - FEMA Floodplains
  - Agricultural Districts**
    - Alden
    - Alden-Newstead
    - Amherst
    - Brant-Evans
    - Clarence-Newstead
    - Collins
    - Concord
    - Eden
    - Elma
    - Holland
    - Lancaster-Alden
    - Marilla
    - North Collins
    - Sardinia
    - Wales

1:8,507



## Notes

Blackney, Scott and Monroe Road Project,  
Wetlands & Floodplains

0.3 0 0.13 0.3 Miles

Erie County and its officials and employees assume no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information provided. Tax parcel data was prepared for tax purposes only and is not to be reproduced or used for surveying or conveying.

ERIE COUNTY, NEW YORK  
DEPARTMENT OF ENVIRONMENT & PLANNING  
OFFICE OF GEOGRAPHIC INFORMATION SERVICES

*Project Location*

COMBINED NOTICES TO THE PUBLIC  
NOTICE OF FINDING OF NO SIGNIFICANT EFFECT ON THE ENVIRONMENT  
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

To: All Interested Agencies, Groups, and Persons

On or about May 16, 2011, Erie County will request the U.S. Department of Housing and Urban Development to release Federal funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383) for the following project:

Project Title:	Lake Erie Beach Neighborhood Revitalization – Town of Evans
Purpose:	To reconstruct Blackney Avenue, Scott Street, and Monroe Avenue (existing private dirt roads) by paving the various streets, providing improved drainage, and installing and/or replacing water lines as necessary. Approximately 3,140 linear feet of new roadway will be installed on the various streets, along with 790 linear feet of new 8" waterline on various streets. The project will drastically improve travel conditions and access of the existing dirt roads for residents, pedestrians, and cyclists of this primarily residential neighborhood. Road washouts, potholes, and other impediments to travel, school bus, and emergency vehicle access will be drastically improved.
Funds Requested:	\$435,000
Location:	Lake Erie Beach Neighborhood, Town of Evans, Erie County, NY
SEQR Status:	Unlisted Action-Negative Declaration anticipated

As a result of this environmental review, it was determined that such request for release of funds will not constitute an action significantly affecting the quality of the human environment and accordingly, Erie County has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (PL 91-190).

The reasons for such decision not to prepare such statement are as follows:

There may be minimum negative impacts during the construction phase of this project; however, these impacts are short-term and not of a magnitude that are considered to be significant. Demolition wastes will be recycled, where possible, to reduce solid waste generation and disposal impacts. Construction waste that cannot be recycled will be disposed of in a licensed landfill. Traffic flows on local and adjacent streets will be temporarily impacted by construction activity over the short term as will air quality due to noise and dust generated by construction equipment. It has already been determined by New York State Department of State, Division of Coastal Resources, that this project will have no effect upon coastal resources.

The reconstruction of the various streets will drastically alleviate health and safety hazards which currently exist for residents. Such hazards include: numerous potholes and a deeply rutted road surface, flooding problems caused by improper drainage and the dirt roads (to be mitigated by drainage improvements), inability of school buses and garbage trucks to travel down the streets, difficulty for emergency vehicles to access houses, lack of snow plowing during winter months, and property



damage due to flooding. The reconstructed streets and/or new waterlines will address all of the above issues while dramatically improving the quality of life for area residents. Once the private dirt roads are improved, the Town of Evans will take them over thereby allowing municipal plowing and maintenance services. This action is consistent with the recently adopted Town of Evans "Lake Erie Beach Neighborhood Revitalization Strategy" and the Erie/Niagara Counties "Framework for Regional Growth". Any adverse effects on the environment will be mitigated by project consultation and compliance with federal, state and county permitting agencies involved in the project, including spill and erosion control plans.

An Environmental Review Record has been made by Erie County which documents the environmental review of the project, and more fully set forth the reasons why such a statement is not required. This Environmental Review Record is on file at the Erie County Division of Planning, Room 1053, (95 Franklin Street, Buffalo, New York) and is available for public examination and copying upon request between the hours of 9:00 A.M. and 4:00 P.M..

All interested agencies, groups and persons disagreeing with this decision are invited to submit written comments for consideration by the County to the Environmental Review Coordinator at the same office. All written comments received at this office on or before May 13, 2011 will be considered and the County will not request the release of Federal funds or take any administrative action on the project prior to this date.

Erie County will undertake the project described above with Block Grant funds from the U.S. Department of Housing and Urban Development (HUD), under Title I of the Housing and Community Development Act of 1974, as amended. Erie County is certifying to HUD that the County of Erie and Chris Collins, in his official capacity as County Executive, consent to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making, and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval, Erie County may use the Block Grant funds, and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969. HUD will accept objections to its release of funds and the Responsible Entity's (RE) certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the Name of RE; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to HUD at 465 Main Street, Buffalo, New York 14203. Potential objectors should contact HUD to verify the actual last day of the objection period. Objections to the release of funds on bases other than those stated above will not be considered by HUD. No objection received following the 15th day after HUD receives this request will be considered by HUD.

Chris Collins  
County Executive  
95 Franklin Street  
Buffalo, New York 14202

**Date: April 28, 2011**

To be sent to: Hamburg Sun  
Hon. Francis Pordum, Supervisor, Town of Evans  
NYS Department of Environmental Conservation  
Erie County Legislature  
Erie County Health Dept.  
Erie County Highway Div.  
Erie County Environment & Planning, Sewerage Mgmt. Div.  
HUD Buffalo Office  
465 Main Street, Buffalo, NY 14203