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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 20, 2013

Honorable Betty Jean Grant
Chairperson
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Transfer of Parkland to the Town of Newstead
Skyline Drive, Town of Newstead and Village of Akron, Erie County, New York

Dear Chairperson Grant:

Please be advised that Erie County, acting through the Department of Environment and Planning and in its role as lead agency, has issued the enclosed Negative Declaration–Notice of Determination of Non-Significance on March 20, 2013. The document pertains to the action entitled 'Transfer of Parkland to the Town of Newstead' as it relates to property on Skyline Drive in the Town of Newstead and Village of Akron, New York 14001. This action was referred to you on February 8, 2013 in a letter requesting lead agency status for the County.

In the event you have any questions concerning this matter, please contact Erie County Deputy Commissioner of Planning and Economic Development, Thomas J. Dearing, at (716) 858-7256 or Thomas.Dearing@erie.gov.

Sincerely,

A handwritten signature in cursive script that reads "Maria R. Whyte".

MARIA R. WHYTE
Commissioner

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

Lead Agency: Erie County, Acting through the Department of Environment and Planning

Dated: March 20, 2013

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 Erie County Department of Environment and Planning has reviewed the proposed transfer of the southern section of Akron Falls Park to the Town of Newstead and determined that the proposed action will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Transfer of Parkland to the Town of Newstead

Location of Action: Skyline Drive, Town of Newstead/Village of Akron, New York 14001

SEOR Status: Type I (transfer of more than 100 acres of property)

Conditioned Negative Declaration: No

Description of Action:

The proposed transfer of Akron Falls Park from Erie County to the Town of Newstead will involve approximately 135+/- acres of public parkland currently used for public recreation, including baseball diamonds, soccer fields, and a shelter. The transfer of property will not change the availability of these recreational facilities for County residents and the park will remain functional in its current manner. This transfer will not result in any proposed development or construction.

Reasons Supporting this Determination:

Potential environmental impacts associated with the Action were identified in the Environmental Assessment Form to assess potential adverse environmental impacts and compared to 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). As indicated below in the discussion of each criterion specified in 6 NYCRR §617.7(c)(1), the proposed Project will not have a significant adverse 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;

The proposed Action will not create 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 as the park will continue to operate and function in the same manner and no construction or development is to take place.

(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 Action does not involve any construction or development activities and therefore no removal of vegetation or fauna will take place. Nor will any fish or migratory birds, habitat areas, threatened or endangered plants or animals, or other natural resources be impacted.

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

The park is not located in a designated Critical Environmental Area, and, therefore, there will be no impact to environmental characteristics of any Critical Environmental Areas.

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

The Action will not create conflict with the community's current plans or goals as officially approved or adopted. The park has been utilized as a recreational area for decades and no change in the existing land use is proposed.

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

According to the State Historic Preservation Office's GIS database, the park is located in an area of archaeological sensitivity. However, no State or National Register of Historic Places-listed buildings or sites (or locally-designated architecturally significant buildings or sites) are located within or contiguous to the Project site. Erie County requested Lead Agency status and comments from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) in a letter dated February 8, 2013. The comment period closed on March 11, 2013 and no comments were received from OPRHP. However, given the lack of historical and architectural resources within and contiguous to the park, the action will not impair the character or quality of important historical, archeological, architectural, or aesthetic resources. Regarding community and neighborhood character, the Action will retain the aesthetic qualities within and around the park as no new construction or development is proposed.

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

As the Park will continue to operate and function in its current manner with no increased development or construction, no major long-term change in the quantity of energy required for operation of the site is anticipated nor will it affect the community's sources of energy supply.

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

The Action will not result in the creation of any hazards to human health as the park will continue to operate and function in its current manner with no additional development or construction.

(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;

The park and its facilities have existed for decades in a rural community. The Alden-Newstead Agricultural District is contiguous to the Project site, as are residential properties. The park will continue to function in the same manner it has for decades with no change in the use or intensity of use. Therefore, it will not have a substantial impact upon existing adjacent uses.

(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;

The park attracts visitors for active and passive recreation. There is no proposed increase in the capacity of the park and facilities with this proposed action and therefore it will not result in an increased number of visitors.

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

The Action consists of the transfer of parkland and the continued use of the park in its same manner. This action will not create the material demand for any other actions that would result in one of the above consequences.

(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

The Action will not result in changes in two or more elements of the environment which, when considered together, would result in substantial adverse impact on the environment.

(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.

The proposed Action and continued use of the park in its current manner been reviewed together and do not meet any of the above criteria.

Contact Information:

Name: Maria R. Whyte, Commissioner

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