Welcome – In-Person & ZOOM Public Meeting, Records Room, June 2, 2026

Members Present: L. Szewczyk, J. Pinter, D. Scheidel, K. Hassen, M. Dewey
Members Excused: J. Mesi, D. Wilson
Also present: William Smith, Director of Planning and Development
Alex Kane, Associate Planner
John Flading, Code Enforcement Officer
Brittany Penberthy, Town Attorney

Chair Szewczyk: I would like to welcome everyone to the June 2nd Planning Board meeting.

Before we begin tonight's meeting, we have some housekeeping we need to take care of; regarding minutes from the April 22nd, 2026, public meeting. Are there any additions, corrections, or questions, or may I please have a motion to accept them as submitted.

Motion: Joe Pinter *Second: Madeleine Dewey* *Vote: all in favor*

Chair Szewczyk: Motion carried.

All public meetings and public hearings currently scheduled before the Planning Board of the Town of Evans, will be held both in person and by remote access via Zoom while giving the public the ability to listen in and comment when given the opportunity. If any person wishes to comment on these actions, it is their right to do so when the floor is opened to the public. At that time, we ask that anyone who wishes to speak please clearly state your name and address, spelling your last name for the record. Those attending online may "raise their hand" using the function on your Zoom interface. Each person is limited to one opportunity to speak, and comments shall be limited to 3 minutes.

For the record, a Planning Board Public Meeting is conducted solely for the pre-determined action items listed on the official Planning Board Agenda and/or any other business that may be presently before the Planning Board.

The first item on the agenda this evening is:

1. **Major Subdivision Recommendation –** Resolutions to recommend approval of a proposed subdivision of land known as '0 Commercial Street' to create 52 new parcels on SBL # 235.00-3-26.2. Petitioner: Ken Zollitsch, GPI Engineering on behalf of owners, Regency Builders, LLC.

Background

- On March 11, 2026, the applicant met with the Planning Board to present and discuss the project at the work session.

- On March 18, 2026, the Evans Town Board declared their intent to serve as lead agency under SEQR and instructed the Planning Department to initiate a coordinated review.
- On April 21, 2026, the coordinated review period concluded with the Planning Department receiving comments from any involved or interested agencies.
- The applicant is now before us tonight to receive recommendation from the Planning Board as required for major subdivision and cluster development prior to Town Board approval.

Departmental Reviews

- Bill Smith, Planning Director: No objections to approving the recommendation of the preliminary plat with conditions as written in the resolution regarding continued coordination with the Town Engineer, USACE, Erie County Sewer and Village Water.
- John Flading, Code Enforcement Officer: No objection
- Colin Nims, Town Engineer: Written comments provided
- Brittany Penberthy, Town Attorney: Nothing additional.

Outside Agency Reviews

- See comments from involved agencies attached to EAF

Chair Szewczyk:

- At this time, I will ask the applicant if they wish to address the Planning Board with any further information than previously submitted.
    - Ken Zollitsch, GPI Engineering: We are actively working to address comments provided by CPL, including updating different documentation like the SWPPP.
- There being no further comments from the petitioner, are there any questions or comments from the Board before I open the floor to the public?
    - No comments from the Board.
- There being no further questions or comments from the Board, I will open the floor for any public comment.
    - No comments from the Public.
- There being no further comments, I will close the floor and bring it back to the Planning Board for further questions/comments.
- Are there any further questions or comments from the Planning Board?
    - No comments from the Board.
- There being no further questions from the Planning Board, may I please have a motion regarding a recommendation for a negative declaration and preliminary plat approval to Town Board?

***Motion**, with conditions: Don Schiedel* ***Second,** with conditions**:** Kevin Hassen*

RESOLUTION

Planning Board Recommendation of Preliminary Plat
Commercial Street Subdivision

WHEREAS, the Planning Board has reviewed the Preliminary Plat prepared by GPI, Inc on behalf of Regency Builders, LLC ("the Applicant") for the proposed Commercial Street major subdivision ("the Project"); and

WHEREAS, the Project involves the creation and development of 52 single-family residential lots and supporting infrastructure on a 25.9 +/- acre parcel located in the Residential Two-Family (R2) at 0 Commercial Street (SBL 235.00-3-26.1); and

WHEREAS, the Applicant is also seeking Cluster Development designation per the regulations set forth in Section 200-59 of the Evans Town Code for the protection of natural resources; and

WHEREAS, the Evans Town Board has declared intent to serve as SEQR Lead Agency on the Project at their March 18, 2026 meeting and initiated a 30-day coordinated review with involved agencies; and

WHEREAS, per Section 178-6.b of the Town Code pertaining to procedures for obtaining subdivision approval, the Planning Board shall review the Preliminary Plat for compliance with Town requirements as well as SEQR and make its recommendation to the Town Board; and

WHEREAS, the Planning Board carefully reviewed the proposed Project and considered all of the criteria for Determination of Significance listed in the SEQR regulations, and has found that the proposed action is not anticipated to result in any significant adverse impacts on the environment; and

WHEREAS, the Planning Board would like to approve the Preliminary Plat based on the following reasons:

- The Project in accordance with the Town's zoning regulations.
- The Project will constitute the use of underutilized property.
- The project will provide a new source of housing in the Town.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board hereby recommends approval of the Preliminary Plat to the Town Board with the following conditions:

- The Applicant shall address any outstanding comments provided in the Town Engineer's review dated May 8, 2026.
- The Applicant shall continue coordination with USACE to determine the jurisdiction of any potential federal wetlands that may be present on the site. Once determined, any and all required permits from USACE will be presented to the Planning Department prior to commencing work on the site.
- The Applicant shall perform a detailed Downstream Sewer Capacity Analysis to be submitted to the Erie County Division of Sewerage Management for approval.
- The applicant shall coordinate with Village of Angola and Department of Health to conform the new water distribution system with all applicable details, specifications, standards and requirements.
- The Applicant shall continue to work with the Town Engineer and Planning Director to achieve Final Plat approval by the Evans Town Board.
- Any significant changes made to the Preliminary Plat during the ongoing approval process will be returned to the Planning Board for additional review and consideration for recommendation to the Town Board.

BE IT FURTHER RESOLVED, that the Planning Board hereby recommends that Town Board (as SEQR Lead Agency) approves the Preliminary Plat and issues a Negative Declaration, thereby concluding that the project will not adversely affect the natural resources of the State and/or health, safety, and welfare of the public and is consistent with social and economic considerations.

Roll Call Vote: *All in favor… Carried.*

Chair Szewczyk: Approved with conditions.

The second item on the agenda this evening is:

2. **Intent to Declare Lead Agency –** Resolution to declare intent to serve as Lead Agency for the SEQRA process for the proposed expansion of 75 units to existing manufactured home neighborhood, on a 35.1± acre portion of an 88.2± acre parcel located at 8930 Erie Road, Angola, NY. SBL# 235.00-2-6.1. Property owner: Dean Hogg. Petitioner: Tredo Engineers

- May I please have a motion regarding intent to declare lead agency?

***Motion**: Madeleine Dewey* ***Second:** Don Schiedel*

RESOLUTION

SEQR Resolution:
Planning Board Intent to Serve as Lead Agency

WHEREAS, the Evans Planning Board before them a Site Plan Review Application prepared by Tredo Engineers on behalf of Melody Meadow Estates ("the Applicant") for a proposed expansion of the current mobile home park with supporting infrastructure and lot layout for 75 new units located at 8930 Erie Rd., Angola, NY (SBL. 235.00-2-6.1); and

WHEREAS, the Planning Board seeks to commence coordinated review of this action and seeks to act as Lead Agency pursuant to the requirements of the State Environmental Quality Review Act ("SEQR"), New York State Environmental Conservation Law, Article 8 and 6 NYCRR Part 617; and

WHEREAS, the Planning Board determines that it is the most appropriate agency to oversee the coordinated review of the Project, and will provide written notification to involved and interested agencies, for the purpose of making a determination of significance under SEQR regulations.

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Evans does hereby declare its intent to be designated as Lead Agency for this Project; and

BE IT FURTHER RESOLVED, that the Town of Evans Planning Department is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing on or before noon on Friday, July 3, 2026.

***Roll Call Vote:** All in favor… Carried.*

The third item on the agenda this evening is:

3. **Site Plan –** Resolution to determine SEQR declaration and to approve the proposed construction of eight (8) apartment buildings, housing eight (8) units each on a 6± acre portion of a 14± acre parcel located on North Main Street, Angola, NY. Property owners E&K Estates, LLC, SBL# 235.07-4-5. Petitioner: Metzger Civil Engineering, PLLC

Background

- On September 27, 2017 the Planning Board unanimously approved the site plan for this project. However, the Erie County Department of Health determined that there was insufficient water pressure to allow the project to move forward at that time.
- Since that time, the Town of Evans constructed an elevated water storage tank and made the necessary water infrastructure improvements to provide sufficient water pressure at the project location.
- On April 8, 2026, the applicant met with the Planning Board to present and discuss the project at the work session.
- On March 22, 2026, the Planning Board declared their intent to serve as lead agency under SEQR and instructed the Planning Department to initiate a coordinated review.
- On May 27, 2026, the coordinated review period concluded with the Planning Department receiving comments from any involved or interested agencies.
- The applicant is now before us tonight to receive site plan approval from the Planning Board.

Departmental Reviews

- Bill Smith, Planning Director: No objections to approving the site plan with conditions as written in the resolution regarding continued coordination with the Town Engineer, Erie County Sewer District, Water Authority and Public Works Dept.
- The applicant has also successfully addressed comments received from NYSDEC.
- John Flading, Code Enforcement Officer: No objection
- Collin Nims, Town Engineer; Written comments provided
- Brittany Penberthy, Town Attorney: No objection.

Chair Szewczyk:

- At this time, I will ask the applicant if they wish to address the Planning Board with any further information than previously submitted.
    - Metzger Engineering: The phasing of the project would be to build the first two building units and emergency access; additional phases will be evaluated after that. Additionally, the nature trail presented will not include any clearing or placement of gravel, just keeping of paths.
- There being no further comments from the petitioner, are there any questions or comments from the Board before I open the floor to the public?
    - Updates regarding phasing and scope of work should be provided to the Planning Department for review.
- There being no further questions or comments from the Board, I will open the floor for any public comment.
    - No comments from the Public.
- There being no further comments, I will close the floor and bring it back to the Planning Board for further questions/comments.

- Are there any further questions or comments from the Planning Board?
    - No further comments from the Board.
- There being no further questions from the Planning Board may I please have a motion regarding SEQR and site plan approval?

***Motion**, with conditions: Madeleine Dewey* ***Second,** with conditions**:** Don Schiedel*

RESOLUTIONS

<u>State Environmental Quality Review (SEQR)</u>

WHEREAS, the Planning Board of the Town of Evans has been declared Lead Agency for the SEQR process for the proposed construction of eight apartment buildings, housing eight units each on a 6± acre portion of a 14± acre parcel located on North Main Street, Angola, NY, 14006 (SBL# 235.07-4-5); and

WHEREAS, the Evans Planning Department on behalf of the Planning Board conducted a coordinated review of the project and provided written notification to any involved and interested agencies; and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Evans Planning Board has reviewed the proposed project and considered all comments received from interested and involved agencies; and

WHEREAS, the Planning Board considered all of the criteria for Determination of Significance listed in the SEQR regulations and has found that the proposed action is not anticipated to result in any significant adverse impacts on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby issues a Negative Declaration, thereby concluding that the project is not anticipated to adversely affect the natural resources of the State and/or health, safety, and welfare of the public and is consistent with social and economic considerations.

Site Plan Approval

WHEREAS, the Evans Planning Board has carefully reviewed the proposed construction of eight apartment buildings, housing eight units each on a 6± acre portion of a 14± acre parcel located on North Main Street, Angola, NY, 14006 (SBL# 235.07-4-5); and

WHEREAS, the Planning Board has issued a SEQR negative declaration and determined that the applicant has met all requirements for site plan approval.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board conditionally approves the project based, in part, on the following reasons:

- The action is consistent with the current Multi-Family Residential zoning of the parcel.
- The action is consistent with the Evans-Angola Comprehensive Plan.
- The action is not expected to result in any undo traffic impacts, adverse impacts to natural resources or adverse changes to the surrounding community.

BE IT FURTHER RESOLVED, final site plan approval and issuance of any building permits from the Town of Evans is conditioned on the successful completion of the following:

- The Applicant shall address comments provided in the Town Engineer's review dated May 8, 2026.
- The Applicant shall perform a detailed Downstream Sewer Capacity Analysis to be submitted to the Erie County Division of Sewerage Management for approval.
- The Applicant must meet all the requirements and obtain all necessary permits of the Erie County Highway Department.
- The Applicant must meet all the requirements of the Erie County Water Authority.
- All elements of the project will be constructed per the approved Site Plan and in compliance with the Town of Evans Code Enforcement, Planning and Engineering Department's reviews and comments.
- The applicant will continue in their cooperation with the New York State Department of Transportation to address any reasonable requests.
- Each phase of the project is reviewed prior by the Code Enforcement Officer and Planning Director for compliance and approval.

Roll Call Vote: *All in favor… Carried.*

Chair Szewczyk: Approved with conditions.

The fourth item on the agenda this evening is:

4. **Site Plan** – Resolution to determine SEQR declaration and to approve the proposed construction of one (1) flex space building that contains eight (8) units and totals 10,000 sq. ft. (combination of office and workshop/storage/garage spaces) on a 0.8± acre portion of a 2.83± acre parcel located on Erie Road, Angola, NY, SBL# 220.19-2-1. Petitioner: Michael Rotella

Background

- On May 13, 2026, the applicant met with the Planning Board to present and discuss the project at work session.
- The project has been reviewed by all appropriate Town Departments as well as the Erie County Department of Environment and Planning as part of the 239-M review process, which they deemed the project a matter of local concern.
- Being located on NYS Route 5, elements of the project within the right-of-way are also currently under review by the NYSDOT.
- The applicant is now before us tonight to receive site plan approval from the Planning Board.

Departmental Reviews

- Bill Smith, Planning Director: No objections to approving the site plan with conditions as written in the resolution regarding continued coordination with the Town Engineer, and NYSDOT. In addition, a condition has been placed on approval regarding ensuring that future tenants conform to the permitted uses of the GB District.
- John Flading, Code Enforcement Officer: No objections
- Colin Nims: Written comments provided.
- Brittany Penberthy, Town Attorney: No objections.

Outside Agency Reviews

- See comments from involved agencies attached to EAF.

Chair Szewczyk:

- At this time, I will ask if the project sponsor wishes to address the Planning Board with any further information than previously submitted.
- There being no further comments from the sponsor, are there any questions or comments from the Board before I open the floor to the public?

    - Concerning signage, is there any room to add name plates of businesses above their doors to acknowledge how the units are being occupied and by whom?
        - Applicant shared that most business owners in their other properties prefer to remain anonymous but are willing to have signs on individual doors or names on the unit.
    - Town of Evans Code states that tenants and/or business owners must meet with the Code Enforcement and Planning Offices and that the applicant should facilitate this meeting.
        - Applicant shared that this will be a condition in the leasing agreement for tenants.
- There being no further questions or comments from the Board, I will open the floor for any public comment.
    - No comments from the Public.
- There being no further comments, I will close the floor and bring it back to the Planning Board for further questions/comments.
- Are there any further questions or comments from the Planning Board?
    - No further comments from the Board.
- There being no further questions from the Planning Board may I please have a motion regarding SEQR and site plan approval?

Motion, *with conditions: Kevin Hassen* ***Second,*** *with conditions**:** Don Schiedel*

RESOLUTIONS

State Environmental Quality Review (SEQR)

WHEREAS, the Planning Board of the Town of Evans has been declared Lead Agency for the SEQR process for the proposed construction of one (1) flex space building that contains eight (8) units and totals 10,000 sq. ft. (combination of office, workshop and storage spaces) on a 0.8± acre portion of a 2.83± acre parcel located on Erie Road, Angola, NY (SBL# 220.19-2-1); and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Evans Planning Board has reviewed the proposed project; and

WHEREAS, the Planning Board considered all of the criteria for Determination of Significance listed in the SEQR regulations and has found that the proposed action is not anticipated to result in any significant adverse impacts on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby issues a Negative

Declaration, thereby concluding that the project is not anticipated to adversely affect the natural resources of the State and/or health, safety, and welfare of the public and is consistent with social and economic considerations.

Site Plan Approval

WHEREAS, the Evans Planning Board has carefully reviewed the proposed construction of one (1) flex space building that contains eight (8) units and totals 10,000 sq. ft. (combination of office, workshop and storage spaces) on a 0.8± acre portion of a 2.83± acre parcel located on Erie Road, Angola, NY (SBL# 220.19-2-1); and

WHEREAS, the Planning Board has issued a SEQR negative declaration and determined that the applicant has met all requirements for site plan approval.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board conditionally approves the project based, in part, on the following reasons:

- The action is not expected to result in any undo traffic impacts, adverse impacts to natural resources or adverse changes to the surrounding community.
- And the project will constitute the use of an underutilized property with a viable business.

BE IT FURTHER RESOLVED, final site plan approval and issuance of any building permits from the Town of Evans is conditioned on the successful completion of the following:

- The Applicant shall address any outstanding comments provided in the Town Engineer's review dated May 12, 2026.
- The Applicant shall coordinate with NYSDOT to receive all approvals and permits to conduct work on NYS Route 5, including issuance of a Highway Work Permit for the proposed curb cut and roadside drainage.
- Per Evans Town Code 70-7, any new businesses occupying the proposed units must first meet with the Director of Planning and Code Enforcement Officer to understand the nature of the business and to determine if the use is permitted within the General Business District.
- The applicant shall provide the lighting locations and specifications for review by the Code Enforcement Officer and Planning Director.
- If any disturbance of land occurs of one acre or greater, the applicant will be required to provide a Stormwater Pollution Prevention Plan (SWPPP).

Roll Call Vote: Roll Call Vote: *All in favor… Carried.*

Chair Szewczyk: Approved with conditions.

The final item on the agenda this evening is:

5. **Site Plan** – Resolution to determine SEQR declaration and to approve the proposed construction of streambank and beach erosion control measures, water quality improvements, and flooding mitigation measures along Muddy Creek and the Lake Erie Beach Park shoreline located at 9568 Lake Shore Rd, Angola, NY 14006 (SBL # 250.09-1-54.1). Property owner and petitioner: Town of Evans

Background

- The Town of Evans has received a combination of funding through the NYS Department of Homeland Security and Emergency Service and the Environmental Protection Agency to design and construct the project with CPL engineering.
- A public meeting was held on January 25, 2025 at the Lake Erie Beach Fire Hall to discuss the project and address concerns with members of the surrounding community.
- Throughout 2025, the Town and CPL addressed multiple requirements of NYSDEC permitting to ensure the project will have no negative impacts on the environment, in particular on habitat, wetlands and floodplains.
- On April 8, 2026, the Planning Board reviewed and discussed the project at a work session.
- On April 22, 2026, the Planning Board declared their intent to serve as lead agency under SEQR and instructed the Planning Department to initiate a coordinated review.
- On May 8, 2026, the Town and CPL submitted a Joint Application for Permitting of the project to NYSDEC, USACE, NYSDOS and NYSOGS which is currently pending review.
- On May 29, 2026, the SEQR coordinated review period concluded with the Planning Department receiving comments from any involved or interested agencies.

Departmental Reviews

- Bill Smith, Planning Director: No objections to issuing a negative declaration approving the site plan with conditions as written in the resolution regarding continued coordination with NYSDEC, USACE and NYSDOS as part of the ongoing Joint Application process.
- John Flading, Code Enforcement Officer: No objections
- Colin Nims, Town Engineer: No objections
- Brittany Penberthy, Town Attorney: No objections

Outside Agency Reviews

- See comments from involved agencies attached to EAF

Chair Szewczyk:

- At this time, I will ask if the project sponsor wishes to address the Planning Board with any further information than previously submitted.
- There being no further comments from the sponsor, are there any questions or
- comments from the Board before I open the floor to the public?
    - No comments from the Board.
- There being no further questions or comments from the Board, I will open the floor for any public comment.
    - No comments from the public.
- There being no further comments, I will close the floor and bring it back to the Planning Board for further questions/comments.
- Are there any further questions or comments from the Planning Board?
- There being no further questions from the Planning Board may I please have a motion regarding SEQR and site plan approval?

***Motion**: Kevin Hassen* ***Second:** Don Schiedel*

RESOLUTIONS

<u>State Environmental Quality Review (SEQR)</u>

WHEREAS, the Town of Evans has received a combination of funding through the NYS Department of Homeland Security and Emergency Service and the Environmental Protection Agency to conduct work to help improve water quality, reduce erosion, improve habitat, remove debris and mitigate flooding along Muddy Creek in Lake Erie Beach; and

WHEREAS, the Town of Evans has before it an engineered site plan developed by Clark Patterson Lee for bank stabilization and environmental restoration efforts along Muddy Creek spanning from the terminus of Grant Ave to the mouth of the creek at Lake Erie; and

WHEREAS, the Planning Board of the Town of Evans is declared Lead Agency for the SEQR process for the proposed project; and

WHEREAS, the Evans Planning Department on behalf of the Planning Board conducted a coordinated review of the project and provided written notification to any involved and interested agencies; and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Evans Planning Board has reviewed the proposed project and considered all comments received from interested and involved agencies; and

WHEREAS, the Planning Board considered all of the criteria for Determination of Significance listed in the SEQR regulations and has found that the proposed action is not

anticipated to result in any significant adverse impacts on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby issues a Negative Declaration, thereby concluding that the project is not anticipated to adversely affect the natural resources of the State and/or health, safety, and welfare of the public and is consistent with social and economic considerations.

Site Plan Approval

WHEREAS, the Evans Planning Board has carefully reviewed the proposed Muddy Creek Restoration and Lake Erie Beach Resilience Project; and

WHEREAS, the Planning Board has issued a SEQR negative declaration and determined that the applicant has met all requirements for site plan approval.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board conditionally approves the project based, in part, on the following reasons:

- The project will provide a valued benefit to the community and the environment by improving water quality, reducing erosion, improving habitat, removing debris and mitigating flooding along Muddy Creek in Lake Erie Beach.
- And the project is consistent with the policies of the Town of Evans Local Waterfront Revitalization Program.

BE IT FURTHER RESOLVED, final site plan approval is conditioned on the successful completion of the following:

- The Town will continue working through the Joint Application for Permitting process and receive all necessary approvals from any permitting agencies to perform the work, including the NYS Department of Environmental Conservation, the US Army Corps of Engineers, the NYS Department of State, and the NYS Office of General Services.

Roll Call Vote: Roll Call Vote: *All in favor… Carried.*

Thank you everyone for joining our meeting this evening, whether in-person or remotely. May I please have a motion to adjourn.

***Motion**: Lori Szewczyk* ***Second:** Kevin Hassen*

***Roll Call Vote: Roll Call Vote:** All in favor.*

Chair Szewczyk: Carried. Good night, everyone.

Respectfully submitted,



Alexandra Kane
Planning & Development Associate

Agency Use Only [If applicable]

Project : Commercial St. Major Sub

Date : 5/27/26

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

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

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes"** to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No"** to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)
If "Yes", answer questions a - j. If "No", move on to Section 2.

☐ NO ☑ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☑	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☑	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☑	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☑	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☑
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☑
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☑	☐
h. Other impacts: _____ _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	□	□
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	□	□
c. Other impacts: _____ _____		□	□

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☐ NO ☑ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☑
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☑	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☑	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☑
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☑	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☑	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☑	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☑	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☑	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☑	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☑	☐

l. Other impacts: _____ _____		☐	☐

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)

☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____ _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☐ NO ☑ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☑	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☑	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☑	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☑	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☑	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☑	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☑	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____	E1b	☐	☑
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☑	☐
j. Other impacts: _____ _____		☐	☐

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	**No, or small impact may occur**	**Moderate to large impact may occur**
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	□	□
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, Elb	□	□
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	□	□
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	□	□
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	El a, E1b	□	□
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	□	□
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	□	□
h. Other impacts: _____		□	□

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	 ☐ ☐	 ☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	 ☐ ☐	 ☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☑ NO ☐ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____ _____		□	□
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	□	□
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	□	□
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	□	□

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	□	□
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	□	□
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	□	□
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	□	□
e. Other impacts: _____ _____		□	□

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	□	□
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	□	□
c. Other impacts: _____ _____		□	□

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems. ☑ NO ☐ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	□	□
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	□	□
c. The proposed action will degrade existing transit access.	D2j	□	□
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	□	□
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	□	□
f. Other impacts: _____ _____		□	□

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy. ☐ NO ☑ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☑	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☑
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☑	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☑
e. Other Impacts: _____ _____		☐	☐

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting. ☑ NO ☐ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	□	□
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	□	□
c. The proposed action may result in routine odors for more than one hour per day.	D2o	□	□

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☑ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may cccur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. ☑ NO ☐ YES

(See Part 1. C.1, C.2. and C.3.)

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. ☑ NO ☐ YES

(See Part 1. C.2, C.3, D.2, E.3)

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

PRINT FULL FORM

Agency Use Only [IfApplicable]

Project : Commercial St. Major Sub

Date : 5/27/26

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

SEE ATTACHED

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☑ Unlisted

Identify portions of EAF completed for this Project: ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Evans Town Board as lead agency that:

☑ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Commercial Street Subdivision

Name of Lead Agency: Evans Town Board

Name of Responsible Officer in Lead Agency: Ray Ashton

Title of Responsible Officer: Supervisor

Signature of Responsible Officer in Lead Agency: Date:

Signature of Preparer (if different from Responsible Officer) Date:

For Further Information:

Contact Person: William Smith

Address: 8787 Erie Road, Angola, NY 14006

Telephone Number: 716-549-0945

E-mail: wsmith@townofevans.org

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

PRINT FULL FORM

1. Impact on Land: Yes

1.e. The proposed action may involve construction that continues for more than one year or in multiple phases.

> *The construction of single-family homes will be done so in phases based on market demand.*

1.f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).

> *Both temporary and permanent erosion controls will be used during and after construction. Temporary structural measures shall be used during construction to prevent off-site sedimentation. Permanent structural measures shall be utilized following construction and shall be implemented to convey surface water safely to the existing drainage ways present in the pre-development condition. The permanent structural measures shall remain in-place and continue to function after the completion of construction.*

2. Impact on Surface Water: Yes

2.a. The proposed action may create a new water body.

> *Water Quantity Control is being addressed by construction of a 0.65 ac-ft retention pond. The majority of the project area will be discharged into the retention pond.*

2.d. The proposed action may involve construction within or adjoining a freshwater ortidal wetland, or in the bed or banks of any other water body.

> *Seven (7) Federal wetland areas were identified onsite by Earth Dimensions, Inc. (EDI), totaling approximately 2.6 acres as per the report dated May 22, 2024. The project plans to disturb 0.094 acres of the Federal Wetlands and will avoid the remaining wetlands. The project will need a Nationwide Permit 14 for disturbances under 0.10 acre which is a pre-construction notification only.*

3. Impacts on Plants and Animals: Yes

3.h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.

> *The total acreage of forestland to be physically disturbed is 15.6 acres of a 25.2-acre parcel. Nearly 35% of the site is proposed to be maintained as a conservation area, protected as undisturbed natural lands. Maintaining the natural tree cover and*

wetlands located within the conservation area will lessen impacts to natural communities/ecological habitats.

14. Impact on Energy: Yes

14.b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.

The project involves construction of 52 single family homes to be serviced by National Grid.

14.d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.

Based on an anticipated 2,000 sf per home, the construction of 52 SFH's will result in over 100,000 sf of building space to be heated or cooled. All homes will be constructed under the 2025 Uniform Code and Energy Conservation Construction Code (ECCCNYS).

Erie County Water Authority

295 Main Street • Room 350 • Buffalo, NY 14203-2494
716-849-8484 • Fax 716-849-8463
Legal Department
Mark S. Carney, Esq. • Direct: 716-849-8460

March 23, 2026

William Smith
Town of Evans
Planning & Community Development
8787 Erie Road
Angola, New York 14006

Re: Erie Road and Commercial Street
NW of intersection
Town of Evans
Subdivision

Dear Mr. Smith:

The Erie County Water Authority Engineering and Legal Departments have reviewed the documents forwarded to us and have no objection to the Town of Evans being designated as Lead Agency pursuant to a State of New York SEQR review.

If water will be provided by ECWA/Town of Evans as the EAF suggests, Project will require ECWA review for watermain extension required to service this property. Due to size of the project, any new additional demand must be evaluated in conformance with the ECWA Design Manual for Watermains (ERIE COUNTY WATER AUTHORITY (ecwa.org)) and any necessary improvements required may be the responsibility of the developer.
If you.

Very truly yours,

ERIE COUNTY WATER AUTHORITY

MARK S. CARNEY
General Counsel

Cc: Leonard F. Kowalski, Executive Engineer
Michael J. Quinn, Senior Distribution Engineer
MSC:mes

COUNTY OF ERIE

DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF PLANNING & ECONOMIC DEVELOPMENT

DANIEL R. CASTLE, AICP
COMMISSIONER

ZAQUE EVANS, PHD
DEPUTY COMMISSIONER &
CHIEF ECONOMIC DEVELOPMENT OFFICER

April 13, 2026

Mr. William B. Smith
Director of Planning and Community Development
8787 Erie Road
Angola, NY 14006

Re: SEQRA Coordinated Review
Location: Erie Road and Commercial Street - SBL 235.00-3-24 & 235.00-3-26.2
Review No.: 183-M617-26

Dear Mr. Smith

Pursuant to Article 8 of the New York Environmental Conservation Law, the County of Erie (the "County") has reviewed the above-referenced project (the "Project") referred to the Department of Environment and Planning ("DEP") on March 23, 2026, and consents to the Town of Evans acting as the SEQR Lead Agency. DEP offers the following comments:

- According to the Erie-Niagara Framework for Regional Growth this project is located at the cusp of developed and developing areas. The Town may wish to review the Framework, which can be found at: https://www2.erie.gov/regionalframework/
- The proposed action is also located within a Rural Center, as defined in the Framework for Regional Growth. Actions in Rural Centers "Encourage limited development and reinvestment in rural centers and discourage the conversion of rural and agricultural lands," and should "align policies and investments to strengthen rural economies, conserve agricultural and rural lands, and revitalize rural centers." Furthermore, actions in a Rural Center require "modest investment in public sewer, water and transportation infrastructure and modest disturbance of rural and agricultural lands."
- Pursuant to NYS Agriculture and Markets Law, the applicant must submit an Agricultural Data Statement if the project is located with 500 feet of a farm operation in an Agricultural District. The subject parcel is located within 500 feet of Erie County Agricultural District Southwest #8. The Town should determine if an Agricultural Data Statement is required and, if so, should evaluate the completed statement during local review and forward the completed statement to the County. The form can be found at https://www3.erie.gov/environment/form/agricultural-data-statement

This review pertains to the above-referenced SEQR Coordinated Review submitted to the Erie County Department of Environment and Planning. This should not be considered sufficient for any County approvals. The Town of Evans and/or the developer must still obtain any other permits and regulatory approvals applicable to this Project, and submit full site plan materials.

Sincerely,

Hailey Whitney
Planner

NEW YORK STATE | Department of Environmental Conservation

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

April 3, 2026

William Smith
Town of Evans
8787 Erie Road
Angola, New York 14006

Dear William Smith:

SEQR Lead Agency Designation
Commercial St Subdivision
Erie Rd & Commercial St
Town of Evans, Erie County
GID-006445

This is to acknowledge receipt of your notice, dated March 23, 2026, which requested State Environmental Quality Review Act (SEQR) Lead Agency status for the above-noted project. The New York State Department of Environmental Conservation (NYSDEC) concurs that the Town of Evans should act as SEQR Lead Agency. However please be aware of the following:

1. DEC's amended Article 24, Freshwater Wetlands Jurisdiction and Classification regulations (6 NYCRR Part 664) went into effect on January 1, 2025.

   Portions of New York State regulated freshwater wetlands, and their adjacent areas may be located in the project area. Although some limited activities are exempt from permitting, most activities that involve disturbance within a wetland or its 100-foot adjacent area require an Environmental Conservation Law (ECL) Article 24, Freshwater Wetlands permit from the DEC. Information on regulated activities within freshwater wetlands and adjacent areas is available on DEC's website (see Regulated Activities), which contains examples of regulated activities and those exempt from wetland permits.

   To determine whether the property contains regulated freshwater wetlands, the project sponsor must submit a request for a Parcel Jurisdictional Determination (Parcel JD). A Parcel JD is a determination made by DEC whether a property contains regulated freshwater wetlands or adjacent areas within the parcel boundary. Please use the attached link to request a Parcel JD for the project site: https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination. If you have any problems submitting the Parcel JD request, please email: fwwjurisdiction@dec.ny.gov.

Please note, there is an option for people who have hired consultants, and for other environmental professionals with wetland expertise, to bypass the Albany Parcel Jurisdictional Determination (JD) and follow the Parcel JD-Consultant Option. Guidance on that process is online (via the above referenced link). Please note that Region 9 has some information that is required in addition to the statewide requirements for the Consultant Option (attached). The project sponsor should utilize the attached Region 9 List of Requirements for their submission. The project sponsor must submit these requirements to the Region 9 Bureau of Ecosystem Health email address (R9BEH@dec.ny.gov) with a request to utilize the Consultant Option, and a request to schedule a boundary verification. **Please be aware that this option is only to be used to positively confirm wetland presence on the property. A delineation showing no wetlands would not be acceptable and would require the standard Jurisdictional Determination Request Form NYS Freshwater Wetlands Jurisdictional Determination Request Form.**

If the property contains regulated freshwater wetlands or adjacent areas, further delineation of the wetland boundaries and a Project Jurisdictional Determination (Project JD) may be required. A Project JD is a determination made by the regional DEC office about whether a proposed activity within a parcel containing regulated freshwater wetlands or adjacent areas requires an Article 24 Freshwater Wetlands permit. Project JD requests should be sent to the Region 9 Bureau of Ecosystem Health (BEH) at R9BEH@dec.ny.gov.

If regulated freshwater wetlands or adjacent areas are present, all efforts must be made to first avoid disturbing the wetland and adjacent area. If disturbance to the wetland and/or adjacent area cannot be avoided, the project sponsor must submit a Freshwater Wetland permit application and obtain a permit to conduct a regulated activity. In accordance with DEC's Freshwater Wetlands Permit Requirements Regulations (6 NYCRR Part 663), the applicant would need to justify the disturbance, discuss alternatives and minimize impacts as part of the Freshwater Wetlands permit application. More information on application procedures and permit issuance standards is available on DEC's website at: https://dec.ny.gov/regulatory/permits-licenses/waterways-coastlines-wetlands/freshwater-wetlands#Determine .

2. Please recognize that this proposed project is defined as a Sanitary Sewer Extension and will require approval from the Erie County Department of Environment and Planning, Division of Sewerage Management (ECDSM), as well as approval from the Erie County Health Department, 503 Kensington Avenue, Buffalo, New York 14214, telephone 716/961-6800, which acts as our agent and will be the approving agency. This Sanitary Sewer Extension project will also require stamped Professional Engineering Certification that the downstream capacity analysis [DSCA] and the proposed infiltration and inflow [I/I] mitigation work submitted for the project are in accordance with appropriate NYSDEC and ECDSM guidelines and standards.

   A detailed Downstream Sewer Capacity Analysis must be performed and submitted for the project as part of the Project's Engineering Report. Recent wet weather flow monitoring data and proposed new development flow should be analyzed relative to theoretical capacity at key nodes in the downstream sewer system and at pump stations (if any) to determine if capacity exists.

Recent wet weather system flow data can consist of:

- Comprehensive information from recent Sanitary Sewer System Evaluation Studies, or
- Wet weather data collected at (minimum of 3) key downstream nodes specified by the municipality.
    - This dated information can consist of instantaneous flow measurements or continuous flow or sewer depth measurements obtained during significant wet weather events, preferably during high groundwater conditions. Peak sewer flow recording methods are an acceptable method to collect this information.
    - Depth or flow measurements should continue until a significant wet weather event occurs but would not have to extend beyond three months. A significant wet weather event is considered to be a daily rainfall amount of ½" or greater.

The Downstream Sewer Capacity Analysis must also contain a narrative and a detailed map showing the downstream routing of sewers from the proposed project site to the Wastewater Treatment Plant. Line sizes, theoretical capacity and pump stations must be identified and included in the analysis.

This Downstream Sewer Capacity Analysis, as well as any required infiltration and inflow (I/I) rehabilitation offset work at a 4:1 ratio, should be part of the Project's Engineering Report. These items must be received as part of a complete sanitary sewer extension plan submission. The Town of Evans shall coordinate the information contained in this submission. If adequate capacity is not available, the sewer extension will not be approved until an acceptable remediation plan is developed.

3. Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-25-001, as well as information on how to electronically submit the eNOI form, is available on the NYSDEC's website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the NYSDEC's website at www.dec.ny.gov/chemical/8468.html.

   The Town of Evans is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principal executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the eNOI to receive NYSDEC approval before construction commences.

4. A review of soils information indicates the potential for hydric soils on the project site. The project sponsor should consult with the United States Army Corps of Engineers (USACE) to determine if that agency has regulatory jurisdiction or requires approval from that agency. If federal wetlands are involved, USACE may require the project sponsor to obtain a Water Quality Certification (WQC) from NYSDEC. More information related to this requirement can be found on NYSDEC's website at https://dec.ny.gov/regulatory/permits-licenses/waterways-coastlines-wetlands/protection-of-waters-program#Water_Quality_Certification.

If you have any questions, please feel free to contact Bruno DiBella at Bruno.Dibella@dec.ny.gov or 716/851-7165.

Sincerely,

Lisa M. Czechowicz

Lisa M. Czechowicz
Regional Permit Administrator

BD: jb

Outlook

FW: Coordinated Review - Town of Evans; Commercial St subdivision; NYSDOT Additional Comment 2026-49

From dot.sm.r05.SEQR <dot.sm.r05.SEQR@dot.ny.gov>
Date Thu 4/16/2026 3:33 PM
To Alexandra Kane <akane@townofevans.org>; William Smith <wsmith@townofevans.org>
Cc Nelson, Todd E. (DOT) <Todd.Nelson@dot.ny.gov>; Schoenfeldt, Alyssa (DOT) <Alyssa.Schoenfeldt@dot.ny.gov>; Ken Zollitsch <kzollitsch@gpinet.com>; Calarco, Carl (DOT) <Carl.Calarco@dot.ny.gov>; Hebert, Kevin P (DOT) <Kevin.Hebert@dot.ny.gov>

Alexandra and William,

After reviewing documentation provided by Greenman-Pedersen, Inc. for the Commercial St subdivision, NYSDOT has the following additional comment:

- Based upon the information provided, a NYSDOT highway work permit is not needed at this time. If any changes are made to the site plan and work would be needed in the State right of way, a highway work permit would be required.

Thanks,

Thomas Nieswiadomy
Transportation Analyst Trainee 1
Planning and Program Management

New York State Department of Transportation, Region 5
100 Seneca Street, Buffalo, NY 14203
(716) 847-3580 | dot.sm.r05.SEQR@dot.ny.gov
www.dot.ny.gov

From: dot.sm.r05.SEQR
Sent: Monday, March 30, 2026 11:20 AM
To: Alexandra Kane <akane@townofevans.org>; William Smith <wsmith@townofevans.org>
Cc: Nelson, Todd E. (DOT) <Todd.Nelson@dot.ny.gov>; Schoenfeldt, Alyssa (DOT) <Alyssa.Schoenfeldt@dot.ny.gov>
Subject: RE: Coordinated Review - Town of Evans; Commercial St subdivision; NYSDOT Comments 2026-49

Alexandra and William,

The New York State Department of Transportation (NYSDOT) has reviewed the documentation provided for the Commercial St subdivision and has the following comments:

- NYSDOT concurs with the Town Board of the Town of Evans for it to act as the Lead Agency
- As an involved agency, NYSDOT is requesting additional information through the SEQR process in order to provide comments on the project's potential impact on the State Highway System
  - Site Plan documents (the following should be included on the site plan)
    - Existing roadway features including but not limited to drainage and utilities
    - Lane/shoulder widths, lane configurations, and pavement markings
    - All driveway/access points on the opposite of the roadway from the proposed development's access points and any adjacent to the site with appropriate measurements
    - Signs, signal infrastructure, pavement markings, and highway boundaries
    - Adjoining parcels to the proposed development

Thanks,

Thomas Nieswiadomy
Transportation Analyst Trainee 1
Planning and Program Management

New York State Department of Transportation, Region 5
100 Seneca Street, Buffalo, NY 14203
(716) 847-3580 | dot.sm.r05.SEQR@dot.ny.gov

www.dot.ny.gov

From: Alexandra Kane <akane@townofevans.org>
Sent: Monday, March 23, 2026 8:47 AM
To: Alexandra Kane <akane@townofevans.org>
Cc: William Smith <wsmith@townofevans.org>
Subject: Coordinated Review - Town of Evans

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

To whom it may concern,

The Town of Evans is seeking your response in a Coordinated Review regarding a 52-unit subdivision on 24.84± acres of land. The corresponding review letter and respective Environmental Assessment Form are attached for your consideration.

As stated in the letter, we ask that responses are returned prior to April 21st, 2026. Should you have any questions, please reach out to akane@townofevans.org or call the office at (716) 549-0945.

Thank you for your attention to this matter.

Sincerely,
Alexandra Kane
Planning & Development Associate
TOWN OF EVANS
8787 Erie Road | Angola, NY 14006
D: (716) 217-3557 | O: (716) 549-0945
Email: akane@townofevans.org

Agency Use Only [If applicable]

Project : Commercial St. Major Sub

Date : 5/27/26

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

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

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes"** to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No"** to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)

☐ NO ☑ YES

If "Yes", answer questions a - j. If "No", move on to Section 2.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☑	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☑	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☑	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☑	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☑
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☑
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☑	☐
h. Other impacts: _____ _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	□	□
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	□	□
c. Other impacts: _____ _____		□	□

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☐ NO ☑ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	□	□
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	□	□
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	□	□
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	□	□
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	□	□
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	□	□
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	□	□
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	□	□
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	□	□
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	□	□
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	□	□

l. Other impacts: _____ _____		□	□

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	□	□
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	□	□
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	□	□
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	□	□
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	□	□
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	□	□
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	□	□
h. Other impacts: _____ _____		□	□

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	□	□
b. The proposed action may result in development within a 100 year floodplain.	E2j	□	□
c. The proposed action may result in development within a 500 year floodplain.	E2k	□	□
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	□	□
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	□	□
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	□	□

g. Other impacts: _____ _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. ☑ NO ☐ YES
(See Part 1. D.2.f., D,2,h, D.2.g)
If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☐ NO ☑ YES
If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	□	□
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	□	□
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	□	□
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____	E1b	□	□
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	□	□
j. Other impacts: _____ _____		□	□

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	**No, or small impact may occur**	**Moderate to large impact may occur**
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	□	□
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, Elb	□	□
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	□	□
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	□	□
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	El a, E1b	□	□
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	□	□
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	□	□
h. Other impacts: _____		□	□

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	 ☐ ☐	 ☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	 ☐ ☐	 ☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☑ NO ☐ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____ _____		□	□
e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	□	□
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	□	□
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	□	□

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	□	□
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	□	□
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	□	□
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	□	□
e. Other impacts: _____ _____		□	□

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	□	□
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	□	□
c. Other impacts: _____ _____		□	□

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems. ☑ NO ☐ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - g. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____ _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy. ☐ NO ☑ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting. ☑ NO ☐ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☑ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may cccur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. ☑ NO ☐ YES

(See Part 1. C.1, C.2. and C.3.)

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. ☑ NO ☐ YES

(See Part 1. C.2, C.3, D.2, E.3)

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

PRINT FULL FORM

Agency Use Only [IfApplicable]

Project : Commercial St. Major Sub

Date : 5/27/26

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

SEE ATTACHED

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☑ Unlisted

Identify portions of EAF completed for this Project: ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Evans Town Board as lead agency that:

☑ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Commercial Street Subdivision

Name of Lead Agency: Evans Town Board

Name of Responsible Officer in Lead Agency: Ray Ashton

Title of Responsible Officer: Supervisor

Signature of Responsible Officer in Lead Agency: William Smith Date:

Signature of Preparer (if different from Responsible Officer) Date:

For Further Information:

Contact Person: William Smith

Address: 8787 Erie Road, Angola, NY 14006

Telephone Number: 716-549-0945

E-mail: wsmith@townofevans.org

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

PRINT FULL FORM

Erie County Water Authority

295 Main Street • Room 350 • Buffalo, NY 14203-2494
716-849-8484 • Fax 716-849-8463

Legal Department

Mark S. Carney, Esq. • Direct: 716-849-8460

April 30, 2026

William Smith
Town of Evans
Planning & Community Development
8787 Erie Road
Angola, New York 14006

Re: 8569 North Main Street
Town of Evans
North Main Street Apartments

Dear Mr. Smith:

The Erie County Water Authority Engineering and Legal Departments have reviewed the documents forwarded to us and have no objection to the Town of Evans being designated as Lead Agency pursuant to a State of New York SEQR review.

The project will require Erie County Water Authority review for any new service or modifications to the existing water service. Due to the size of the project, any new additional demand associated with the development must be evaluated in conformance with the Erie County Water Authority Design Manual for Watermains (ERIE COUNTY WATER AUTHORITY (ecwa.org)) and any necessary improvements required may be the responsibility of the developer.

Very truly yours,

ERIE COUNTY WATER AUTHORITY

MARK S. CARNEY
General Counsel

Cc: Leonard F. Kowalski, Executive Engineer
Michael J. Quinn, Senior Distribution Engineer

MSC:mes

COUNTY OF ERIE

DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF PLANNING & ECONOMIC DEVELOPMENT

DANIEL R. CASTLE, AICP
COMMISSIONER

ZAQUE EVANS, PHD
DEPUTY COMMISSIONER &
CHIEF ECONOMIC DEVELOPMENT OFFICER

May 15, 2026

Ms. Alexandra Kane
Planning & Development Associate
8787 Erie Road
Angola, NY 14006

Re: Lead Agency Request, Site Plan Review
Location: 235.07-4-5
Review No.: 233-SP-26

Dear Ms. Kane,

Pursuant to New York General Municipal Law ("GML") Section 239-m, and Article 8 of the New York Environmental Conservation Law, the County of Erie (the "County") has reviewed the above-referenced project (the "Project") referred to the Department of Environment and Planning ("DEP") on April 22, 2026, and consents to the Town of Evans acting as the SEQR Lead Agency. As for the site plan, the Erie County Department of Environment and Planning offers the following comments:

- According to the Erie-Niagara Framework for Regional Growth (2006), the subject property is located in a Developed Area. Projects in the Developed Area should "Support mixed land uses that encourage walkable neighborhoods and mixed-income housing." The developer and town should work to ensure proper and safe pedestrian connections both on the site and to neighboring properties.
- The developer should ensure that mature trees along the property line are retained as a screen for neighboring properties, as well as include new plantings to provide additional screening and privacy.
- The lighting on the site should be designed so as not to impact neighboring properties.

This review pertains to the above-referenced SEQR Lead Agency request and Site Plan review submitted to the Erie County Department of Environment and Planning. This should not be considered sufficient for any County approvals. The Town of Evans and/or the developer must still obtain any other permits and regulatory approvals applicable to this Project.

Sincerely,

Hailey Whitney
Planner

Erie County Department of Public Works
Division of Highways

MEMORANDUM

To: Haley Whitney ECDEP - Planning

From: Garrett M. Hacker, P.E.

Date: May 20, 2026

Subject: North Main Street Apartments
North Main Street (CR-09)
(T) of Evans, County of Erie

This Department has received a request to review a site plan for the proposed construction of apartment buildings on North Main Street (CR-09) in the Town of Evans. Based on our review of the site plan, the comments are as follows:

Sheet SS-1:

1. Provide detail for the 8-inch waterline crossing.

Sheet PD-1:

1. Continue the grass lined swales to the North Main Street (CR-09) right-of-way to provide positive drainage.

Permit Requirements

The Developer will be required to apply for and obtain an Erie County Highway Work Permit for Utility Work for construction of utilities within the North Main Street (CR-09) highway right-of-way.

The Developer will be required to apply for and obtain an Erie County Highway Work Permit for Non-Utility Work, for construction of a commercial driveway within the North Main Street (CR-09) highway right-of-way.

Issued By:

Garrett M. Hacker, P.E.
Supervisor of Engineering

CB

cc: Karen Hoak, Deputy Commissioner of Public Works
Darlene Svilokos, P.E., Director of Engineering
Anthony Scolese, Senior Highway Maintenance Engineer
File: CR-09

NEW YORK STATE | Department of Environmental Conservation

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

May 26, 2026

SENT VIA EMAIL

William Smith
Town of Evans
8787 Erie Rd
Angola, New York 14006

Dear William Smith:

SEQR Lead Agency Designation
North Main Apartments
8569 North Main St
Town of Evans, Erie County
GID-006824

This is to acknowledge receipt of your notice, dated April 27, 2026, which requested State Environmental Quality Review Act (SEQR) Lead Agency status for the above-noted project. The New York State Department of Environmental Conservation (NYSDEC) concurs that the Town of Evans should act as SEQR Lead Agency. However please be aware of the following:

1. Portions of New York State regulated freshwater wetlands, and their adjacent areas, may be located within the project area. Although some limited activities are exempt from permitting, most activities that involve disturbance within a wetland or its 100-foot adjacent area require an Environmental Conservation Law (ECL) Article 24, Freshwater Wetlands permit from the DEC. Information on regulated activities within freshwater wetlands and adjacent areas is available on DEC's website, which contains examples of regulated activities and those exempt from wetland permits (https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program).

   If regulated freshwater wetlands or adjacent areas are present, all efforts must be made to avoid disturbing the wetland and adjacent area. Wetlands provide vital habitats for a wide variety of plant and animal species that rely on them. They are beneficial for flood attenuation and filtering potentially harmful nutrients out of the waters that pass through them. The Town of Evan's SEQR determination of significance should consider the project's impacts to potential freshwater wetland natural resources on the site.

   If disturbance to a DEC-regulated wetland and/or adjacent area cannot be avoided, the project sponsor must submit a Freshwater Wetland permit application and obtain a permit to conduct a regulated activity. In accordance with DEC's Freshwater Wetlands Permit Requirements Regulations (6 NYCRR Part 663), the applicant would need to justify the disturbance, discuss alternatives and minimize impacts as part of the Freshwater Wetlands permit application. More information on application procedures and permit issuance standards is available on DEC's website at:

https://dec.ny.gov/regulatory/permits-licenses/waterways-coastlines-wetlands/freshwater-wetlands#Determine

2. Please note that Big Sister Creek has a water classification and standard of C(T), pursuant to 6 NYCRR Part 835, Item 2. Therefore, any physical alteration (i.e. land clearing, filling, drainage pipe/ditch installation, etc.) to the bed or banks (within 50 feet of the stream) will require an Article 15, Title 5, Protection of Waters Permit from the NYSDEC.

3. We have reviewed the available information in the New York State Natural Heritage Program databases on known occurrences of rare or state-listed animals and plants, of significant natural communities, and other significant habitats. Bald Eagle (*Haliaeetus leucocphalus),* a NYS listed threatened species, was last identified in 2019 year in the Town of Evans. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

4. Please recognize that this proposed project is defined as a Sanitary Sewer Extension and will require approval from the Erie County Department of Environment and Planning, Division of Sewerage Management (ECDSM), as well as approval from the Erie County Department of Health, 503 Kensington Avenue, Buffalo, New York 14214, telephone: 716/961-6800, which acts as our agent and will be the approving agency. This Sanitary Sewer Extension project will also require stamped Professional Engineering Certification that the downstream capacity analysis [DSCA] and the proposed infiltration and inflow [I/I] mitigation work submitted for the project are in accordance with appropriate NYSDEC and ECDSM guidelines and standards.

   A detailed Downstream Sewer Capacity Analysis must be performed and submitted for the project as part of the Project's Engineering Report. Recent wet weather flow monitoring data and proposed new development flow should be analyzed relative to theoretical capacity at key nodes in the downstream sewer system and at pump stations (if any) to determine if capacity exists.
   Recent wet weather system flow data can consist of:
   - Comprehensive information from recent Sanitary Sewer System Evaluation Studies, or
   - Wet weather data collected at (minimum of 3) key downstream nodes specified by the municipality.
     - This dated information can consist of instantaneous flow measurements or continuous flow or sewer depth measurements obtained during significant wet weather events, preferably during high groundwater conditions. Peak sewer flow recording methods are an acceptable method to collect this information.
     - Depth or flow measurements should continue until a significant wet weather event occurs, but would not have to extend beyond three

months. A significant wet weather event is considered to be a daily rainfall amount of ½" or greater.

The Downstream Sewer Capacity Analysis must also contain a narrative and a detailed map showing the downstream routing of sewers from the proposed project site to the Wastewater Treatment Plant. Line sizes, theoretical capacity and pump stations must be identified and included in the analysis.

This Downstream Sewer Capacity Analysis, as well as any required infiltration and inflow (I/I) rehabilitation offset work at a 4:1 ratio, should be part of the Project's Engineering Report. These items must be received as part of a complete sanitary sewer extension plan submission. The Town of Evans shall coordinate the information contained in this submission. If adequate capacity is not available, the sewer extension will not be approved until an acceptable remediation plan is developed.

The above guidance will help in the preparation of a complete Sewer Extension submission, which will facilitate our review. If you have any questions or require additional information, please contact our office Division of Water, telephone: 716/851-7070 or the Erie County Health Department.

5. Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-25-001, as well as information on how to electronically submit the eNOI form, is available on the NYSDEC's website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the NYSDEC's website at www.dec.ny.gov/chemical/8468.html.

   The Town of Evans is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principal executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the eNOI to receive NYSDEC approval before construction commences.

6. A review of soils information indicates the potential for hydric soils on the project site. The project sponsor should consult with the United States Army Corps of Engineers (USACE) to determine if that agency has regulatory jurisdiction or requires approval from that agency. If federal wetlands are involved, USACE may require the project sponsor to obtain a Water Quality Certification (WQC) from NYSDEC. More information related to this requirement can be found on NYSDEC's website at https://dec.ny.gov/regulatory/permits-licenses/waterways-coastlines-wetlands/protection-of-waters-program#Water_Quality_Certification.

7. It was noted on the Federal Emergency Management Agency's (FEMA) FIRM Map No. 36029C0443J that the site is located within the designated 100-year floodplain. The proposed project should be designed in accordance with all applicable local municipal laws for flood damage reduction.

If you have any questions, please feel free to contact Lisa Connors at Lisa.Connors@dec.ny.gov or 716/851-7165.

Sincerely,

Lisa M. Czechowicz
Regional Permit Administrator
Division of Environmental Permits

Outlook

RE: FW: Town of Evans - SEQRA Lead Agency Request

From METENG@roadrunner.com <METENG@roadrunner.com>
Date Wed 5/27/2026 10:56 PM
To William Smith <wsmith@townofevans.org>
Cc Alexandra Kane <akane@townofevans.org>; Colin Nims <cnims@cplteam.com>; John Flading <jflading@townofevans.org>

Bill;

We have the bald eagle matter resolved. Please see these emails between Lisa Connors at DEC and I today. I expect to have a similar answer on the state wetland comment in their letter hopefully tomorrow. We will give you a formal response to each of the 7 points raised in the DEC letter but I wanted to get you the two items that did not have clear answers ahead of time.

Mike

Mike –

As I indicated on the phone, the mapping shows a small area of the project parcel as having a listing for a threatened or endangered species (Bald Eagle). I reviewed the plans submitted and it does not appear that any construction will be done in that area.

As long as the project does not involve work within that area there is nothing further required from DEC. If work is to be done in that area, then further assessment from DEC Division of Wildlife is required. Thank you

LISA CONNORS *(she/her/hers)*

Environmental Analyst

New York State Department of Environmental Conservation

Division of Environmental Permits | Region 9

700 Delaware Avenue, Buffalo, NY 14209

(716) 851-7165 | lisa.connors@dec.ny.gov

dec.ny.gov | @NYSDEC on Social Media | Podcast

From: METENG@roadrunner.com <METENG@roadrunner.com>
Sent: Wednesday, May 27, 2026 3:09 PM
To: Connors, Lisa D (DEC) <lisa.connors@dec.ny.gov>
Subject: North Main Street Apartments, Evans

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Lisa;

Thank you again for looking into the bald eagle matter relating to the subject project more closely. That was very helpful. It is my understanding that based on a closer view of the more accurate mapping you have available in your office that the subject project does not raise a concern relating to potential impact to bald eagles in the immediate area of the project. As such, there is nothing further required from the development team in this matter. It would be appreciated if you would confirm this understanding by response to this email. Thank you again.

Mike

Metzger Civil Engineering PLLC

8245 Sheridan Drive

Williamsville NY 14221

716-633-2601

716-633-2704 (fax)

Metzger Civil Engineering PLLC
8245 Sheridan Drive
Williamsville NY 14221
716-633-2601
716-633-2704 (fax)

From: "William Smith" <wsmith@townofevans.org>
To: <METENG@roadrunner.com>
Cc: "Alexandra Kane" <akane@townofevans.org>, "Colin Nims" <cnims@cplteam.com>, "John Flading" <jflading@townofevans.org>
Sent: May 26, 2026 at 9:46 AM EDT
Subject: FW: Town of Evans - SEQRA Lead Agency Request

Hi Mike,

Please see attached response from NYSDEC on our coordinated review. Let me know if you'd like to discuss any of this.

Thanks,

Bill

William Smith

Director of Planning and Community Development

TOWN of EVANS

8787 Erie Road **|** Angola, NY 14006

O:(716) 549-0945 **|** C:(716) 228-4954

Email: wsmith@townofevans.org

From: Connors, Lisa D (DEC) <lisa.connors@dec.ny.gov>
Sent: Tuesday, May 26, 2026 9:15 AM
To: William Smith <wsmith@townofevans.org>
Cc: Alexandra Kane <akane@townofevans.org>; Mosley, Kylie M (DEC) <kylie.mosley@dec.ny.gov>
Subject: Town of Evans - SEQRA Lead Agency Request

This email copies you on correspondence from the New York State Department of Environmental Conservation, Division of Environmental Permits. No hard copy will follow in the mail, but please let me know if you would like one. Additionally, please let me know if you have any questions or problems with the attachment. Thank you.

LISA CONNORS *(she/her/hers)*

Environmental Analyst

New York State Department of Environmental Conservation

Division of Environmental Permits | Region 9

700 Delaware Avenue, Buffalo, NY 14209

(716) 851-7165 | lisa.connors@dec.ny.gov

dec.ny.gov | @NYSDEC on Social Media | Podcast



From: Alexandra Kane <akane@townofevans.org>
Sent: Monday, April 27, 2026 9:26 AM
To: Alexandra Kane <akane@townofevans.org>
Cc: William Smith <wsmith@townofevans.org>; supervisor@townofevans.org
Subject: Town of Evans - SEQRA Lead Agency Request

You don't often get email from akane@townofevans.org. Learn why this is important

Agency Use Only [If applicable]

Project:	NiagraFlex
Date:	6-1-26

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	**Moderate to large impact may occur**
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☑	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☑
3. Will the proposed action impair the character or quality of the existing community?	☑	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☑	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☑	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☑	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☑	☐
b. public / private wastewater treatment utilities?	☑	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☑	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☑	☐
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11. Will the proposed action create a hazard to environmental resources or human health?	☑	☐

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Agency Use Only [If applicable]

Project: NiagaraFlex

Date: 6-1-26

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The project will result in the conversion of 0.75-acres of forested, commercially-zoned vacant land to be converted into a mix of business, office, workshop and storage space.

The project will be required to meet architectural design standards and provide proper screening to conform to the chracter of the surrounding mixed-use neighborhood.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ 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.

Evans Planning Board	6-2-26
Name of Lead Agency	Date
William Smith	Planning Director
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Outlook

RE: Niagara Flex Site Plan Application Review; NYSDOT Comments 2026-90

From dot.sm.r05.SEQR <dot.sm.r05.SEQR@dot.ny.gov>
Date Tue 6/2/2026 1:56 PM
To William Smith <wsmith@townofevans.org>; Calarco, Carl (DOT) <Carl.Calarco@dot.ny.gov>; Frei, Ronald A (DOT) <Ronald.Frei@dot.ny.gov>
Cc Alexandra Kane <akane@townofevans.org>; John Flading <jflading@townofevans.org>; Colin Nims <cnims@cplteam.com>

William,

The New York State Department of Transportation (NYSDOT) has reviewed the first set of documentation provided for the Niagara Flex Site Plan between 8193 and 8213 Erie Road and has the following comments:

- The applicant has initiated a Highway Work Permit application to install a driveway.
- As the HWP has been initiated, further comment will be provided by the Resident Engineer during the HWP process.
    - South Erie County Residency Resident Engineer:
      Carl Calarco
      Assistant Resident Engineer
      New York State Department of Transportation Region 5
      3754 Lakeview Road, Hamburg, New York 14075
      716-649-2157| Carl.Calarco@dot.ny.gov

Thanks,

Thomas Nieswiadomy
Transportation Analyst Trainee 2
Planning and Program Management

New York State Department of Transportation, Region 5
100 Seneca Street, Buffalo, NY 14203
(716) 847-3580 | dot.sm.r05.SEQR@dot.ny.gov
www.dot.ny.gov

From: William Smith <wsmith@townofevans.org>
Sent: Monday, June 1, 2026 3:49 PM
To: Calarco, Carl (DOT) <Carl.Calarco@dot.ny.gov>; Frei, Ronald A (DOT) <Ronald.Frei@dot.ny.gov>; dot.sm.r05.SEQR <dot.sm.r05.SEQR@dot.ny.gov>
Cc: Alexandra Kane <akane@townofevans.org>; jflading@townofevans.org; Colin Nims <cnims@cplteam.com>
Subject: RE: Niagara Flex Site Plan Application Review

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi all,
Just following up to see if NYSDOT has had a chance to review the attached site plan proposal for Niagara Flex on Route 5. The project is back before Planning Board tomorrow night. I've also attached an email with our CPL engineering comments regarding roadside drainage, which the applicant is currently addressing. Obviously an approval from Planning Board would come with the conditions that any final engineering or NYSDOT comments be addressed (and a HWP first be issued) prior to issuance of a Town building permit.

Thanks,
Bill

William Smith
Director of Planning and Community Development
TOWN of EVANS
8787 Erie Road | Angola, NY 14006
O:(716) 549-0945 | C:(716) 228-4954
Email: wsmith@townofevans.org

From: William Smith
Sent: Wednesday, May 13, 2026 2:33 PM
To: Calarco, Carl (DOT) <Carl.Calarco@dot.ny.gov>; Frei, Ronald A (DOT) <ronald.frei@dot.ny.gov>; dot.sm.r05.SEQR <dot.sm.r05.SEQR@dot.ny.gov>
Cc: Alexandra Kane <akane@townofevans.org>; John Flading <jflading@townofevans.org>; Colin Nims <cnims@cplteam.com>
Subject: Niagara Flex Site Plan Application Review

Greetings,
For NYSDOT review, please see the attached Site Plan Application for a proposed 10,000 square feet and 10-unit combination of office and workshop/storage/garage spaces to be located on NYS Route 5 (SBL 220.19-2-1) in the Town of Evans. Please copy all on this email with your comments and feel free to contact me with any questions.

Thank you,
Bill

William Smith
Director of Planning and Community Development
TOWN of EVANS
8787 Erie Road | Angola, NY 14006
O:(716) 549-0945 | C:(716) 228-4954
Email: wsmith@townofevans.org

Agency Use Only [If applicable]

Project:	NiagraFlex
Date:	6-1-26

Short Environmental Assessment Form
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Project: NiagaraFlex

Date: 6-1-26

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☑ 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.

Evans Planning Board	6-2-26
Name of Lead Agency	Date
William Smith	Planning Director
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
William Smith	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

NEW YORK STATE | Department of Environmental Conservation

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

May 22, 2026

SENT VIA EMAIL

William Smith
Town of Evans
8787 Erie Road
Angola, New York 1400

Dear William Smith:

SEQR Lead Agency Designation
Town of Evans Lake Erie Beach Park/ Muddy Creek Hazard Mitigation
Town of Evans, Erie County
GID-006823

This is to acknowledge receipt of your notice, dated April 27, 2026, which requested State Environmental Quality Review Act (SEQR) Lead Agency status for the above-noted project. The New York State Department of Environmental Conservation (NYSDEC) concurs that the Town of Evans should act as SEQR Lead Agency. However please be aware of the following:

1. NYSDEC has active Article 15 Stream Disturbance and Article 34 Coastal Erosion Management permit applications under review for this project. Chelsea Boechel of the NYSDEC Division of Environmental Permit is the analyst assigned to the Erosion Control and Riparian Restoration at Muddy Creek project, DEC No. 9-1444-00425. A resubmission, as a response to the Notice of Incomplete Application, was received by the NYSDEC on May 5, 2026 and is currently under review with program staff.

   The Article 15 permit is required because Muddy Creek has a water classification and standard of B, pursuant to 6 NYCRR Part 838, Item 16. The Article 34 permit is required because a portion of the project site is located within a NYSDEC regulated Coastal Erosion Hazard Area (CEHA), specifically a Natural Protective Feature Area (NPFA). The regulatory location of NPFAs are determined using the official 1988 CEHA maps which can be downloaded at https://www.dec.ny.gov/fs/projects/coastal/.

2. Lake Erie is navigable under New York State definition. Consequently, any excavation or fill activities to be conducted below the mean high water level of Lake Erie will require a Protection of Waters Permit pursuant to Article 15, Title 5 of the New York State Environmental Conservation Law.

3. We have reviewed the available information in the New York State Natural Heritage Program database on known occurrences of rare or state-listed animals and plants, of significant natural communities, and other significant habitats. The following occurrences were identified in the area of the project site:

Common Name	Scientific Name	Status	Last Documented	Location
Blanding Turtle	*Emydoidea blandingii*	Threatened	9/18/2018	Town of Evans
Black Redhorse	*Moxostoma duquesnei*	Unlisted	8/28/2003	Town of Evans

For most sites, comprehensive field surveys have not been conducted; the above information only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

4. Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-25-001, as well as information on how to electronically submit the eNOI form, is available on the NYSDEC's website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the NYSDEC's website at www.dec.ny.gov/chemical/8468.html.

   The Town of Evans is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principal executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the eNOI to receive NYSDEC approval before construction commences.

5. A review of soils information indicates the potential for hydric soils on the project site. The project sponsor should consult with the United States Army Corps of Engineers (USACE) to determine if that agency has regulatory jurisdiction or requires approval from that agency. If federal wetlands are involved, USACE may require the project sponsor to obtain a Water Quality Certification (WQC) from NYSDEC. More information related to this requirement can be found on NYSDEC's website at https://dec.ny.gov/regulatory/permits-licenses/waterways-coastlines-wetlands/protection-of-waters-program#Water_Quality_Certification.

6. It was noted on the Federal Emergency Management Agency's (FEMA) FIRM Map No. 36029C0438J that the site is located within the designated 100-year floodplain. The proposed project should be designed in accordance with all applicable local municipal laws for flood damage reduction.

If you have any questions, please feel free to contact Katherine Wachter at Katherine.wachter@dec.ny.gov or 716/851-7165.

Sincerely,

Lisa M. Czechowicz

Lisa M. Czechowicz
Regional Permit Administrator

KAW/cj

Enclosure

ec: Ray Ashton, Town of Evans
Matthew Smith, NYSDEC Division of Environmental Permits
Chelsea Boechel, NYSDEC Division of Environmental Permits

Outlook

RE: Town of Evans - Coordinated Review; Lake Erie Beach Park Muddy Creek Hazard Mitigation; NYSDOT Comments 2026-75

From dot.sm.r05.SEQR <dot.sm.r05.SEQR@dot.ny.gov>
Date Tue 5/19/2026 3:35 PM
To Alexandra Kane <akane@townofevans.org>
Cc William Smith <wsmith@townofevans.org>; Supervisor <supervisor@townofevans.org>; Schoenfeldt, Alyssa (DOT) <Alyssa.Schoenfeldt@dot.ny.gov>; Nelson, Todd E. (DOT) <Todd.Nelson@dot.ny.gov>

Alexandra,

The New York State Department of Transportation (NYSDOT) has reviewed the documentation provided for Lake Erie Beach Park Muddy Creek Hazard Mitigation and has the following comments:

- NYSDOT concurs with the Town of Evans for it to act as the Lead Agency
- Based upon the information provided, NYSDOT has no comment of concern

Thanks,

Thomas Nieswiadomy
Transportation Analyst Trainee 2
Planning and Program Management

New York State Department of Transportation, Region 5
100 Seneca Street, Buffalo, NY 14203
(716) 847-3580 | dot.sm.r05.SEQR@dot.ny.gov
www.dot.ny.gov

From: Alexandra Kane <akane@townofevans.org>
Sent: Monday, April 27, 2026 9:33 AM
To: Alexandra Kane <akane@townofevans.org>
Cc: William Smith <wsmith@townofevans.org>; supervisor@townofevans.org
Subject: Town of Evans - Coordinated Review

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

To whom it may concern,

The Town of Evans is seeking your response in a Coordinated Review regarding the restoration of Muddy Creek. The corresponding review letter and the Environmental Assessment Form are attached for your consideration.

The project includes bank stabilization, restoration, and some debris removal to mitigate existing and chronic hazards, while simultaneously implementing resiliency efforts to support the work being done.

As stated in the letter, we ask that responses are returned prior to May 27th, 2026. Should you have any questions, please reach out to akane@townofevans.org or call the office at (716) 549-0945.

Thank you for your attention to this matter.

Sincerely,

Alexandra Kane
Planning & Development Associate
TOWN OF EVANS
8787 Erie Road | Angola, NY 14006
D: (716) 217-3557 | O: (716) 549-0945
Email: akane@townofevans.org

Erie County Water Authority

295 Main Street • Room 350 • Buffalo, NY 14203-2494
716-849-8484 • Fax 716-849-8463
Mark S. Carney, Esq. • Direct: 716-849-8460

Legal Department

May 1, 2026

William Smith
Town of Evans
Planning & Community Development
8787 Erie Road
Angola, New York 14006

Re: Muddy Creek Restoration
9568 Lake Shore Road
Town of Evans

Dear Mr. Smith;

The Erie County Water Authority Engineering and Legal Departments have reviewed the documents forwarded to us and have no objection to the Town of Evans being designated as Lead Agency pursuant to a State of New York SEQR review.

The project will require Erie County Water Authority review for potential impacts to Town owned and ECWA operated and maintained water infrastructure in the area of the woe;

Very truly yours,

ERIE COUNTY WATER AUTHORITY

MARK S. CARNEY
General Counsel

Cc: Leonard F. Kowalski, Executive Engineer
Michael J. Quinn, Senior Distribution Engineer

MSC:mes