

**VILLAGE OF WILLIAMSVILLE**  
**BLOCHER HOMES REDEVELOPMENT PROJECT**  
**135 EVANS STREET**

**State Environmental Quality Review Act**  
**Determination of Significance/Negative Declaration**

The Village of Williamsville Planning and Architectural Review Board (“Planning Board”), as the lead agency under the State Environmental Quality Review Act (“SEQRA”), adopts the following determination of significance regarding the proposed redevelopment of approximately 5.26 acres of property located at 135 Evans Street (the “Project” or “Action”).

In connection with its decision to issue this Negative Declaration, the Planning Board has identified the relevant areas of environmental concern and thoroughly evaluated the identified potential adverse environmental impacts based on its review of extensive documentation and input it has received as summarized herein. Prior to issuing this Negative Declaration, the Planning Board reviewed the Action during numerous meetings including its meetings held on August 5, 2019, October 7, 2019, November 4, 2019, December 2, 2019, January 6, 2020, February 3, 2020, March 2, 2020, May 4, 2020 and May 18, 2020.

**Description of the Proposed Action**

The Action, as revised, consists of the redevelopment of the property located at 135 Evans Street (“Project Site”) as a multi-family development consisting of 95 mixed-income apartments and all related site improvements as depicted on the fully engineered plans including the Site Layout Plan [Drawing C-2] prepared by Tredo Engineers, as revised by Drawing C-SK-001 (dated May 11, 2020). Seventy-Eight (78) of the apartments will consist of one-bedroom and seventeen (17) of the apartments will consist of two-bedrooms. The Project includes the conversion of the existing approximately 50,000 sq. ft., 57-unit enhanced living residence into apartments along with the construction of three new proposed buildings along the Evans Street frontage, each with a

footprint of less than 10,000 sq. ft. The net increase in the number of new residential units on the Project Site will be 38 units. The footprint of the three buildings to be located along the Evans Street frontage of the Project Site are as follows: North Building – 9,900 sq. ft.; Center Building – 9,630 sq. ft.; and South Building – 9,418 sq. ft. Pursuant to § 112-17(F)(2)(c) of the Village Zoning Code, the maximum building footprint within the Neighborhood Mixed Use (“NMU”) Zoning District is 10,000 sq. ft. The height of the proposed buildings will not exceed the allowable height of 36 ft. pursuant to § 112-17(F)(2)(f) of the Zoning Code.

For purpose of the coordinated environmental review of the action pursuant to SEQRA, the Action was defined to include: (1) All proposed site improvements including an addition to the existing building, the three proposed residential buildings, access aisles and 108 parking spaces, two curbs cuts onto Evans Street, demolition of an existing home, storm water management improvements, landscaping, lighting and utility improvements and connections including water and sanitary sewer infrastructure; and (2) all required discretionary approval and permits from the municipal boards of the Village of Williamsville and other involved agencies.

### **Background and Setting**

The roots of the Action date to the adoption of the Village Community Plan, an officially adopted Comprehensive Plan pursuant to New York Village Law §7-722, in 2010, and amended in 2015, wherein the Village Board adopted a Conceptual Land Use Plan envisioning the eventual rezoning of certain properties, including the Project Site and parcels to the north of the Project Site located on the east side of Evans Street, to NMU to allow for residential, commercial, office and institutional uses in appropriately designed and scaled buildings.

Consistent with the adopted Comprehensive Plan, in 2015, the Village Board rezoned the Project Site and other properties on the east side of Evans Street north of the Project Site and

adopted design standards governing development within the NMU District. The design standards (“NMU Design Standards”) governing the development of properties in the NMU District are codified in § 112-17 of the Zoning Code. The proposed use of the Project Site as Multi-Family Dwellings is a permitted use in the NMU District pursuant to § 112-17A(6)(a)(13) of the Zoning Code.

### **The Originally Proposed Action (“Original Project”)**

The layout of the Project as originally proposed was modified based on input received from the Planning Board, the Zoning Board of Appeals and the public. People Inc. (“Project Sponsor”) began the process of seeking the required approvals and permits for the proposed redevelopment of the Project Site as a multi-family project by submitting a Variance Application and supporting documentation dated July 8, 2019 which included a completed Short Environmental Assessment Form (“EAF”).

The Original Project consisted of approximately 87 mixed-income apartments and related site improvements as depicted on the full-size Site Layout Plan [Drawing C-2] prepared by Tredo Engineers attached to the Variance Application. The original layout was comprised of a two-story and three-story addition to the existing building located along the Evans Street frontage of the Project Site as well as 131 parking spaces on the eastern portion of the Project Site and related site improvements including a driveway connection to Village Pointe Lane. The footprint of the existing building is 24,780 sq. ft., and the footprint of the originally proposed addition to the existing building consisted of 25,209 sq. ft. The Original Project layout required three area variances from the Village of Williamsville Zoning Board of Appeals as follows:

1. The South Building side yard setback was greater than permitted pursuant to § 112-17(B)(2)(h) of the Zoning Code [40 ft. maximum allowed vs. 223 ft. proposed].

2. The North Building side yard setback was greater than permitted pursuant to § 112-17(B)(2)(h) of the Zoning Code [40 ft. maximum allowed vs. 101 ft. proposed].
3. The gross building area of the building was greater than permitted pursuant to § 112-17F(2)(c) of the Zoning Code [10,000 sq. ft. allowed for each story of a building vs. building footprint of 49,989 sq. ft. proposed].

The Original Project was reviewed by the Planning Board during its meeting on August 5, 2019. During this meeting, the Planning Board provided preliminary input regarding the project layout and it adopted a resolution for the purpose of seeking lead agency status in connection with a coordinated environmental review of the action pursuant SEQRA.

The Zoning Board of Appeals (“ZBA”) held a public hearing on the three requested area variances during its meeting on August 7, 2019. The ZBA adjourned the public hearing until a future date since the issuance of a SEQRA determination is prerequisite for the ZBA issuing a decision on the area variances that were required for the Original Project.

Updated plans for the Project were first presented to the Planning Board during its meeting on October 7, 2019, and further updated subsequent to the Planning Board meeting on October 7, 2019. The primary modifications to the layout of the Project made subsequent to the October 7, 2019 Planning Board meeting consisted of adding an internal access aisle behind the existing building to connect the two parking areas and elimination of the previously proposed driveway connection to Village Pointe Lane based on the Town of Amherst Highway Superintendent advising that he will not grant a permit to allow a driveway connection to Village Pointe Lane.

The currently revised plans were submitted to the Village on May 14, 2020 in response to comments provided by the Board at its May 4, 2020 meeting and, as reflected on Drawings C-SK-001 and A-SK-001, propose a number of modifications, including the following:

- (1) The southern side yard setback of the South Building has been increased from 40 ft.

to 50 ft., which is 10 ft. more than the maximum permitted setback per Section 112-17(B)(2)(h) of the NMU Design Standards.

- (2) The setback of the southern driveway onto Evans Street from the southern boundary of the Project Site has been increased to 20 feet.
- (3) Nine (9) parking spaces that were previously located along the southern boundary of the Project Site within the parking area behind the South Building have been relocated and replaced with 10 parking spaces to be accessed via the drive aisle located behind the existing Blocher Home building, resulting in additional landscaped greenspace on the southern portion of the Project Site.
- (4) The setback of the 6 ft. privacy fence previously located along the southern boundary of the Project Site has been increased to 10 ft. on the front portion of the Project Site in order to provide 10 ft. of greenspace on the southern side of privacy fence.
- (5) The setback of the proposed South Building is increased to 20 feet.
- (6) The setback of the proposed North Building is increased to 25 feet, which is 5 feet greater than allowed pursuant to §112-17(B)(2)(c).
- (7) The elevation of the proposed North Building has been modified to reduce the northern and southern ends of the building from 3 stories to 2 stories, along with corresponding reductions in height, with only the middle section of the building remaining 3 stories.

**Classification of the Action:**

The Planning Board has classified the Project as an Unlisted Action pursuant to SEQRA since none of the impacts associated with the proposed action exceed thresholds for a Type I action contained in 6 NYCRR § 617.4. On May 18, 2020, the Planning Board was informed that the New

York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) that it has determined that the property located 75 Evans Street, located approximately 70 feet south of the Project Site, is eligible for both the National and State Registers of Historic Places. Pursuant to 6 NYCRR §617.4(b)(9), any Unlisted Action that exceeds 25% of any Type I threshold occurring within or substantially contiguous to, among other things, any historic building listed on, or eligible for listing on, the National or State Registers must be treated as a Type I Action. In addition, 6 NYCRR §617.4(b)(5)(iii) provides that the construction of 200 or more new residential units in a municipality the size of the Village with public sewer and water is a Type I Action. The Project is not occurring within any listed or eligible historic property, but even assuming the 75 Evans Street were determined to be “substantially contiguous” to the Project Site, the Project does not exceed the reduced Type I threshold for new residential units, since the Project is proposing a net increase of only 38 units (*i.e.*, less than 25% of the Type I threshold of 200 units).

Although not required since the Project is an Unlisted Action, the Planning Board elected to conduct a coordinated environmental review of the Action in order to obtain input from involved and interested agencies regarding the potential adverse environmental impacts.

**Lead Agency Solicitation and Establishment of the  
Planning Board as the Lead Agency for Purpose of the  
Coordinated Environmental Review of the Action**

On August 8, 2019, a lead agency solicitation notice and copies of project documentation including but not limited to the EAF was provided to involved and interested agencies including the ZBA, the Village of Williamsville Department of Public Works, the Town of Amherst Highway Department, the New York State Department of Environmental Conservation, the Erie County Health Department, the Erie County Water Authority, the New York State Office of Homes and Community Renewal, and the Town of Amherst Industrial Development Agency.

Project documentation provided to involved and interested agencies included the EAF with Attachments A (Response to Question 2 of the Short EAF) and Attachment B (No Impact Determination Letter issued by R. Daniel Mackay of the New York State Office of Parks, Recreation and Historic Preservation dated July 3, 2019), as well as copies of the plans for the proposed redevelopment project including the following: Topographic Survey of the Project Site prepared by Millard, MacKay & Delles Land Surveyors LLP; Site Layout Plan [Drawing C-2] prepared by Tredo Engineers; Site Grading, Drainage & Utilities Plan [Drawing C-3] prepared by Tredo Engineers; Landscape Plan & Planting Schedule Plan [Drawing L-1] prepared by Tredo Engineers; Sitework Details Plan [Drawing C-4] prepared by Tredo Engineers; and Elevations Plan and color building rendering plans prepared by Long Associates Architects.

Consistent with 6 NYCRR § 617.6(b)(3), the lead agency solicitation notice issued on behalf of the Planning Board provided involved agencies with thirty days to respond to the Planning Board's request to be the designated lead agency for the coordinated environmental review of the Action.

None of the involved or interested agencies expressed any objections to the Planning Board acting as the lead agency for the coordinated environmental review of the Project. Additionally, as discussed in greater detail below, none of the letters or other communications issued by involved or interested agencies during the lengthy environmental review of the action expressed any concerns that the action may result in significant adverse environmental impacts.

On October 8, 2019, a letter was sent to involved and interested agencies to solicit their input based on modification to the Site Plan for the Project that included the elimination of the three previously requested area variances and a reduction of the number of parking spaces. Again,

none of the involved or interested agencies that responded to the October 8, 2019 letter expressed concerns regarding potential adverse environmental impacts.

On May 18, 2020, the Village received a Resource Evaluation from OPRHP indicating that the building located at 75 Evans Street was eligible for listing on the National and State Registers of Historic Preservation, and on the same day the applicant forwarded an email from OPRHP stating that its determination that this eligibility determination did not alter OPRHP's prior conclusion that the Project would not negatively impact historic resources.

### **Evaluation of the Identified Environmental Impacts:**

The Planning Board has carefully and deliberately identified and evaluated the potential environmental impacts associated with the action by reviewing extensive documentation and comments including but not limited to the following:

- The original Short EAF dated July 10, 2019 and the Amended Short EAF dated October 3, 2019
- The engineered plans prepared by Tredo Engineers most recently updated on February 5, 2020 consisting of the following: C-1 Site Demolition and Erosion Control Plan; C-2 Site Layout Plan; C-2a Site Layout Plan – North; C-2b Site Layout Plan – South; C-3a Site Grading Plan – North; C-3b Site Grading Plan – South; C-4a Site Drainage and Utilities Plan – North; C-4b Site Drainage and Utilities Plan – South; C-5 Site Details; C-6 Site Details; L-1 Landscape Plan & Planting Schedule; EL-101 Exterior Site Lighting Plan; and 3 standard detail sheets from the Erie County of Public Works; DWG. No. 1 Asphalt Wearing Surface Open Cutting Roads and Shoulders; EC 93-2 Standard Detail Sheet; and EC 94-1 Standard Detail Sheet;
- Revised site layout (Drawing C-SK-001) and elevation (A-SK-001) plans dated May 11, 2020;
- The Engineer's Report prepared by Tredo Engineers including a downstream sanitary sewer capacity analysis during wet weather conditions;
- Storm Water Pollution Prevention Plan, dated November 2019, prepared by Tredo Engineers;
- The elevation plans prepared by Long Associates Architects most recently updated on February 5, 2020 consisting of the following: A-201 North Building Elevations; A-202

Middle Building Elevations; A-203 South Building Elevations; A-204 Existing and Proposed South Elevations; A-205 Existing and Proposed East Elevations; A-206 Existing and Proposed North Elevations; A-207 Existing and Proposed West Elevations and the Sightline Plan;

- The letters issued Edward Schiller, P.E. of Wm. Schutt & Associates, the Village's engineering firm, dated October 31, 2019, December 30, 2019 and February 3, 2020;
- Updated Traffic Impact Study prepared by SRF Associates dated October 2019 (and previous versions of the Traffic Impact Study);
- The traffic review letters issued by Timothy R. Faulkner, P.E., of Fisher Associates dated November 2, 2019 and January 2, 2020;
- The letter of Steven Ferranti, P.E. of SRF Associates dated November 11, 2019 that included updated to the traffic analysis contained in the Traffic Impact Study;
- Input received from the Village's Historic Preservation Commission, including the minutes of its July 23, 2019 meeting.
- Input received from the Environmental Advisory Committee, including its comments dated January 30, 2020;
- Input received from the Traffic & Safety Committee, including its comments dated January 2, 2020;
- Reviewing comments received from involved and interested agencies, including the following:
  - Letter issued by R. Daniel Mackay of the New York State Office of Parks, Recreation and Historic Preservation dated July 3, 2019;
  - Letter issued by Darleen Sikorski-Petritz from Erie County Water Authority, dated August 19, 2019;
  - Letter issued by Heather Spitzberg from NYS Office of Housing and Community Renewal, dated August 21, 2019;
  - Letters issued by the New York State Department of Environmental Conservation dated August 19, 2019 and October 23, 2019;
  - Letters from the Town of Amherst Planning Department dated September 4, 2019 and October 21, 2019;
  - Letter from David Hall from the Erie County Department of Environment and Planning dated November 8, 2019;

- E-mail from Gina Wilkolaski of the Erie County Department of Public Works dated November 25, 2019;
- Letter issued by Garrett Hacker, P.E, of Erie County Department of Public Works dated December 26, 2019 approving the fully engineered plans and Engineer's Report;
- E-mail communication of Molly Bebak of the NYSDEC's Division of Water dated January 29, 2020;
- Letter of the Town of Amherst Engineering Department dated February 3, 2020
- Letter from Patrick Lucey of the Town of Amherst Highway Department dated February 13, 2010;
- May 14, 2020 OPRHP Resource Evaluation concerning 75 Evans Street structure;
- May 18, 2020 email from Jennifer Walkowski (OPRHP) to Attorney for the Applicant concerning the Project's impact on historic resources, including 75 Evans Street;
- Letter of Andrew Marino of Tredo Engineers dated January 9, 2020 responding to comments contained in the letter of Edward Schiller, P.E. of Wm. Schutt & Associates dated December 30, 2019 that included updated plans;
- Memorandum of Andrew Marino of Tredo Engineers dated February 3, 2020 responding to the comments in the e-mail communication of Jane Vohwinkel of the Environmental Advisory Council dated January 30, 2020;
- Considering numerous written and oral public comments submitted by residents and other interested persons including comments made by the 22 people who spoke during the public hearing held by the Planning Board on December 2, 2019;
- Completing Part 2 of the Short EAF.

Based upon the review of the relevant documentation and information, and after taking a hard look at the identified potential environmental impacts associated with the Action with respect to the criteria specified in 6 NYCRR § 617.7(c), the Planning Board has made the following findings with respect to such criteria:

- (i) a substantial adverse change in existing air quality, ground or surface e water quality or quantity, traffic or noise levels; a substantial increase in solid waste**

**production; a substantial increase in potential for erosion, flooding, leaching or drainage problems.**

**Finding:** No significant potential adverse impacts were identified regarding these criteria.

As a residential development, the Project is not expected to adversely impact air quality, particularly as compared to existing conditions. Although the increased density will likely produce greater vehicular exhaust from the increased number of automobiles at the Project Site, such emissions do not represent a significant adverse environmental impact. The Project Site is located in a walkable area that will provide future residents with the ability to walk and bike to a diverse range of nearby uses including a grocery store, numerous restaurants, a pharmacy, office buildings including medical offices, a post office, parks, etc.

The Project will result in an increase in the amount of impervious surfaces on the Project Site including the three new buildings, new parking access aisles and parking spaces and other impervious surfaces. The Project Sponsor has submitted a Storm Water Pollution Prevention Plan (“SWPPP”) prepared by Tredo Engineers dated November 2019 that contains a detailed description of the proposed stormwater management system improvements to be installed in connection with the Project. The SWPPP includes detailed calculations demonstrating that stormwater discharge rates from the Project for the 1 yr. 10 yr. and 100 yr. storm events will be less than existing discharge rates during these storm events based on existing conditions.

The Project will not result in any significant adverse impacts to surface or ground water quality or quantity, nor lead to an increase in the potential for erosion, flooding, leaching or drainage problems. In fact, because the Project must comply with NYSDEC stormwater management regulations and the stringent stormwater quality and stormwater quality standards contained in the New York State Stormwater Management Design Manual, the Project is expected to improve drainage conditions relative to the essentially uncontrolled existing drainage conditions

associated with existing development on the Project Site. The Project Site is not located with a regulated floodway or 100-year floodplain. Additionally, there are not any wetlands subject to the jurisdiction of either the United States Army Corps of Engineers or the NYSDEC located on the Project Site.

Stormwater runoff during the construction of the Project will be handled as described in detail in the SWPPP. The Project will be required to comply with the water quality and water quantity standards of the NYSDEC SPDES Permit GP-0-20-001 for stormwater discharges from construction activities resulting in a soil disturbance area of greater than one acre. The components of the erosion control measures to be implemented are described in Section III of the SWPPP and include daily site maintenance, construction sequencing (including installation of construction and perimeter silt fencing, the seeding and mulching of landscaped areas, etc.) and post construction operation and maintenance (including inspection catch basins and storm piping for debris and sediments, the removal and properly dispose of any collected debris from the structures, flushing of piping with water, if necessary, to remove accumulated sediments, etc.).

Pursuant to § 112-28G(1)(4) of the Village Code, the Project Sponsor will be required to enter into a formal maintenance agreement with the Village for the maintenance of the stormwater management facilities to be installed in connection with the Project. The stormwater management maintenance agreement will be binding upon all subsequent owners of the Project Site and will be recorded at the Erie County Clerk's Office.

The Project Sponsor has submitted an Engineer's Report prepared by Tredo Engineers dated January 2020 confirming the existing water supply and storm and sanitary sewer systems have adequate capacity to serve the Project. The Village Engineers have concurred with that conclusions.

With respect to sanitary sewer, the proposed sanitary sewer improvements are described in Section III of the Engineer's Report of Tredo Engineers dated January 2020 and will consist of new private wastewater lateral connections to the existing building and each of the proposed three buildings connecting to the eight inch sewer main located in the center of the Evans Street Right-of-Way. Each building will be serviced by a six-inch PVC lateral and tap sloped as a minimum of one percent and a maximum of three percent. A trap, vent and PVC cleanout will be installed on each of the building sanitary sewer laterals at the building exit point.

The Project will result in a net increase of average daily sanitary sewer flow of 2,350 gpd as compared to the existing average daily sanitary sewer flow from the existing 65 bed facility. The peak hourly sanitary flow for the Project is 9,984 gpd (four times the average daily sanitary sewer flow). With respect to sanitary sewer demand and downstream sanitary sewer capacity during wet weather conditions (defined as a rain event of more than 0.5 inches), Tec Smith tested the downstream sanitary sewer flows at two downstream manholes located at 1210 Maple Road and North Forest Road and Carriage Circle during wet weather conditions during rain events of more than 0.5 inches occurring on October 31, 2019 (1.42" of rain) and November 11, 2019 (0.81" of rain). The results of the downstream sanitary sewer testing during wet weather conditions at the two nodes is contained in Appendix A of the Engineer's Report of Tredo Engineers dated January 2020. The downstream sanitary sewer flow capacity analysis prepared by Tredo Engineers also included an analysis of data provided by the Town of Amherst Engineering Department at a node located on Evans Street at the northern boundary of the Village.

The sanitary sewer flow from the Project will enter into the Village of Williamsville sewer system at Evans Street and flow north by gravity and then be conveyed into the Town of Amherst

sewer system until reaching Town of Amherst Wastewater Treatment Plant on Tonawanda Creek Road.

On January 20, 2020, Molly Bebak of the NYSDEC's Division of Water issued an e-mail communication stating that since the net sanitary sewer flow increase from the Project Site will be less than 2,500 gpd that NYSDEC approval of a Downstream Sanitary Capacity Analysis and I&I mitigation are not required.

On February 3, 2020, the Town of Amherst Engineering Department issued a letter to the Erie County Department of Health confirming that it had evaluated the net daily and peak sanitary sewer flows from the Project and not identified any concerns. This letter described the routing of sanitary sewer flows from the Project Site and stated as follows: "Considering re-use of the existing facilities, the net daily average and peak sanitary sewer flows increase by 0.00235 and 0.00989 MGD respectively will result in a negligible increase to the current peak flow surcharge levels within the downstream sewers. Our records do not indicate that there are any existing back-up of overflow problems in the downstream sewers. As such, we do not anticipate that the proposed flows will adversely impact the downstream sewers."

As described in Section II of the Engineer's Report, a new private water service connection will made for the Project that will replace the existing water service. A backflow prevention will also be installed as required per the standards of the ECWA. The water service will include a new four-inch domestic water line and a new six-inch water line for fire protection services.

Edward Schiller, P.E. of Wm. Schutt & Associates, the Village's engineering firm, has reviewed the fully engineered plans and technical documentation prepared by Tredo Engineers on a number of occasions. On February 3, 2020, Mr. Schiller issued a letter stating that the engineered plans had been updated and corrected in accordance with his previous comments, that the updated

SWPPP was acceptable and correspondence with the NYSDEC and the Town's Engineering Department confirmed that sanitary sewer and I&I issues have been addressed.

With respect to noise, there may be some increase in noise associated with increased occupancy at the Project Site, but such long-term noise impacts will not be potentially significant. There will be unavoidable temporary noise impacts associated with construction activities in furtherance of the Project. However, construction activities will be limited to daytime hours and will primarily occur only on weekdays.

With respect to traffic impacts, an increase in daily vehicular traffic on Evans Street, which is an Erie County Highway and other streets in the vicinity of the Project Site will occur. However, the comprehensive analysis of traffic impacts demonstrates that the projected increase in the traffic volume on Evans Street and other streets in the vicinity of the Project Site in the morning and evening peak travel periods will not result in a significant impacts on existing levels of traffic within the vicinity of the Project Site or the Village in general. According to NYSDEC's Full EAF Workbook, Part 1, Question D.2.j., apartment complexes of fewer than 150 units are not expected to generate in excess of 100 peak hour trips, and thus are not generally considered to result in a substantial increase in traffic. The analysis of potential traffic impacts confirmed that the proposed total of 97 apartments (80 one-bedroom units and 17 two-bedroom units) will generate significantly less than 100 peak hour trips.

Nevertheless, given the existing high volume of traffic prevailing in the vicinity of Project Site, the Planning Board requested, and the Project Sponsor supplied, Traffic Impact Study prepared by SRF Associates, dated October 18, 2019, analyzing the potential traffic impacts associated with the Project. The study area for the Traffic Impact Study consisted of the following intersections: Evans Street/Essjay Road (signalized); Essjay Road/Village Pointe Lane (non-

signalized); Evans Street/Eagle Street (four-way stop); Evans Street/Existing Northern Driveway (non-signalized); Evans Street/Existing Southern Driveway (non-signalized) and Evans Street/Belmont Place. The Traffic Impact Study included table II (reproduced below) regarding the projected trips to be generated by the Redevelopment Project during the A.M. and P.M. weekday hours as follows:

| DESCRIPTION         | ITE LUC | SIZE/<br>UNITS | AM PEAK |      | PM PEAK |      |
|---------------------|---------|----------------|---------|------|---------|------|
|                     |         |                | ENTER   | EXIT | ENTER   | EXIT |
| Multifamily Housing | 220     | 97             | 10      | 36   | 36      | 21   |

Section VII of the Traffic Impact Study consists a capacity analysis of the intersections in the study area. Capacity analysis is a technique used for determining a measure of effectiveness for a section of roadway and/or intersection based on the number of vehicles during a specific time period. The measure of effectiveness used for the capacity analysis is referred to as a Level of Service (“LOS”). Levels of Service are calculated to provide an indication of the amount of delay that a motorist experiences while traveling along a roadway or through an intersection. Since the most amount of delay to motorists usually occurs at intersections, capacity analysis typically focuses on intersection, as opposed to highway segments. Table III of the Traffic Impact Study summarizes the capacity analysis at the intersections in the study area and indicated that each of the intersections in the study area will operate at an acceptable Level of Service based on consideration of background growth and the vehicular trips to be generated by the Redevelopment Project.

Section IX of the Traffic Impact Study consists of a parking assessment performed to quantify the demand for parking. The ITE Parking Generation Manual (5th Edition) was used to project the estimated parking demand. Using the Affordable Housing land use (ITE Land Use Code 223), the estimated parking demand calculated by SRF Associates is approximately 96

parking spaces as compared to the 107 proposed parking spaces. According to SRF Associates, the estimated parking demand of 96 spaces is conservative given that 80 (now 78) of the proposed 97 (now 95) units will consist of only one-bedroom and also given that the Project Site is located in a highly walkable location with easy access to many destinations and also given that future residents will have the ability to utilize public transportation consisting of bus service provided by the NFTA.

The SRF Traffic Impact Study contained the following conclusions and recommendations:

1. The traffic analysis conducted by our company supports our professional opinion that the proposed project will not result in any potentially significant adverse traffic impacts. The traffic analysis contained in this report provides the Village of Williamsville's municipal boards and committees and other governmental agencies including the Erie County Department of Public Works with detailed information to enable an assessment of the potential traffic impacts of the proposed project pursuant to SEQRA.
2. The proposed project is expected to generate approximately 10 entering/36 exiting vehicle trips during the AM peak hour and 36 entering/21 exiting vehicle trips during the PM peak hour under full build conditions. There is an increase of 39 total vehicle trips during the AM and PM peak weekday hours under the proposed conditions compared to existing conditions.
3. The existing north site driveway is expected to operate at LOS "C" during the AM peak hour and LOS "D" during the PM peak hour. Due to the heavy volumes of existing traffic along Evans Street during both the AM and PM peaks, vehicles exiting the site through the north driveway are expected to experience longer delays.

Traffic simulations were performed using an extension of SYNCHRO intersection analysis software called SimTraffic. SimTraffic is a dynamic simulation model that takes into account the traffic flow and gap conditions at intersections and can more accurately reflect actual operating conditions. A close inspection of traffic conditions during the AM and PM peak hours reveals that a maximum queue of two to three vehicles is expected to build up at the existing north driveway along Evans Street, which is acceptable. No mitigation is warranted or recommended at this intersection.

4. Based upon the results of the parking assessment, the estimated parking demand for the 80 one-bedroom units and 17 two-bedroom units as depicted on the updated Site Layout Plan can be sufficiently accommodated on the project site via the proposed 107 parking spaces.

5. The results of the alternative access analysis show that there are no changes in LOS projected as a result of the proposed project. Under this access scenario, the proposed project will not have significant adverse traffic impacts on the existing roadway network. The twenty-four foot internal access drive behind the existing Blocher Home building as depicted on the Alternative Site Layout Plan [Drawing C-2A] provided at Figure 9 connecting the two parking areas is recommended.

The Traffic Impact Study was provided to the Erie County Department of Public Works (“ECDPW”) since Evans Street is an Erie County Highway and it was also provided to Fisher Associates for an independent review at the request of the Planning Board.

On November 2, 2019, Timothy Faulkner, P.E. of Fisher Associates issued a comment letter identifying certain inconsistencies and necessary updates to the analysis of traffic impacts in the Traffic Impact Study. This comment letter stated that Fisher Associates concurred that the 107 proposed parking spaces should be adequate for the Redevelopment Project.

On November 11, 2019, Steven Ferranti, P.E. of SRF Associates issued a letter with response to each of the five categories of comments contained in the comment letter of Timothy Faulkner, P.E. of Fisher Associates dated November 2, 2019. The letter of Mr. Ferranti included an updated capacity analysis as requested by Fisher Associates.

On January 2, 2020, Timothy Faulkner, P.E. of Fisher Associates issued a comment letter confirming that letter of Steven Ferranti, P.E. of SRF Associates including the updated capacity analysis adequately addressed its previous comments.

The Traffic Impact Study prepared by SRF Associates, as well as the e-mail communication of Gina Wilkolaski of the ECDPW dated November 25, 2019 and the comment letter issued by Timothy Faulkner, P.E. of Fisher Associates dated January 2, 2020, collectively indicate that no significant increase in overall traffic in the vicinity of the Project Site is expected,

that adequate site distances are provided for driveway connections to Evans Street, and that no intersection upgrades would be required as a result of the Project.

Thus, while it is clear that the Village currently experiences heavy traffic volume, and traffic volumes in the Village remains a concern of the Planning Board, the empirical evidence regarding potential traffic impacts made available to the Planning Board confirms that the traffic impacts resulting from the Project will not be significant.

Both the Planning Board and the Traffic & Safety Committee expressed a preference for the Project to include a driveway connection to Village Pointe Lane, which is a Town of Amherst highway subject to the jurisdiction of the Town's Highway Superintendent. The benefits of the driveway connection to Village Pointe Lane consist of another means of ingress and egress to the Project Site besides the two driveway connections to Evans Street. On February 13, 2020, Patrick Lucey, the Town's Highway Superintendent, issued a letter that he had determined the driveway connection to Village Pointe Lane would not be appropriate. Section X of the Traffic Impact Study evaluated the traffic impacts of the Redevelopment Project with a driveway connection to Village Pointe Lane and the results showed no change in Level of Service between existing, background, and full development conditions with the addition of a driveway connection to Village Pointe Lane. Therefore, while the Planning Board believes that a driveway connection to Village Pointe Lane would alleviate traffic impacts on Evans Street, based on the empirical data made available to the Planning Board, it cannot conclude that the absence of a driveway connection to Village Pointe Lane will result in a significant adverse impact as compared to existing conditions.

**(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.**

**Finding:** No significant adverse impacts were identified regarding these criteria. The Project Site is a previously developed property that does not provide habitat for protected flora or fauna. The comment letters of the NYSDEC issued on August 19, 2019 and October 23, 2019 did not raise any concerns regarding impacts of the Redevelopment Project to natural resources. The NYSDEC's Environmental Resource Mapper does not identify any records of animals or plants that are rare in New York State, including those listed as endangered or threatened, as existing on the Project Site. Additionally, the NYSDEC's Environmental Resource Mapper does not identify any significant natural communities, such as rare or high-quality forests, wetlands, and other habitat types as existing on the Project Site.

Members of the public have advised the Planning Board that wildlife including deer are present on the Project Site, but the presence of typical suburban species on the Project Site is not unique to the Project Site and does not represent a significant adverse impact. The Project will not eliminate any protected environmental resources.

On January 30, 2020, the Village Environmental Advisory Council ("EAC") issued an e-mail communication with that included comments pertaining to landscaping including requesting confirmation that there will space for the planting of trees in front of the proposed new buildings and requesting that the Landscape Plan & Planting Schedule prepared by Tredo Engineers be updated to eliminate non-native species. On February 3, 2020, Andrew Marino of Tredo Engineers issued a Memorandum confirming that trees will be planted along the Evans Street frontage and that the Landscape & Planting Schedule [Drawing L-1] would be updated to incorporate the replacement plant species listed in Comment No. 7 of the EAC e-mail communication.

An updated Landscape & Planting Schedule [Drawing L-1] prepared by Tredo Engineers was submitted on February 7, 2020 for the purpose of incorporating plant species recommended

by the EAC. The planting schedule on the updated Landscape & Planting Schedule [Drawing L-1] confirms that 49 new trees will be planted (5 types), 293 shrubs (7 types) and 312 perennials (4 types). The new landscaping to be planted on the Project Site is consistent with the landscaping standards contained in § 112-17E of the NMU Design Standards and the updated Landscape & Planting Schedule [Drawing L-1] will be evaluated by the EAC.

**(iii) the impairment of the environmental characteristics of a critical environmental area as designated pursuant to § 617.14(g) of this Part.**

**Finding:** There are no critical environmental areas in the vicinity of the Project Site and thus no impacts are expected.

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

**Finding:** Overall, the Project is generally consistent with the Village's adopted Community Plan. The Project Site is properly zoned NMU, as recommended by the Community Plan, and the Project has been designed in accordance with the NMU Design Standards relative to orientation and setbacks of the three proposed buildings, pedestrian and vehicular circulation; stormwater management; landscaping and screening; architectural details and lighting.

Certain members of the public have commented that the Project as designed conflicts with certain elements of the NMU Design Standards, including the design objectives that new development should be “sensitively integrated into the fabric of the existing Village” and that “transitions from existing lower density housing to higher density housing should be gradual” (NMU Design Standards § 112-17A(5)(c) and (e)). However, while the Planning Board finds that the Project does conflict to a certain degree with the design objective encouraging a gradual transition between lower and higher density housing, it finds that, on balance, the Project, as revised, minimizes that conflict to the greatest extent practicable given other design objectives and

dimensional requirements of the Code, and thus this conflict does not constitute a significant adverse environmental impact.

Specifically, the design objective that new development be “sensitively integrated” into the existing Village fabric is inherently subjective, and the Planning Board finds that, on balance, the Project, as revised, is designed to conform to this design objective in particular and the overall design objectives as expressed in the NMU Design Standards. In this regard, it is important to note that this design objective, in its entirety, reads as follows: “New development should be sensitively integrated into the fabric of the existing Village, *rather than consisting of isolated and self-contained pods surrounded by surface parking.*” NMU Design Standards § 112-17A(5)(a)(c) (emphasis supplied). The Project is designed to meet this design objective by locating the new building structures close to the street, incorporating public realm amenities along the street and locating parking along the side and rear of the buildings. It is also important to note that the NMU Design Standards are not intended to be rigid, in recognition of the fact that the “NMU areas of the Village contain a mix of spaces and uses, meant to evolve over time, at their own pace building-by-building, in response to changing lifestyles and needs.” *Id.* at § 112-17A(1).

Moreover, the current revisions to Project further address this design objective by: (a) increasing the front and southern side yard setbacks, and enhancing landscaping within the southern side yard setback, to maximize the distance of the proposed new buildings from surrounding lower density uses; (b) reducing the number of stories and building height of most of the Northern Building, such that the majority of the new buildings are all at minimum number of stories allowed in the NMU District; and (c) relocating more parking to the rear of the Property.

With respect to the design objective that “transitions from existing lower density housing to higher density housing should be gradual,” the Planning Board does find that the Project does

conflict with this design objective, but notes the following: (1) the NMU Design Standards expressly recognize that a “key characteristic” of the NMU Districts is the “area’s close proximity to established residential neighborhoods” and that this “mix of spaces and uses” is “meant to evolve over time” (id.); (2) the Project Site is already (and has for many years) been used for multi-family residential use; (3) the proposed increase in density is generally consistent with other existing multi-family developments in the Village in general and the NMU District in particular (as explained in greater detail below); and (4) the heights of the proposed new buildings transition from a 2-story, 27’-4” tall South Building (nearest the predominately single family homes to the south) to a 2.5-story, 29’-6” tall Middle building to a 2- to 3-story, 36’-0” tall North Building (nearest the predominately multi-family and commercial developments to the north), and that the NMU Design Standards impose a 2-story **minimum** for new buildings.

Furthermore, in response to the Board’s concerns that, notwithstanding the inherent tension between the “gradual transition” design objective and the competing design objectives and dimensional requirements imposing **maximum** setbacks and **minimum** story heights, the Project’s design fails to afford sufficient weight to the “gradual transition” objective, particularly with respect to building heights and setbacks where the Project Site abuts lower density uses, the Applicant has submitted a revised plan intended to address these concerns. Specifically, as noted above, the revised Project proposes to (a) increase the southern side yard setback an additional 10 feet (beyond the maximum setback specified in the Design Standards); (b) relocating 9 parking spaces from that side yard to the rear of the Project Site; (c) move the southern fence an additional 10 feet away from the neighboring property; (d) enhance the landscaped southern greenspace and providing a greater buffer to the south; (e) increase the setbacks of the South and North Buildings (to 20 and 25 feet, respectively) to increase the buffer between those buildings and the lower

density housing across Evans Street and provide greater variation of setback along Evans Street; (f) modestly reduce the overall density of the Project by eliminating 2 units; and (g) significantly reduce the overall height of the North Building, such that the majority of that building would be 2-stories (the minimum height allowed under the Code) and gradually reduces in height to the north (closest to the neighboring northern single-family residential structure).

It should be noted that certain of these revisions (*i.e.*, the 50 foot southern side yard setback and the 25 foot front yard setback of the North Building) exceed the maximum setbacks specified in the NMU Design Standards (§ 112-17B(2)(c), (d), (h) and (i)), but these deviations fall within the 50% threshold for granting waivers for such setbacks authorized by § 112-23(h) of the Zoning Code, and thus those conflicts are not deemed to be material, particularly given that they arise out of an attempt to comply with the “gradual transition” design objective.

Therefore, for the foregoing reasons, the Planning Board finds that these modifications significantly ameliorate the conflict with the NMU Design Standards, and, on balance and viewing the Project as a whole, the Planning Board further concludes that the Project’s remaining conflicts with the Village’s Zoning Code are neither material nor significant in terms of environmental impact.

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

**Finding:** No significant adverse impacts were identified with respect to these criteria. The Project includes the demolition of an existing home located on the Project Site. The Project Site is not located in historic district or in the immediate vicinity of any designated historic resource. The Village’s Historic Preservation Commission (“HPC”) evaluated the existing home based on the

five criteria for the designation of historical landmark contained in § 47-4A of the Village Code, which states as follows:

- A. The Commission may recommend designation of an individual property as a landmark, subject to Village Board approval, if it:
- (1) Is associated with the lives of individuals or of people or of events significant in the national, state or local history.
  - (2) Embodies the distinctive characteristics of a type, a period or a method of construction.
  - (3) Represents the work of a master architect or designer or possesses high artistic values.
  - (4) Represents a significant or distinguished entity whose components may lack individual or special distinction.
  - (5) Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.

During its meeting on July 23, 2019, the HPC voted that it would not pursue designating the existing home or the Project Site as a landmark.

The Project Site is identified as being located or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office archaeological site inventory. As such, the Project Sponsor solicited input from the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”). On July 3, 2019, OPRHP issued a letter stating as follows: “Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.”

On May 4, 2020, the Planning Board did receive notice that the owner of the property located at 75 Evans Street (approximately 70 feet south of the southern boundary of the Project Site) intends to seek local landmark status of that property, as well as listing, or a determination

of eligibility for listing, on the National and State Registers of Historic Places. On May 14, 2020, OPRHP issued a Resource Evaluation, forwarded to the Village on May 18, 2020, that determined that the building located on the 75 Evans Street property “appears to be eligible for the National and State Registers” as a “representative example of a modest early-19<sup>th</sup> century stone house, rendered in what appears to have been a vernacular Greek Revival mode, which displays some later alterations and expansions added over time.” However, on May 18, 2020, OPRHP issued an email to the Applicant that this eligibility determination did not alter OPRHP’s prior determination that the Project would not negatively impact historic resources, noting that “the house in question is not immediately adjacent to the proposed development area.”

In addition, on May 12, 2020, the HPC reviewed the owner’s application for local landmark designation and formally adopted a resolution intending to nominate the property as a local landmark. In making that recommendation, the HPC noted that the structure on that Property (a) is one of the oldest in the Village (c. 1810-1820) and one of relatively few remaining stone houses within the Town of Amherst; (b) was been owned or occupied by several locally prominent individuals (including Jonas Williams (the founder of the historic Water Mill after whom the Village is named), Victor Aures (associated with the Burchfield school of painting) and John Blocher), and may have been part of the Underground Railroad.

Based on this history, the Planning Board recognizes that – regardless of whether the 75 Evans Street property is ultimately designated a landmark – it is of undoubted historic significance. However, consistent with the opinion of OPRHP, the Planning Board also finds that the Project as proposed will not have a significant adverse impact on that historic property. In this regard, the Planning Board notes that the Project will have no direct impact on the 75 Evans Street property and will not impede or interfere with the worthy goal of its preservation. Nor will

the construction of appropriately designed contemporary structures negatively impact the property. The Project Site is separated from the 75 Evans Street property by another (non-historic) property and a significant landscaped buffer area. Moreover, there are numerous examples of historic landmarks within the Village located in relatively close proximity to 20<sup>th</sup> and 21<sup>st</sup> Century structures, including the Lehigh Valley Section House and Depot, Village Meeting House, 5672 Main Street (Robshaw and Voelkl), 5329 Main Street (DiCamillo's Bakery) and Hopkins School House, among others. Indeed, 75 Evans Street itself has long been in relatively close proximity to the current Blocher Homes structure (dating from the mid-20<sup>th</sup> Century), which, due to its location on the Subject Property, will actually remain more directly visible from the 75 Evans Street Property than the proposed new structures.

Thus, the Planning Board finds that the Project as proposed will not adversely affect the historic character of the 75 Evans Street property.

New lighting will be installed on the Project Site in connection with the Project. An Exterior Site Lighting Plan [Drawing EL-100] prepared by Tredo Engineers was submitted. The Exterior Lighting Plan demonstrates that the new lighting will result in any lighting spillover onto properties contiguous to the Project Site. The lighting fixtures will be dark sky compliant as required by § 112-17I(c) of the Zoning Code and none of the lighting fixtures along the perimeter of the parking areas will face the boundaries of the Project Site per the requirement contained in § 112-17I(f) of the Zoning Code.

Regarding existing community character, the Project proposes a land use (multifamily dwellings) on a developed Project Site that is permitted by the NMU zoning classification. Detailed information regarding appearance and architecture of the three buildings was provided

on the plans prepared by Long Associates Architects and the architecture and materials will comply with standards contained in § 112-17G of the NMU Design Standards.

A number of individuals expressed a concern that the scale of the Project will be out of character with the surrounding area, and the Project will add three relatively large buildings much closer to Evans Street than current conditions at the Project Site. However, as noted above, the Project is designed to conform to the Village's carefully considered NMU Design Standards (which expressly recognizes that the NMU District is characterized by "mix of uses and architectural styles") in terms of building massing and set back, and, in fact, the area in the vicinity of the Project Site is characterized by a mix of uses and building scales, including a large office park to the north and northeast (totaling approximately 350,000 square feet), a condominium project to the north and very large single-family homes to the east of the Project Site on Village Pointe Lane and considerably smaller single-family homes to the west of the Project Site on Evans Street and other Village streets connecting to Evans Street. Moreover, as proposed, the Project is comparable to other existing and approved multifamily developments in the Village (including developments in close proximity to the Project Site) in terms of both density (as measured by units per acre) and building lot coverage, as evidenced by the analysis performed by the Building Department dated March 5, 2020 ("Density and Coverage Analysis").

Thus, for the foregoing reasons, the Planning Board has determined that, on balance, the Project will be compatible with existing community character and as such will not result in significant adverse impacts to such community character.

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

**Finding:** The Action is not expected to result in a significant increase in overall energy consumption or alter the type of energy utilized at the site. The three new buildings to be

constructed on the Project Site will be constructed in accordance with energy conservation standard contained in the NYS Building Code.

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

**Finding:** No significant human health risks are anticipated in connection with the proposed Action. The residential nature of the Project will not create human health hazards. The renovations to the existing building the three new building will be constructed in accordance with building permits and the building permit review process will ensure that the action complies with all applicable standards including those contained in the Fire Code of New York State.

**(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;**

**Finding:** The Action will increase the level of density on the Project Site and such density will be greater than the density of some nearby land uses including single family homes on individual lots. However, as noted above and indicated in Building Department's Density and Coverage Analysis, while this increase in density was found to be moderate in impact, the Planning Board does not find that this moderate increase constitutes a significant adverse environmental impact, because this proposed increase in density: (1) is consistent with current NMU zoning and the Community Plan's Conceptual Land Use Plan; (2) will not fundamentally alter the type of land use to which the Project Site has historically been used (*i.e.*, multifamily residential); and (3) is largely consistent with existing or approved multifamily residential developments in the Village in general and this neighborhood in particular. Moreover, the overall density of the Project is modestly reduced based on the most recent revisions that eliminate two units.

The Action will not have any adverse impacts on agricultural, open space or recreational resources. The future residents of the Project will have access to public parks in the Village that

are in relatively close proximity to the Project Site and the existing parks have capacity to accommodate increased usage.

**(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;**

**Finding:** The Action will increase the number of people living and visiting the site as compared to past and current conditions, but such increase will not result in any significant adverse environmental impacts. The Village is largely fully developed urban municipality, and the increase in population that will result from the Project will far less than 5%. This potential population increase would be well short of the peak population of the Village of over 7000 people in the 1970s, and the Village possesses the necessary infrastructure necessary to absorb the increase of the number of people residing in the Village.

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

**Finding:** No such impacts were identified.

**(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or**

**Finding:** No such impacts were identified. The Planning Board has deliberately defined the Action broadly in order to ensure a thorough review of all identified potential adverse environmental impacts.

**(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.**

**Finding:** The Planning Board has evaluated the identified potential adverse environmental impacts of the entire Action and there are not any other proposed projects in the vicinity of the

Project Site that would have warranted the consideration of the cumulative impacts of two or more related actions. As such, no such cumulative impacts were identified.

### **Conclusion**

Based on these findings constituting the Planning Board's reasoned elaboration, the Planning Board, acting in capacity as the designated lead agency, concludes pursuant to 6 NYCRR § 617.7(a)(2), that the Action will not have any significant adverse environmental impacts and therefore adopts this Negative Declaration with respect to the action.