

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.

The City Council has identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by the State Environmental Quality Review Act ("SEQRA"). The Council compared the proposed Local Law ("action") with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated in Part 2, there will be no significant impacts.

The Action is an amendment to the City of Niagara Falls Zoning Ordinance which establishes the rules for creating High Energy Usage Overlay Districts, allowable uses within such Districts, and setbacks and other regulations for structures and uses within said District. The Amendment does not itself authorize any activity or approve any action or grandfather in any use currently being conducted. It solely establishes procedures for how the Districts can be created and how uses can be located within the District once they are created. Therefore, the amendment itself has no impacts on the environment. No impacts on land, sea, air or water, resources, historical resources or creation of cumulative impacts from such impacts will occur. The allowance of such uses, potentially, in Industrial zones, is consistent with the City's long-history of placing uses with potential impacts in such uses. The City examined each such potential impact in Part 2, and none were found.

If there is any impact on the environment, it is to reduce impacts. Setbacks are established in the District, which can only be located in Industrial Zones, there are currently no setbacks in those zones. Therefore, through the establishment of these requirements and the required SEQR analysis for any specific allowable project, significant noise impacts from these projects will be avoided or mitigated. The provisions and regulations established in the Zoning Ordinance amendment were developed to avoid or minimize the potential impacts of any development that may be allowed, to the maximum extent practicable. Therefore, the City Council finds that the noise impacts of the Ordinance amendment will not be significant because nothing is authorized, and the framework is set to limit impacts from any project. None of the uses potentially authorized is currently allowed.

Enactment of this amendment of general applicability is not a legislative action to rezone a particular piece of property to High Energy Usage Overlay District. There is no application for a rezoning pending. The amendment mandates a full analysis of impacts for a specific application; the amendment is in no way connected to or contingent upon future applications that may be submitted or future approvals, thus enactment of the amendment would not be "practically determinative" of any subsequent project approval. There will be a separate independent review of rezoning, site plans, and special use permit applications applying the amendments to a particular development proposal and undertaking a full SEQRA review (including preparing or requiring the preparation of an EIS) with regard to any such proposal. Therefore the Council finds adoption of this Ordinance does not segment any review

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
Comments at the public hearing, existing ordinance

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
City Council of the City of Niagara Falls _____ 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: High Energy Usage Overlay District Law

Name of Lead Agency: City Council of the City of Niagara Falls

Name of Responsible Officer in Lead Agency: John Spanbauer

Title of Responsible Officer: Council Chairman

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person:

Address: 745 Main Street, PO Box 69, Niagara Falls NY 14302

Telephone Number:

E-mail:

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>