

**Exhibit A**

**Zoning Ordinance and Use Table**

## **1329 REGULATIONS RELATED THE USE, CULTIVATION, PRODUCTION, AND SALE OF RECREATIONAL CANNABIS**

### **1329.1. Description and Purpose**

The purpose of this chapter is to regulate the zoning of businesses that sell cannabis and cannabis products within the City of Niagara Falls. This comprehensive zoning regulation, made in conjunction with New York State (“NYS”) Consolidated Laws Chapter 7(A) (“NYS Cannabis Law”) and Parts 118, 119, 120, 121, 123, 124, 125, and 131, is essential to promote the health, safety and general welfare of the people of the City of Niagara Falls. These proposed amendments regulate the time and place where these businesses shall operate.

### **1329.2 Definitions**

1. “Adult-use Cannabis On-Site Consumption Sites” is a duly licensed cannabis business that sells cannabis products for on-site consumption.
2. “Adult-use Cannabis Retail Dispensary” is a duly licensed cannabis business that sells cannabis products for off-site consumption.
3. “Adult-use Distributor” means any person who sells at wholesale any cannabis product, except medical cannabis, for the sale of which a license is required under the provisions of the NYS Cannabis Law. A use for the wholesale of any cannabis product for which a license is required. A distributor's license authorizes the acquisition, possession, distribution and sale of cannabis from the licensed premises of a licensed adult-use processor, adult-use cooperative, microbusiness, or registered organization authorized to sell adult-use cannabis, to duly licensed retail dispensaries, on-site consumption sites and adult-use delivery licensees.
4. “Adult-use Cooperative” is a use that permits the acquisition, possession, cultivation, processing and sale from the licensed premises of the cannabis cooperative by such licensee to duly licensed distributors, on-site consumption sites, registered organization and/or retail dispensaries, but not directly to cannabis consumers.
5. “Adult-use Cultivator” is a State licensed cultivator who is authorized for the acquisition, possession, distribution, cultivation, and sale of cannabis from the licensed premises of the adult-use cultivator to a duly licensed processor.
6. “Adult-use Processor” means a licensee who is authorized for the acquisition, possession, processing and sale of cannabis from the licensed premises of the adult-use cultivator.
7. “Cannabis” means all parts of the plant of the genus Cannabis, whether growing or not;

the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. It does not include hemp, cannabinoid hemp or any drug products approved by the federal Food and Drug Administration.

8. "Cannabis Consumer" means a person twenty-one years of age or older acting in accordance with any provision of the NYS Cannabis Law.
9. "Cultivation" shall include, but not be limited to, the agricultural production practices of planting, growing, cloning, harvesting, drying curing, grading, and trimming of cannabis.
10. "Microbusiness" means a licensee that may act as a cannabis producer for the cultivation of cannabis, a cannabis processor, a cannabis distributor, and a cannabis retailer under the NYS Cannabis Law; provided such licensee complies with all requirements imposed by the NYS Cannabis Law on licensed producers, processors, distributors and retailers to the extent the licensee engages in such activities.
11. "Nursery" means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis by licensed adult use cannabis cultivators, microbusinesses, cooperatives, and registered organizations under the NYS Cannabis Law.
12. "Community Facility" is a facility that may include, but not be limited to, a facility that provides day care to children; a public park; a playground; a public swimming pool; a library; or a center or facility where the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
13. "House of worship" is a whole building owned or leased by a religious corporation as described by New York State Religious Corporation Law or used by a religious corporation or association of any denomination pursuant to the written permission of the owner thereof, which is used by members exclusively as a meeting place for divine worship or other religious observances presided over by a member of the clergy.
14. "Plant Nursery" is a use which permits plants to be grown, cultivated, produced, or managed for the on-site or off-site sale of such plants or their products, or for their use in any other business, research, or commerce. Other customarily incidental products may be sold with the plants. A Plant Nursery may also include aquaculture use, when the

aquaculture is integral to growing and maintenance of plants, provided the accessory Aquaculture occurs within a completely enclosed structure. This use does not include or permit the growing of cannabis.

15. "Smoke Lounge" is a use that permits the acquisition, possession and sale of cannabis, tobacco, and hookah products from the premises of the on-site consumption establishment to consumers for use at the on-site consumption location.
16. "School Grounds" is any building, structure and surrounding outdoor grounds, including entrances or exits, contained within a public or private pre-school, nursery school, elementary or secondary school's legally defined property boundaries as registered in a county clerk's office as defined by Section 409 of the Education Law.
17. "License" is a written authorization as provided under the Cannabis Law permitting persons to engage in a specified activity authorized pursuant to the Cannabis Law.
18. "Licensee" is an individual or an entity who has been granted a license under the Cannabis Law.
19. "Road" is any wide way leading from one place to another, including but not limited to, an alley, avenue, boulevard, causeway, court, crescent, drive, lane, loop, place, plaza, promenade, street, terrace, or way.
20. "Warehouse" means and includes a place in which cannabis products are securely housed or stored.
21. "Wholesale" means to solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell, made by any licensed person, whether principal, proprietor, agent, or employee of any adult-use, medical-use cannabis or cannabis product, or cannabinoid hemp and hemp extract product for purposes of resale.

### **1329.3 Cannabis Zoning**

1. RETAIL (CANNABIS, On-Site Consumption): Smoke Lounges and Microbusinesses that provide on-site consumption shall be allowable only in C1(A), C1(B), C1(C); C2(A), C2(B); C3; D1(A), D1(B), D1(C), D1(D); and D3(A) zoning districts.

2. RETAIL (CANNABIS, No On-Site Consumption): Adult use cannabis retail dispensary, Microbusinesses, smoke shops, vape shops, marijuana dispensaries or cannabis shops strictly for off-site consumption uses shall be allowable only in C1(A), C1(B), C1(C); C2(A), C2(B); C3; D1(A), D1(B), D1(C), D1(D); and D3(A) zoning districts.

3. WHOLESALE/WAREHOUSE/PLANT NURSARY/PROCESSOR/COOPERATIVE (CANNABIS): as defined above, shall be allowable only in I1 and I2 zoning districts. In the event any Microbusiness has separate retail, cultivating, or processing portions of their business separated, any non-retail portions of the business shall be within I1 or I2 zoning districts.

4. DELIVERY (CANNABIS): RESERVED

#### **1329.4 LICENSING**

No city license is required. No Cannabis business may operate in the City of Niagara Falls without the issuance of a cannabis license by the New York State Cannabis Control Board.

#### **1329.5 Personal Cultivation of Cannabis**

Any personal cultivation and home possession of cannabis shall comply with any and all New York State laws regulations under Chapter 7-A, Article 222, Section 222.15 of the Consolidated Laws of the State of New York.

#### **1329.6 Regulations**

Location and hours of operation shall be in accordance with Section 378 of the City of Niagara Falls Codified Ordinances.

#### **1329.7. Severability**

If any section, subdivision or provision of this local law or the application thereof to any person or circumstance be adjudged to be invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances.

USE CATEGORIES	Residential Districts				Commercial Districts			Downtown Districts				Industrial Districts		Open Space	Institutional	Negotiated Planned Dev.
	Detached Single R1 A, B, C, D	Doubles R2 A, B	Multi-Family R3 A, B, C	Heritage R4	Neighborhood C1 A, B, C	Traditional C2 A, B	General C3	Downtown D1 A, B, C, D	Gorge View D2 A	Transition D2 B	North Main D3 A	Business Park I1	Industrial I2	OS	Institutional INS	NPD (Refer to 1318.2)
<b>Residential Categories</b>																
Accessory Dwelling Unit		✓	✓	✓	✓	✓		✓		✓	✓					
Duplex/Semi Detached		✓	✓	✓	✓					✓						
Multi-dwelling structure (3+ units)			✓	✓	✓	✓	✓	✓		✓	✓					
Single Detached Dwelling	✓	✓	✓	✓	✓					✓						
Townhouse			✓	✓	✓	✓		✓		✓	✓					
<b>Group Living</b>																
Bed and Breakfast <sup>1</sup>	S <sup>1</sup>	S <sup>1</sup>	✓ <sup>1</sup>	✓ <sup>1</sup>	✓ <sup>1</sup>	✓ <sup>1</sup>		✓ <sup>1</sup>		✓ <sup>1</sup>	✓ <sup>1</sup>					
Boarding/Rooming House			S <sup>1</sup>			S	S									
Day Care, Adult Home			S			S	S									
Group Home	✓	✓	✓	✓	✓					✓				✓		
Fraternity or Sorority House			S			S	S	S			S					
Halfway House						S	S					S	S	✓		
Homeless Residential Facilities						S	S					S	S	✓		
Hostel			S	S		S	S					S	S			
Rectory	✓	✓	✓	✓	✓	✓	✓				✓			✓		
<b>Industrial Categories</b>																
Junkyard																-
Manufacturing, Light						S	✓					✓	✓			-
Manufacturing, Heavy													✓			-
Recycling Operation													✓			-
Warehouse							✓					✓	✓			-
Waste-related													✓			-
Wholesale Establishment												✓	✓			-

✓ = Permitted Use

Empty Box = Not Permitted

<sup>1</sup> Owner Occupied

<sup>2</sup> Accessory Only

S = Permitted only with Special Permit (Chapter 1328)

USE CATEGORIES	Residential Districts				Commercial Districts			Downtown Districts				Industrial Districts		Open Space	Institutional	Negotiated Planned Dev.
	Detached Single R1 A, B, C, D	Doubles R2 A, B	Multi-Family R3 A, B, C	Heritage R4	Neighborhood C1 A, B, C	Traditional C2 A, B	General C3	Downtown D1 A, B, C, D	Gorge View D2 A	Transition D2 B	North Main D3 A	Business Park I1	Industrial I2	OS	Institutional INS	NPD (Refer to 1318.2)
<b>Industrial Categories (continued)</b>																
<b><u>Cannabis Uses:</u></b>																
<b><u>Cooperative</u></b>												✓	✓			
<b><u>Cultivator</u></b>												✓	✓			
<b><u>Distributor</u></b>												✓	✓			
<b><u>Nursery</u></b>												✓	✓			
<b><u>Processor</u></b>												✓	✓			
<b><u>Plant Nursery</u></b>							✓					✓	✓			
<b>Institutional Categories</b>																
Community Center and Services	✓	✓	✓		✓	✓	✓	✓			✓	✓	✓	✓	✓	
College						✓	✓	✓			✓	✓		✓		
Hospital						✓	✓				✓	✓		✓		
Parks, Public Use & Recreation Areas	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Parks, Open Space & Natural Areas	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Religious Facilities	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		✓		
School, Public and Private	✓	✓	✓		✓	✓	✓	✓			✓	✓		✓		
<b>Commercial Categories</b>																
Adult Uses													S			
Bar			✓ (C only)	✓	✓	✓	✓	✓			✓	✓				
Camper Parks			S (A only)				S									
Child & Small Day Care Centers			✓	✓	✓	✓	✓	✓			✓	✓		✓		
Contractor's Yard												✓				
Cultural Facilities, Private			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Funeral Home						S	✓					✓	✓		✓	

✓ = Permitted Use

Empty Box = Not Permitted

<sup>1</sup> Owner Occupied

<sup>2</sup> Accessory Only

S = Permitted only with Special Permit (Chapter 1328)

USE CATEGORIES	Residential Districts				Commercial Districts			Downtown Districts				Industrial Districts		Open Space	Institutional	Negotiated Planned Dev.
	Detached Single R1 A, B, C, D	Doubles R2 A, B	Multi-Family R3 A, B, C	Heritage R4	Neighborhood C1 A, B, C	Traditional C2 A, B	General C3	Downtown D1 A, B, C, D	Gorge View D2 A	Transition D2 B	North Main D3 A	Business Park I1	Industrial I2	OS	Institutional INS	NPD (Refer to 1318.2)
<b>Commercial Categories (cont'd)</b>																
Hotel/Motel				✓		✓	✓	✓		✓	✓		✓			
Kennel or Cattery						S	S					S				
Motor Vehicle Service and Repair, Minor					✓ (C only)		✓					✓	✓			
Motor Vehicle Service and Repair, Major							S					✓	✓			
Motor Vehicle Sales and Leasing							✓					✓	✓			
Office			✓ (C only)	✓	✓	✓	✓	✓		✓	✓	✓	✓		✓	
Parking, Commercial												✓				
Rail Transit Facility						✓	✓				✓	✓				
Recreation, Commercial Outdoor							✓	✓	✓	✓		✓	✓	S		
Restaurant			✓ (C only)	✓	✓	✓	✓	✓			✓	✓	✓		✓	
Retail Sales and Service			✓ (C only)	✓	✓	✓	✓	✓			✓	✓	✓		✓ <sup>2</sup>	
<b>Retail (Cannabis On-site Consumption)</b>					✓	✓	✓	✓			✓					
Retail (Cannabis, No on-site Consumption)					✓	✓	✓	✓			✓					
Shopping Center							✓	✓								
Storage, Self-Serve							✓					✓	✓			
Telecommunication Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Tourism and Sightseeing Oriented						S	S	S			S	S	S			
Veterinary Clinic						✓	✓					✓	✓		✓	

✓ = Permitted Use

Empty Box = Not Permitted

<sup>1</sup> Owner Occupied

<sup>2</sup> Accessory Only

S = Permitted only with Special Permit (Chapter 1328)



**Exhibit B**

**Niagara County Planning Board Decision Sheet**

RECEIVED



**Niagara County Planning Board**  
**General Municipal Law §239-M Referral Form**

Niagara County Use Only

JAN 13 2023

Date Received: Economic Dev

Referral #: 6867

**Part 1: Municipal Information**

Referring Municipality: City of Niagara Falls

Referring Agency: Planning &amp; Environmental

Address: 745 Main Street, Niagara Falls, NY 14302

Referring Official: Kevin Forma

Title: Director of Planning &amp; Environmental

Email: kevin.forma@niagarafallsny.gov

Phone #: (716)286-4477

Applicant Name: City of Niagara Falls City Council

Email: kevin.forma@niagarafallsny.gov

Phone #: (716)286-4477

**Part 2: Project Information**

Address of Property: All City

Acreage: All

Tax Parcel Number(s): All

Current Zoning District: All Commercial and Industrial

**Project Description**

The creation of Chapter 1329 REGULATIONS RELATED THE USE, CULTIVATION, PRODUCTION, AND SALE OF RECREATIONAL CANNABIS, in the City Zoning Ordinance. The purpose of this chapter is to regulate the zoning of businesses that sell cannabis and cannabis products within the City of Niagara Falls. This comprehensive zoning regulation, made in conjunction with New York State ("NYS") Consolidated Laws Chapter 7(A) ("NYS Cannabis Law") and Parts 118, 119, 120, 121, 123, 124, 125, and 131, is essential to promote the health, safety and general welfare of the people of the City of Niagara Falls. These proposed amendments regulate the time and place where these businesses shall operate

**Previous Meeting Information**

Date

Reviewing Body

**Part 3: Referral Type and Proximity Trigger**

**Referral Type** (Check all that apply):

- Area Variance     Zoning Text Amendment  
 Use Variance     Zoning Map Amendment  
 Special Permit     New Zoning Ordinance  
 Site Plan Review     Comprehensive Plan  
 New Local Law     Local Law Amendment  
 Moratorium  
 Other \_\_\_\_\_

**Property located within 500 ft. of**  
 (Check all that apply):

- Existing or Proposed County / State Parkway, Road or Highway, or County Owned Drainage Channel  
 County Road: \_\_\_\_\_  
 NYS Road: \_\_\_\_\_  
 Municipal Boundary  
 NYS / County Recreation Area  
 NYS / County Owned Land with Public Building  
 Farm operation located in an Agricultural District (except for area variances)

**Part 4: Required Enclosures**

The Niagara County Planning Board requires adequate information upon which to make its decision. The zoning referral form will not be accepted unless all of the following information is submitted

(Please check that all items are included):

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Planning Board Referral Form                                     | <input checked="" type="checkbox"/> For zoning text amendments and local law amendments, copies of both the existing and proposed zoning / local law. |
| <input checked="" type="checkbox"/> SEQR Environmental Assessment Form (EAF)                         | <input type="checkbox"/> Copies of any local meeting minutes.   |
| <input type="checkbox"/> One set of plans sized at 8.5" x 11" or 11" x 17" (if applicable).          | <input checked="" type="checkbox"/> Any other documentation submitted to the municipality as part of the application process.                         |
| <input type="checkbox"/> For variances, a copy of the code from which the relief is being requested. |   |

**Part 5: Representative Contact Information**

**\*A project representative must attend the Niagara County Planning Board meeting.\***

Meeting information will be sent to the project representative via the email address provided in this section.

Project Representative Contact Information

Name: **Kevin Forma**

Title: **Director of Planning & Environmental**

Email: **kevin.forma@niagarafallsny.gov**

Phone #: **(716) 286-4477**

**DEADLINE**

All completed referrals must be received by close of business on Friday, six business days preceding the 3rd Monday of each month. Note: January and February meetings are held on the 4th Monday of the month.

**LATE REFERRALS WILL BE REVIEWED BY THE NIAGARA COUNTY PLANNING BOARD THE FOLLOWING MONTH.**

For County Office Use Only

**Recommendation from Niagara County Planning Board**

<input type="checkbox"/> Approval	<input type="checkbox"/> No Significant Countywide or Inter-community Impact
<input type="checkbox"/> Approval with Modifications	<input checked="" type="checkbox"/> Disapproval Due to the negative impact to Niagara County

*Joseph Kibler*  
\_\_\_\_\_  
Joseph Kibler, Chairman  
Niagara County Planning Board

*1-23-23*  
\_\_\_\_\_  
Date

**Exhibit C**

**City of Niagara Falls Planning Board Recommendation**

CITY OF NIAGARA FALLS  
PLANNING BOARD  
ZONING AMENDMENT RECOMMENDATION PACKAGE

*FOR*

RESOLUTION OF NIAGARA FALLS CITY COUNCIL 2022-82, RELATIVE TO  
AMENDMENT OF CITY OF NIAGARA FALLS ZONING ORDINANCE AND  
SCHEDULE 1: USE TABLE FOR REGULATIONS RELATED TO THE USE,  
CULTIVATION, PRODUCTION, AND SALE OF RECREATIONAL CANNABIS

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CITY OF NIAGARA FALLS PLANNING BOARD  
RECOMMENDATION



# City of Niagara Falls, New York

745 Main Street, Niagara Falls, NY 14301

## NIAGARA FALLS PLANNING BOARD RECOMMENDATIONS

<input checked="" type="checkbox"/>	Approval
<input type="checkbox"/>	Approval with Conditions
<input type="checkbox"/>	Denial

Pursuant to action taken by the Niagara Falls Planning Board on April 12, 2023, the outcome is as follows:

*Resolution of the Niagara Falls City Council 2022-82, Relative to the proposed amendment to the City of Niagara Falls Zoning Ordinance Entitled "Zoning Regulations Related to the Use, Cultivation, Production, and Sale of Recreational Cannabis"*

2023 APR 18 AM 10:34  
CITY OF NIAGARA FALLS  
CITY CLERK'S OFFICE

Tony Palmer  
Chair, Niagara Falls Planning Board

4-17-23

Date



## PLANNING BOARD FINDINGS

1. The Planning Board has determined that the proposal, Resolution of Niagara Falls City Council 2022-82, Relative to amendment of City of Niagara Falls Zoning Ordinance and Schedule 1: Use Table for Regulations Related to the Use, Cultivation, Production, and Sale of Recreational Cannabis, conforms to the Comprehensive Plan of the City of Niagara Falls and meets the intent and objectives as expressed therein:

### General Citywide Policies

#### §7.1 POLICY AREA 1: LAND-USE

General Policy Statement: it is the City's policy to ensure that the City's vision for development is supported by appropriate land-use policies and regulations, and that the City pursue a fine-grained, mixed-use approach to land-use that respects the existing character of healthy, stable neighborhoods, while allowing the City to grow and revitalize.

- ❖ Policy §7.1.2 Encourage a pattern for new development that incorporates a mix of uses at a variety of densities.
- ❖ Policy §7.1.3 Pursue a “fine grained” approach to land use that allows uses to mix and benefit from one another.
- ❖ Policy §7.1.4 Strengthen the Core City by encouraging higher density development that encompasses a mix of uses that supplies services to residents, especially to adjacent neighborhoods, as well as to tourists.
- ❖ Policy §7.1.7 Encourage commercial and light industrial uses only where most appropriate.
- ❖ Policy §7.1.8 Encourage and support alternative or interim land uses and creative site planning solutions in vacant and/or underutilized industrial areas that support the City's overall renewal vision and strategy.

#### 7.2 POLICY AREA 2: HISTORIC RESOURCES

General Policy Statement: It is the City's policy to protect, enhance, and capitalize on the City's unique historical, cultural, natural, and architectural heritage resources and structures.

- ❖ Policy 7.2.3 Encourage the adaptive reuse of historic structures.

#### 7.3 POLICY AREA 3: BUILT ENVIRONMENT

General Policy Statement: It is the City's policy to foster a built environment that respects the City's historic architecture and design while allowing for new development and growth that possesses a high level of architectural integrity, fosters a pedestrian-friendly environment, and respects the City's important natural, scenic, and open space resources.

- ❖ Policy 7.3.5 Mitigate the negative impacts of vacant and abandoned properties.

#### 7.6 POLICY AREA 6 ECONOMIC DEVELOPMENT AND TOURISM

General Policy Statement: It is the City’s policy to ensure that the City’s economy is comprised of and supported by a diverse mixture of businesses and that the City’s land use, zoning and development policies are supportive of economic growth, including the development and expansion of the tourism industry, cultural resources and the health care sector.

- ❖ Policy 7.6.2 Promote and support locally owned and controlled small businesses.
- ❖ Policy 7.6.3 Coordinate the City’s land use and zoning policies with the City’s economic development vision.
- ❖ Policy 7.6.5 Retain and attract a broader population to Niagara Falls, including young families and young adults.

### 7.8 POLICY AREA 8: BROWNFIELD/GREYFIELD REDEVELOPMENT

Policy Statement: It is the City’s policy to encourage the reuse and revitalization of vacant and/or underutilized industrial properties through the re-establishment of industrial uses, or the conversion of such properties to new uses that further the City’s land use and development vision.

- ❖ Policy 7.8.5 Evaluate potential for alternative uses in industrial areas, such as residential, retail and office.

2. On March 29, 2023, the Planning Board held a Public Hearing on the Zoning Amendment pursuant to New York State Law and in accordance with the City of Niagara Falls Zoning Ordinance. The Planning Board makes the following findings based upon the Public Hearing:

One citizen spoke to during the Public Hearing to the Planning Board. No additional written comments were provided to the Planning Board to be included on the official record.

Written comments from the Public and Minutes from the Planning Board Public Hearing are included in **Appendix A and B**, respectively.

3. The Planning Board recommends no amendments to the proposal.

4. The Planning Board recognizes the following findings:

- a. The City of Niagara Falls Planning Board has received an application for proposed amendment of the Zoning Ordinance; Resolution of Niagara Falls City Council 2021-50, Relative to amendment of City of Niagara Falls Zoning Ordinance and Schedule 1: Use Table for Regulations Related to the Use, Cultivation, Production, and Sale of Recreational Cannabis
- b. The proposal and all other relevant information have been submitted and the application is considered complete.
- c. A referral to the Niagara County Planning Board was required and the board did not recommend approval at their January 23, 2023, meeting.

- d. Comments regarding the proposed amendment's changes to the City of Niagara Falls's Zoning Ordinance from Corporation Counsel per letter dated February 16, 2023 were provided.
  
- e. A Public Hearing was held in regard to the proposed amendments on March 29, 2023, The Planning Board has reviewed these comments and has considered them as part of their review of the application.
  
- f. The Planning Board determined that the proposed amendment is in conformance with and supports the purposes of the City of Niagara Falls Zoning Ordinance as stated in Chapter 1301.1.

## APPENDIX

**EXHIBIT A**  
**WRITTEN COMMENTS**

No written comments were provided to the Planning Board to be included on the official record.

**EXHIBIT B**  
**PUBLIC HEARING MINUTES**

**Official Minutes  
City of Niagara Falls Planning Board  
March 29, 2023**

A regular meeting of the City of Niagara Falls Planning Board was held on Wednesday, March 29, 2023 at 6:00 p.m. in Council Chambers, City Hall, 745 Main Street, Niagara Falls, N.Y.

**CALL TO ORDER AND ROLL CALL**

**BOARD MEMBERS PRESENT:**

Tony Palmer  
John Spanbauer  
Charles MacDougall  
Ken Nossavage  
Timothy Polka  
Ryan Dallavia

**STAFF PRESENT:**

Kevin Forma, Director of Planning  
Michael Pesarchick, Intern, Planning Dept.

**BOARD MEMBERS EXCUSED:**

Beverly Callen  
Shurron Cowart  
Joyce Williams

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

A motion to approve the agenda was made by Mr. Polka and seconded by Mr. MacDougall

**MOTION: MAJORITY APPROVED**

**APPROVAL OF MINUTES**

A motion to approve the meeting minutes from February 22, 2023 was approved Mr. Spanbauer and seconded by Mr. Dallavia.

**MOTION: MAJORITY APPROVED**

**PUBLIC PARTICIPATION**

No public participation was received.

**ACTION ITEMS**

1. **Encroachment** for the purpose of the installation of signage on First Street and Third Street at 101 Old Falls Street, aka the Niagara Falls Convention Center.

Mr. Palmer read the description and called for a motion.

A motion to approve the sign encroachment at 101 Falls Street was made by Mr. Nossavage and seconded by Mr. Polka.

Tony Palmer	Yes
John Spanbauer	Yes
Charles MacDougall	Yes
Ken Nossavage	Yes

Timothy Polka	Yes
Ryan Dallavia	Yes

**Motion: MAJORITY APPROVED**

- 2. Encroachment** for the purpose of the installation of signage on Third Street at 250. Rainbow Boulevard, aka the Mami House.

Jennifer Cooper with Cooper Sign Company representing the Mami House spoke for the applicant and stated that the proposal is for the installation of a blade sign at the restaurant. Ms. Cooper requested that the board give approval so that they could move forward with the installation.

No questions were posed by the members.

A motion to approve the sign encroachment at 250 Rainbow Boulevard was made by Mr. Polka and seconded by Mr. Spanbauer.

Tony Palmer	Yes
John Spanbauer	Yes
Charles MacDougall	Yes
Ken Nossavage	Yes
Timothy Polka	Yes
Ryan Dallavia	Yes

**Motion: MAJORITY APPROVED.**

Ms. Cooper reviewed and agreed to the conditions.

- 3. Public Hearing:** for the purpose of setting a public hearing date for the rezoning of 56 Atchison. A Level 2 site plan approval on behalf of the applicant, U.S. Leaseco Inc., aka Rainbow Air Tourism Center from the existing D1-C zoning to I1.

The public hearing was set for April 12, 2023.

- 4. Public Hearing:** for the purpose of setting a public hearing for the addition of a High Energy Overlay on the 12 zoned parcel at 5380 Frontier Ave., SBL# 160.14-1-1.2 and Level 2 site plan approval at the request of the applicant, Blockfusion USA, Inc.

Mr. Palmer was informed that there was a representative present and called her to speak.

Lauren Adornetto, attorney with Phillips Lytle, spoke on behalf of the applicant. Ms. Adornetto stated she understood that the purpose of the meeting was to set a date for the public hearing. Ms. Adornetto requested that the application and future communication reflect the legal name of the entity who owns the parcel, Northeast Data LLC.

The public hearing was set for April 12, 2023.

- 5. Public Hearing:** for the purpose of amending the City of Niagara Falls' Zoning Ordinance to include Chapter 1329 Regulations related to the use, cultivation, production, and sale of Recreational Cannabis within the City.

Mr. Palmer called for the Public Hearing to begin at 6:15 pm.

Mr. Palmer stated that the Public Hearing was open and the discussion could continue.

Mr. Palmer asked for questions regarding the zoning.



Mr. Gawal stated that the state had set the hours of operation for retail stores and asked if the city planned to make anything more restrictive than the State Regulations.

Mr. Forma stated that the city could not make anything more restrictive than the state regulations, however the city can restrict any additional hours of operation, which was included in the ordinance. The purpose of this chapter of the zoning ordinance is to define where the activity can take place.

Mr. Gawal asked if the ordinance would limit grow operations, respective to Caregivers who grow medical marijuana for other patient patients who have medical marijuana cards.

Mr. Forma explained that the ordinance is not intended to limit the location where Caregiver's can grow, this is in the state laws and the state regulations.

Mr. Gawal stated that the regulations continue to change; there was nine original licenses, including a transportation license, and the latter license has disappeared.

Mr. Forma acknowledged that delivery was missing from that latest draft version of the regulations.

Mr. Gawal shared his views on regulations. It is his belief that the State is encouraging license in economically depressed areas and was concerned with disenfranchising certain areas of the city with only one retail store being allowed in the city.

Mr. Forma explained that grow operations would be restricted to industrial but retail stores can occur anywhere within a commercial district in the city.

Mr. Gawal asked about micro enterprises.

Mr. Forma explained micro businesses are commercial, except when micro businesses splits. If the micro business does split their operations their grow operations would be required to occur in industrial districts, the retail portion of the business would still be able to occur within commercial districts.

Mr. MacDougal asked Mr. Gawal if he was aware of the times retail operations could be open, it was Mr. MacDougal's understanding that the stores would have to be closed from 4:00 am to 8:00 am. It was clarified, by Mr. Gawal that a retail stores would have to close at 2:00 am.

Mr. Gawal shared his concerns and that there was nobody currently in western New York with a license to sell cannabis and yet there's at least 10 stores in Niagara Falls that are selling without a license. Mr. Gawal asked if the city was going to close those places down or collect sales tax revenue from them because none of those stores were collecting sales tax.

Mr. Forma explained the regulations concerning enforcement and sales collection are through the state. The city does not have a say in the enforcement issue.

Mr. MacDougal stated that he could report it to the state.

Mr. Spanbauer asked if the city could submit and objection to the state saying that there's a licensed Cannabis Retail shop in a city Niagara Falls that we have an opinion about or that isn't an appropriate spot for the state to consider.

Mr. Forma answered yes.

Mr. Gawal shared his vision of a retail cannabis operations in Niagara Falls and would like to see a \$20 million cannabis store than a 1200 foot retail store that's open 24 hours a day with flashing lights. He would like to see the business hiring from the neighborhood, paying a good wage.

Mr. Forma explained that the way the ordinance was written was not more restrictive than what the state has said we must allow but not anymore than those allowances

Mr. Spanbauer asked with the Seneca opening their store, what would be the main difference between their store and a state run operation including the cost of the product?

Mr. Gawal stated there's no tax. They will grow their own so there will be less strands available. They will not take credit cards. He felt that people would want more service offered than the service we see at the gas stations.

Mr. Palmer asked how the state set the distances between the Cannabis Shops and schools, churches and Community Development Centers. He stated that he found it strange that there was a difference in the number of feet required.

Mr. Gawal stated that he believed there would be a number of amendments due to the number of issues experienced in New York City.

Mr. Palmer asked for other questions

Mr. Palmer closed the public hearing at 6:35 pm.

Mr. Palmer moved to new business. He mentioned a conflict on April 26. His recommendation was to just cancel that date. If something came up that needed to be done, a special meeting would be caused. May 17<sup>th</sup> would be the next meeting.

Mr. Forma introduced Mike and informed the Board that a new clerk had been hired. Her name is Vickie Hall and she worked as a School Principal in Milwaukee, WI. She will join the Board at future meetings.

Mr. Palmer called for a motion to adjourn.

#### **OLD BUSINESS:**

No old business.

#### **NEW BUSINESS:**

No new business

#### **PLANNING REPORT**

No report.

#### **ADJOURNMENT**

A motion to adjourn the meeting was made by Mr. Dallavia and seconded by Mr. Nossavage.

EXHIBIT C  
PROPOSED ZONING AMENDMENTS

## **1329 REGULATIONS RELATED THE USE, CULTIVATION, PRODUCTION, AND SALE OF RECREATIONAL CANNABIS**

### **1329.1. Description and Purpose**

The purpose of this chapter is to regulate the zoning of businesses that sell cannabis and cannabis products within the City of Niagara Falls. This comprehensive zoning regulation, made in conjunction with New York State (“NYS”) Consolidated Laws Chapter 7(A) (“NYS Cannabis Law”) and Parts 118, 119, 120, 121, 123, 124, 125, and 131, is essential to promote the health, safety and general welfare of the people of the City of Niagara Falls. These proposed amendments regulate the time and place where these businesses shall operate.

### **1329.2 Definitions**

1. “Adult-use Cannabis On-Site Consumption Sites” is a duly licensed cannabis business that sells cannabis products for on-site consumption.
2. “Adult-use Cannabis Retail Dispensary” is a duly licensed cannabis business that sells cannabis products for off-site consumption.
3. “Adult-use Distributor” means any person who sells at wholesale any cannabis product, except medical cannabis, for the sale of which a license is required under the provisions of the NYS Cannabis Law. A use for the wholesale of any cannabis product for which a license is required. A distributor's license authorizes the acquisition, possession, distribution and sale of cannabis from the licensed premises of a licensed adult-use processor, adult-use cooperative, microbusiness, or registered organization authorized to sell adult-use cannabis, to duly licensed retail dispensaries, on-site consumption sites and adult-use delivery licensees.
4. “Adult-use Cooperative” is a use that permits the acquisition, possession, cultivation, processing and sale from the licensed premises of the cannabis cooperative by such licensee to duly licensed distributors, on-site consumption sites, registered organization and/or retail dispensaries, but not directly to cannabis consumers.
5. “Adult-use Cultivator” is a State licensed cultivator who is authorized for the acquisition, possession, distribution, cultivation, and sale of cannabis from the licensed premises of the adult-use cultivator to a duly licensed processor.
6. “Adult-use Processor” means a licensee who is authorized for the acquisition, possession, processing and sale of cannabis from the licensed premises of the adult-use cultivator.
7. “Cannabis” means all parts of the plant of the genus Cannabis, whether growing or not;

the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. It does not include hemp, cannabinoid hemp or any drug products approved by the federal Food and Drug Administration.

8. "Cannabis Consumer" means a person twenty-one years of age or older acting in accordance with any provision of the NYS Cannabis Law.
9. "Cultivation" shall include, but not be limited to, the agricultural production practices of planting, growing, cloning, harvesting, drying curing, grading, and trimming of cannabis.
10. "Microbusiness" means a licensee that may act as a cannabis producer for the cultivation of cannabis, a cannabis processor, a cannabis distributor, and a cannabis retailer under the NYS Cannabis Law; provided such licensee complies with all requirements imposed by the NYS Cannabis Law on licensed producers, processors, distributors and retailers to the extent the licensee engages in such activities.
11. "Nursery" means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis by licensed adult use cannabis cultivators, microbusinesses, cooperatives, and registered organizations under the NYS Cannabis Law.
12. "Community Facility" is a facility that may include, but not be limited to, a facility that provides day care to children; a public park; a playground; a public swimming pool; a library; or a center or facility where the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
13. "House of worship" is a whole building owned or leased by a religious corporation as described by New York State Religious Corporation Law or used by a religious corporation or association of any denomination pursuant to the written permission of the owner thereof, which is used by members exclusively as a meeting place for divine worship or other religious observances presided over by a member of the clergy.
14. "Plant Nursery" is a use which permits plants to be grown, cultivated, produced, or managed for the on-site or off-site sale of such plants or their products, or for their use in any other business, research, or commerce. Other customarily incidental products may be sold with the plants. A Plant Nursery may also include aquaculture use, when the

aquaculture is integral to growing and maintenance of plants, provided the accessory Aquaculture occurs within a completely enclosed structure. This use does not include or permit the growing of cannabis.

15. "Smoke Lounge" is a use that permits the acquisition, possession and sale of cannabis, tobacco, and hookah products from the premises of the on-site consumption establishment to consumers for use at the on-site consumption location.
16. "School Grounds" is any building, structure and surrounding outdoor grounds, including entrances or exits, contained within a public or private pre-school, nursery school, elementary or secondary school's legally defined property boundaries as registered in a county clerk's office as defined by Section 409 of the Education Law.
17. "License" is a written authorization as provided under the Cannabis Law permitting persons to engage in a specified activity authorized pursuant to the Cannabis Law.
18. "Licensee" is an individual or an entity who has been granted a license under the Cannabis Law.
19. "Road" is any wide way leading from one place to another, including but not limited to, an alley, avenue, boulevard, causeway, court, crescent, drive, lane, loop, place, plaza, promenade, street, terrace, or way.
20. "Warehouse" means and includes a place in which cannabis products are securely housed or stored.
21. "Wholesale" means to solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell, made by any licensed person, whether principal, proprietor, agent, or employee of any adult-use, medical-use cannabis or cannabis product, or cannabinoid hemp and hemp extract product for purposes of resale.

### **1329.3 Cannabis Zoning**

1. RETAIL (CANNABIS, On-Site Consumption): Smoke Lounges and Microbusinesses that provide on-site consumption shall be allowable only in C1(A), C1(B), C1(C); C2(A), C2(B); C3; D1(A), D1(B), D1(C), D1(D); and D3(A) zoning districts.

2. RETAIL (CANNABIS, No On-Site Consumption): Adult use cannabis retail dispensary, Microbusinesses, smoke shops, vape shops, marijuana dispensaries or cannabis shops strictly for off-site consumption uses shall be allowable only in C1(A), C1(B), C1(C); C2(A), C2(B); C3; D1(A), D1(B), D1(C), D1(D); and D3(A) zoning districts.

3. WHOLESALE/WAREHOUSE/PLANT NURSARY/PROCESSOR/COOPERATIVE (CANNABIS): as defined above, shall be allowable only in I1 and I2 zoning districts. In the event any Microbusiness has separate retail, cultivating, or processing portions of their business separated, any non-retail portions of the business shall be within I1 or I2 zoning districts.

4. DELIVERY (CANNABIS): RESERVED

#### **1329.4 LICENSING**

No city license is required. No Cannabis business may operate in the City of Niagara Falls without the issuance of a cannabis license by the New York State Cannabis Control Board.

#### **1329.5 Personal Cultivation of Cannabis**

Any personal cultivation and home possession of cannabis shall comply with any and all New York State laws regulations under Chapter 7-A, Article 222, Section 222.15 of the Consolidated Laws of the State of New York.

#### **1329.6 Regulations**

Location and hours of operation shall be in accordance with Section 378 of the City of Niagara Falls Codified Ordinances.

#### **1329.7. Severability**

If any section, subdivision or provision of this local law or the application thereof to any person or circumstance be adjudged to be invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances.

**Exhibit D**

**SEQRA Parts 1, 2, and 3**



**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

## **Full Environmental Assessment Form (FEAF) Part 1 – Project and Scoping**

### **Supporting Information – Proposed Zoning Amendment for Cannabis in the City of Niagara Falls**

An amendment to the City of Niagara Falls Zoning Ordinance (the "Zoning Code") is proposed for Regulations related to the Use, Cultivation, Production and Sale of Recreational Cannabis.

The proposed action is a Type I action as per 6 NYCRR Part 617 Section 617.4(b)(2) the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district. The proposed action would apply to the entire City of Niagara Falls, which is more than 25 acres in size.

The purpose of the proposed chapter is to regulate the zoning of businesses that sell cannabis and cannabis products within the City of Niagara Falls. This comprehensive zoning regulation, made in conjunction with New York State ("NYS") Consolidated Laws Chapter 7(A) ("NYS Cannabis Law") and Parts 118, 119, 120, 121, 123, 124, 125, and 131, is essential to promote the health, safety and general welfare of the people of the City of Niagara Falls. These proposed amendments regulate the time and place where these businesses shall operate.

Cannabis businesses are currently allowed within the City of Niagara Falls under a special permit. The proposed zoning amendment would not negatively impact the community; instead, it would streamline the zoning applications.

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> <li data-bbox="121 829 1542 861">i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li data-bbox="121 892 1542 924">ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li data-bbox="121 924 1542 955">iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul>		

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?  Yes  No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

\_\_\_\_\_

\_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? \_\_\_\_\_

b. What police or other public protection forces serve the project site?  
\_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site?  
\_\_\_\_\_

d. What parks serve the project site?  
\_\_\_\_\_  
\_\_\_\_\_

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?  
\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres  
b. Total acreage to be physically disturbed? \_\_\_\_\_ acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
\_\_\_\_\_

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

\_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

*i.* Total number of structures \_\_\_\_\_

*ii.* Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

*iii.* Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

*i.* Purpose of the impoundment: \_\_\_\_\_

*ii.* If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

*iii.* If other than water, identify the type of impounded/contained liquids and their source.  
 \_\_\_\_\_

*iv.* Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

*v.* Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

*vi.* Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):  
 \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

*i.* What is the purpose of the excavation or dredging? \_\_\_\_\_

*ii.* How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

*iii.* Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.  
 \_\_\_\_\_  
 \_\_\_\_\_

*iv.* Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 \_\_\_\_\_

*v.* What is the total area to be dredged or excavated? \_\_\_\_\_ acres

*vi.* What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

*vii.* What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

*viii.* Will the excavation require blasting?  Yes  No

*ix.* Summarize site reclamation goals and plan: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

*i.* Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_  
 \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

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

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

• Do existing sewer lines serve the project site?  Yes  No  
 • Will a line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
     \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
     \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No  
 If Yes:  
 i. Estimate methane generation in tons/year (metric): \_\_\_\_\_  
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No  
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No  
 If Yes:  
 i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.  
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_  
 iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_  
 iv. Does the proposed action include any shared use parking?  Yes  No  
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_  
 vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No  
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No  
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No  
 If Yes:  
 i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_  
 iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
--	---



m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

---

n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_  
 \_\_\_\_\_

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q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

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d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities:  
\_\_\_\_\_

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e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  

- Dam height: \_\_\_\_\_ feet
- Dam length: \_\_\_\_\_ feet
- Surface area: \_\_\_\_\_ acres
- Volume impounded: \_\_\_\_\_ gallons OR acre-feet

ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection:  
\_\_\_\_\_

---

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  

- If yes, cite sources/documentation: \_\_\_\_\_

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
\_\_\_\_\_

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g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
\_\_\_\_\_

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h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database      Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database      Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_

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iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
\_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_%

c. Predominant soil type(s) present on project site: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_  
 \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 \_\_\_\_\_

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i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, give a brief description of how the proposed action may affect that use: _____ _____	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6 NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Robert Restaino, City of Niagara Falls Date MARCH 1, 2023

Signature  Title Mayor, City of Niagara Falls NY

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

Project :

Date :

**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.

<b>1. Impact on Land</b>			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<input type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
	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	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>2. Impact on Geological Features</b> 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) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>3. Impacts on Surface Water</b> 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) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>



I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> 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. <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b>			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	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 <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b>			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	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	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>

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	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	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	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> 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.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>		
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	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
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	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
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	<input type="checkbox"/>	<input type="checkbox"/>		
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	<input type="checkbox"/>	<input type="checkbox"/>		
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	<input type="checkbox"/>	<input type="checkbox"/>		

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property’s setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b>			
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.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b>			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>13. Impact on Transportation</b> The proposed action may result in a change to existing transportation systems. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>14. Impact on Energy</b> The proposed action may cause an increase in the use of any form of energy. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

<b>15. Impact on Noise, Odor, and Light</b> The proposed action may result in an increase in noise, odors, or outdoor lighting. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>16. Impact on Human Health</b>			
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.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	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	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

<b>17. Consistency with Community Plans</b>			
The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	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	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
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, E1b	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>18. Consistency with Community Character</b>			
The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	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	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>



Project :

Date :

***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.

**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 \_\_\_\_\_ 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:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person:

Address:

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>