

NEGATIVE DECLARATION
Determination of Non-Significance

Lead Agency: Erie County Legislature

Date:

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act, or “SEQRA”) of the Environmental Conservation Law.

The County of Erie Legislature (“County”), as lead agency, has reviewed the proposed resolution regarding the Buffalo and Erie County Botanical Gardens Expansion (the “Project” or “Action”) and determined that it will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Buffalo and Erie County Botanical Gardens Expansion

Location of Project Site: 2655 South Park Avenue, Buffalo, NY 14220 (SBL 142.05-1-1.2)

SEQRA Classification: Type I

Description of Action: Erie County, through its legislative body, the Erie County Legislature (“Legislature”) is currently evaluating: (1) a proposed expansion of the facilities and horticultural resources currently managed by the Society including the renovation of approximately 14,500 sq. ft. of existing interior space in a grow range building and the new construction of an approximately 16,500 sq. ft. building addition that will house event spaces, classrooms, an expanded retail gift shop and reception area, and accessible amenities for the County’s residents and visitors; (2) a further amendment to the Management Agreement to authorize construction of the expansion as proposed and to allocate maintenance obligations between the parties upon completion of construction; and (3) the commitment of certain American Rescue Plan Act funds to facilitate the expansion (collectively, the “Project” or “Action”); and

I. Reasons Supporting this Determination:

The County has identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by SEQRA. The County compared the Action with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). The County has completed Parts 2 and 3 of the Full Environmental Assessment Form (“FEAF”), and, as indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Action will not have a significant adverse impact on the environment.

A. Impact on Land

The average depth to water table on Site is +/- 2 ft., average depth to bedrock is +/- 5ft., the entirety of the Site has slopes between 0% to 10%, and there are certain portions of the Site that are poorly drained. The Site is not located in a Coastal Erosion Hazard Area. The Expansion is designed to avoid sloped areas of the Site to minimize erosion or flooding concerns. A SWPPP and erosion control measures will be utilized throughout construction to ensure no significant impacts occur to land.

Construction will occur over the course of approximately 24 months, with the early portions of construction activities during 2025 expected to be generally focused on selective demolition to accommodate the interior renovations as proposed by the Project. This proposed schedule limits any potential for impacts to the surrounding area from lengthy construction activities that might otherwise disturb the South Park environment.

The footprint of the Project's ground disturbance is relatively limited in comparison to the overall Site and disturbance to non-construction areas will be avoided consistent with the Society's mission to grow and preserve plants and the living environment. Construction activities do not include any proposed blasting or other methods that would impact bedrock on Site. The Expansion makes efficient reuse of the existing grow house building to limit ground disturbance and clearing activities for the new building addition footprint are limited in scope and will occur on previously disturbed areas. The Expansion will not require major excavation or removal of material from the Site. Accordingly, the Project will not have a significant adverse impact on land.

B. Impact on Geological Features

The Site contains no unique or unusual land forms (e.g. cliffs, dunes, minerals, fossils, or caves), nor are there any National Natural Landmarks at or around the Site. Accordingly, the Project will not have a significant adverse impact upon geological features.

C. Impact on Surface Water, Groundwater, and Flooding

The Expansion will not impact any state or federal jurisdictional wetlands or buffer areas as there are no mapped wetlands on or in the immediate vicinity of the Project footprint. The Site is not located within a designated floodway or 100-year floodplain.

The Project is not anticipated to have a substantial adverse change in existing groundwater quality or quantity. The Site does not overlay any primary water supply or principal aquifers. The Gardens does not require the use of groundwater as water supply is provided by the City's public water supply. The existing water service to the Site has sufficient capacity to meet Project demand. The Project's landscape plan was designed so that the Project does not create the need for any permanent installation of an irrigation system. And the Project will implement low flow and low flush fixtures to reduce indoor water use by 46% compared to a standard design. The Project also includes the use of submeters to monitor water consumption of specific systems on Site to understand and optimize usage patterns.

The Garden's potable and fire water demands will be supplied by new water service lines from Park Drive, which will be owned and maintained by the Gardens, and which are sufficient to

serve the Project. Though existing domestic water lines servicing the southwest portion of the Site will be in conflict with the proposed Project footprint and therefore must be cut and reconnected as part of the Project, the Society will do so in full coordination with the Buffalo Sewer Authority (“BSA”) and the Society will obtain all required authorizations.

The existing stormwater system on Site utilizes a combination of inlets, storm pipes, swales, roof drains, and sheet flow to convey the Site’s stormwater to the existing lake within South Park. The Buffalo Sewer Authority (“BSA”) oversees the City of Buffalo’s Stormwater Management Plan and acts as the MS4 authority for the City. It is anticipated that the majority of Project related improvements will occur within the westerly portion of the Site that primarily drains northerly to the existing South Park Lake within South Park, which outlets to the west where it ultimately drains into Lake Erie. The Expansion will disturb more than 1-acre of land and as a result the construction activities will be subject to design requirements for stormwater management in accordance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Storm Water Discharges from Construction Activity (Permit No. GP-0-20-001). The Project will be considered a redevelopment project with an increase in impervious coverage (adding approximately 0.7 acre of impervious surface) and is subject to the “Redevelopment Activity” criteria from the technical guidelines of the SPDES General Permit. For a redevelopment project with an increase in impervious coverage, the SPDES program requires that peak stormwater runoff rates do not increase from the pre-development conditions as compared to the post-development conditions. Because the Project will slightly increase the impervious coverage on the Site, a wet pond is proposed to mitigate peak discharge rates leaving the Site in accordance with the technical requirements of the SPDES stormwater program. Runoff discharge from the project site will be routed to through existing 12” and 18” diameter storm drainpipes that discharge northerly into the lake in South Park.

In order to satisfy the SPDES water quality requirements the Project will incorporate Green Infrastructure practices that will consist of a series of bioretention gardens. The stormwater will be treated within the bioretention areas for water quality before being conveyed to the detention system. Areas tributary to the site and parking lot will require pre-treatment prior to entering the bioretention area as required by the technical standards of the SPDES general permit.

The Site is connected to existing BSA sanitary facilities. The existing buildings on Site currently discharge sanitary sewage via a force main discharge line from an onsite pump station into the existing public sewer in South Park Avenue that is owned and maintained by the BSA. The Project proposes discharging new sanitary sewerage from the new building into the pump station. No new connections into the BSA sewer are anticipated. The existing pump station has been determined to have adequate capacity to accommodate the additional flows from the new building. Anticipated new sanitary discharge from the project will be less than 2,500 gallons per day. Therefore, a downstream sewer capacity analysis will not be required for the project.

Based on all of the foregoing information, the Project is not anticipated to result in any significant adverse impacts on surface water, ground water or flooding.

D. Impact on Air

The Project will not result in a substantial adverse change in existing air quality. During construction, dust and exhaust from construction equipment will slightly increase, but such effects will be minor in nature and limited in duration. Accordingly, the Project will not result in any significant adverse impacts to air quality in the vicinity of the Site.

E. Impact on Plants and Animals.

The Site itself is not home to any endangered or rare species of plant or animal that is listed by the federal or State government, nor does the Site contain any habitat for threatened or endangered species. Wildlife on and in the vicinity of the Site is typical of urban areas and will not be significantly affected by the Project.

The Gardens' open-air, living museum maintains a tropical and humid environment in certain areas for the Gardens indoor collections, which include insects, fish and thousands of species of plants. Insects are an important and natural part of the ecosystem, but some can be considered pests. The Society utilizes an Integrated Pest Management (IPM) Program for an effective and sensitive approach to manage the pest population.

The IPM utilizes a series of progressive actions to care for the Botanical Gardens' collection with the least possible hazard to people and the environment and avoids outmoded single solutions such as mass application of pesticides. Instead, the Society's IPM Program relies on regular pest management evaluations and controls to reduce damage from insects and diseases. The Society's on Site IPM Program monitors and identifies pests to determine which types and quantities of pests are present and includes preventative measures such as screening and sanitation methods to reduce pest numbers and protect the plant collections. The IPM Program utilizes natural control methods, such as introducing naturally occurring beneficial parasites/predators and naturally occurring fungi and bacteria, to help control pests without the application of any pesticides. The IPM Program uses alternative chemicals, such as plant extracts, soap, sulfur and horticultural oils, as an effective method to control pest population. Other alternative methods for controlling pests on Site include pheromone traps, boiling water, application of diatomaceous earth, and repellent plants. These IPM Program methods ensure that the Society only uses harsher chemicals for difficult pests in limited areas and ensures that the Expansion will not have a significant adverse effect on plants or animals in the area. The IPM Program also ensures that surface water and groundwater resources will not be impacted by excessive application of pesticides.

F. Impact on Agricultural Resources

The Site is not located within or in proximity to an Agricultural District or agricultural resources, and accordingly the Expansion will have no effect on agricultural resources.

G. Impact on Aesthetic Resources

The Project proposes the use of fiber cement panels with glazed glass panels at key connection points between the building addition and existing structures. Feedback on the Project's appearance from SHPO and public commenters indicated a preference for the use of more transparent/glass materials or more natural materials (e.g. timber or terracotta) on the exterior façade of the proposed addition to be more in keeping with the natural and historic surroundings. However, the use of such materials is not feasible for the Project due to important considerations such as lead times on those materials, construction efficiency and long-term maintenance concerns. The glass paneling currently proposed for the Project exterior façade is the maximum amount feasible for the Project to meet energy efficiency standards (LEED silver certification). Moreover, the use of more transparent materials, or use of timber and terracotta-style materials on the exterior façade would be cost prohibitive and would jeopardize the financial sustainability of the Project. For example, utilizing a terra cotta cladding instead of the fiber cement panels as proposed would result in an additional cost of approximately \$675,000 (triple the cost of the fiber cement panels as proposed). The Expansion as proposed incorporates appropriate building materials and as much glazed glass as is practicable to optimize views into South Park in consideration of energy efficiency goals and construction cost limitations, including more than 1,970 sq. ft. of glazed glass on the building addition's façade.

The Project is intended to promote the Gardens as a world class visitor destination that showcases attractive plant collections and historic architecture on Site. The Project Renderings and Elevations demonstrate that the Project is not in sharp contrast to its surroundings, nor will it detract from the unique aesthetic surroundings, which include the famous Lord & Burnham conservatory building, the Gardens' own outdoor collections, and the South Park vista. The Society has and will continue to work in close consultation with the Buffalo Olmstead Parks Conservancy and the New York State Historic Preservation Office and the Project will be implemented in a manner that does not detract from, but instead enhances, the visual appeal of the Site.

H. Impact on Historic and Archaeological Resources

The Gardens and South Park, along with the entirety of the Olmstead parks and parkways system, including nearby Cazenovia Park, have been listed on the National Register of Historic Places and the New York State Register since 1982. The Site is also in proximity to Our Lady of Victory Roman Catholic Church Historic District. Accordingly, throughout the design and development process the Society has engaged in extensive consultation with SHPO to ensure that the Project will not result in significant adverse impacts on the overall Site and surroundings, with a particular emphasis on preserving the integrity of the Gardens' iconic Lord & Burnham glass conservatory structure.

The Project design was developed in consideration of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings, with special emphasis on the applicable Preservation Standards for the historic conservatory building and the Rehabilitation Standards for the grow range building. Consistent with the Secretary of the Interior's Standards, the Expansion's

addition will be simultaneously compatible with the massing, size, scale, materials and design of the historic buildings on Site, while also appropriately differentiated to allow the essential form and integrity of the historic buildings to remain intact.

To fully preserve the Site's historical character, the principal footprint of the Project's building addition has been intentionally oriented on a portion of the Site that is improved with a service road between the conservatory and growing range building. That portion of the Site has been previously altered from the original Olmstead design, and the location of the building addition there will ensure that the front view of the conservancy is fully protected. The new building addition blends with South Park's natural landscape and is screened from its contributing historic features by existing and proposed landscaping. The Project's planting plan and landscaping details are in keeping with Olmstead's method of using heavily planted borders. The Expansion proposes deciduous and evergreen vegetative plantings to provide useful buffering to screen the addition and associated parking area from South Park and Park Drive.

A Phase 1 Cultural Resources Investigation was conducted during 2012 in connection with a prior Aquatic Ecosystem Restoration Project to South Park Lake. Sub-surface testing in the vicinity of the Lake perimeter demonstrated no archeologically sensitive resources in that nearby project area and SHPO issued a finding of no effect for that initiative. The Expansion's area of disturbance will be limited to the immediate vicinity of the existing building footprints on the Site and the addition will be located on a portion of previously disturbed land that currently features an asphalt driveway and maintained lawn. Accordingly, the Expansion is not anticipated to have any impact on archeological resources.

After extensive consultation and review, SHPO has issued a Letter of No Adverse Effect concerning the Project and has encouraged the Society to engage in ongoing consultation throughout final development and construction of the Project. As described above, throughout the consultation process, SHPO feedback has indicated a preference for the use of more transparent/glass materials or more natural materials, such as timber or terracotta, on the exterior façade of the proposed addition to being more in keeping with the historic conservancy and surroundings. The use of such materials, though, would not be feasible for the Project due to extensive lead times on those materials, construction efficiency and long-term maintenance concerns, financial constraints, and energy efficiency objectives. The Expansion as proposed incorporates appropriate building materials and as much glazed glass as is practicable to optimize views into South Park in consideration of energy efficiency goals and construction cost limitations, including more than 1,970 sq. ft. of glazed glass on the building addition's façade. The Project Renderings and Project Elevations show that the proposed materials, height, and scale are complementary to the existing buildings and surroundings and maintain the iconic front view of the conservatory. Accordingly, the Society will continue to coordinate with SHPO throughout Project construction to ensure that the Project is complementary to the historic conservancy and will not significantly adversely impact historic or archeological resources.

I. Impact on Open Space and Recreation

The Expansion will enhance recreational opportunities by improving access to the Gardens' world class collections and expanding the Garden's capacity to offer educational programming

and special event spaces to serve the County's residents and grow the connection between people and plants. Based on extensive consultation among the Society, City, Buffalo Olmstead Parks Conservancy, and the County, the Expansion's new features avoid any encroachment on the easement area within South Park. The Buffalo Olmstead Parks Conservancy has issued a letter of support for the Project. Accordingly, the Expansion does not have the potential for a significant adverse effect on open space and recreation, and in fact, will enhance those opportunities for the County's residents and visitors.

J. Impact on Critical Environmental Areas

There are no Critical Environmental Areas as described in subdivision 6 NYCRR 617.14(g) on the Site or in proximity to the Site. Accordingly, the Project will not have any significant adverse impacts upon Critical Environmental Areas.

K. Impact on Transportation

The Expansion proposes an additional 53 parking spaces for increased capacity for special event spaces on Site and proposes a new two-way traffic flow with additional pedestrian and bicycle amenities along Park Drive to connect the principle front entrance to the Gardens with the new parking area at the southwest portion of the Site. Considering the potential for additional traffic to the Site and the proposed changes to traffic directionality, the Society retained Passero Associates to prepare a Traffic Study in May 2024 ("Traffic Study") to evaluate the potential for any impacts to transportation resources. The Traffic Study established that the Project is expected to generate approximately 10 entering and 16 exiting vehicle trips during the weekday PM peak hour (between 4:15pm to 5:15pm), and to generate approximately 53 entering and 28 exiting vehicle trips during the Saturday peak mid-day hour (between 1pm-2pm). The Project's traffic volumes will be well within the existing capacity limits of the surrounding roadway system and only minor impacts are anticipated to the traffic environment in the area. See Exhibit F, p. 11. The Traffic Study recommends the conversion of a portion of Park Road to a two-way traffic flow, indicates that pedestrian and bicycle traffic should be prioritized, and further recommends improvements to the roundabout signage and pavement markings at the intersection of Park Drive and South Park Avenue. The Society and Erie County are currently working with the City DPW to achieve those priorities throughout implementation of the Expansion to ensure there are no significant impacts to transportation. Accordingly, the Project is not expected to result in any significant adverse impacts to transportation.

L. Impact on Energy

The Expansion's energy demand is expected to increase slightly to approximately 500kVA at 480V, which is well within the capacity of the existing service to the Site. The Expansion does not require any new or upgraded substation, nor will it create or extend transmission/supply systems, and the limited 16,500 sq. ft. footprint of the building addition will not significantly increase the extent of the interior area that requires heating/cooling. The building addition is partially embedded into the ground and utilizes compact massing strategies to reduce unwanted heat loss or gain through exterior walls. The Project uses high performance glass glazing techniques and increased continuous insulation to reduce unwanted heat loss or gain through

exterior walls and roofing. An Air Source Heat Pump system eliminates on site fossil fuel combustion for heating and the use of Energy Recovery Ventilators will reduce stress on the heating and cooling systems. The Project will use submeters to monitor energy consumption of specific systems to understand and optimize energy usage patterns. The rooftop of the proposed addition is designed to accommodate solar panels for potential future use, and the parking areas on Site will be equipped with infrastructure for electric vehicle charging. Altogether the Project engineers estimate that the foregoing sustainability features will result in approximately a 27% energy use reduction compared to a standard structure.

Accordingly, the Project does not have the potential for significant adverse impacts on energy resources.

M. Impact on Noise, Odor and Light

The Society's operation of the Gardens and implementation of the Expansion does not involve the types of activities that generate nuisance odors. The Expansion will introduce limited new lighting to the Site in connection with the building addition and new parking area at the southwest of the Site. The potential for light traveling off Site, however, is effectively mitigated by the extensive plantings that will surround the parking area and addition. The Expansion is not anticipated to have a substantial adverse change on existing noise levels at or around the Site. Construction activities will result in temporary noise impacts from construction equipment and trucks coming to and from the Site, but such activity will be limited to normal business hours and will be of temporary duration during the construction period only. Upon completion of the Expansion there will be minor impacts to the noise environment from special events and outdoor activities (e.g. wedding terrace and outdoor classroom experiences). However, the sophisticated nature of special events on Site, which include security provided by the Society to ensure orderly conduct, and the educational focus of other outdoor spaces ensures the Expansion will not contribute any nuisance noise to the area. Moreover, the robust plantings proposed by the Expansion will offer effective natural buffering to limit any noise impacts to South Park or Park Drive. Accordingly, the Expansion does not have the potential for significant adverse impacts from noise, odor, or light.

N. Impact on Human Health

The Expansion will facilitate the continued operation of the Gardens, which is not the kind of activity that is typically associated with any hazards to human health. As described above, the Society implements an IPM Program to preserve the Gardens' plant collection with minimal application of pesticides to ensure that the Expansion and continued operation of the Gardens has no tendency to negatively impact the health of visitors or workers at the Site. Accordingly, the Project will not have any significant adverse impact to human health.

O. Consistency with Community Plans & Character

The City's Comprehensive Plan, Queen City in the 21st Century, and the Erie County Parks Master Plan both expressly address the Gardens as a special purpose park that serves as a unique regional asset to maintain Olmstead's visionary principles for thoughtfully designed outdoor

spaces that promote passive and active recreation in a natural environment. In consultation with Buffalo Olmstead Parks Conservancy, the Expansion has been carefully designed to ensure the Project will not encroach on parkland. Implementation of the Expansion will ensure that the Gardens can continue to thrive and contribute to the vibrant community character in and around South Park.

The Site is within the City's limits and if the Gardens were not a facility open to the public, maintained for the public benefit, and owned by the County, the Site would typically be subject to the land use regulations in the Buffalo Green Code. Based on the County ownership of the Site, the public use of the Gardens, and the public benefit to be served by the Expansion, the Site is not regulated by the City's Green Code for purposes of the Expansion because government entities such as the County, are immune from local zoning controls when developing a public facility and the balance of public interests weighs in favor of such immunity. The Expansion is nevertheless consistent with the Buffalo Green Code's relevant regulations at Sections 4.9; 6.1; and 11.3. The Site is in a D-OG Green Zone, which is an area intended for civic greens and parks and cultural facilities with ancillary assembly, retail, and restaurant uses. The Expansion does not propose a significant change in density or uses at the Site, nor will it create an additional demand for community or emergency services. The Expansion is designed to enrich the community character by helping to sustain the historical Site and assets and provides enhanced opportunities for recreational enjoyment and educational programming that benefits the community. Accordingly, the Project is consistent with and will not have any significant adverse impacts to community plans or character.

II. Conclusion

A number of temporary and/or minor environmental impacts have been identified in connection with the Action. However, a thorough analysis of these potential impacts reveals that where necessary, such impacts have been mitigated to the greatest extent possible by the design of the Project and that none of these impacts will be significant. Accordingly, the issuance of a negative declaration for the Project is appropriate.

For Further Information:

Contact Person: Mark Rountree, Department of Environment and Planning

Address: Erie County Department of Environment and Planning
95 Franklin Street, 10th Floor
Buffalo, New York 14202

Telephone Number: (716) 858-8008

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: Buffalo and Erie County Botanical Gardens - Proposed Expansion Project		
Project Location (describe, and attach a general location map): 2655 South Park Avenue, Buffalo, New York 14218-1526 ("Site")		
Brief Description of Proposed Action (include purpose or need): Due to being at capacity for educational, event, exhibition, admissions and retail space, combined with the need to provide better accessibility for the public, the Buffalo and Erie County Botanical Gardens in partnership with Erie County (Site Owner) embarked on a master planning process. After thoughtful consideration, the master plan has resulted in a project proposal to renovate 14,495 SF +/- of existing space in the 1960 growing range building (including 2 greenhouses) and construct a building addition to add 16,500SF +/- of new space (expanded event spaces, classrooms, gift shop and reception area) adjacent to the growing range building and connecting to the historic conservatory through existing exhibit spaces. The current spaces within the historic conservatory that are used for admissions, retail and events will be converted to exhibition spaces for the living museum. A 52 space parking lot is planned to support these new amenities. In addition, a new 6" DIP waterline for domestic water and a new 8" DIP waterline for fire water are planned, both to be connected through a backflow preventer and meter to the existing 12" City of Buffalo waterline on South Park. Please see attached correspondence from the Society for a full project description.		
Name of Applicant/Sponsor: Buffalo and Erie County Botanical Gardens Society, Inc		Telephone: 716-316-9292
		E-Mail: EGrajek@buffalogardens.com
Address: 2655 South Park Ave		
City/PO: Buffalo	State: NY	Zip Code: 14218-1526
Project Contact (if not same as sponsor; give name and title/role): Erin Grajek, Interim President/CEO		Telephone: 716-36-9292
		E-Mail: EGrajek@buffalogardens.com
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Erie County		Telephone: (716) 858-4954
		E-Mail: William.Geary@erie.gov
Address: 95 Franklin St. - 14th floor		
City/PO: Buffalo	State: NY	Zip Code: 14202

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 Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	CoB DPW approval of two way roadway design, Buffalo Sewer Authority- Street Cut & Connections	2024
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	EC Legislature - Funding & NEPA review as RE GML 239-m, Amend Asset Mgmt Agreement	2024
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC-SWPPP, ESD-Funding, NYSDOS-Bldg& SHPO-Historic Preservation, Fire Code Variance	DASNY-SAM grant and Coastal Consistency 2024
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	HUD - Funding	
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): NYS Heritage Areas: West Erie Canal Corridor	

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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?
 D-OG and Waterfront Overlay. This is an expansion of an existing facility on Erie County-owned land, and thus is not subject to local (City of Buffalo) zoning _____

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? Buffalo Public Schools

b. What police or other public protection forces serve the project site?
City of Buffalo (District A)

c. Which fire protection and emergency medical services serve the project site?
City of Buffalo

d. What parks serve the project site?
City of Buffalo Park (South Park), Olmsted Park System

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)? Recreational/institutional

b. a. Total acreage of the site of the proposed action? _____ 11.58 acres
 b. Total acreage to be physically disturbed? _____ 3.7 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 11.58 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)? % 20% Units: 16,500 sq. ft.

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 _____ 2
 • Anticipated commencement date of phase 1 (including demolition) _____ 2 month 2025 year
 • Anticipated completion date of final phase _____ 12 month 2026 year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____
 Selective demolition and site work to accommodate the renovation and addition is anticipated to begin in or around February 2025, and final construction of building addition to be completed in or around December 2026.

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 _____ 1

ii. Dimensions (in feet) of largest proposed structure: _____ 32 height; _____ 115 width; and _____ 138 length

iii. Approximate extent of building space to be heated or cooled: _____ 16,500 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: _____ 600+/- 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: Water to be obtained from Buffalo Water (City Water Dept)
- 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: _____ 500+/- 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): _____
 Sanitary wastewater

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

- Name of wastewater treatment plant to be used: City of Buffalo Treatment Plant
- Name of district: City of Buffalo
- 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 0.7 acres (impervious surface)
 _____ Square feet or 11.58 acres (parcel size)
- ii. Describe types of new point sources. Roof top gutters and downspouts, swales, curbs, stormwater conveyance piping.
- 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)?
Prior to discharging into the existing lake within South Park, stormwater runoff will be directed to onsite practices and vegetated swales in accordance with the technical standards of the SPDES General Permit for Stormwater Discharges from Construction Activity; GP-0-20-001

- If to surface waters, identify receiving water bodies or wetlands: _____
The existing lake in South Park discharges into an existing tributary along the CSX rail tracks before entering Lake Erie.
- 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 (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (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 63 Proposed 116 +/- Net increase/decrease +53+/-

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: South side of Park Road is changing from one-way to two-way to allow access to new parking lot

vi. Are public/private transportation service(s) or facilities available within ½ 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: _____
 Estimated services will be 500kVA at 480V, approx. 600A of connected load. To be confirmed through final design

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
 Grid/local utility and the Society will pursue development of on site renewable sources pending grant funding

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.

i. During Construction:

- Monday - Friday: 7 am - 3:30 pm
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: 7:00am-11:00pm
- Saturday: 7:00am-11:00pm
- Sunday: 7:00am-11:00pm
- Holidays: 7:00am-11:00pm

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:
 Temporary, during construction only _____

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:
 Parking lot lighting and building lighting _____

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: _____

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: _____

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):
 Limited application of pesticides as necessary to maintain living plant collections pursuant to the Society's Integrated Pest Management Plan that utilizes alternative non-chemical methods of pest control to the maximum extent practicable. The IPM uses natural methods to control pests such as introduction of beneficial parasites/predator species, naturally occurring fungi/bacteria, plant extracts, soap, sulfur and horticultural oils, pheromone traps, boiling water and diatomaceous earth as alternatives to pesticides. _____

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): Park/Recreation/Museum

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	3.5	4.2	+0.7
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	8.1	7.4	-0.7
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0.04	+0.04
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
 i. If Yes: explain: Adjacent to the City of Buffalo's South Park and Site provides public access to Botanical Gardens

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:
 OLV Charities Father Bakers, mercy Nursing Facility at OLV, OLV Human Services

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: _____
 iii. Describe any development constraints due to the prior solid waste activities: _____

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: _____

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: _____
 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): 915047
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
 Remediation of the site is complete. See attachment.

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: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 5+ 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:

Niagara silt loam (Nh)	_____	50 %
Niagara silt loam (NfA)	_____	28+ %
Collamer silt loam (ClB)	_____	7+ %

d. What is the average depth to the water table on the project site? Average: _____ 2+/- feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ 20 % of site
 Poorly Drained _____ 80 % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 100 % 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 Lake at South Park Classification L1UBHx
- Wetlands: Name State Regulated Wetland West of Botanical Gardens Approximate Size 61.2 acres
- Wetland No. (if regulated by DEC) ID: BU-1, Class: 1

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: _____

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/A _____

n. Does the project site contain a designated significant natural community? Yes No
 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:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

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? Yes No
 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? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

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? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 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? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community 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? Yes No
 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? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: Eligible property: Commercial Building, Our Lady of Victory Roman Catholic Church Historic District, Cazenovia Park-So...

iii. Brief description of attributes on which listing is based:
Refer to attached narrative.

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? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. 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? Yes No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. 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? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

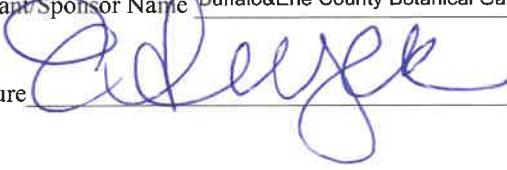
Attach any additional information which may be needed to clarify your project.

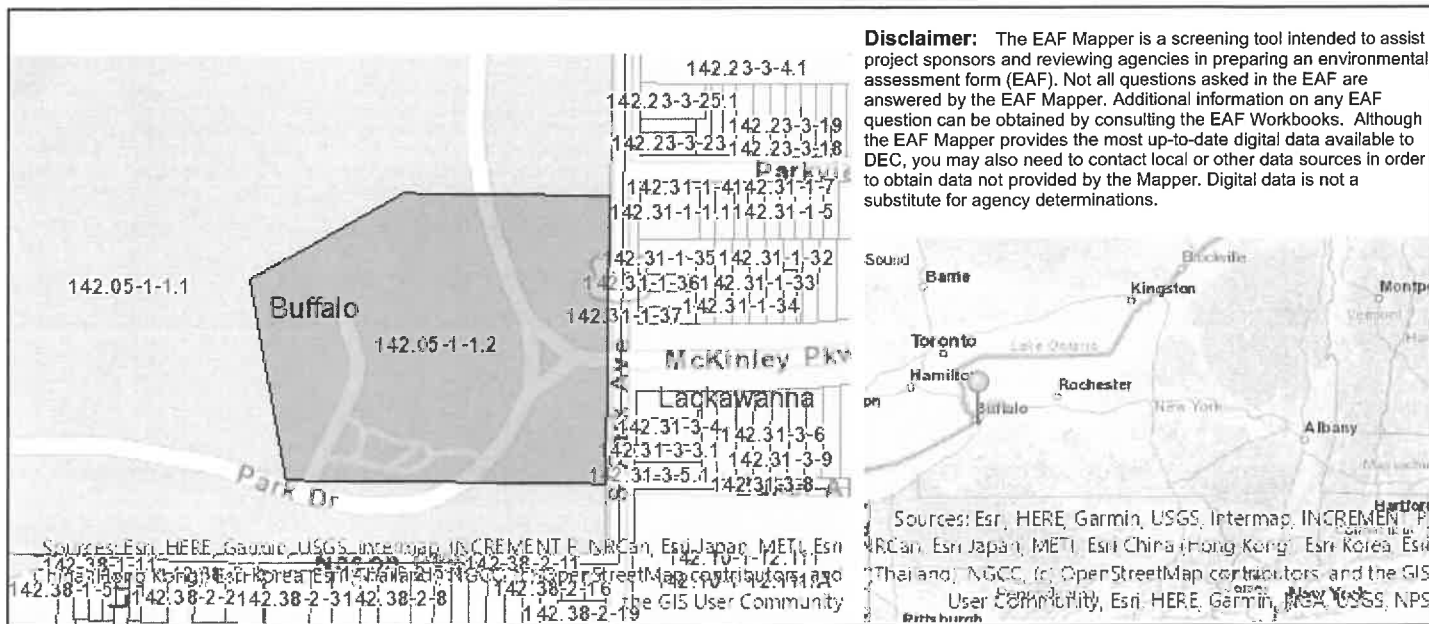
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name Buffalo&Erie County Botanical Gardens Society Date 9/27/2024

Signature  Title Interim President/CEO



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	915047
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No

E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property: Commercial Building, Our Lady of Victory Roman Catholic Church Historic District, Cazenovia Park-South Park System
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



Environmental Site Remediation Database Search Details

Site Record

Document Repository

Site-related documents are available for review through the DECInfo Locator on line at DECInfoLocator

Administrative Information

Site Name: Republic Steel (LTV) (Marilla St. LF)
Site Code: 915047
Program: State Superfund Program
Classification: 04
EPA ID Number:

Location

DEC Region: 9
Address: Marilla Street and Hopkins Street
City: Buffalo **Zip:** 14220
County: Erie
Latitude: 42.83545689
Longitude: -78.83385856
Site Type: LANDFILL
Estimated Size: 108 Acres

Institutional And Engineering Controls

Control Type:
Decision Document

Control Elements:
Monitoring Plan
Cover System

Site Owner(s) and Operator(s)

Current Owner Name: Buffalo Real, Inc.
Current Owner(s) Address: 5946 Old Lake Shore Road
Lake View, NY, 14085
Owner(s) during disposal: LTV STEEL CORPORATION

Hazardous Waste Disposal Period

From: early 1900 **To:** 1981

Site Description

Location: The Republic Steel (LTV)(Marilla St. LF) site is an approximately 108-acre site located in an industrial area at Marilla and Hopkins Streets in the City of Buffalo, Erie County. The site is bordered on the north, east and west by railroad tracks and by South Park to the south. The site is within half a mile of Lake Erie. **Site Features:** The site consists of an 80-acre landfill, three ponds, and two ditches. Approximately 30 acres of the site is open water and wetland. **Current Zoning and Land Use:** The site is zoned for General Industrial use. The area directly southeast of the site is zoned as a Dwelling District and the area due west of the site is zoned Heavy Industrial. **Past Use of the Site:** Republic Steel used the site for disposal of slag, blast furnace dust, basic oxygen furnace dust, clarifier sludge, precipitator dust, railroad ties, construction debris and waste oils and acids from 1930 until 1981. **Site Geology and Hydrogeology:** The site geology in the landfill area consists of waste/fill ranging from approximately 3 to 49 feet in thickness, followed by glaciolacustrine, glacial till and bedrock. The bedrock varies approximately from 14 to 60 feet below ground surface (bgs) and consists of a sequence of shale and limestones. In general, shallow groundwater flows towards nearby surface water bodies. The ditch on the north flows into the north ponds. A ditch on the west side of the landfill connects the south and north ponds.

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type
PICKLE LIQUOR (K062 WASTE)
pickle liquor

Site Environmental Assessment

Remediation at the site is complete. Prior to remediation the primary contaminants of concern were metals, including lead and mercury, trichloroethene, phenols, ketones, and polycyclic aromatic hydrocarbons (PAHs) in soil, groundwater, and sediment. Remedial activities have successfully achieved soil cleanup objectives for a closed landfill. Residual contamination in soil, groundwater, and sediment is being managed under a Site Management Plan.

Site Health Assessment

Access to the site is restricted, and the landfill is properly capped; therefore, people are not likely to contact contaminated soils. Measures are in place to prevent contact with the underlying contamination. People are not drinking the contaminated groundwater because the area is served by a public water supply that is not contaminated by the site.

For more Information: E-mail Us

Refine This Search

Federally Managed Wetlands



September 10, 2024

Wetlands

- | | | | | | |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Wetland |  | Freshwater Forested/Shrub Wetland |  | Other |
|  | |  | Freshwater Pond |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

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.

1. Impact on Land			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<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"/>

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<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"/>

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<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"/>
----------------------------------	--	--------------------------	--------------------------

4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input type="checkbox"/> NO <input type="checkbox"/> YES (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>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<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"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<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"/>
----------------------------------	--	--------------------------	--------------------------

6. Impacts on Air			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <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 ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) 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"/>

7. Impact on Plants and Animals			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <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"/>

8. Impact on Agricultural Resources			
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"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</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. 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"/>		

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</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 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"/>

11. Impact on Open Space and Recreation			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</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 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"/>

12. Impact on Critical Environmental Areas			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</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 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"/>

13. Impact on Transportation 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>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<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"/>

14. Impact on Energy 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>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<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: _____ _____			

15. Impact on Noise, Odor, and Light 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>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<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"/>

16. Impact on Human Health			
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <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: _____ _____			

17. Consistency with Community Plans			
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"/>

18. Consistency with Community Character			
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

SEQRA review materials are available at

<https://www3.erie.gov/environment/press/buffalo-and-erie-county-botanical-gardens-expansion-environmental-review>

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Erie County Legislature _____ 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)).

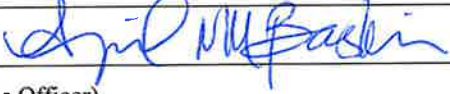
C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration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

Name of Action: Buffalo and Erie County Botanical Gardens Expansion

Name of Lead Agency: Erie County Legislature

Name of Responsible Officer in Lead Agency: Hon. April Baskin

Title of Responsible Officer: Chair of the Legislature

Signature of Responsible Officer in Lead Agency: 

Date: 12-19-24

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Mark Rountree

Address: 95 Franklin Street, 10th Floor, Buffalo, NY 14202

Telephone Number: (716) 858-8808

E-mail: Mark.Rountree@erie.gov

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

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

BUFFALO, N.Y., November 21, 2024

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, that at the *20th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the 21st day of November, 2024 A.D., a Resolution was adopted, of which the following is a true copy:*

WHEREAS, the Buffalo and Erie County Botanical Gardens (hereafter “Botanical Gardens” or “Gardens”) designed by Lord and Burnham opened in 1900, as one of the largest botanical gardens in the world; and

WHEREAS, the Botanical Gardens is listed on the National Register of Historic Places; and

WHEREAS, the Botanical Gardens annually attracts thousands of visitors to Buffalo and Erie County and is a significant Western New York tourism asset and destination; and

WHEREAS, due to increased attendance, demand for educational offerings, need for additional event space and need to improve accessibility, Erie County and the Botanical Gardens Society desire to renovate and expand the Gardens to address the needs; and

WHEREAS, Erie County desires to advance the Botanical Gardens Expansion Project; and

WHEREAS, the County of Erie (“County”) is the owner of that certain Botanical Gardens site at 2655 South Park Avenue (SBL 142.05-1-1.2) (the “Gardens” or “Site”), and the Gardens are managed by the Erie County Botanical Gardens Society (the “Society”) pursuant to an Asset Transfer and Management Agreement, dated August 16, 2004, entered into by and between the County and Society (the “Management Agreement”), as amended by an Amendment of Asset Transfer and Management Agreement, dated June 18, 2008, which incorporated into the Management Agreement certain portions of South Park that are immediately adjacent to the Site and which are subject to a Cultural and Recreational Easement, dated May 2, 2008, as granted by the City of Buffalo (“City”) to the County; and

WHEREAS, the County, through its legislative body, the Erie County Legislature (“Legislature”) is currently evaluating: (1) a proposed expansion of the facilities and horticultural resources currently managed by the Society including the renovation of approximately 14,500 sq. ft. of existing interior space in a grow range building and the new construction of an approximately 16,500 sq. ft. building addition that will house event spaces, classrooms, an expanded retail gift shop and reception area, and accessible amenities for the County’s residents and visitors; (2) a further amendment to the Management Agreement to authorize construction of the expansion as proposed and to allocate maintenance obligations between the parties upon completion of construction; and (3) the commitment of certain American Rescue Plan Act Revenue Loss funds to facilitate the expansion (collectively, the “Expansion” or “Project” or “Action”); and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations adopted pursuant thereto by the New York State Department of Environmental Conservation (“NYSDEC”), being 6 NYCRR Part 617, et. seq., as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), the County must satisfy the requirements contained in SEQRA prior to making a final determination whether to fund or otherwise undertake the Project; and

WHEREAS, on September 27, 2024, the Legislature transmitted to all potentially Interested and Involved Agencies (as those terms are defined pursuant to SEQRA) a notice of the Legislature’s intent to act as Lead Agency for the review of the Project (together with a completed Part 1 of the Full Environmental Assessment Form), as that term is defined pursuant to SEQRA; and

ATTEST



OLIVIA M. OWENS

Clerk of the Legislature of Erie County

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

BUFFALO, N.Y., November 21, 2024

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, that at the *20th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the 21st day of November, 2024 A.D., a Resolution was adopted, of which the following is a true copy:*

WHEREAS, on October 23, 2024, a public information session was held to garner public input on the Project and the scope of the SEQRA review of the Project, with public comments accepted following the public information session both in person and via the County's website comment page; and

WHEREAS, no other potentially Involved Agencies objected to the Legislature's declaration of its notice of intent to serve as Lead Agency, such that the Legislature became the Lead Agency as of October 27, 2024; and

WHEREAS, to aid the Legislature in determining whether the Project may have a significant adverse impact upon the environment, the Legislature has completed, received, or reviewed:

- 1) A Full Environmental Assessment Form, Part 1 ("FEAF");
- 2) Coastal Assessment Form;
- 3) Project Narrative, Dated September 27, 2024, as prepared by the Society;
- 4) Project Plans;
- 5) Preliminary Stormwater Pollution Prevention Plan ("SWPPP");
- 6) Traffic Impact Study;
- 7) Project Renderings and Elevations;
- 8) Phase 1 Cultural Resource Investigation, January 2012
- 9) Project Materials as Filed with the State Historic Preservation Office for Consultation;
- 10) Letter of No Adverse Effect;
- 11) Lead Agency Notice;
- 12) Buffalo Olmstead Parks Conservancy Letter of Support;
- 13) Public Comments and Society Responses thereto; and
- 14) other relevant environmental information (collectively, 1-13, together with all analysis and supporting documentation referenced therein or relied upon thereby, are incorporated by reference herein in their entirety and shall be referred to as the "Environmental Information");

and

WHEREAS, prior to making a determination about the potential environmental significance of the Project, the Legislature has completed Parts 2 and 3 of the FEAF, has reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA regulations; and

WHEREAS, the Legislature has duly considered the Action, the full Environmental Assessment Form Parts I-III, the criteria for determining significance set forth in 6 NYCRR Part 617.7(c), and such other information deemed appropriate; and

WHEREAS, the Site is within the New York State Coastal Area Boundary and the City of Buffalo Local Waterfront Revitalization Area boundary, and the Legislature has therefore carefully reviewed the State's coastal policies at 19 NYCRR Part 600 and the City of Buffalo Local Waterfront Revitalization

ATTEST



OLIVIA M. OWENS

Clerk of the Legislature of Erie County

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

BUFFALO, N.Y., November 21, 2024

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, that at the *20th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the 21st day of November, 2024 A.D., a Resolution was adopted, of which the following is a true copy:*

Program priorities and finds that the Expansion is consistent with those policies and will promote beneficial impacts to the social, cultural and environmental resources of the waterfront area; and

WHEREAS, the Legislature has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasonable elaboration of the basis for its determination; and

WHEREAS, authorizations from the County Legislature are needed to advance the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature formally declares itself Lead Agency and accepts all responsibilities associated with same; and be it further

RESOLVED, that the Project is a Type I Action pursuant to SEQRA and its implementing regulations at 6 NYCRR 617.4(b)(9) and (10), as it involves the disturbance of approximately 3.7 acres at the site, which is on or substantially contiguous to a listed resource on the National or State Register of Historic Places, and is substantially contiguous to publicly owned and operated parkland; and be it further

RESOLVED, that based upon a thorough review and examination of the known facts relating to the Action and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings, including the Environmental Information, relating to the Action, the Legislature finds that the Action will not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement need not be prepared; and be it further

RESOLVED, that the attached Negative Declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the determination of non-significance; and be it further

RESOLVED that Erie County authorizes the construction of the improvements at the County-owned Botanical Gardens parcels Botanical Gardens site at 2655 South Park Avenue (SBL 142.05-1-1.2) as more fully described in the attached Environmental Assessment Form dated 9/27/2024, which may be amended prior to SEQR completion and further consultation with New York State Department of Parks, Recreation and Historic Places, subject to compliance with all federal, state and local applicable laws and regulations, and after amendment of the County and Erie County Botanical Gardens Society Inc. Asset Management Agreement; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into all necessary agreements with Buffalo and Erie County Botanical Gardens Society Inc. to implement the expansion project including but not limited to the transfer of \$4,902,810.16 in funding and the updating of the Asset Management agreement; and be it further

RESOLVED, that the source of the funding shall be in A.21164 (\$4,870,628.16) and A.18002 (\$32,182.00); and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with private, State and local funding requirements; and be it further

ATTEST



OLIVIA M. OWENS

Clerk of the Legislature of Erie County

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N.Y., November 21, 2024

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, that at the *20th* Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the *21st* day of *November, 2024 A.D.*, a Resolution was adopted, of which the following is a true copy:

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Environment and Planning, Mark Rountree, Department of Environment and Planning, the Commissioner of the Department of Public Works and the Commissioner of Department of Parks, Recreation and Forestry.

REFERENCE: **COMM. 20E-5 (2024)**

ATTEST

A handwritten signature in black ink, appearing to read "Olivia M. Owens", written in a cursive style.

OLIVIA M. OWENS
Clerk of the Legislature of Erie County