

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

Amended - September 30, 2015

**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 project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: West Herr Vehicle Storage Lot		
Project Location (describe, and attach a general location map): 591 Olean Road, Town of Aurora, Erie County		
Brief Description of Proposed Action (include purpose or need): The Project Sponsor is seeking all required approvals and permits for the construction of a proposed 365 vehicle automotive storage lot and related site improvements for property located at 591 Olean Road ("Project Site"). The vehicle storage lot will be utilized for the staging of new vehicle inventory and some lease-returns supporting West Herr's automotive dealerships. The proposed project is a Type I action pursuant to the State Environmental Quality Review Act the implementing regulations promulgated by NYS Department of Environmental Conservation (collectively "SEQRA") due to the reduced threshold that applies based on the Project Site being contiguous to parkland owned by the Town of Aurora. The reduced threshold that applies is parking for more than 250 vehicles per 6 NYCRR Part 617.4(b)(6) and 617.4(b)(11). The proposed project ("action") has been defined broadly to include all required approvals and permits and all proposed site improvements as depicted on the fully engineered plans prepared by Nussbaumer & Clarke, Inc.		
Name of Applicant/Sponsor: West Herr Automotive Group c/o John Wabick	Telephone: 716-927-7077	E-Mail: jwabick@westherr.com
Address: 3552 Southwestern Blvd		
City/PO: Orchard Park	State: NY	Zip Code: 14127
Project Contact (if not same as sponsor; give name and title/role): Sean W. Hopkins, Esq., Attorney for Project Sponsor	Telephone: 716-510-4338	E-Mail: shopkins@hsr-legal.com
Address: 5500 Main Street, Suite 343		
City/PO: Williamsville	State: NY	Zip Code: 14221
Property Owner (if not same as sponsor): Carl J Di Pietro	Telephone:	E-Mail:
Address: 1380 Underhill Rd		
City/PO: East Aurora	State: NY	Zip Code: 14052

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan Approval - Town of Aurora Town Board	May 2015
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ZBA - Approval of storage yard and area variance from requirement of 6 ft. enclosure of storage yard	April 2015
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DOT - Highway Work Permit; NYSDEC - Stormwater Discharge Permit	May 2015 May 2015
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" 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**

<b>C.1. Planning and zoning actions.</b>	
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"> <li>If Yes, complete sections C, F and G.</li> <li>If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
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 type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): The Project Site is identified on the 2010 Town of Aurora Open Space Plan.	

**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?  
B2

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? East Aurora

b. What police or other public protection forces serve the project site?  
East Aurora, Erie County Sheriff, NYS Police

c. Which fire protection and emergency medical services serve the project site?  
East Aurora

d. What parks serve the project site?  
The Project Site is contiguous to Majors Park, which is parkland owned by the Town of Aurora.

**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)? The proposed action is a commercial use of the Project Site.

b. a. Total acreage of the site of the proposed action? 25.8 acres  
 b. Total acreage to be physically disturbed? 7.9 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 25.8 acres

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

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: 2-3 months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

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

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

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes, [Note: No Buildings are proposed as part of action]

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

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

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

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

If Yes,

i. Purpose of the impoundment: Storm water detention per applicable NYSDEC stormwater quality and quantity standards.

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: Runoff from the Project Site in its developed condition.

iii. If other than water, identify the type of impounded/contained liquids and their source.  
n/a

iv. Approximate size of the proposed impoundment. Volume: TBD million gallons; surface area: 0.2 acres

v. Dimensions of the proposed dam or impounding structure: 2 height; 800 length

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

**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? Floodplain enlargement / mitigation

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

- Volume (specify tons or cubic yards): <10,000 cubic yards
- Over what duration of time? Approximately 2 months

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.  
Structurally unsuitable soil will be removed and deposited at an approved fill-site.

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? \_\_\_\_\_ 4 acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ 4 acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ 3 feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan:  
The purpose of the excavation is to mitigate for the volume of fill in the floodplain that is displaced by the construction of the vehicle storage area.

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  
 [See correspondence from Scott J. Livingstone of Earth Dimensions, Inc. provided at Attachment "2"]

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 proposed action cause or result in disturbance to bottom sediments?  Yes  No

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

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

If Yes:

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

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

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

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

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

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

If Yes:

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

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

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

If Yes:

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

• Do existing sewer lines serve the project site?  Yes  No  
 • Will 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 2.1 acres (impervious surface)  
 \_\_\_\_\_ Square feet or 25.8 acres (parcel size)  
 ii. Describe types of new point sources. Attenuated storm water runoff via pipe control.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 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)?  
Overland flow to storm detention facility to Cazenovia Creek  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
Cazenovia Creek  
 \_\_\_\_\_  
 • Will stormwater runoff flow to adjacent properties?  Yes  No

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

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

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

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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): \_\_\_\_\_

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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 8 am to 7 pm.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: 1

iii. Parking spaces: Existing 0 Proposed 365 Net increase/decrease 365

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:  
N/A

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vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

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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: \_\_\_\_\_  
Minor additional demand for the purpose of site-lighting.

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
Local utility company

iii. Will the proposed action require a new, or an upgrade to, an existing substation?  Yes  No

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

i. During Construction:		ii. During Operations:	
• Monday - Friday:	<u>7 am - 5 pm</u>	• Monday - Friday:	<u>7:30 am - 9 pm</u>
• Saturday:	<u>7 am - 5 pm</u>	• Saturday:	<u>7:30 am - 5 pm</u>
• Sunday:	<u>n/a</u>	• Sunday:	<u>n/a</u>
• Holidays:	<u>7 am - 7 pm</u>	• Holidays:	<u>7:30 am - 5 pm (TBD)</u>

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration:

\_\_\_\_\_

\_\_\_\_\_

ii. Will 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:

Vehicle storage lighting will be spaced within the lot to provide sufficient security of vehicles. A Lighting Plan has been provided with the fully engineered plans prepared by Nussbaumer & Clarke, Inc.

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 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):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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t. Will 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): Town parkland

ii. If mix of uses, generally describe: \_\_\_\_\_

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b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	2	3.8	+3.6
• Forested	12	12	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	11	7.4	-3.6
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.5	0.5	0
• Wetlands (freshwater or tidal)	4.2	4.2	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Parkland</u>	0	15.8	+15.8

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

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: \_\_\_\_\_

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): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_

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

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

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

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ > 6 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: Middlebury Sily Loam \_\_\_\_\_ 96 %  
 [Source: NRCS/USDA Soil Survey] \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: 1.5-2 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained: 100 % 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? [Note: The project will not result in any filling of wetlands]  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 837-144, 837-148 Classification B
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size 4ac
- Wetland No. (if regulated by DEC) \_\_\_\_\_

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

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

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

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

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

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 typical species such as deer, rabbits, etc \_\_\_\_\_  
 \_\_\_\_\_

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

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

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? 15 acres  
 ii. Source(s) of soil rating(s): Based upon Town soil assessment map

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, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input checked="" type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: <u>NYSM 7907 Native American Site</u>	
iii. Brief description of attributes on which listing is based: <u>The site is located across the street from the subject parcel.</u>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
i. Describe possible resource(s): <u>Chert</u>	
ii. Basis for identification: <u>Phase 1 Investigation</u>	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Identify resource: <u>Town owned parkland on property contiguous to western boundary of the Project Site</u>	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Town of Aurora parkland</u>	
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

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

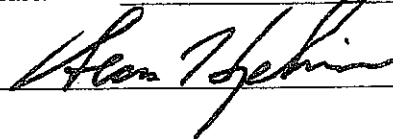
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

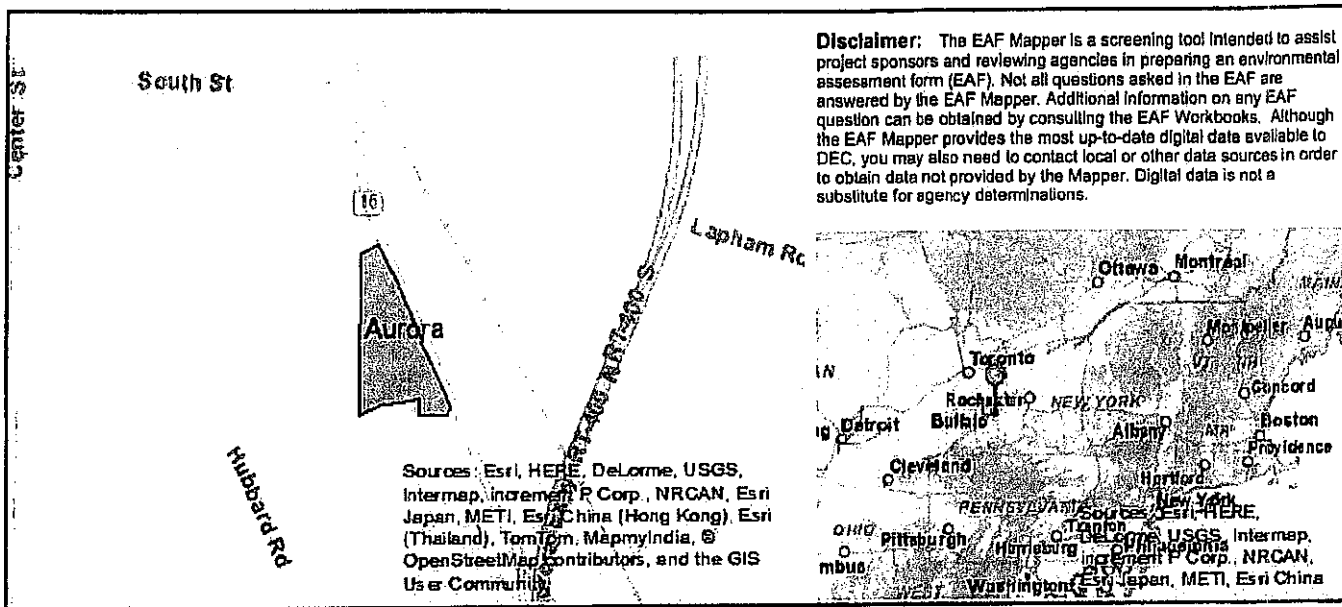
See Attachment "1" of this Amended Part 1 of the Full EAF prepared to provide additional information regarding potential adverse environmental impacts.

**G. Verification**

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

Applicant/Sponsor Name West Herr Automotive Group Date September 30, 2015

Signature  Title Attorney for Applicant/Project Sponsor



B.1.i [Coastal or Waterfront Area]	No
B.1.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.ii [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]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
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.iv [Surface Water Features - Stream Name]	837-144, 837-148
E.2.h.iv [Surface Water Features - Stream Classification]	B
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes

E.2.k. [500 Year Floodplain]	Yes
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 Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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**ATTACHMENT "1" OF AMENDED PART  
1 OF FULL ENVIRONMENTAL  
ASSESSMENT FORM – NARRATIVE  
PROVIDING ADDITIONAL  
INFORMATION REGARDING  
POTENTIAL ADVERSE  
ENVIRONMENTAL IMPACTS**

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**ATTACHMENT 1 OF AMENDED PART 1 OF FULL  
ENVIRONMENTAL ASSESSMENT FORM  
DATED SEPTEMBER 30, 2015**

**Additional Information Regarding Potential  
Adverse Environmental Impacts – Proposed  
Automotive Storage Lot – 591 Olean Road  
Town of Aurora, Erie County**

This Narrative has been prepared on behalf of the Project Sponsor for the purpose providing additional regarding potential adverse environmental impacts associated with the proposed development of a portion of 591 Olean Road (“Project Site”) as an automotive storage lot and related site improvements as depicted on the fully engineered plans prepared Nussbaumer & Clarke, Inc. The proposed project (“action”) is a Type I action pursuant to SEQRA.

Copies of relevant questions in the Amended Part 1 of the Long EAF are listed below in **bold** followed by the Project Sponsor’s responses to the relevant questions.

**Question C.2.b [Page 2]:** Is the site of the proposed action within any local or regional special planning district (for example, Greenway Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) If yes, identify the plan(s).

**Response:** The EAF Mapper Summary Report utilized to generate answers to questions in Part 1 of the Full EAF indicates that the Project Site is located in the West Erie Canal Corridor. The proposed project will not have any adverse impacts on the West Erie Canal Corridor.

**Question E.2.h [Page 11]:** Questions pertaining to Surface Water Features:

**Response:** The EAF Mapper Summary Report utilized to generate answers to questions in Part 1 of the Amended Full EAF indicates that wetlands or other water bodies adjoin the project site including streams and federal wetlands. Scott Livingstone of Earth Dimensions, Inc. (“EDI”) has conducted a site investigation of the Project Site and determined that approximately 5.21 acres of the overall approximately 25.8 acre Project Site qualifies as a federal wetland. A copy

of the letter issued by Mr. Livingstone based on his site investigation is attached as Attachment "2". Mr. Livingstone's letter includes an attached map confirming that the 5.21 acres of the Project Site that qualifies as a federal wetland is not located within the portion of the Project Site to be developed and his letter also states that it is EDI's professional opinion that the proposed project may move forward without the need for any coordination with the USACE or NYSDEC so long as the identified federal wetland area is not impacted.

**Question E.3.g [Page 13]: 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?**

**Response:** The EAF Mapper Summary Report utilized to generate answers to questions in Part 1 of the Long EAF indicates that the answer to the above question is "Yes". Based on the Project Site being located in an archaeologically sensitive area, a cultural resource survey was Panamerican Consultants, Inc. and it revealed the presence of a small area on the Project Site that should not be impacted due to the presence of cultural resources. The small area is identified as "Existing Indian Artifact Area (Not to be Disturbed)" on the updated fully engineered plans prepared by Nussbaumer & Clarke, Inc. dated September 30, 2015. On September 21, 2015, a "No Impact" determination was issued by Nancy Herter of the New York State Office of Parks, Recreation and Historic Preservation ("SHPO") and a copy is provided at Attachment "3". The "No Impact" determination issued by SHPO was subject to three conditions contained in its letter dated September 21, 2015 as follows:

- The Precontact Site PCI/West Herr 1 boundary (including buffer) will be clearly delineated on the final construction plans and identified as "No Access".
- The Precontact Site PCI/West Herr 1 will be protected with temporary fencing during all construction activities and signage stating "No Access".

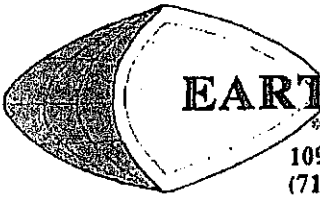
- An archeology covenant will be transferred with the property containing the Precontact Site PCI/West Herr 1.

The written determination issued by SHPO provided at Attachment "3" demonstrates the proposed project will not have any adverse impacts on archaeological or cultural resources.

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**ATTACHMENT "2" OF AMENDED PART  
1 OF FULL ENVIRONMENTAL  
ASSESSMENT FORM –  
CORRESPONDENCE ISSUED BY SCOTT  
J. LIVINSTONE, SENIOR SOIL  
SCIENTISTS, EARTH DIMENSIONS,  
INC., DATED JUNE 4, 2015**

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## **EARTH DIMENSIONS, INC.**

\* Soil & Hydrogeologic Investigations \* Wetland Delineations  
1091 Janison Road, Elba NY 14059  
(716) 655-1717 \* Fax (716) 655-2915 [www.earthdimensions.com](http://www.earthdimensions.com)

June 4, 2015

W12J00a

Andy Gow  
Nussbaumer & Clarke, Inc.  
3556 Lakeshore Road #500  
Buffalo, New York 14219

**Re: Preliminary Wetland Investigation – 15± acres**  
**591 Olean Road**  
**Town of Aurora**  
**Erie County, New York**

Dear Mr. Gow:

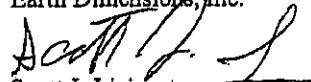
Earth Dimensions, Inc. (EDI) has completed a preliminary wetland investigation at the above referenced site for the purpose of identifying potential regulated wetlands and waterways within the portion of the parcel identified as the investigation area on the attached map. The site investigation was conducted on May 28 and June 4, 2015. As noted on the attached site location map, approximately 5.21 acres of wetland were identified within the investigation area. It is our opinion that the identified wetland falls under the jurisdiction of the U.S. Army Corps of Engineers (USACE).

The New York State Department of Environmental Conservation (NYSDEC) On-line Resource Mapper does not depict any wetlands under state jurisdiction within or adjacent to the property. NYSDEC therefore has no jurisdiction over any state regulated wetlands on the property.

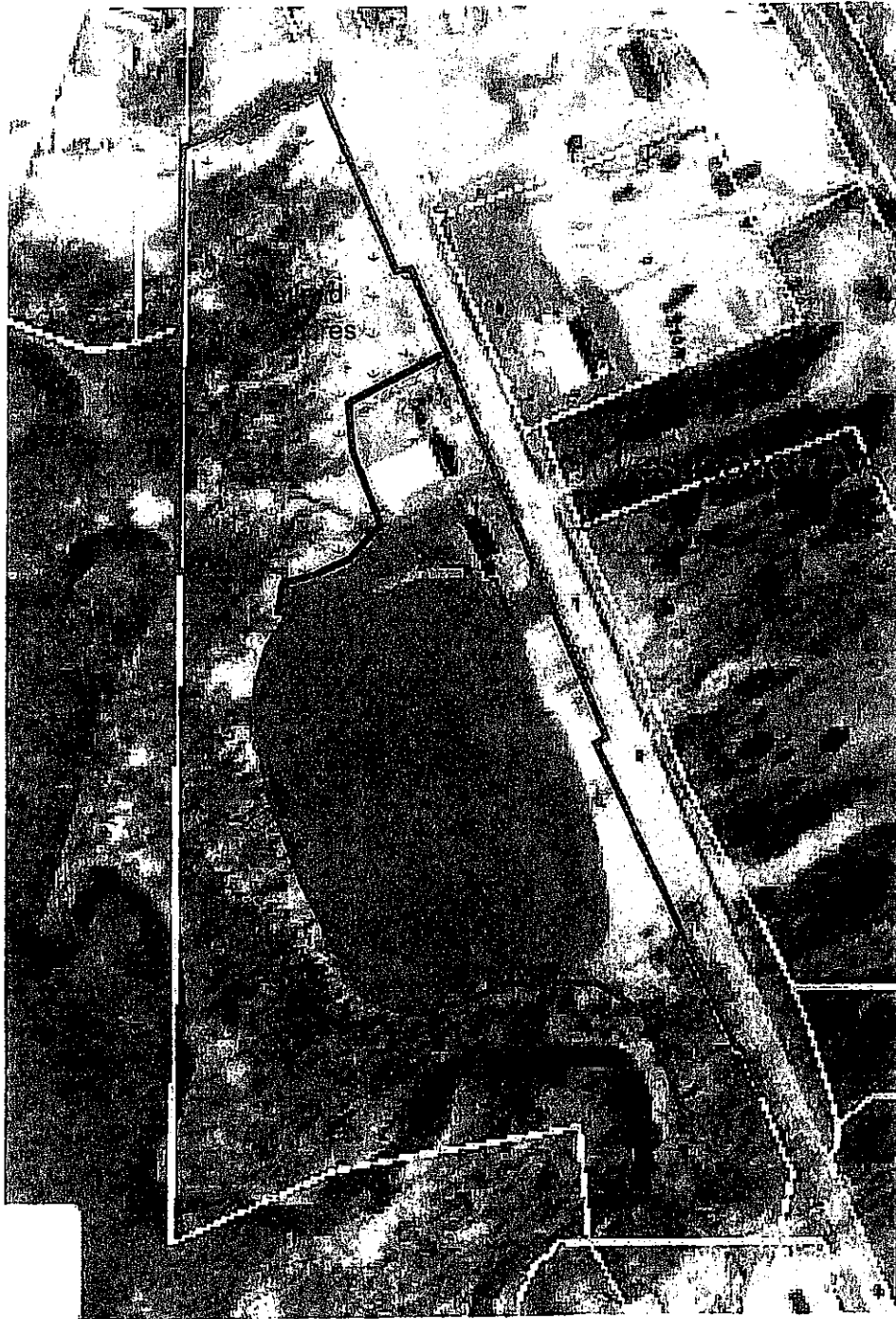
Based on the site investigation, it is our professional opinion that the proposed project may move forward without any coordination with USACE or NYSDEC relative to Section 404 and Article 24, respectively, as long as no impacts are proposed to the identified wetland. If wetland impacts are proposed, a detailed wetland delineation would be required to be completed and submitted to USACE with a request for a jurisdictional determination.

If you have any questions or would like a price quote to complete a detailed wetland delineation, please contact our office at (716) 655-1717 or email [slivingstone@earthdimensions.com](mailto:slivingstone@earthdimensions.com).

Very truly yours,  
Earth Dimensions, Inc.

  
Scott J. Livingstone  
Senior Soil Scientist

Encl.



**APPROXIMATE  
WETLAND ACREAGE**

**5.21 acres**

\*Please note, upon completion of a detailed wetland delineation, the amount and/or size of the wetlands may vary. A preliminary wetland investigation only provides the approximate size and location of federally jurisdictional wetlands.



EDM PROJECT CODE: W12.00a  
 Map Date: 6/1/2015 SJL  
 Revised:  
 Baseline Map Provided by:  
 NA  
 Scale: NOT TO SCALE  
 File Name:

**Preliminary Wetlands Map  
591 Olean Road**

TOWN OF AURORA ERIE COUNTY, NEW YORK



Sed and Hydrologic Investigations 1091 Janabas Road • Elmira, NY 14850  
 Wetland Delineations (716) 835-1717 • Fax (716) 835-9915

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**ATTACHMENT "3" OF AMENDED PART  
1 OF FULL ENVIRONMENTAL  
ASSESSMENT FORM - NO IMPACT  
DETERMINATION LETTER ISSUED BY  
NANCY HERTER OF THE NYS OFFICE  
OF PARKS, RECREATION AND  
HISTORIC PRESERVATION DATED  
SEPTEMBER 21, 2015**

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The OPHRP has no concerns with construction proceeding while the archaeology convenient is being prepared and filed. We look forward to receiving a copy of the filed deed covenant. If you have any questions, I can be reached at (518) 268-2179.

Sincerely,



Nancy Herter  
Archaeology Unit Program Coordinator  
e-mail: [nancy.herter@parks.ny.gov](mailto:nancy.herter@parks.ny.gov)

via e-mail only

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**Division for Historic Preservation**

P O Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • [www.nysparks.com](http://www.nysparks.com)



## SAMPLE COVENANT

In consideration of the conveyance of certain real property, hereinafter referred to as [ **name of property** ] located in the City of \_\_\_\_\_, County of \_\_\_\_\_, State of New York, which is more fully described as follows:

[ **insert legal description** ]

[ **name of recipient** ] hereby covenants and agrees on behalf of [ **him/her/itself** ], [ **his/her/its** ] heirs, successors, and assigns at all times with the New York State Office of Parks, Recreation and Historic Preservation or its successor agency, hereinafter referred to as OPRHP, that should any change in land use be proposed which would result in ground disturbing activities, the OPRHP must approve in writing plans for the proposed change.

This covenant is binding upon [ **name of recipient** ], [ **his/her/its** ] heirs, successors and assigns in perpetuity, and shall be inserted verbatim or by express reference in any deed or other legal instrument by which

[ **he/she/it** ] divests [ **him/her/itself** ] of either the fee simple title or any other lesser estate in the [ **name of property** ] or any part thereof. The failure of the OPRHP to exercise any right or remedy granted under this instrument shall not have the effect of waiving or limiting the exercise of any other right or remedy or the use of such right or remedy at any other time.

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**Division for Historic Preservation**

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • [www.nysparks.com](http://www.nysparks.com)