SUPPLEMENTAL DRAFT
GENERIC ENVIRONMENTAL
IMPACT STATEMENT

FOR:

Clarence Hollow Pollution Abatement Project

also known as
The Heise Brookhaven Private Sanitary Trunk Sewer
and including
The Roll Road Planned Unit Residential Development

Supplemented to address site specific impacts from:

Spaulding Green Subdivision

Town of Clarence, Erie County, New York

May 5, 2007 (Revised August 2007) GPI Job No.: BUF-2003008.00

Prepared For:

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Prepared By:

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GPI

Supplemental Draft Generic Environmental Impact Statement (SDGEIS)

May 5, 2007

Clarence Hollow Pollution Abatement Project

also know as

The Heise Brookhaven Private Sanitary Trunk Sewer and including The Roll Road Planned Unit Residential Development, Supplemented to Evaluate Site Specific Impacts from "Spaulding Green Subdivision"

PROPERTY LOCATED AT:
0 Green Valley Drive; 9816, 9820 & 9826 Greiner Road; 0 & 9815 Clarence Center Road; 0 Goodrich Road
(between Clarence Center, Kraus, Greiner and Goodrich Roads)
Town of Clarence, Erie County, New York

LEAD AGENCY:
Town of Clarence
One Town Place
Clarence, New York 14031

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DATE OF ACCEPTANCE BY LEAD AGENCY:

DATE ALL COMMENTS DUE:

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Section 1.0 Executive Summary

1.1 Introduction

In May of 2001, a Draft Generic Environmental Impact Statement (DGEIS) was prepared to evaluate impacts related to the construction of the Clarence Hollow Pollution Abatement Project ("*Project*"). This project was implemented as public/private partnership between the Town of Clarence and local development companies to remediate pollution problems associated with failing treatment systems in the vicinity of Clarence Hollow, while at the same time extending sanitary sewer service to properties within existing sanitary sewer districts under the ownership or control of the private developers involved in this partnership. The pollution problems were related to inadequate or failing treatment systems that caused or contributed to exceedances of New York State surface water quality standards in Ransom Creek. The proposed action involved the construction of a a new gravity feed trunk line between the Heise Road interceptor of the existing Peanut Line Private Sanitary Trunk Sewer and the new Clarence Hollow sewer infrastructure. This project has come to be known as the "*Heise Brookhaven Private Sanitary Trunk Sewer,"* or simply the *"Heise-Brookhaven Sewer,"* and is located in a large quadrant in the south-western, central section of *the Town* ("Project Area").

At the time *the project* was proposed, several project areas were identified to be within the service area of the Heise-Brookhaven Sewer and anticipated tributary sub-trunks, all of which were under the control or ownership of the project sponsors. Of these sites, only the one now known as "Waterford Village," was specifically analyzed in the DGEIS completed for the State Environmental Quality Review (SEQR) conducted for *the project*. This Supplemental Draft Environmental Impact Statement (SDGEIS) is intended to supplement the previously prepared DGEIS for *the project.* It will address site specific impacts related to a second (and previously identified) site controlled by one of the developer partners in the Heise-Brookhaven sewer project. The site is located across from Clarence Town Hall on Goodrich Road and the project is known as "Spaulding Green Subdivision." This document has been prepared pursuant to Article 8 of the New York State Environmental Conservation Law and the regulations promulgated under Article 8 and set forth as Part 617 of Title 6 of the New York Code of Rules and Regulations (collectively referred to as "SEQR"), and will be submitted to *the Town* as *SEQR* Lead Agency.

1.2 Actions Covered by this SDGEIS

The subject action involves the construction of a 380± unit mixed-use, residential housing development on a track of land approximately 419 acres in size, in the Town of Clarence, New York. As noted above, the DGEIS prepared for the Heise-Brookhaven Sewer anticipated development of the subject parcel but did not address site specific impacts related to development of the subject land. For example, identification and assessment of potential wetlands and wetland impacts within the bounds of the site, an identification and assessment of culturally sensitive resources and impacts within the bounds of the site, etc.

Following completion of the *SEQR* process for the Heise-Brookhaven Sewer, *the Project Sponsors* formed a sewage-works corporation ("Sewage-Works Corporation")

pursuant to Article 10 of the New York Transportation Corporations Law and constructed the project which is now in place. In consideration for building *the New Trunk Line*, *the Project Sponsors,* through *the Sewage-Works Corporation*, reserved the right to discharge sewage and wastewater to *the New Trunk Line* in an amount equal to the peak wastewater flow from 1,000 residential dwelling units as determined by the Great Lakes Upper Mississippi River Board of State Public Health and Environmental Managers in its recommended standards for wastewater facilities ("Reserved Capacity"). The understanding was that with the exception of certain existing development along *the New Trunk Line*, no person, firm or entity would be allowed to connect to *the New Trunk Line*, directly or indirectly, or discharge sewage or wastewater through any portion of *the New Trunk Line*, without the permission of *the Sewage-Works Corporation* and *the Town*. Once *the Project Sponsors* have fully consumed *the Reserved Capacity*, *the Sewage-Works Corporation* shall convey its right, title and interest in *the New Trunk Line* to the Town Sewer District No. 9 for the sum of $1.00.

Coinciding with construction of the sewer project, one of the partners in the Heise-Brookhaven sewer project also constructed the initial phases of Waterford Village, as was anticipated in the DGEIS. Another partner has formed Spaulding Green LLC, and now intends to construct the Spaulding Green site as was likewise anticipated, but not studied in detail. The planning process for this new subdivision is far enough along that the environmental impacts will be reviewed and considered as part of *this Supplemental Project*. Accordingly, this *DSGEIS* will evaluate the site-specific or primary impacts associated with *Spaulding Greens Subdivision*.

1.3 Background of the Underlying Action for the Project

The installation of a gravity sanitary interceptor sewer to service Clarence Hollow and address pollution problems resulting from failed or failing individual on-site wastewater treatment facilities was first proposed by the Erie-Niagara Counties Regional Planning Board in their 1970 Regional Sewerage Study. *The Town*, in their 1989 Master Interceptor Sewer Study later proposed a similar concept.

In 1991, the New York State Department of Environmental Conservation ("NYSDEC") undertook a water quality survey ("Water Quality Survey") of Ransom Creek in the vicinity of Clarence Hollow. As a result of *the Water Quality Survey*, *the Town* entered into an Order on Consent with *NYSDEC* in March 1993 ("Consent Order"). The Consent Order stipulated that *the Town* violated the Environmental Conservation Laws of the State of New York by discharging improperly treated wastewater from a treatment facility and storm sewers owned by *the Town* to Ransom Creek and causing or contributing to a condition in contravention of State water quality standards. The Consent Order required *the Town* to prepare and submit an approvable engineering report to address the water quality problems in Ransom Creek caused by the discharge of improperly treated wastewaters from Clarence Hollow.

After entering into the Consent Order, *the Town* studied various alternatives to address the Clarence Hollow pollution problems focusing, in particular, on the construction of an on-site wastewater treatment plant. The projected annual user costs associated with a new on-site wastewater treatment plant for Clarence Hollow were prohibitive.

The Town then undertook a re-examination of its 1989 Master Interceptor Sewer Plan, with the idea that the privately funded construction of a gravity feed sanitary sewer interceptor to the Hollow would eliminate the public treatment requirements and their respective costs, thereby making *the Project* economically feasible. The privately funded sanitary interceptor sewer was proposed to discharge into the Town of Amherst sanitary collection system at Transit Road, with treatment occurring at the Town of Amherst Wastewater Treatment Facility on Tonawanda Creek Road ("Amherst WWTP"). In 1995, *the Town* amended a previous inter-municipal agreement with the Town of Amherst which granted *the Town* an additional allocation of discharge capacity in the Amherst collection system and reserved capacity for treatment of Clarence flows at *the Amherst WWTP*. Specifically, the agreement granted Clarence an additional wastewater treatment capacity of 4 million gallons per day ("MGD"), bringing *the Town*'s total reserved capacity at *the Amherst WWTP* to 6.3 *MGD*.

In 1996, the Peanut Line Sewage Works Corporation ("PLSWC") entered into an agreement with *the Town* to construct approximately 12,000 lineal feet ("LF") of private sanitary trunk sewer within a temporary, nonexclusive easement to be granted by Clarence Sewer District No. 2 to *PLSWC* for the purpose of transporting sewage from various locations in *the Town* to the Amherst WWTP. This agreement provided for the construction of the existing Peanut Line Private Sanitary Trunk Sewer.

In 1998 and 1999, *the Town* applied for grant funding from the State of New York Environmental Quality Bond Act. To date, *the Town* has been granted a total of $1.5 million, with respect to the Clarence Hollow Pollution Abatement Program.

In light of these developments, *the Town* determined that the best way to address the Clarence Hollow pollution problem was to enter into a partnership with *the Project Sponsors*, whereby *the Sewage-Works Corporation* constructed and owns a new trunk sewer line between Clarence Hollow and the existing Peanut Line interceptor on Heise Road.

The private development companies that originally put forth the proposal to create a public/private partnership to implement the proposed improvements necessary to solve the ongoing pollution problems in Clarence Hollow, also had significant land holdings in the Town. A significant portion of these holdings lay directly in the path that the sewer alignment would logically need to take to reach the receiving sewers. Because the identified solution required construction of a gravity sewer across the town from Clarence Hollow to a receiving sewer in the Town of Amherst (and ultimately to a point of wastewater treatment) these corporations agreed to construct the proposed sewer line in an alignment that passed through their land holdings. Because the project sponsor owned a significant portion of the land that the sewer would traverse, this alignment facilitated not only construction, but also the acquisition of necessary easements.

The New Trunk Line was paid for by *the Sewage-Works Corporation* through *the Project Sponsors* who, in consideration, will be allocated a portion of the sewage capacity from *the New Trunk Line* to use at their discretion. This discretion has been exercised in part

by development of the Waterford Village Subdivision, and also includes the proposed Spaulding Greens.

1.4 Purpose of the Project

The original Generic Environmental Impact Statement (GEIS) addressed impacts resulting from implementation of the proposed public/private sewer line, and development of lands under the control of the project sponsors along the proposed sewer route. The purpose of this supplement to the original GEIS is to address the site specific impacts resulting from development of one of the parcels anticipated for development in the GEIS (Spaulding Greens).

When the original EIS was proposed, only the Waterford Village site had been advanced to the point where a development plan had been conceived and was ready to be studied in detail. Spaulding Greens has now progressed to the point where a plan has been conceived and submitted to the Town of Clarence for consideration of approval. Accordingly, site specific impacts relating to development of the Spaulding Greens site must now be addressed.

Of course, the underlying action supporting development of the Spaulding Greens site, and the principal purpose of *the original Project,* was to correct pollution problems in Clarence's Ransom Creek. Improper discharges associated with the failure of individual treatment systems in the Clarence Hollow area were identified by *NYSDEC* in 1992. In its survey of Clarence Hollow treatment systems, *NYSDEC* found that 58% of the private septic treatment systems evaluated provided unsatisfactory treatment, causing or contributing to the contravention of water quality standards in Ransom Creek. Appendix 1 of the *DGEIS* contained articles, correspondence and documents relating to the Ransom Creek pollution problems.

Since the Ransom Creek water quality concerns were first identified by *NYSDEC*, *the Town* had been working to develop an effective and achievable pollution abatement program. *The Town* determined that the best economically feasible/technical solution involved a public/private partnership and installed the New Trunk Line between the existing Peanut Line and Clarence Hollow. This new 4.5 mile trunk sewer line from Heise Road to Clarence Hollow, conveys sanitary waste to *the Amherst WWTP*. Concurrent with development of *the New Trunk Line*, *the Project Sponsors* commenced construction of a Planned Unit Residential Development or PURD on Roll Road, utilizing a portion of *the New Trunk Line* capacity that had been allocated to *the Project Sponsors*. Accordingly it was determined that *the Project* also served *the Town*'s needs for maintaining an inventory of conceptually approved development, so as to ensure continued vitality within *the Town*'s residential housing market. By similar reasoning, Spaulding Greens will also serve to fulfill this need.

1.5 Public Need for the Project

The original Project serves a strong public need: the ongoing contravention of water quality standards in Ransom Creek which had to be solved. If the existing pollution problem were not rectified, the public would have suffered true hardship, including

exposure to high levels of waste contaminants in Ransom Creek, continued associated health risks and the threat of subsequent enforcement actions by *NYSDEC* against *the Town*, resulting in potential fines and penalties to the taxpayers of Clarence.

Further, although not the driving force of this Project, its ancillary effect, i.e., controlled growth in *the Town* of new housing through the planned development opportunities for the community, provides evidence of a market need for additional housing in *The Town*. Indeed, the mere pursuit of an application by a developer has been recognized as evidence of a calculated business judgment supporting a market need for a project. Strong consideration is given to *the Project Sponsors*' assessment of the need for additional residential development within *the Town* because *the Project Sponsors* are motivated by strong economic considerations to ensure a successful project.

1.6 Project Alternatives

In a generic EIS, there are typically a greater range of alternatives feasible because projects are more conceptual and less well defined (in terms of site-specific impacts). Thus, although the *DGEIS* had been prepared by *the Project Sponsors* and not *the Town*, broad based alternatives were examined, based upon the ultimate purpose of *the Project*, which is to eliminate improper sewage discharges in the Clarence Hollow area and to meet the *NYSDEC* water quality standards for Ransom Creek. Thus, alternatives were developed and analyzed on the basis of being able to achieve *the Project*'s goal to remediate pollution problems in Clarence Hollow, while remaining sensitive to environmental issues. At the same time, consideration was necessarily given to the financial costs for accomplishing a proposed solution. The "reference point" for analysis of alternatives was the No-Action Alternative. The potential adverse impacts associated with the growth inducing impacts of redistribution of sewer capacity within *the Town* had to be balanced against the consequences to *the Town* and its residents of opting to take no action to remedy the Ransom Creek pollution problems.

The focus of this Supplemental GEIS, is to evaluate the site specific impacts related to development of the Spaulding Greens site. Because the Town's Comprehensive plan anticipates land use for the project area as residential, and because the Town has consistently expressed a desire to conserve open spaces, the project sponsor has put forth two (2) Open Space Design Development (OSDD) plans for consideration of approval (see figure 1.1 – Open Space Design Development Plan, Alternative 1 and figure 1.2 - Open Space Design Development Plan, Alternative 2). The Code of the Town of Clarence grants the Town Board the latitude to consider OSDD as an alternative development pattern for residential developments.

1.6.1 The Proposed Action

The Proposed Action, and subject of the original Generic Environmental Impact Statement, involved a public/private partnership to construct *the New Trunk Line* between the Heise Road interceptor of the Peanut Line and the proposed interceptor for Clarence Hollow at Greiner Road and Hillcrest Drive. *The New Trunk Line* begins as an 18 inch (diameter) line north of Clarence Center Road and reduces to a 12 inch line on the south side of Roll Road. *The New Trunk Line* was constructed, owned and paid for by *the Project Sponsors* through *the Sewage-Works Corporation*. In consideration for

building *the New Trunk Line*, *the Project Sponsors* have the right to utilize *the Reserved Capacity* within *the New Trunk Line*.

The second aspect of the Proposed Action, and subject of the original Generic Environmental Impact Statement put forth by the public/private partnership consisted of installation of approximately 45,000 *LF* of sewer infrastructure at Clarence Hollow. The first stage involved installation of 12,000 *LF* of 8 and 10 inch collector sanitary sewers along Main Street that were constructed in conjunction with the New York State Department of Transportation recent reconstruction of this road. This phase was paid for with approximately $1.5 million in grant money *the Town* has received under the Environmental Quality Bond Act. Funds are being sought for the remaining 33,000 *LF* of sewer line required.

The third component of the original Generic Environmental Impact Statement was the utilization of a portion of *the Reserved Capacity* within *the New Trunk Line*, by *the Project Sponsors*, in conjunction with *the Roll Road PURD*, a development consisting of approximately 235 single-family homes, 78 patio homes, 103 townhouses and one commercial plaza. *The Roll Road PURD* also involves the construction of a public road and a culvert bridge across Got Creek by *the Project Sponsors*.

The focus of this supplement to the original GEIS is the development of Spaulding Greens, a 380± unit, 419± acre residential development roughly bounded by Greiner, Goodrich, Clarence Center and Krause Roads.

1.6.2 Alternative 1

As part of the normal process of evaluating the feasibility of developing a given site, the developer, who begins his process by looking at a “blank page,” as an infinite number of possibilities to contemplate. Some are more realistic than others. Some may consider land uses and layouts that are not strictly allowed by code, others are rigidly compliant. In a word, some are more *practical* than others. As the development team explored potential development plans for the site, it became increasingly clear that the Leadership of the Town was looking to conserve open spaces, even going so far as to adopt an Open Space Design Development Code (OSDD). In the end, the developers elected to create an OSDD plan that reserved 50% of the property for green space. Within the balance of the site, approximately 380 units of residential housing were proposed. The total area of the project is 419± acres (see figure 1.1 – Open Space Design Development Plan, Alternative 1).

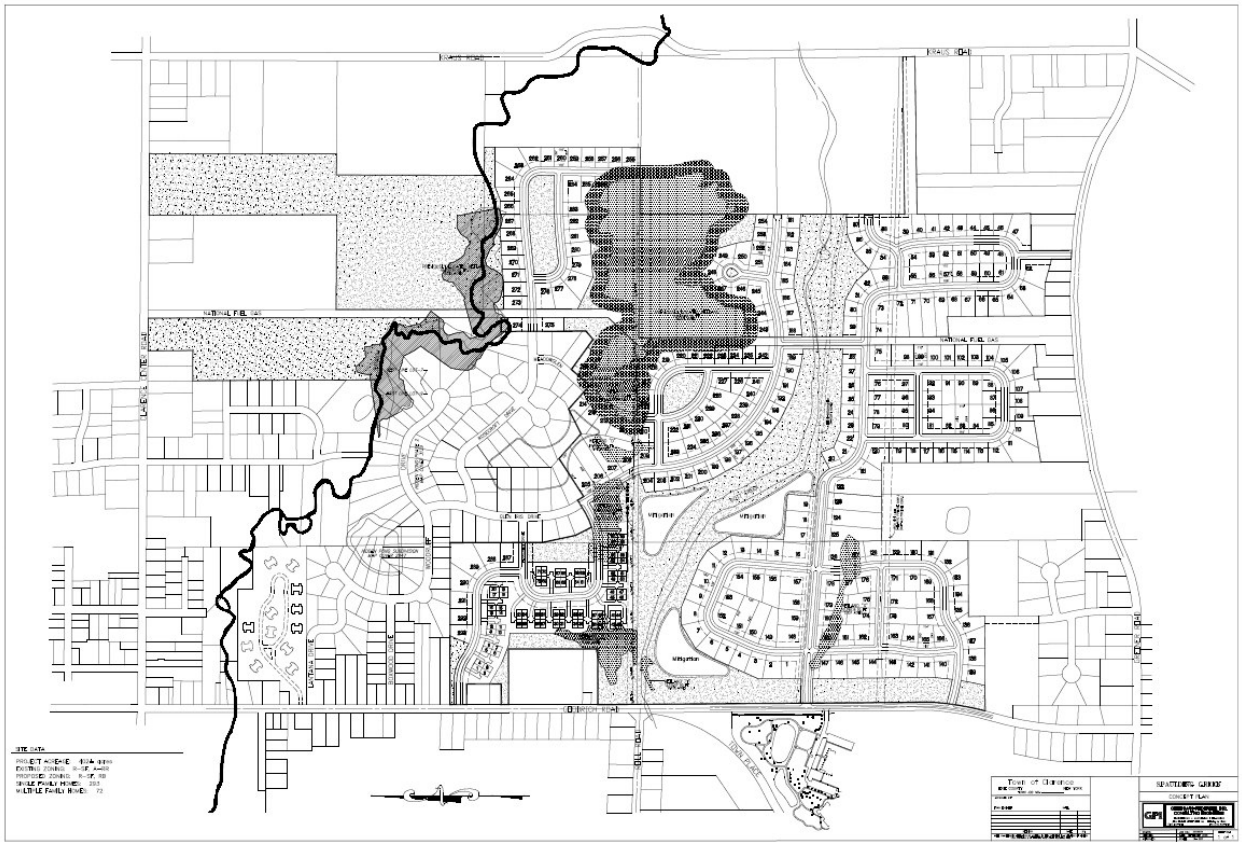


Figure 1.1 – Open Space Design Development Plan, Alternative 1

1.6.3 Alternative 2

Subsequent to the preparation of alternative 1, environmental studies that had been underway at the site were nearing completion. In order to create a plan that would be more sensitive to the environment, the project sponsors elected to revise their plan to further compact the development footprint to avoid as much sensitive area as possible. The allowable gross unit count for the site had already been determined when creating alternative 1, accordingly alternative 2 also specified a total unit count of 380± units. However, this plan has a more compressed footprint than that illustrated in alternative 1. Thus a significant difference between alternatives 1 and 2 is that alternative 2 can provide the 380± unit development yield and maintain 50% green space within 367± acres of land, allowing the project sponsors to retain 52± acres for future (as yet) unidentified uses. In addition, this reduced development footprint affords the opportunity to cut wetland impacts in half.

1.6.4 The No-Action Alternative

SEQR requires that the range of alternatives considered in a DGEIS include the "No-Action Alternative" so that the public and the governmental agencies may balance doing nothing against the project proposal. In the context of this S*DGEIS*, the No-Action Alternative is considered the null/no build alternative and requires leaving the Spaulding Greens untouched, with the site remaining in its existing state.

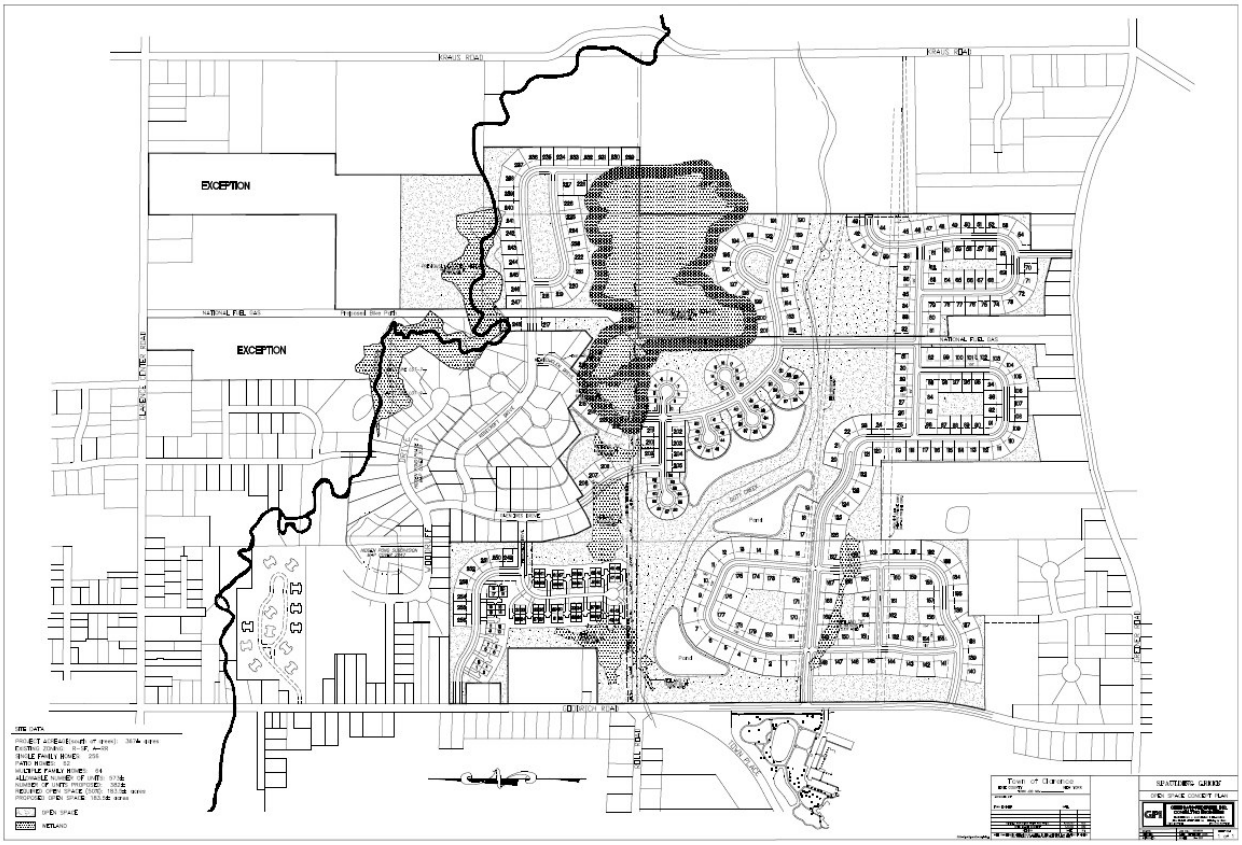


Figure 1.2 - Open Space Design Development Plan, Alternative 2

1.7 Summary of Significant Adverse Environmental Impacts

Section 5 of the *SDGEIS* provides a thorough and comprehensive analysis of all potential adverse environmental impacts associated with development of Spaulding Greens. Many issues were analyzed, even though they were not identified as potential significant adverse impacts in the Final Scope. Thus, after a detailed and extensive analysis, the following significant adverse environmental impacts have been identified relative to *the Project*:

Storm Water: Temporary Impacts Related to Construction
Storm Water
Wetlands
Stream Crossings (Gott Creek)
Cultural Resources
Traffic

1.8 Summary of Mitigation Measures

Based on the thorough and detailed analysis of potentially significant adverse environmental impacts contained in Section 5, below, *the DGEIS* sets forth the mitigation measures to be implemented as part of *the Project*.

1.8.1 Stormwater: Temporary Impacts Related to Construction

Stormwater runoff associated with construction activities has been identified as a significant adverse environmental impact requiring mitigation. Thus, surface water and sedimentation controls will be established during construction phases per *NYSDEC* General Permit for Storm Water Discharges Associated with Industrial Activity from Construction Activities regulations, Permit No. GP-02-01, Issued Pursuant to Article 17, Titles 7, 8 and Article 70 of the Environmental Conservation Law. Erosion control best management practices shall be established to control sediment migration off-site during construction activities. Water quality will be maintained as a result of these sedimentation and erosion control practices.

1.8.2 Stormwater

While development of Spaulding Greens will not substantially alter current erosion, flooding, leaching and drainage patterns at the project area, it will increase the amount of runoff. This is due to the increase in impervious surface area that will result from construction of roadways, driveways, sidewalks, rooftops, etc., within the project area. Accordingly, the mechanism for conveying surface water runoff to the receiving streams that drain the site will be different in the post development condition. In other words, surface water runoff in the pre development condition flows across the site to the receiving streams that drain the site – principally Ransom and Gott Creeks. In the post development condition, surface water runoff will flow across the landscape and be captured at inlet points to a closed drainage system. This system will then convey the runoff to a series of detention basins that will store the difference in runoff volume between the pre and post development conditions. This storm water management system will also be designed to capture eroded sediments before they can leave the site. Discharges from these basins will be directed to the same receiving streams (principally Ransom and Gott Creeks) that drain the site in the predevelopment condition. These basins are designed to restrict discharges to predevelopment levels. Thus, development of a storm water management system will be necessary in order to minimize and mitigate any potential adverse environmental impacts. Stormwater drainage facilities will be designed by *the Project Sponsors* in accordance with the Storm Drainage Design Manual and *The Town* Storm Drainage Design Standards.

1.8.3 Wetlands

8 Federal jurisdictional wetlands totaling 45.48± acres have been identified within the project area. Of the 8 delineated areas determined to have federal jurisdiction, 2 have also been determined by the New York State Department of Environmental Conservation (DEC) to qualify for regulation as New York State Freshwater Wetlands. The areas to be regulated by the state total 28.54± acres. With respect to areas under federal jurisdiction, implementation of alternative 1 would impact 5.64± acres, while alternative 2 would impact 3.06± acres. With respect to areas under state jurisdiction, implementation of alternative 1 would impact 0.49± acres plus 6.88± acres of wetland buffer (100' adjacent area), while alternative 2 would impact 0.39± acres plus 2.45± acres of wetland buffer. These impacts are significant and must be mitigated. *The Project Sponsors* propose to construct a varied habitat wetland on-site within the open

space, greenway corridor planned along Gott Creek. Specifically, *the Project Sponsors* propose the creation of 6.0± acres of open water, shallow water emergent marsh and wet meadow habitat of an irregular shaped, sloped excavation that will enhance the existing ecosystem contiguous to the steam. A detailed wetland mitigation plan can be found in Appendix B to the S*DGEIS*.

1.8.4 Stream Crossings: Gott Creek

Both design alternatives for Spaulding Greens are laid out in a pattern that – with the exception of a single crossing of Gott Creek, avoids the stream corridors of Ransom and Gott Creeks as they traverse the subject property. In either configuration, the site layout totally avoids the Ransom Creek corridor and calls for one north-south crossing of Gott Creek. This crossing is proposed immediately adjacent to the existing National Fuel Gas right-of-way were there is already and existing utility crossing. Vegetation along the gas line right-of-way must be kept clear for aerial monitoring of the pipeline. The configuration of the crossing is limited to roadway and infrastructure improvements, no dwellings are proposed to front along the stretch of road that will comprise the crossing. This configuration also will serve to facilitate monitoring and maintenance of the existing gas line, because the line will now lie adjacent to a publicly maintained highway. Accordingly, since an ongoing level of disturbance is already tolerated at this location, it was determined that crossing Gott Creek at this location would minimize the impact of disturbance.

While the project sponsors have taken steps to minimize the impact of crossing Gott Creek, this stream crossing represents a potentially significant adverse environmental impact that must be mitigated and the project sponsor must obtain an appropriate Disturbance of the Bed and Banks of a Protected Stream or Other Watercourse Permit ("Stream Bed Disturbance Permit") pursuant to Environmental Conservation Law Title 5, Article 15, Protection of Waters. *The Project Sponsors* must also contemporaneously submit an application to *ACOE*. Review and approval of construction plans, including stream protection and erosion control plans and issuance of a *Stream Bed Disturbance Permit* by *NYSDEC* and *ACOE* will ensure that the significant adverse environmental impacts associated with the stream crossings are minimized.

1.8.5 Cultural Resources

The Project Sponsors retained the Archaeological Survey of the State University of New York (SUNY) to complete cultural resource investigations within the project area. Information already obtained from the site reveals the Spaulding Green project area to be typical of historic and prehistoric sites in the region. All of the sites can be mitigated using standard archaeological techniques and without extraordinary effort in the form of a Phase 3 data recovery project.

1.8.6 Traffic

The Project Sponsors undertook an extensive and thorough Traffic Impact Study (TIS) in order to evaluate the traffic impacts of the Roll Road PURD on the road network in and around the site and within the major transportation corridors in *the Town*. A copy of

the traffic study was included as Appendix 7 to the *DGEIS*. During the course of the initial SEQR screening by the Clarence Town Board, it was requested that the Project sponsors for Spaulding Greens supplement the previous TIS and conduct a study to evaluate the impact Spaulding Greens would have on the intersections of:

- Main Street and Goodrich Road
- Goodrich Road and Greiner Road
- Greiner Road and Thompson Road
- Goodrich Road and Roll Road
- Goodrich Road and Clarence Center Road

The study concluded that some of the existing intersections within the study area will either reach capacity or fail in either or both the Weekday AM and Weekday PM peak hours by the year 2032 even without construction of the proposed Spaulding Greens. Trips generated by the proposed development will have a modest but not significant negative impact on the surrounding roadway network after build-out. Recommended traffic mitigation measures included in the study included:

- Auxiliary Turning Lanes: It is recommended that left turn lanes be added:
  - along the east-, south-, and northbound approaches of the intersection of Goodrich Road and Greiner Road,
  - along the westbound approach of Greiner Road at Thompson Road, and
  - along the northbound approach of Goodrich Road at Roll Road.

  It is likewise recommended that right turn lanes be added:
  - along the east-, west-, and northbound approaches of the intersection of Goodrich Road with Greiner Road, and
  - along the southbound approach of Goodrich Road at Roll Road.

- Traffic Signals: It is recommended that traffic signals be installed:
  - at the intersection of Greiner Road with Thompson Road,
  - at the intersection of Goodrich Road with Roll Road, and
  - at the intersection of Goodrich Road with Clarence Center Road.

In addition, it is recommended that the existing traffic signal at the intersection of Goodrich Road with Greiner Road be reconfigured to accommodate protected left turn phasing on all four (4) approaches.

1.9 Impacts That Cannot be Avoided or Mitigated

There are no permanent adverse impacts related to *the Project* that have not been mitigated to the maximum extent practicable. Nonetheless, *the Project Sponsors* note the following:

- Implementation of the Proposed Action will result in the permanent elimination of undeveloped areas for new residential facilities and associated road ways for Spaulding Greens.

- There will be a permanent adverse impact on plants and animals with the elimination of existing upland grassed areas, woodlot and scrub brush within the project area.

- There will be short-term noise impacts during construction.

- There will be short-term adverse visual impacts during construction.

- The development of the Proposed Action will result in a permanent change to the community character in and around the site.

1.10 Irreversible and Irretrievable Commitments of Environmental Resources

Implementation of the Proposed Action will result in the permanent elimination of currently undeveloped areas within the project area for new residential facilities and associated roadways. These resources will no longer be available for alternative uses, such as green space/park land development, farming, or natural habitat. Other irreversible and irretrievable commitments of sources required for the Proposed Action include construction materials, energy, labor, which, while irretrievable, are readily available within the region.

1.11 Thresholds for Environmental Analysis of Future Development

The original Environmental Impact Statement for the project identified and discussed thresholds that would require additional environmental analysis for future project-related development. Simply put, what was meant was that any future development within *the Town* that will utilize the New Trunk Line, will require additional environmental review. *The Town*, as Lead Agency, is responsible for performing an environmental review on any future project-related development proposals and must consider each future project-related development proposal in relation to (i) the DGEIS, (ii) the Final GEIS which will be issued for the Project and (iii) the Final Findings Statement which will be issued for the Project.

Upon application to *the Town* for a development project requiring an Environmental Assessment Form (Long EAF), *the Town* must determine if the environmental impacts associated with the future project-related development proposal have been adequately addressed in the *DGEIS*, Final GEIS and Final Findings Statement, taking into account whether the proposal is consistent with the assumptions outlined in Section 8.3 below and whether the proposal exceeds any of the thresholds outlined in Section 8.4 below. Such a determination must be made BEFORE any future project-related development approvals are issued.

In the event that *the Town* determines that:

(1) the future project-related development proposal is consistent with the assumptions outlined in Section 8.3 below and will be carried out in conformance with the conditions and thresholds established in Section 8.4 below, then no further *SEQR* compliance is required;

(2) the future project-related development proposal is consistent with the assumptions outlined in Section 8.3 below and will be carried out in conformance with the conditions and thresholds established in Section 8.4 below, but is not addressed, or is not adequately addressed, in the Final Findings Statement for the *DGEIS*, then an amended findings statement must be prepared;

(3) the future project-related development proposal is not addressed, or is not adequately addressed, in the Final GEIS for the Project, but the proposal does not exceed any of the thresholds established in Section 8.4 below, or the proposal does exceed a threshold(s) established in Section 8.4 below, but will not result in any significant adverse environmental impacts, then a negative declaration must be prepared; or,

(4) the future project-related development proposal is not addressed, or is not adequately addressed, in the Final GEIS for the Project and/or the proposal will exceed one of the thresholds established in Section 8.4 below and may have one or more significant adverse environmental impacts, then a supplement to the Final GEIS must be prepared.

The following assumptions were established for this environmental review and must be considered by *the Town* when determining whether the environmental impacts associated with any future project-related development have been adequately addressed in the *DGEIS*, Final GEIS for the Project and the Final Findings Statement for the Project:

- *The Town* will continue to limit the number of annual residential building permits to approximately 240 residential units (70 single homes outside of approved subdivisions and 170 subdivision building permits).

- The 18 inch sanitary sewer downstream of the Peanut Line in the Town of Amherst will remain a capacity restriction and will effectively limit the growth inducing impacts of *the Project*.[1]

- Background traffic in *the* Town will not increase at a rate greater than 3% per year, including future project-related development, but excluding *the Roll Road PURD*

- *The Roll Road PURD* will be developed consistent with the concept plan.

- A conservation easement covering approximately 35 acres of *the PURD Site* will be granted to the Western New York Land Conservancy, or some other

[1]Pursuant to its agreement with the Town of Amherst relative to *the Town*'s use of the Amherst WWTP, *the Town* of Amherst will not bear the cost of "debottlenecking" this line. Thus, any decision by *the Town* to do so must be approved by the Town Board and will require the preparation of an Environmental Impact Statement.

organization authorized to accept and enforce conservation easements, to ensure long-term preservation of wetlands and wetland habitat.

- Total Federal jurisdictional wetland impacts resulting from *the Roll Road PURD* will not exceed 2.88 acres

- Total Federal jurisdictional wetland impacts resulting from *the New Trunk Line* will not exceed 0.65 acres

Future project-related development proposals which exceed any one of the following conditions or thresholds shall not be considered to have been addressed by this *DGEIS* and must be evaluated by *the Town* to determine whether a Supplemental Environmental Impact Statement will be necessary:

- *Future Project-Related Development* which will require a zoning change affecting more than 25 acres.

- *Future Project-Related Development* which will result in the development of 250 or more residential units on a single, contiguous site.

- *Future Project-Related Development* which will adversely impact ground or surface water quality or quantity or which will substantially increase erosion, flooding, leaching or drainage problems.

- *Future Project-Related Development* which adversely impacts rare, threatened and/or endangered species.

- *Future Project-Related Development* which will adversely impact important historical, archeological, or architectural resources.

- *Future Project-Related Development* which will generate a substantial increase in noise levels within *the Project Area*.

- *Future Project-Related Development* which will adversely impact important aesthetic resources.

- *Future Project-Related Development* which results in the development of active farmland within the Clarence-Newstead Agricultural District, an official Agricultural District pursuant to the New York Agriculture and Markets Law.

- *Future Project-Related Development* which will directly cause a degradation in Levels of Service on existing roadways within *the Town*.

- *Future Project-Related Development* which occurs in areas that the Draft Master Plan (or any Final Master Plan) identifies as “high-priority” for open space, unless a detailed plan for alternative open space preservation is approved by *The Town*.

Section 2.0 Project Description, Purpose & Need

2.1 Introduction

Spaulding Greens (the subject action) involves the construction of a 380± unit mixed-use, residential housing development on approximately 419 acres of land in the Town of Clarence, New York. Development of the subject property was previously generically during the course of a previous environmental review conducted for the Heise-Brookhaven Sewer. That review anticipated development of the subject parcel but did not address site specific impacts related to development of the land comprising Spaulding Greens (e.g., identification and assessment of potential wetlands and wetland impacts within the bounds of the site, identification and assessment of culturally sensitive resources and impacts within the bounds of the site, etc.). Thus, the underlying action for the State Environmental Quality Review of Spaulding Greens is the Heise-Brookhaven Sewer (*the Primary Project*).

The primary project, the subject of the original Generic Environmental Impact Statement (GEIS), is a partnership between *the Town* and *the Project Sponsors*, acting through *the Sewage-Works Corporation*, to remediate the pollution problems associated with failing or inadequate private sewage treatment systems in the vicinity of Clarence Hollow, a small hamlet located in the southeast corner of *the Town*. These inadequate or failing treatment systems have caused or contributed to exceedances of New York State surface water quality standards in Ransom Creek. The solution to remediation of the pollution problem was to eliminate the failing or inadequate private sewage treatment systems by constructing a gravity sewer system and connecting all properties within the remediation area to the new system. This new system would then convey wastewater to the Town of Amherst District 16 sewer system, where waste is ultimately treated at the Amherst Wastewater Treatment Plant 16 on Tonawanda Creek Road.

Thus, the primary project involved the construction of *the New Trunk Line* between the Heise Road interceptor of the existing Peanut Line Private Sanitary Trunk Sewer and the new Clarence Hollow sewer infrastructure. *The New Trunk Line* was built by *the Sewage-Works Corporation*, owned by *the Project Sponsors,* at no cost to *the Town*. In consideration for building *the New Trunk Line*, *the Project Sponsors* were granted the right to utilize *the Reserved Capacity* within *the New Trunk Line*. With the exception of certain development that already existed at the time of construction of *the New Trunk Line*, no person, firm or entity is allowed to connect to *the New Trunk Line*, directly or indirectly, or discharge sewage or wastewater through any portion of *the New Trunk Line*, without the permission of *the Sewage-Works Corporation* and *the Town*.

As previously was the case with the Roll Road PURD, *the Project Sponsors* have decided to use a portion of *the Reserved Capacity* in conjunction with the development and construction of *Spaulding Greens*. The planning process for this new subdivision has progressed to the point that environmental impacts associated with the development can be reviewed and considered as a supplement to those previously reviewed and considered in the original DGEIS. In other words, this Supplemental *DGEIS* will evaluate the site-specific or primary impacts associated with *Spaulding Greens*.

2.2 The Underlying Action and Subject of the DGEIS - Overview

2.2.1 Background of the Project

A gravity sanitary interceptor sewer to service Clarence Hollow and address pollution problems resulting from failed or failing individual on-site wastewater treatment facilities was first proposed by the Erie-Niagara Counties Regional Planning Board in their 1970 Regional Sewerage Study. *The Town*, in their 1989 Master Interceptor Sewer Study later proposed a similar concept.

In 1991, *NYSDEC* undertook *the Water Quality Survey*. (A Copy of *the Water Quality Survey* is included in Appendix 1 to the *DGEIS*). *The Water Quality Survey*, which was completed in February 1992, was undertaken to assess the water quality of Ransom Creek relative to the standards associated with its designation, pursuant to the New York State Environmental Conservation Law, as a Class C(T) waterway. In addition, tributary drainage systems were sampled and an extensive survey of on-site sanitary wastewater treatment facilities was completed in the Clarence Hollow area. The results of *the Water Quality Survey* indicated that Ransom Creek, downstream of Clarence Hollow, was in contravention of the State's ambient water quality standards for dissolved oxygen, ammonia, turbidity and coliform bacteria (fecal and total).

The Water Quality Survey also evaluated the community drainage systems in the Clarence Hollow area, including *the Town* treatment system serving West Avenue which is subject to a *SPDES Permit*. This evaluation determined that improperly treated wastewater from septic systems was present in the community drainage systems and that since all of these systems discharge into Ransom Creek, their poor water quality is causing or contributing to the exceedance of water quality standards in Ransom Creek. This evaluation also concluded that *the Town*'s West Avenue Treatment Facility was in violation of its *SPDES Permit* discharge limits.

Finally, *the Water Quality Survey* evaluated the sanitary sewage systems of individual establishments in the Clarence Hollow area. A total of 80 properties were directly surveyed. 46 of these properties (58%) were identified as providing incomplete or unsatisfactory treatment. *The Water Quality Survey* concluded that the wastewater discharges from these properties was contributing to the contravention of water quality standards in Ransom Creek.

The Water Quality Survey concludes as follows:

> This investigation indicates that improved wastewater treatment in the study area is required. *The Town* and the property owners in the Clarence Hollow area are responsible and must initiate appropriate action to provide adequate wastewater treatment and the attainment of water quality standards in Ransom Creek.

As a result of *the Water Quality Survey*, *the Town* entered into *the Consent Order*, a copy of which is included in Appendix 1 of the *DGEIS*, which stipulates that *the Town* violated the Environmental Conservation Laws of the State of New York by discharging

improperly treated wastewater from a treatment facility and storm sewers owned by *the Town* to Ransom Creek and causing or contributing to a condition in contravention of State water quality standards.

The Consent Order required *the Town* to prepare and submit an approvable engineering report to address the water quality problems in Ransom Creek caused by the discharge of improperly treated wastewaters from Clarence Hollow. Specifically, the engineering report had to:

1) define the areas to be served by sanitary sewers;
2) identify large potential dischargers;
3) include preliminary design of collection sewers;
4) include preliminary design of a municipal wastewater treatment plant;
5) include preliminary cost estimates for construction and operation of the municipal wastewater treatment plant;
6) consider all feasible funding alternatives;
7) estimate annual cost to average sewer users;
8) develop an implementation schedule through completion of construction.

After entering into *the Consent Order, the Town* undertook an engineering study of the Clarence Hollow area delineating a preliminary public (gravity) sanitary sewer collection system and examining construction of a central public waste water treatment facility just north of Greiner Road discharging to Ransom Creek. Preliminary cost estimates for engineering, construction, operation and maintenance of both the public sanitary collection system and wastewater treatment facility were generated. Various funding and grant options were investigated and annual user costs were calculated. This study revealed that annual user costs for this new system would far exceed the New York State Comptroller's allowance for bonding approval, thereby making this project, as conceived, difficult, if not impossible, for *the Town* to finance.

In 1993, *the Town* also undertook a Sanitary Flow Study ("Flow Study") which set out to analyze present *Town* wastewater flows and formulate a basis for forecasting future wastewater flows, particularly within Clarence Hollow and/or through a Town-wide interceptor sewer in an attempt to reduce projected costs. *The Flow Study*, a copy of which is included in Appendix 1 to the *DGEIS*, was first submitted to *NYSDEC* in December 1993. *NYSDEC* returned comments to *the Town* in March 1994. A modified *Flow Study* (Addendum No. 1) was resubmitted to *NYSDEC* in May 1994 and *NYSDEC* returned comments to *the Town* in June 1994. A final submittal was then made to *NYSDEC* (Addendum No. 2) in October 1994. (The Addendums are included in Appendix 1 to the *DGEIS*).

NYSDEC's final determination in regard to *the Flow Study* was that when projecting the sewage flow associated with development, *NYSDEC* would <u>not</u> approve any deviation from the 100 gallons per capita per day average design flow and corresponding peaking factor as stated in "Recommended Standards for Wastewater Facilities, 1997 Edition" (the Great Lakes Upper Mississippi River Board of State Public Health and Environmental Managers). As a result of utilizing the 100 gallons per person per day wastewater flow estimate to calculate projected flows from Clarence Hollow, coupled with an additional determination from *NYSDEC* that tertiary treatment would be required

for discharges into Ransom Creek, the projected annual user costs associated with a new on-site wastewater treatment plant for Clarence Hollow ballooned to in excess of $1,200.00 per household.

The Town then undertook a re-examination of its 1989 Master Interceptor Sewer Plan, with the idea that the privately funded construction of a gravity fed sanitary sewer interceptor to the Hollow would eliminate the public treatment requirements and their respective costs, thereby making *the Project* economically feasible. The privately funded sanitary interceptor sewer was proposed to discharge into the Town of Amherst sanitary collection system at Transit Road, with treatment occurring at *the Amherst WWTP*. In 1995, *the Town* amended a previous inter-municipal agreement with the Town of Amherst which granted *The Town* an additional allocation of discharge capacity in the Amherst collection system and reserved capacity for treatment of Clarence flows at *the Amherst WWTP*. Specifically, the agreement granted Clarence an additional wastewater treatment capacity of 4 *MGD*, bringing *The Town*'s total reserved capacity at *the Amherst WWTP* to 6.3 *MGD*.

In 1996, the *PLSWC* entered into an agreement with *The Town* to construct approximately 12,000 *LF* of private sanitary trunk sewer within a temporary, nonexclusive easement to be granted by Clarence Sewer District No. 2 to *PLSWC* for the purpose of transporting sewage from various locations in *The Town* to *the Amherst WWTP*. This agreement provided for the construction of the existing Peanut Private Sanitary Trunk Sewer.

In 1998 and 1999, *The Town* applied for and received, grant funding from the State of New York Environmental Quality Bond Act, for the Clarence Hollow Pollution Abatement Program. In light of the above described events, *the Town* believed that the best way to address the Clarence Hollow pollution problem is to enter into a partnership with *the Sewage-Works Corporation*, whereby *the Sewage-Works Corporation* would construct and own *the New Trunk Line* between Clarence Hollow and the existing Peanut Line interceptor on Heise Road. *The New Trunk Line* was built and paid for by *the Sewage-Works Corporation*, which, in consideration, was allocated *the Reserved Capacity.*

2.2.2 The Heise Brookhaven Sewage-Works Corporation

Following completion of the *SEQR* process, the Heise Brookhaven Sewage-Works Corporation was formed, pursuant to Article 10 of the New York Transportation Corporations Law. *The Sewage-Works Corporation* entered into an agreement with *the Town* governing the rights and responsibilities of each relative to *the New Trunk Line* ("Sewage-Works Construction and Operation Agreement"). A draft of *the Sewage-Works Construction and Operation Agreement* was included in Appendix 2 of the *DGEIS*.

The major terms of *the Sewage-Works, Construction and Operation Agreement* are as follows:

- *The Project Sponsors* formed *the Sewage-Works Corporation* pursuant to Article 10 of the New York Transportation Corporations Law for the purposes of constructing, owning and operating *the New Trunk Line*.

- *The New Trunk Line* was constructed by *the Sewage-Works Corporation* at its sole cost and expense.

- *The Project Sponsors* have the right to utilize *the Reserved Capacity*.

- *The New Trunk Line* was constructed, in part, across *the Project Sponsors*' property; in part, across the lands of *the Town*; in part, within public rights of way of *the Town*, the County of Erie or the State of New York roads and highways; and, in part, upon the private property of third parties.

- *The Town*, through Town Sewer District No. 9, assumed all responsibility for operating, maintaining, repairing, improving and upgrading *the New Trunk Line*.

- Once *the Project Sponsors* have fully consumed *the Reserved Capacity*, *the Sewage-Works Corporation* shall convey its right, title and interest in *the New Trunk Line* to the Town Sewer District No. 9 for the sum of $1.00.

- With the exception of the users listed in paragraphs 1, 2, 3 and 4 below, no person, firm or entity may connect to *the New Trunk Line*, directly or indirectly, or discharge sewage or wastewater through any portion of *the New Trunk Line*, without the written consent, in each instance, of *the Sewage-Works Corporation* and *the Town* which may be withheld or conditioned by *the Sewage-Works Corporation* or *the Town* in their sole and absolute discretion:

    (1) Users granted permission by *the Sewage-Works Corporation* to connect to *the New Trunk Line* using *the Project Sponsors*' reserved capacity;
    (2) Existing dwellings and businesses in the new Town of Clarence Sewer District No. 9 will be allowed to connect to the new Clarence Hollow sewer infrastructure;
    (3) Existing single-family homes adjoining any public right-of-way through which *the New Trunk Line* passes upon payment of such fees and charges as *the Town* may assess; and
    (4) the Town Hall and the new Town Library.

Simultaneously with the execution of *SPDES Permit*, *the Sewage-Works Corporation*, *the Town* and the Peanut Line Sewage-Works Corporation executed a Sewage Access, Connection and Discharge Agreement and Easement authorizing the connection of *the New Trunk Line* to and the discharge of sewage from *the New Trunk Line* into the Peanut Line. A draft of the Sewage Access, Connection and Discharge Agreement and Easement was included in Appendix 2 to the *DGEIS*.

2.2.3 EIS Evaluation Methodology

2.2.3.1 Overview

The main component of the Clarence Hollow Pollution Abatement Project was the construction of *the New Trunk Line* between the Peanut Line and Clarence Hollow. A new sewer line is typically viewed as a growth inducing project because the construction of sewers removes a major barrier to development (the absence of wastewater treatment services). Thus, a new sewer line is typically followed by new residential and commercial development along the line, as well as reinvestment and improvements to existing commercial and residential development along *the New Trunk Line*.

Any environmental review of a new sewer line must analyze and evaluate these growth inducing impacts, focusing, in particular, on issues, such as population growth, land-use patterns, traffic, public services and community character. *The Project Sponsors,* in consultation with *the Town*, acting as Lead Agency, determined that a generic environmental impact statement was well suited to evaluate these types of impacts which are typically cumulative, secondary and long-term. Thus, the Environmental Impact Statement was prepared as a generic EIS.

2.2.3.2 Secondary Long-Term Impact Analysis.

When evaluating the secondary long-term impacts of a growth inducing project, such as a new sewer line, it is typical to identify or quantify the upper limits of acceptable growth. The EIS must also take into account factors which limit or offset the growth inducing impacts of *the Project*. As explained below, there are some significant limits upon the growth inducing impacts of *the Project*. In fact, due to certain flow constraints in the existing conveyance system between Amherst and Clarence, *the Project* did not add sewage capacity in *the Town*, but rather afforded a redistribution of existing sewage capacity bringing service to areas of *the Town* that previously did not have access to sewer infrastructure.

2.2.3.2.1 Sewage Treatment and Flow Limits.

The Town previously discharged sewage from the Peanut Line and Clarence Sewer District No. 2 to *the Amherst WWTP*. Pursuant to a 1995 agreement with the Town of Amherst, Clarence had been reserved a peak capacity treatment flow of 6.3 *MGD*. However, all wastewater from Clarence to *the Amherst WWTP* had to pass through an 18 inch trunk line which runs from Transit Road to Paradise Road in the Town of Amherst. This 18 inch trunk line acts as a "bottleneck" or control point which reduces the peak flow from Clarence to *the Amherst WWTP* to a maximum of 2.3 *MGD*. Any increase in the capacity of this line is the responsibility of *the Town of Clarence* and *the Town* has no immediate plans to eliminate this "bottleneck" by increasing the capacity of the line. Moreover, any such action would be subject to a full *SEQR* process. Thus, as a practical matter, for purposes of this EIS, the 18 inch trunk line limits overall flow from *the Town* to *the Amherst WWTP* to 2.3 *MGD* and thus, limits the flow capacity of *the New Trunk Line*. The following table indicates how flow limits from Clarence to *the Amherst WWTP* are allocated amongst the Clarence area sewer systems, including *the New Trunk Line*.

Sewer Line	Flow: *MGD*
Peanut Line	0.35
CSD No. 2	0.69
Clarence Hollow	0.31
ECSD No. 5	0.03
Excess Capacity- *New Trunk Line*	0.92
Total Limit of 18 inch Trunk Line	**2.3**

Table 2.1

2.2.3.2.2 The Town's Smart Growth Policy

The Town is currently enjoying a real estate sales and market uptrend. The location, local service accessibility and suburban/rural community character and aesthetics have created a very desirable living environment. *The Town* has found it necessary to control growth to minimize the economic and sociological problems that can be associated with rapid growth and urban sprawl. Thus, *the Town* adopted a new Master Plan to regulate and control growth within *the Town* ("Master Plan"). *The Master Plan* was prepared by Town planning staff with public input.

The Town currently regulates growth through zoning and a building permit process typical of most small communities throughout the region. In *the Town* there are two committees responsible for oversight of new facilities and growth oriented projects: the Town Environmental Quality Review Committee (TEQR) and the Town Planning Board. Upon review and acceptance of complete applications, these boards make either a positive or negative recommendation to the Town Board, which has the final regulatory/approval authority. At the time plans were being drafted for the Heise Brookhaven Sewer, the Town maintained a planning policy of issuing building permits for no more than 100 single homes and 200 subdivision homes in any given year. Since that time *the Town* has revised its Planning Policy and lowered these thresholds to no more than 70 single homes and 170 subdivision homes in any given year. This limit has currently been incorporated into *the Town*'s Master Plan. Development of lots is generally driven by real estate market conditions and building permits are applied for upon sale of the lot and the purchase of a home design by the consumer.

2.2.3.3 Primary or Site Specific Impacts

A DGEIS should evaluate all primary or site-specific impacts to the extent that such impacts can be identified. For the Clarence Hollow Pollution Abatement Project and the Roll Road PURD, that process has already taken place. The DGEIS for that project included an assessment of the site-specific impacts associated with the installation of *the New Trunk Line*, the site-specific impacts associated with the installation of sewer infrastructure within Clarence Hollow and the site-specific impacts associated with *the Roll Road PURD.* It also included an analysis of the secondary, long-term growth

inducing impacts of *the Project* associated with the redistribution of sewer capacity within *the Town*. Because the reserve capacity in the New Trunk Line was assigned to the private Sewage Works Corporation in return for building the sewer, and further because the growth inducing impacts of the project were addressed in the SEQR evaluation of *the Project,* development of the Spaulding Greens site has effectively already been sanctioned. Consequently the focus of the supplemental review being conducted for Spaulding Greens now is concentrated on what form the development should take.

Prior to now, the site specific impacts related to developments that utilize the reserve sewer capacity allocated to the private Sewage Works Corporation (beyond that assigned to the Roll Road PURD) have not been able to be studied in detail because development plans had not been conceived at the time of writing of the GEIS. Now that plans for Spaulding Greens have been submitted to the Town of Clarence, the SEQR review can take place. In the Town of Clarence the authority to ultimately approve the form of a given development rests with the Town Board. Recommendations of the TEQR committee and the Planning Board are forwarded to the Town Board to aid the Board in their decision making. The Town Board exercised its discretion with respect to considering an Open Space Design Development Plan, and now both plans can be evaluated under SEQR. Accordingly, this supplement to the original *DGEIS* will concentrate on the evaluation of site specific impacts associated with the two alternative development Plans for Spaulding Greens, and compare them with the obligatory null/no build alternative.

2.3 Proposed Action Covered Under this DGEIS

This Supplement to the *DGEIS* for the Clarence Hollow Pollution Abatement Project (or Supplemental Draft Environmental Impact Statement [SDGEIS]), is limited to the analysis of site specific impacts resulting from development of 380± residential housing units on a 419± acre parcel of land, known as Spaulding Greens. The project area is located on lands roughly bounded by Goodrich Road to the west, Clarence Center Road to the north, Krause Road to the east, and Greiner Road to the south. Proposed residential housing will fall into several types, the most common of which will be single family detached. Detached single family residential will be marketed to several price points within the project area ranging from approximately $500,000 to $1.5 million per home. Attached single family residential is proposed at the southwest corner of the existing Hidden Pond Subdivision, near Goodrich Road and north of the NYSEG overhead electric transmission lines and the Gott Creek stream corridor. These units are proposed to be grouped into buildings of 4-units per building, with two units piggybacked against two more units (commonly known as a 4-plex configuration, as opposed to 4 units in a row). These units will probably be priced between $200,000 and $300,000. The Open Space Design Development alternative calls for development of small clusters of Patio Homes, with prices in the $300,000 to $500,000 range. The site concept plan is presented in Figure 1.2.

A portion of the site was previously analyzed to address the site specific impacts of sewer construction because, as was stated previously and as was noted in the DGEIS, the Heise Brookhaven Sewer traverses the Spaulding Greens property.

2.3.1 Floodplain and Floodway

There are no mapped 100 year floodplains or floodways that encompass the reaches of Ransom or Gott Creeks as they traverse the project area of Spaulding Greens. Save for a road crossing and minor disturbances for storm water drain discharges, there will be no impacts to these streams that are largely avoided by development. Floodplains or floodways are not impacted.

With respect to storm drainage outlets, detention basins will be employed (as required by code) in the design of any development layout approved. The basins are designed to attenuate storm water runoff flow from the developed site to pre-development levels. In addition, permanent water quality protection is included in the design of the storm water management system, employing both pre-and post-treatment of storm water flows to capture sediments, pollutants and other suspended particles.

2.3.2 Wetlands

The Spaulding Greens Site contains State and Federal jurisdictional wetlands. 8 Federal jurisdictional wetlands totaling 45.48± acres have been identified within the project area. Of the 8 delineated areas determined to have federal jurisdiction, 2 have also been determined by the New York State Department of Environmental Conservation (DEC) to qualify for regulation as New York State Freshwater Wetlands. The areas to be regulated by the state total 28.54± acres. With respect to areas under federal jurisdiction, implementation of alternative 1 would impact 5.64± acres, while alternative 2 would impact 3.06± acres. With respect to areas under state jurisdiction, implementation of alternative 1 would impact 0.49± acres plus 6.88± acres of wetland buffer (100' adjacent area), while alternative 2 would impact 0.39± acres plus 2.45± acres of wetland buffer. *The Project Sponsors* propose to mitigate these Federal wetland impacts by creating 6± acres of new wetland located within the Gott Creek stream corridor. This mitigation will enhance the ecological diversity of the Gott Creek corridor that is being maintained as a greenway linkage across the Spaulding Greens site.

2.4 The Project Schedule

It is anticipated that at the earliest, construction of *Spaulding Greens* will begin in the spring of 2008, although the project sponsors would like to begin construction sooner if all necessary approvals could be secured. Construction of infrastructure will take place in phases, potentially with multiple phases coming online simultaneously (because the various market segments do not compete with one another). However, because of the building cap restrictions imposed by the Town, and market conditions at the time of construction, this concept may be modified. In any event, it is likely that complete construction of site infrastructure will take over 10 years to complete, with full build out of dwellings taking over 20 years to complete.

2.5 Governmental Approvals Required for *the Project*

The following Approvals from the following governmental agencies will be required in association with *the Project*:

ACOE:

- 40 CFR Part 230; Guidelines for Specification of Disposal Sites for Dredged or Fill Material Part IV; Subpart B - Compliance With the Guidelines §230.10 - Restrictions on discharge.

NYSDEC:

- Stream Disturbance Permit;
- Freshwater Wetlands Permit;
- Sewer extension approval oversight;
- Water Quality Certification (required pursuant to the federal laws (implemented by 6 NYCRR Part 608);
- General Permit for Storm Water Discharges Associated with Industrial Activity from Construction Activities.

ECDOH:

- Public Water Main Construction Permit;
- Public Sanitary Sewer Construction Permit.

Erie County Department of Public Works, Division of Highways:

- Road Crossing Permit.

The Town:

- Change of Use (Rezone);
- Subdivision Approval (Preliminary and Final Development Plan Approval);
- Public Improvement Permits;
- Building Permits;
- Floodplain Development Permit.

2.6 Purpose of *the Project*

The principal purpose of the underlying action for Spaulding Greens, was to correct pollution problems at Ransom Creek in the Town of Clarence. Improper discharges associated with the failure of individual treatment systems in the Clarence Hollow area were identified by *NYSDEC* in 1992. In its survey of Clarence Hollow treatment systems, *NYSDEC* found that 58% of the private septic treatment systems evaluated provided unsatisfactory treatment, causing or contributing to the contravention of water quality standards in Ransom Creek. Appendix 1 of the *DGEIS* contains articles, correspondence and documents relating to the Ransom Creek pollution problems.

Since the Ransom Creek water quality standard concerns were first identified by *NYSDEC*, *the Town* had been working to develop an effective and achievable pollution abatement program. Ultimately, *the Town* determined that the best economically feasible/technical solution involved a public/private partnership to install *the New Trunk Line* between the existing Peanut Line and Clarence Hollow. Accordingly, *the Town*,

along with *the Project Sponsors,* through *the Sewage-Works Corporation*, constructed a new 4.5 mile trunk sewer line from Heise Road to Clarence Hollow, which ultimately conveys sanitary waste to the *Amherst WWTP*.

Subsequently to implementation of the underlying action (*the New Trunk Line*), *the Project Sponsors* are planning use a portion of their agreed upon reserve capacity in *the New Trunk Line,* in like manner as was previously done when *the Roll Road PURD* was approved, utilizing another portion of *the Reserved Capacity*. Thus, *the Project* will also serve *the Town*'s needs for maintaining an inventory of conceptually approved development, so as to ensure continued vitality within *the Town*'s residential housing market.

2.7 Public Need for *the Project* (reproduced without revision from the DEIS)

Pursuant to the requirements of *SEQR*, the EIS must include a description of the public needs and benefits of *the Project*, including social and economic considerations. A "public need" is a benefit which is offered to a given population in the form of a service, facility or opportunity. It is a need that is so essential that if it is not met, a hardship to the community results. Further, a public need exists separate and apart from a project proposal, i.e., the need itself is not motivated by any other outside considerations. By contrast, a "private need" is distinctly different and has been defined as a need which is influenced by such things as profit/loss assessments and financial gain. Moreover, rather than existing on their own, private needs are often induced by advertising or promotional efforts.

It is clear that the need being addressed by this proposal is a strong "public need": the ongoing contravention of water quality standards in Ransom Creek must be solved. If the existing pollution problem is not rectified, the public will suffer true hardship, including exposure to high levels of waste contaminants in Ransom Creek, continued associated health risks and the threat of subsequent enforcement actions by *NYSDEC* against *the Town*, resulting in potential fines and penalties to the taxpayers of Clarence.

Further, although not the driving force of this proposed project, its ancillary effect, i.e., the creation of planned development opportunities for the community, provides evidence of a market need for additional housing in *The Town*. Indeed, the mere pursuit of an application by a developer has been recognized as evidence of a calculated business judgment supporting a market need for a project. Strong consideration is given to *the Project Sponsors*' assessment of the need for additional residential development within *The Town* because *the Project Sponsors* are motivated by strong economic considerations to ensure a successful project.

2.8 Benefits Including Social & Economic Considerations of Project

2.8.1 Social & Economic Setting (reproduced without revision from the DEIS)

The Town is located approximately 20 miles northeast of Downtown Buffalo, in Erie County, New York, a metropolitan center located on the western border of the State of New York covering 1,058 square miles. Erie County is bounded by Lake Erie and Canada to the west, Niagara County to the north, Genesee and Wyoming Counties to

the east and Cattaraugus and Chautauqua Counties to the south. More than half the population of both Canada and the United States, as well as 52% of the personal income, created by the United States and Canada, are located within 500 miles of Erie County. In addition, three-quarters of Canada's manufacturing activity and 55% of the United States' manufacturing activity fall within that radius. Located within the County are three cities and 25 towns, including the City of Buffalo, the second largest city in the State, which serves as the county seat. The current population of Erie County is 968,532.

The Town, named from the English House of Clarence, was formally established in 1808. It is the oldest township in Erie County. The township originally included all of northern Erie County, including areas that presently encompass the City of Buffalo and the Towns of Amherst, Lancaster, Alden and Newstead. The original settlement patterns within *The Town* centered around the Hamlets of Clarence Center, Clarence Hollow, Swormville, Wolcottsburg and Harris Hill.

The Town measures 8.9 miles long (north to south) and 6 miles wide (east to west), encompassing approximately 53 square miles of area. *The Town* is bound by the Town of Lockport to the north, Amherst to the west, Newstead to the east and Lancaster to the south.

Although there has been a decline in population throughout the Western New York region, *The Town* has experienced significant growth, rising by approximately 400 people per year for the last ten years. *The Town*'s current population has been estimated by the Census Bureau to be about 24,000 people. The local economy appears to be relatively stable, with the economic indicators of the region showing positive gains. For instance, the Buffalo Niagara Region overall job growth has been 4.6% since 1991. In addition, several of the largest employers in the region are making profits and are looking forward to future expansions. Within *the Town*, several of the larger employers, including Wilson Greatbatch, Dynabrade, Ice Dimar and Mennon Medical appear committed to staying in *the Town*. Moreover, in recent years additional retail and office space within *the Town* have been developed mainly along Transit Road and Sheridan Drive, but there also have been some additions to local industrial businesses along Main Street and Wehrle Drive. The current rate of development is estimated to be approximately 145,000 square feet of additional commercial and industrial space within *The Town* per year.

In terms of housing, over the course of the last 40 years, *The Town* has created an additional 6,000 acres of residential development. Although this is large land area, most of the development is low density averaging out to approximately one residential building unit per .95 acre. This type of low density residential development has been the lure of new home buyers since the early 1950's.

Since the mid-1980s, *the Town* has been experiencing development pressure for new residential housing. Most of the residential growth has been occurring in previously approved subdivisions. However, there are a significant portion of new single-family permits being issued for areas outside of subdivisions along rural town roadways. The percentage of owner occupied units remains very high [approximately 87.7%, as

compared with Erie County as a whole (66.2%)]. However, it should be noted that approximately 72% of these homes rely on private sewage disposal, as compared with Erie County as a whole (approximately 8.2%).

2.8.2 Environmental and Health Benefits

The pollution problems associated with failing or inadequate septic systems in the Clarence Hollow area presented environmental and health threats to the community in and around Ransom Creek and its tributaries. Sampling performed by the New York State Department of Environmental Conservation in Ransom Creek, downstream from Clarence Hollow, showed fecal coliform levels at 12,000 times the regulatory standard and total coliform levels at 1,000 times the regulatory standard, respectively. *The Project* corrected this situation by eliminating the private sewage treatment systems in the Hollow that were identified as the source of the Ransom Creek pollution problems.

2.8.3 Minimization of Remediation Project Costs

By utilizing a private developer for the construction of *the New Trunk Line*, *The Town* was able to minimize construction costs associated with the remediation of pollution problems at Ransom Creek. Estimated costs associated with construction of the sewer infrastructure portions of *the Project* would have been approximately $10.8 million if the facilities had been built by *The Town*. However through the public/private partnership, *The Town*'s costs were reduced to approximately $6.2 million. Moreover, during 1998 and 1999, *The Town* received a total of $1.5 million in grant funding from the Environmental Quality Bond Act for use toward solving the Clarence Hollow pollution problem. Thus, *The Town* did an exceptional job of minimizing the impact associated with remediating the Clarence Hollow Pollution problem on *The Town*'s taxpayers.

2.8.4 Increased Tax Base

Additional residences will result in a much desired increased tax base for *The Town* which will assist in maintaining desirable community aspects, such as its schools, parks, roads and community buildings. For example, *The Town*'s consistently highly ranked school system will benefit, further attracting population growth and building upon the existing tax base. This benefit is particularly significant in lieu of the $17 million tax assessment reduction given to Eastern Hills Mall in 1999 because of a significant loss of its customer base.

Spaulding Greens, as planned, is particularly beneficial to *The Town*'s tax base. Generally, any residential property assessed at an amount greater than $225,000 generates significantly more tax dollars than *the Town* is required to spend supplying services. Homes within *Spaulding Greens* will exceed this benchmark price point. The remaining development within the project area is generally more dense (Patio Homes and Town Houses) than traditional home development and thus, also helps reduce Town costs in providing services.

2.8.5 Increased Utilization Rates

The Project makes use of unused capacities at the existing Amherst WWTP and Town of Amherst Sewer Receptor systems. Amherst and Clarence have entered into an inter-municipal agreement for such an arrangement. In 1995, the Town of Amherst granted *the Town* additional wastewater treatment capacity of 4,700,000 gallons per day. The increased utilization rates will result in significant cost efficiencies.

2.8.6 Correction of State Regulation Violations (reproduced without revision from the DEIS)

The elimination of the improper waste discharges into Ransom Creek will result in a corresponding correction of current violations of State water standards, effectively precluding future fines and/or regulatory action for the Ransom Creek pollution problem.

2.8.7 Elimination of Problematic Septic Tank Systems (reproduced without revision from the DEIS)

Replacement of septic tank systems with an existing sewer system will eradicate the failures and expensive maintenance and operational problems typically associated with the use of septic tank systems by Clarence residents. Moreover, some properties within the Hollow area with inadequate septic systems do not have adequate lot size or soil conditions to install satisfactory septic systems.

2.8.8 Low Density Development Can Be Maintained

Since 1986, *the Town* has been experiencing significant development pressure for new residential housing. Without any further subdivision approvals, the pressure to build on road frontage will increase. Building new homes on this frontage property privatizes the view shed and creates a visual screen of open areas and farmland that lay beyond. The practical effect is while significant green space may still exist within the community, the loss of visible green space makes the area appear significantly *less* green, and consequently to many, less desirable. This practical loss alters the character of the community in contravention to the stated goals of *the Master Plan*.

2.8.9 Increased Quality of Life

The improved water quality that will result from *the Project* will translate into an improved quality of life for those living in and around Ransom Creek. Additionally, the increased tax base resulting from the ancillary development along the route of the sewer will provide more money to be injected back into the community.

2.8.10 Creation of Jobs

The construction of new housing and related infrastructure will result in the creation of additional employment and work, and is necessary to aid the regions efforts in attempting to providing a vibrant source of local employment. In addition to job opportunities created directly to construct new improvements, the residents who will ultimately occupy the new homes become consumers supporting the local economy.

They will pay sales, property and income tax revenue. These new residents will increase the demand for goods and services from existing providers. They will patronize existing shops and restaurants, they will buy cars, clothes and furniture, etc., all of which contribute to a healthy, vibrant economy.

2.8.11 Historic Preservation (reproduced without revision from the DEIS)

The Town is the oldest township in Erie County, established in 1808. Clarence Hollow was one of the original areas of settlement within *The Town* and thus, is a vital part of Clarence's rich local history. The abatement of the pollution problems associated with Ransom Creek should remove a long-term barrier that has discouraged property owners in Clarence Hollow from reinvesting in this historic area. Thus, *the Project* will aid *the Town*'s efforts to maintain and preserve the historic quality of Clarence Hollow.

Section 3.0 Project Alternatives

3.1 Introduction

SEQR requires that *the DGEIS* contain a statement and analysis of the reasonable alternatives to *the Project* taking into account the objectives and capabilities of the Project Sponsor. The purpose of including reasonable alternatives to *the Project* is to aid members of the public and governmental bodies in assessing the relative costs and benefits of *the Project*. It is not necessary to examine every possible alternative to an action. Instead, the alternatives explored must demonstrate that a reasoned conclusion has been reached.

This document is a supplement to the DGEIS that was prepared to evaluate construction of a sewer intended, in part, as a pollution abatement program for Clarence Hollow. Reserve capacity in the sewer system was allocated to the sewage works corporation that constructed the system. While the sewer was designed with capacity to convey sewage a larger geographic area than just the Hollow, the SEQR review overtly recognized that a restriction in capacity existed downstream at the connection point in the Town of Amherst, where the diameter of the trunk line reduces from 24" to 18." Accordingly, issues related to the growth inducing impacts related to sewer construction were not fully explored, save for those associated with the aforementioned reserve capacity allocated to the developers of the sewer line.

Included in the DGEIS, was an evaluation of development of the Roll Road PUD (now known as "Waterford Village), a land development action proposed by some of the partners in the Sewage Works Corporation. At the time sewer impacts were being evaluated, the Waterford Village plans had already progressed to a point that site specific impacts could be evaluated and included in the SEQR review for the associated sewer. This was not the case for the subject action of this supplement to the DGEIS, Spaulding Greens. While land comprising the site had been identified at the time of the SEQR for the sewer, no development plans had yet been conceived, and consequently impacts related the specifics of site layout could not be addressed. This is no longer the case.

In 2006, after lengthy consideration of a number of alternative development concepts, the partners in Spaulding Greens, LLC - who are also original sponsors of the Heise-Brookhaven Sewage Works Corporation, submitted plans and secured concept approvals from the Town of Clarence for approval Spaulding Greens. During the same period of time that Spaulding Greens, LLC was exploring development options for the site, the Town adopted a new code that granted the Town Board authority to require that an open space, or cluster, development plan be prepared for consideration of approval. Accordingly, the development team also prepared an alternative, Open Space Plan.

This supplement to the Clarence Hollow Pollution Abatement Project is intended to evaluate the site specific impacts represented by two alternative development proposals for the Spaulding Greens site, one of the areas authorized to utilize the reserve capacity of the Heise-Brookhaven Sewer in consideration for the privately funded contribution

made by the Sewage Works Corporation to eliminate improper sewage discharges in the Clarence Hollow area and to meet the *NYSDEC* water quality standards for Ransom Creek. Thus, *the Project Sponsors* have worked cooperatively with *the Town* to analyze a broad range of alternatives, based upon the purpose of *the Project,* with particular emphasis placed upon financial feasibility and the minimization of adverse environmental impacts.

3.2 Alternative Development Plans

As part of the normal process of evaluating the feasibility of developing a given site, the developer, who begins his process by looking at a "blank page," as an infinite number of possibilities to contemplate. Some are more realistic than others. Some may consider land uses and layouts that are not strictly allowed by code, others are rigidly compliant. In a word, some are more *practical* than others. As the development team explored potential development plans for the site, it became increasingly clear that the Leadership of the Town was looking to conserve open spaces, even going so far as to adopt an Open Space Design Development Code (OSDD). In the end, two development proposals were determined reasonable enough to submit to the Town and for evaluation under SEQR. Both plans were submitted to the Town for consideration of approval, and although differing in layout and form, both are consistent with the Open Space Design Development Code. As required by SEQR, this document also evaluates the null, or no build alternative.

3.3 Summary of Compared Alternatives

A chart summarizing key factors associated with development of Spaulding Greens in Planned Development District configuration, in Open Space Design Development configuration, and as compared to the null/no build alternative follows (see figure 3.1 - Planned Development District Plan, and figure 3.2 - Open Space Design Development Plan):

Factors:	**Subject Action, Alternative 1 - Open Space Design Development (OSDD) Concept** **(380± Units, 419± acres)**	**Alternative 2 - Open Space Design Development (OSDD) Concept** **(380± Units, 367± acres + 52± acre reserve for as yet unidentified future use)**	**Alternative 2 – Null/NoBuild Alternative** **(0 Units, 419± acres)**
Residential Development	Controlled, low density growth (0.9± gross units/acre). On average, larger lot sizes, less housing diversity, but greater assessed value than provided in plan alternate 2.	Controlled, low density growth (0.9± gross units/acre, 1.0± net units/acre). On average, smaller lot sizes, greater housing diversity, increased visible green space, reduced assessed value than provided in plan alternative 1.	No housing provided to serve existing market demand and provide for healthy, ordered growth.
Utilization of Existing Facilities	Increased utilization of Amherst WWTP. Development anticipated as part of construction of *the New Trunk Sewer*.	Increased utilization of Amherst WWTP. Development anticipated as part of construction of *the New Trunk Sewer*.	No increased utilization of existing facilities and no utilization of reserve sewer capacity as agreed by contract in return for construction of publicly needed sanitary sewer.
Cultural Resources Impact	No cultural resources impacts	No cultural resources impacts	No cultural resources impacts
Loss of Open Space	Results in loss of open space, but in controlled and limited fashion. Less visible green space than provided for in alternative 2 plan, and substantially less than existing undeveloped site (null/no build alternative).	Results in loss of open space, but in controlled and limited fashion. More visible green space than provided for in alternative1 plan, but substantially less than existing undeveloped site (null/no build alternative).	No loss of open space
Wetlands Impact	Loss of approx. 6 acres of wetlands mitigated by creation of approx. 12 acres of new wetlands.	Loss of approx. 3 acres of wetlands mitigated by creation of approx. 6 acres of new wetlands.	No wetland impacts
Traffic Impacts	Moderate traffic impacts: Background growth in traffic without Project will require improvements at various important intersections; Traffic associated with Project will not require additional improvements	Moderate traffic impacts: Background growth in traffic without Project will require improvements at various important intersections; Traffic associated with Project will not require additional improvements	No traffic impacts

Table 3.1

Even though the project sponsor originally preferred development alternative 1, after evaluating the alternatives generated at the request of the SEQR Lead Agency, the alternative 2 Open Space Design Development plan has risen to become the preferred alternative for the following reasons:

1. The null/no build alternative does not fulfill the agreed upon contractual obligation that grants utilization of reserve sewer capacity to the private developers who helped make the Clarence Hollow Pollution Abatement Project a reality.

2. The null/no build alternative is inconsistent with *the Town*'s goals and policies for future growth in *the Town*.

3. The Alternative 2 Development Plan represents less impact to environmentally sensitive area (e.g., wetlands) than Alternative 1, and consequently requires less mitigation.

4. While similar in form and gross density to Alternative 1, Alternative 2 provides a more diverse mix of housing styles that more closely reflects a housing market that has diverse housing needs, than the less diverse plan represented by the 1st alternative.

5. The Open Space Design Development Plan induces only limited growth within *the Town*, which can be managed in a manner that is consistent with *the Town*'s goals and policies for future growth and with minimal adverse environmental impacts, which can and will be eliminated or minimized to the maximum extent practicable.

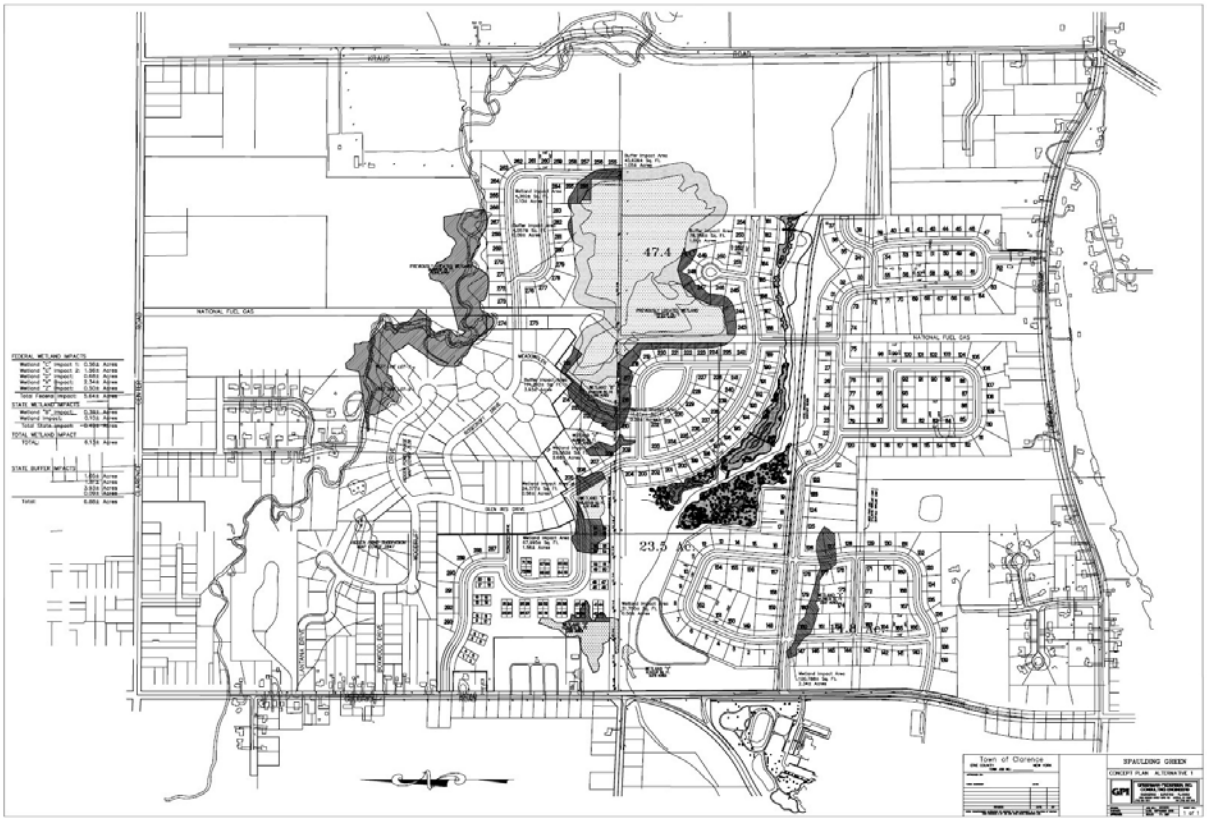


Figure 3.1 – Open Space Design Development Plan, Alternative 1

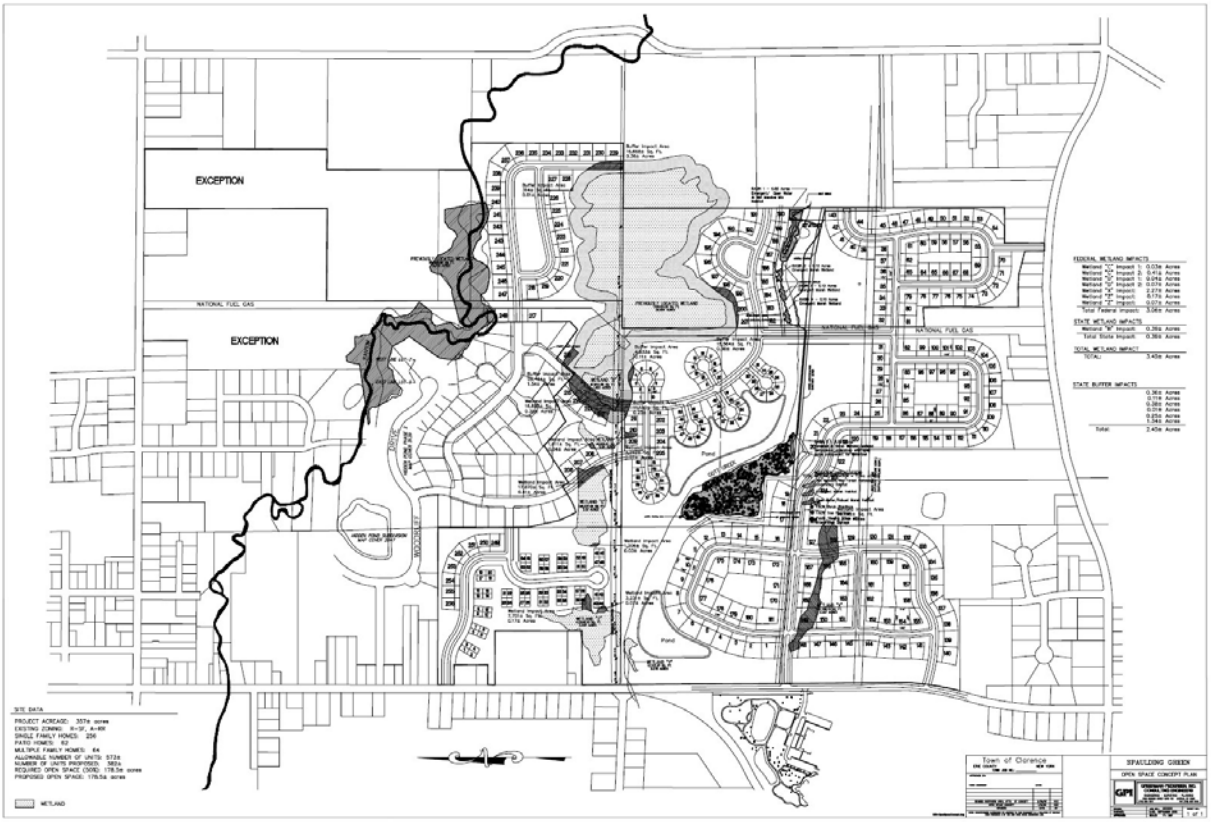


Figure 3.2 – Open Space Design Development Plan, Alternative 2

Section 4.0 Environmental Setting

4.1 Introduction

Pursuant to *SEQR*, each *DGEIS* must describe the environmental setting of the areas to be affected sufficient to understand *the Project* and the alternatives. This section sets forth a detailed description of the environmental setting of *the Project Area*. This information has been compiled, based upon site reconnaissance, review of available background reports, maps, aerial photographs and other secondary data, as well as discussions with various state and local agencies with jurisdiction over *the Project*. *The Project Area* encompasses an area approximately 419 acres in size, roughly bounded on the north by Clarence Center Road, the east by Krause Road, the south by Greiner Road and the west by Goodrich Road (See, Figure 4.1 - Aerial Photograph of the Project Area). Several constraints lie within *the Project Area* that posed a challenge to creating a practical development plan for the site:

Natural Feature Constraints:
- Ransom Creek Corridor
- Gott Creek Corridor

Man Made Facilities Constraints:
- Heise–Brookhaven Sanitary Sewer
- Sun Oil Pipeline
- New York State Electric and Gas Overhead Electric Lines
- Nation Fuel Gas Line

The description of environmental settings contained in this Section is general to *the Project Area*, but where appropriate, this supplemental *DGEIS* addresses site specific conditions for each of these individual areas.

4.2 Natural Features

4.2.1 Ransom Creek Corridor

Ransom Creek traverses upper third of the site from east to west. In both development configurations this corridor roughly forms the northern limit of the active development area. The corridor is crossed by an existing National Fuel Gas Transmission main.

4.2.2 Gott Creek Corridor

The upper reaches of Gott Creek roughly bisect the site, traversing the project area from east to west. In both development configurations this corridor roughly forms the northern limit of the active development area. The corridor is crossed by an existing National Fuel Gas Transmission main and two small bridges (sufficient for golfers and course management equipment) that serve an existing 9-hole golf course that is located within the southeast quadrant of Spaulding Greens.

4.3 Man Made Facilities

4.3.1 Heise-Brookhaven Sanitary Sewer

The newly constructed Heise-Brookhaven Sanitary Sewer traverses the middle section of the site south of the Gott Creek corridor. The sewer flow follows the natural grade

and flow of the drainage basin and flows from east to west. As is the case with the steam corridors the sewer line is crossed (or more accurately crosses) the existing National Fuel Gas Transmission main.

4.3.2 Sun Oil Pipeline

Sun Oil Company (SUNOCO) operates and maintains a gasoline transmission line that also traverses the middle section of the site south of the Heise-Haven Sanitary Sewer. It lays an east-west orientation. As is the case with the sewer line, the SUNOCO line crosses the existing National Fuel Gas Transmission main.

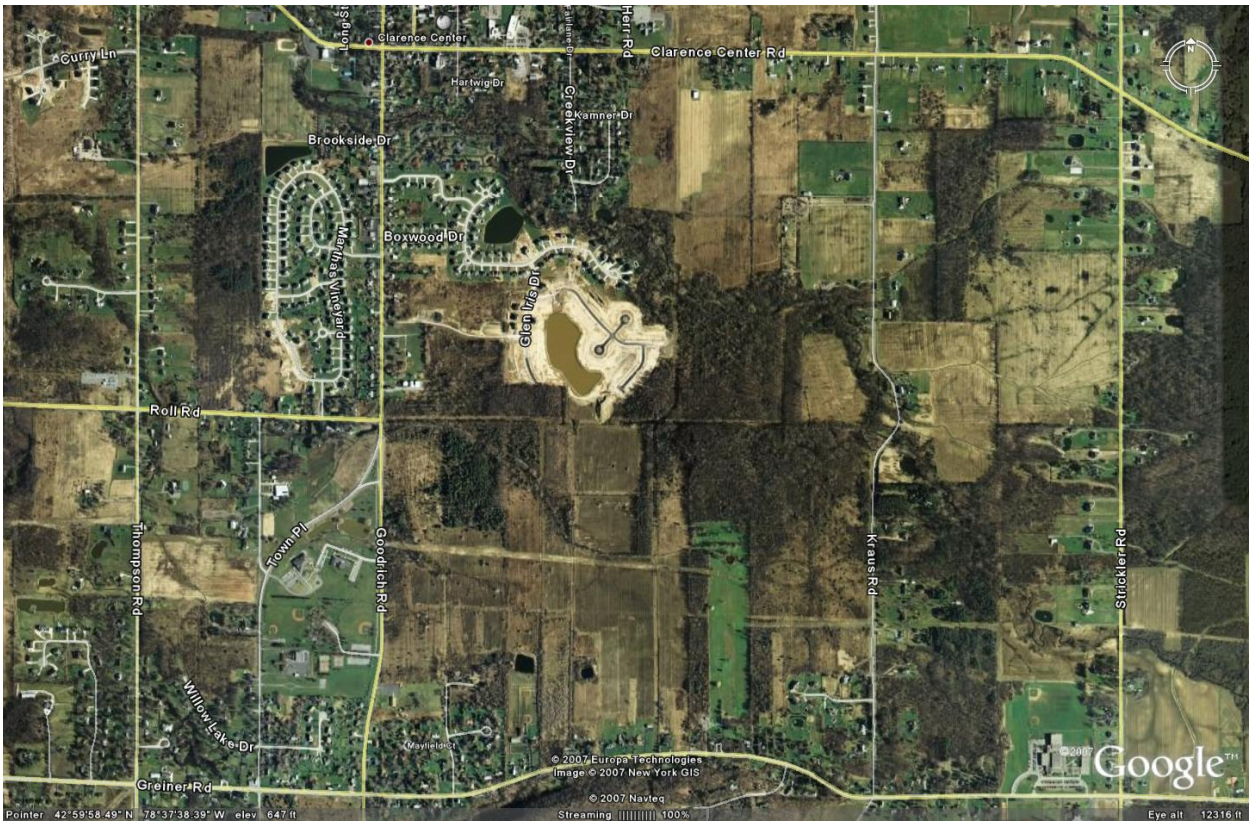
4.3.3 New York State Electric and Gas Overhead Electric Lines

New York State Electric and Gas (NYSEG) operates and maintains overhead electric transmission lines that traverses center of the site, extending easterly across the site from approximately the eastern termination of Roll Road along the western boundary of the subject parcel.

4.3.4 National Fuel Gas Line

National Fuel Gas operates and maintains a natural gas pipeline that traverses site in a north-south orientation. The line crosses the the middle section of the site south of the Heise-Haven Sanitary Sewer. As is the case with the sewer line, the SUNOCO line crosses the existing National Fuel Gas Transmission main.

Figure 4.1 Aerial Photograph of the Project Area
(image acquired from Google Earth)



4.4 Topography

The site is located within the Erie-Ontario physiographic region just north (and below) the Onandoga Escarpment. While the site slopes gradually east to west along the drainage corridors of Ransom and Gott Creeks which traverse the site, topography is generally flat at average elevation approximately 640 feet above sea level (National Gravitational Vertical Datum [(NGVD]).

The southern and northern boundaries of the site are bordered by existing homes on frontage lots, although homes sites adjacent to the northwest, southwest and southeast corners of Spaulding Greens are located in previously developed residential subdivisions. A portion of the project area is occupied by a small existing 9-hole golf course that lies within the southeast quadrant of the project area. While the majority of the course area is south of Gott Creek, the northernmost regions of it cross the creek.

Most of the property is comprised of lands formerly in agriculture that now lie fallow and scrub brush. The ecology of the site contains mixed vegetation communities including old field, fallow agricultural fields and recently plowed agricultural field, successional shrublands and woodlot vegetation communities. The only significant stands of trees or wood lots follow the stream corridors for Ransom and Gott Creeks, and some limited area along Goodrich Road across from Town Hall.

4.5 Geology and Soils (reproduced without revision from the DGEIS)

The Project Area is located within the Erie-Niagara Basin, which is underlain by layers of sedimentary bedrock covered with unconsolidated deposits. The bedrock is composed mainly of shale, limestone and dolomite. The shale unit is the Camillus Shale and it contains gypsum. The rocks dip gently to the north at approximately 30 feet per mile.

The unconsolidated materials are mostly glacial deposits formed during the Pleistocene Epoch, about 10,000 to 15,000 years ago. The deposits consist of: (i) till, a mixture of clay, silt, sand and gravel deposited from the ice sheet; (ii) lake deposits, bedded clay, silt and sands that settled out of lakes, which were fed by melting ice; and (iii) sand and gravel deposits that were laid down beneath glacial streams. These glacial deposits are generally 50 feet thick in the northern part of the basin, where *the Project Area* is located.

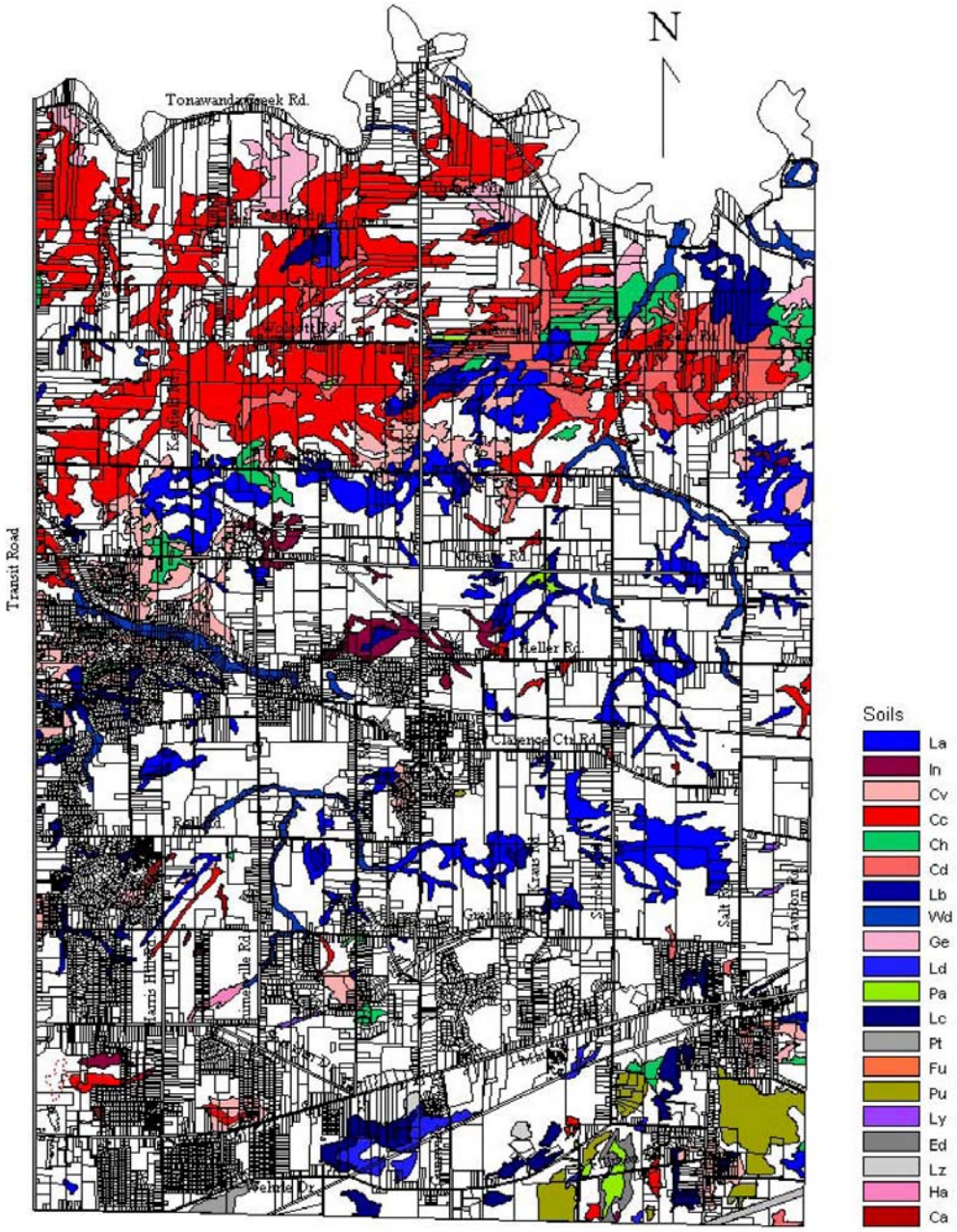
Northern Erie County lies within the Erie-Ontario Lake Plain Province. The Erie-Ontario Plain has little significant relief, except in the vicinity of the major drainage ways. The Plain typifies the topography of an abandoned lake-bed. Long-term erosion has produced east- west trenching, north facing scarps, or continuous slopes separating relatively flat land into two levels on the upturned ends of the more resistant beds.

The bedrock in the vicinity consists of the Camillus Shale Formation, which is generally five feet or more below the surface. This Formation varies from thinly-bedded shales to massive mudstones, which are generally gray or brownish gray in color, with some showing a red or greenish tinge. Gypsum and anhydride are often present in this rock.

The soils encountered within *the Project Area* include Cazenovia silt loam, Churchville silt loam, Lakemont silty clay loam, Lima loam, Odessa silty clay loam, Ovid silt loam,

Schoharie silt loam, Wayland silt loam and Honeoye silt loam. A copy of the soils map is included as Figure 4.2. Soil characteristics range from well and moderately well drained, resulting in medium to rapid runoff, (e.g., Cazenovia and Schoharie soils), to slow permeability and poorly drained, resulting in medium to low runoff, (e.g., Churchville, Lakemont and Ovid soils). Associated uses with these soil types include raising vegetables, hay, fruit, wheat and small grains. If some of the soils are used for septic tank absorption fields, specially designed systems may be needed to overcome slow permeability. Vegetation consistent with these types of soil include woodlots of American elm, sugar maple, red maple, black cherry, white and black ash, hickory, red and white oak, white pine and associated hardwoods.

Figure 4.2 - Soils Map



4.6 Site Specific Soils – Spaulding Greens (reproduced from WET Wetland Delineation Report)

The U.S. Soil Conservation Service has performed a soils identification study on a county by county basis. Aerial photography plates have been utilized in conjunction with field testing to identify soil types and locations within various counties. The results have been compiled and published in County-Specific Soil Surveys. Also included in the surveys is information pertaining to the various soils identified within the county which includes, but is not limited to, texture, range of chroma colors, range of mottle colors, subgroup and drainage classification. Most counties in New York State have been completed and published though a few are still in progress. The Soil Survey of Erie County, sheet number 25 and 26 was referenced to determine the likelihood of encountering soils with hydric characteristics or which may contain hydric inclusions. The following soil series are mapped on or in the vicinity of the site:

SYMBOL	SERIES	SUBGROUP	DRAINAGE CLASS
CgB	Cazenovia silt loam	Glossoboric Hapludalfs	Moderately well
La	Lakemont silt loam	Udollic Ochraqualfs	Poorly drained
Lb	Lakemont mucky silt loam	Udollic Ochraqualfs	Very poorly drained
Od	Odessa silt loam	Aeric Ochraqualfs	Somewhat poorly
OvA	Ovid silt loam	Aeric Ochraqualfs	Somewhat poorly

Table 4.1

The site is located within the Odessa-Schoharie-Rhinebeck Association soil map unit. This soils unit is defined as deep soils formed in clayey glacial lakelaid deposits. The landscape is a nearly flat plain dissected in some places by stream channels Slope is mainly 0 to 8 percent but ranges from 0 to 15 percent.

The soil symbols associated with the detailed soils map indicates the soil series and the slope associated with that mapped unit. For example, OvA identifies the soil series as Ovid. The last capital letter of the symbol (A) identifies the slope ranging for that soil unit as 0 to 2 percent. B would represents 3 to 8 percent slope, C represents 8 to 15 percent, D – 15 to 25 percent and E represents a slope of 25 to 35 percent. The lack of a third letter symbol indicates a relatively flat - less than 2 percent - slope.

The Cazenovia series consists of deep, well drained and moderately well drained soils that developed on glacial till plains. These soils formed in glacial till and reglaciated lake-laid sediments. Slopes range from 3 to 15 percent but is dominantly 3 to 8 percent.

Soil colorations in the B Horizon are typically reddish brown 5YR4/4 with few faint brown 7.5YR5/4 mottles. The B2 Horizon of these soils has a hue ranging from 7.5Y to 2.5YR, value of 3 to 5, and chroma of 3 through 4. Texture is a silty clay loam in the B Horizon. The Ap Horizon is a dark brown 10YR3/3 silt loam. Associated soils include Honeoye, Lima and Wassaic soils.

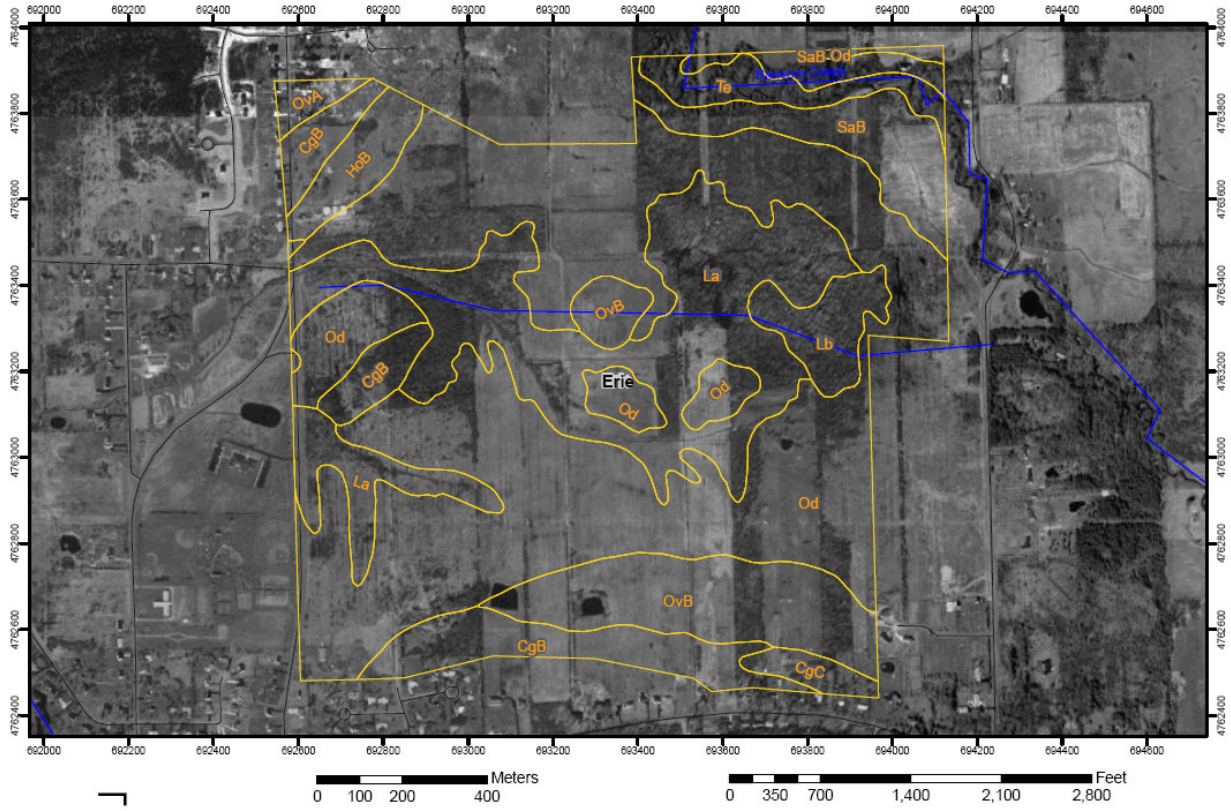
The Lakemont series consists of deep, poorly to very poorly drained soils in nearly level areas or in depressional areas of the lowland lake plain in the northern part of the county. These soils formed in reddish lacustrine deposits dominated by clay and silt . Slope ranges from 0 to 3 per cent but is dominantly 0 to 1 per cent. Soil colorations in the B Horizon are a brown 7.5YR5/2 with many medium distinct light gray 10YR7/1 and strong brown 7.5YR5/6 mottling. The B2 Horizon of these soils has a hue ranging from 2.5Y to 7.5YR, value of 3 through 6, and chroma of 1 through 4. Texture in the B Horizon is a silt clay. The Ap Horizon is a very dark brown 10YR3/2 silt loam. Associated soils include Canandaigua, Getzville, Wayland, and Cheektowaga soils.

The Odessa series consists of deep, somewhat poorly drained soils on the lowland plain. This soil formed in red glacial lake sediment deposits high in clay and silt content. Slope ranges from 0 to 3 per cent, but 0 to 2 per cent is most common. The Ap Horizon is a very dark brown 10YR3/2 silt loam. Soil colorations in the B Horizon consist of a reddish brown 5YR5/3 with common fine distinct strong brown 7.5YR5/6 and common medium distinct gray 5YR5/1 mottles. The B2 Horizon has a hue of 5YR to 2.5YR, values of 3 to 6, and chroma of 2 to 4, except some subhorizons have a 7.5YR hue. Texture in the B2 horizon is silty clay loam to clay. Associated soils include Churchville, Niagara, Cosad Ovid and Rhinebeck soils.

The Ovid series consists of deep, somewhat poorly drained soils on till plains in the northern part of the county. This soil formed in red glacial till deposits and reglaciated lacustrine sediments. Slopes range from 0 to 8 per cent. Soil colorations in the B Horizon consist of a dark brown 7.5YR4/4 with common fine distinct yellowish red 5YR5/6 and few medium faint reddish gray 5YR5/2 mottles. Texture is silt loam. The Ap Horizon is a very dark brown 10YR3/2 silt loam. The B2 Horizon has a hue of 5YR to 2.5YR, values of 3 to 6, and chroma of 2 to 4, except some subhorizons have a 7.5YR hue. Associated soils include Churchville, Niagara, Canandaigua, Ilion and Appleton soils.

When the aerial photography for the Soil Survey was taken (1977) the site and much of the surrounding area appeared agricultural land, shrubland and woodlot vegetation communities.

Figure 4.3 - Soils Map: Spaulding Greens



SOIL SURVEY OF ERIE COUNTY, NEW YORK

USDA Natural Resources Conservation Service

4.7 Town of Clarence History (reproduced without revision from the DGEIS)

During the past 190 years, Clarence has progressed from an isolated, heavily forested wilderness inhabited by a few sturdy pioneers, to a thriving suburban town. Named from the English House of Clarence, *the Town* was established as the first township in Erie County on March 11, 1808. At that time, its area encompassed all of northern Erie County, including what is now the City of Buffalo and the Towns of Alden, Amherst, Lancaster and Newstead.

At one time *the Town* was inhabited by Native Americans and was called "Ta-Num-No-Ga-O" meaning “place full of hickory bark.” Subsequent name changes occurred, including Ransomville, Pine Grove, Ransom's Grove and Clarence Hollow, before it became known as Clarence.

In 1799, before *the Town* had been established, Joseph Ellicott, an agent for the Holland Land Company, offered lots on old Buffalo Road to those who would build and operate taverns upon them. These lots were 10 miles apart and were sold at the company's lowest price of $2 per acre on a long-term no interest basis. The first settler to take advantage of this offer was Asa Ransom, a young silversmith from Geneva, New York, who became *the Town*'s first resident. Ransom erected a spacious, two-story log

house and tavern where he opened the Holland Land Company's land office in 1801. That spring he erected a sawmill on the banks of the creek that winds through Clarence Hollow and bears his name. He expanded his operations in 1803 by building a grist mill. In 1807, Asa Harris, a Revolutionary War colonel, constructed a tavern along the Buffalo Road on a barely discernable rise, today, known as Harris Hill.

During the war of 1812, the able-bodied men and boys of Clarence marched off to join the American militia assembling on the Niagara Frontier. Just before Buffalo burned during this struggle, Smith and Hezekiah Salisbury, publishers of the Buffalo Gazette, escaped with their printing equipment to the Harris Tavern. They subsequently printed their first issue there on January 14, 1814.

Two years after *the Town* was established, the State Legislature defined the Town of Buffalo's boundaries and effectively divided out a portion of Clarence. In 1823, Clarence was again divided, creating the Towns of Alden and Newstead. A final division took place in 1833, which formed Lancaster.

The Town's industrial history began with the manufacture of potash. Subsequent industries included brick manufacturing, gypsum mining, stone and gravel quarries and residential and commercial construction. Brick factories developed, which utilized the clay from the banks of Ransom Creek. With the discovery of a relatively large deposit of the mineral gypsum, the National Gypsum Company began operating in earnest, eventually expanding across the country and into Canada. Most of the original settlement patterns centered around this early industry.

By the mid 1950's, although *the Town* was still primarily agricultural, the population had doubled. Today, Clarence is a suburban-residential community but remains largely undeveloped.

4.8 Land Uses

4.8.1 Zoning

The majority of the Spaulding Greens gross acreage (377± of 419± acres) is presently zoned R-SF. The balance of the site (42± acres), located at the north eastern corner is currently zoned A-RR. A summary of the minimum allowable lot sizes is as follows:

Table 4.2: Present Zoning on site:

Zoning District	Min. Lot Size	Min. Lot Width
A-RR	1.33 Acres	150'
R-SF Sewered Lot	20,000 sq. ft.	125'
R-SF Sewered Incentive Lot	15,000 sq. ft.	100'

Zoning classifications in the vicinity of the subject action include: Residential-Single Family (R-SF), Agricultural-Rural Residential (A-RR), Traditional Neighborhood (TND), Community Facility (CF), and Planned Unit Residential Development (PURD).

Chapter 229 of the Town Law of the Town of Clarence, defines the regulations which define and govern zoning districts within the Town of Clarence. According to the Clarence code, the R-SF district is intended to provide low density, single-family residential development where each dwelling must be located on an individual lot of at least twenty thousand (20,000) square feet for public sewered areas. The R-SF district, through an incentive program, will allow a dwelling to be located on an individual lot of at least fifteen thousand (15,000) square feet for a public sewered area if the overall development contains 25% open space. The maximum density of the R-SF district will be approximately two and one tenth (2.1) dwelling units per gross acre.

The A-RR district is intended, "…to accommodate low-density residential development… and to maintain a rural boundary, preserving agriculture, open space, and forested areas on the perimeter of Clarence in order to transition from vacant or idle land to rural residential uses." Some of the permitted uses include single family homes, parks, golf courses, and schools. The minimum lot size for each dwelling unit must be 1.33 acres.

The TND district is intended to provide a pedestrian friendly environment that encourages mixed-use development and the adaptive reuse of existing structures. Permitted uses within this district include small retail and service shops, banks, professional offices, restaurants, community facilities, single and two family dwellings and mixed-use buildings. Lot sizes are dependent on the use ranging from a minimum lot size of eight thousand four hundred (8,400) square feet for commercial uses to fifteen thousand (15,000) square feet for dwellings.

The CF district is intended to provide "…the use and continued development of publicly owned and non-profit institutional property." Permitted uses may include churches, parks, governmental offices, golf courses, nature preserves, public or private schools, recreational trails, cemeteries, public utility facilities and telecommunication towers. There is no minimum lot size standard in this zoning classification.

The PURD district has been repealed by the Town of Clarence with the adoption of the new zoning law and map on March 9, 2005. While land currently zoned PURD in the Town will remain zoned as PURD, there will be no new areas utilizing this zoning classification.

In an effort to allow clustering of homes and preserve the natural environment, the Town of Clarence has created an Open Space Design Development Overlay that can be implemented in residential areas. The Overlay allows minimum lot sizes to be reduced to 5,000 square feet and waives the lot coverage and setback requirements for all of the lots. The code requires that at least 50% of the land remain as open space. The total number of dwelling units allowed in the Overlay cannot exceed the number of units that could be permitted if the land were subdivided under the existing zoning district.

4.8.2 Neighboring Land Use

Neighboring land use for *Spaulding Greens* is predominantly residential, although as distance from the site increases to the east and northeast, land uses increasingly are dominated by agriculture. On the west side of Goodrich Road, directly opposite the site,

are a wealth of Town facilities ideally suited to serve a residential neighborhood. Athletic fields (ball diamonds, soccer fields, tennis and basketball courts, etc.), picnic shelters, an arboretum, the Town Library and Town Hall, are all located directly across the street from Spaulding Greens (see figure 4.3 - Existing Zoning).

The property immediately to the east of the project, between the project property lines and Kraus Road, is zoned A-RR. The current land uses are residential and vacant agricultural land.

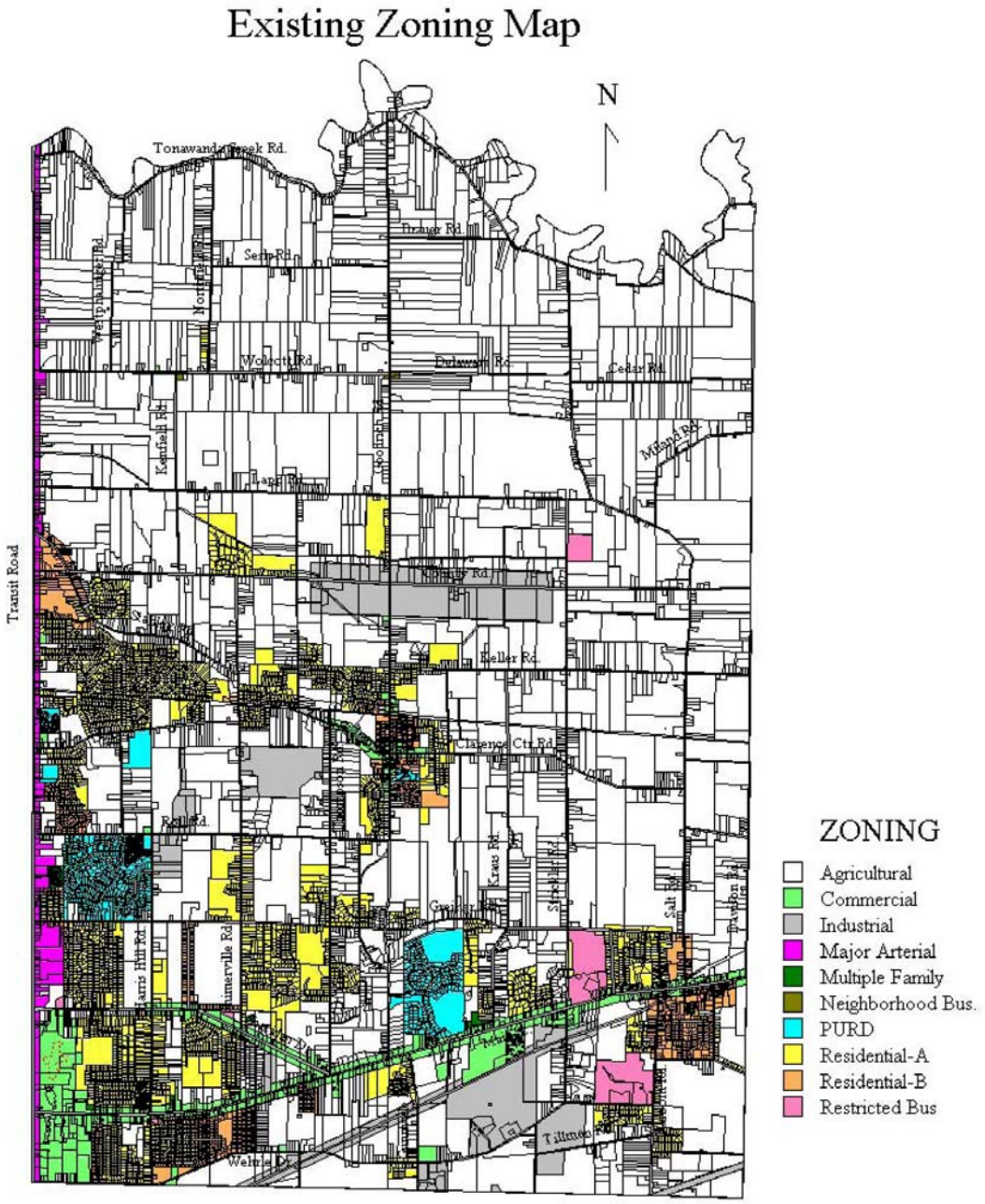


Figure 4.4 – Existing Zoning

To the south of the project, located along Greiner Road, the zoning is R-SF, CF, and PURD. The primary land uses are single family residential including the existing Spaulding Lake subdivision to the south of Greiner Road. The two parcels currently zoned CF make up the Town of Clarence Escarpment Sanctuary and are open to the public.

The area directly to the west, located along Goodrich Road is zoned R-SF. This area contains a variety of uses. Near the corner of Goodrich Road and Greiner Road there is a single-family residential subdivision. Directly across from the project site is Clarence Town Hall as well as a park with several baseball diamonds. Located on the east side of Goodrich Road on a 3.75 acre site is the Clarence Center Cemetery. Adjacent to the project site on the northwest side is the Hidden Pond Subdivision. This single-family subdivision is still under construction and will connect to the proposed Spaulding Green project.

Beyond the Hidden Pond Subdivision at the intersection of Goodrich Road and Clarence Center Road lies Clarence Center. The current zoning in this area is a mix of TND, R-SF, and PURD. Land uses include retail shops and residential dwellings.

The majority of the zoning to the north along Clarence Center Road is R-SF. Uses are primarily single-family dwellings as well as vacant agricultural land. Also located along Clarence Center Road is the Clarence Center Elementary school.

4.9 Water Resources

4.9.1 Surface Waters (reproduced without revision from the DGEIS)

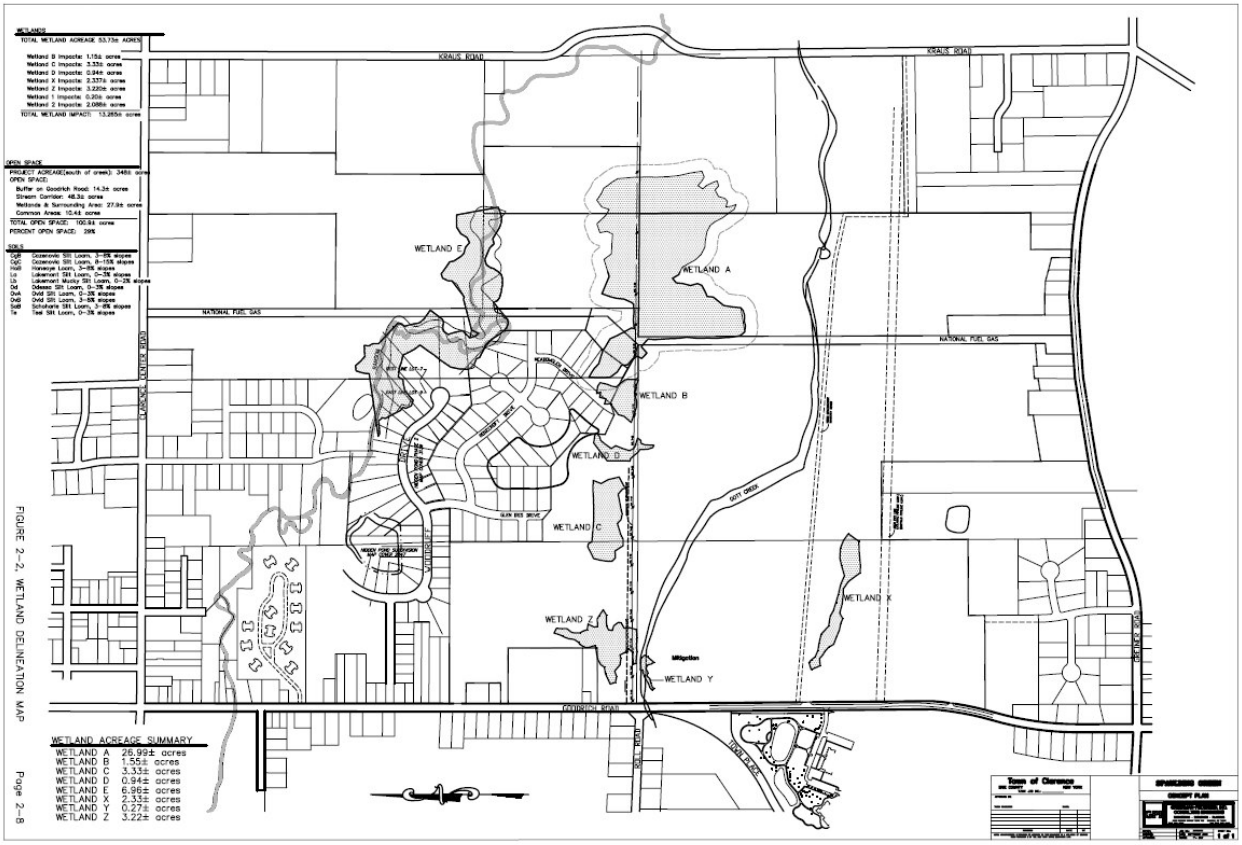
The Project Area contains Gott Creek and Ransom Creek, protected waters pursuant to New York State Law. Ransom and Gott Creeks are classified as “C” waters, meaning that they support fisheries and classified as “T” meaning that they may support trout populations. Both Gott and Ransom Creeks and old order perennial streams. Both streams meander through both developed and undeveloped areas of Clarence and receive stormwater run-off from various ditches which affects water quality over the duration of the storm event. Both streams have relatively low flow except during the spring run-off season. The streams and their tributaries lack numerous pool and riffle complexes which are more characteristic of streams, with a gradient or cobble bottom. Both Gott and Ransom Creeks are mud bottom streams.

It is believed that both Gott and Ransom Creeks historically provided habitat for steel head trout during spring spawning runs from the Lake Erie system. Gott and Ransom Creeks would be considered a warm water fisheries habitat, including a population of sunfish, carp, suckers and forge fish (minnow species). These population are typical in warm water ecosystems and are limited in population growth to suitable spawning habitat and available forge base. No State fish stocking of the stream is known to occur. The resulting fish population is the result of the natural propagation; i.e., fish eggs brought in on the feathers or legs of waterfowl or wading birds, natural migration from Ellicott Creek and other natural water features.

4.9.2 Wetlands

In order to evaluate potential wetland impacts associated with development of Spaulding Greens, a wetland delineation study was conducted by Wilson Environmental Technologies, Inc. (WET), on site. Field work for the delineation was conducted between the months of October and December of 2002 and the month of December 2004. Based upon the results of the sampling, 8 Federal jurisdictional wetlands totaling 45.48± acres have been identified within the project area. After personnel from New York State Region 9 inspected the site, it was determined that included within area of federal jurisdictional wetlands are wetlands of approximately 28.54± acres that are anticipated to be regulated as New York State Fresh Water Wetlands (See, Figure 4.5 Wetland Map for Spaulding Greens).

Figure 4.5 Wetland Map for Spaulding Greens



Site wetland areas are best defined as PFO1E (palustrine forested broad leaved deciduous seasonally saturated), PSS1/EM5E (palustrine scrub-shrub broad leaved deciduous/wet meadow narrow leaved persistent seasonally saturated) wetlands. Wetland Areas A, C and Wetland Area Y are PFO1E wetland communities. Wetland Area E is best defined as a PFOIA (palustrine scrub-shrub broad leaved deciduous temporary) based on the association with Ransom Creek and seasonal flooding. Dominant tree species in the PFO1E wetlands include green ash (Fraxinus pennsylvanica, FACW), American elm (Ulmus americana, FACW), black willow (Salix nigra, FACW), pin and swamp white oak (Quercus palustris, FACW, Q. bicolor, FACW) and red maple (Acer rubrum, FACW). Silky dogwood (Cornus amomum, FACW), northern spicebush (Lindera benzoin, FACW) northern arrow-wood (Viburnum recognitum, FAC), and pussy willow (Salix discolor, FACW) dominate in the shrub strata. Vegetation in the herbaceous strata was sparse but included uptight and pointed broom sedge (Carex stricta, OBL; C. scoparia, FACW), rough avens (Geum laciniatum, FACW), melic manna grass (Glyceria melicaria, OBL) and rough goldenrod (Solidago rugosa, FAC) and others.

Wetland Areas B, D and Wetland Area X are best defined as PSS1/EM5E wetlands. These wetlands are similar in vegetation community types, being best defined as shrub and sapling dominated wetlands with a wet meadow herbaceous understory or exclusively open wet meadow component outside the areas of dense shrub. Silky dogwood (Cornus amomum, FACW), northern arrow-wood (Viburnum recognitum, FAC), and pussy willow (Salix discolor, FACW) dominate in the shrub strata. Dominant sapling species in these wetlands include green ash (Fraxinus pennsylvanica, FACW), and American elm (Ulmus americana, FACW). Vegetation in the herbaceous strata included redtop grass (Agrostis alba, FACW), sedge (Carex spp.), panicled aster (Aster simplex, FACW), beggar-ticks (Bidens spp.), swamp milkweed (Asclepias incarnata, OBL), wool grass (Scirpus cyperinus, FACW+), rough bedstraw (Galium asprellum, OBL) soft stem rush (Juncus effusus, FACW), spotted touch-me-not (Impatiens capensis, FACW) and others.

Wetland Area Z is best defined as PSS1E wetland. The wetland contains a high percentage of shrubs and saplings. A small portion of the wetland is wet meadow. Silky dogwood (Cornus amomum, FACW), northern arrow-wood (Viburnum recognitum, FAC), and pussy willow (Salix discolor, FACW) dominate in the shrub strata. Dominant sapling species in these wetlands include green ash (Fraxinus pennsylvanica, FACW), and American elm (Ulmus americana, FACW). Vegetation in the herbaceous strata included redtop grass (Agrostis alba, FACW), sedge (Carex spp.), panicled aster (Aster simplex, FACW), beggar-ticks (Bidens spp.), swamp milkweed (Asclepias incarnata, OBL), soft stem rush (Juncus effusus, FACW), spotted touch-me-not (Impatiens capensis, FACW) and others.

Summarized, the wetland areas are best defined as follows:

Table 4.3

WETLAND AREA	SIZE (ACRES)	FEDERAL DESIGNATION
Wetland Area A	26.88±	PFO1E
Wetland Area B	1.55±	PSS/EM5E
Wetland Area C	3.33±	PFO1E
Wetland Area D	0.94±	PSS/EM5E
Wetland Area E	6.96±	PFO1A
Wetland Area X	2.33±	PEM5E
Wetland Area Y	0.27±	PFO1E
Wetland Area Z	3.22±	PSS/EM5E

With the exception of Wetlands Areas A and E the balance of the wetlands are relative small, depressional wetlands which are typical of wetlands for this geographical area and the Clarence area. These wetlands typically are found in areas which have become abandon agricultural fields, which prior to abandonment were drained via surface ditching. With the abandonment of agriculture, these surface drainages fail due to the lack of maintenance. Depressional areas then tend to pond water for prolonged periods of time and successionally develop wetland vegetation over poorly drained soils. These areas best provide habitat for amphibians and forage for predatory birds such as herons, owls and hawks.

4.10 Plants and Animals

A Wildlife Habitat Study was performed to identify plants and animals that utilize *the Project Area* for habitat and to determine whether any of these plants or animals are threatened or endangered species. Data containing the scientific names of plant and wildlife species observed, delineated and resident within *the Project Area* is included in the Habitat Study, which is attached as Appendix 7 to the *DGEIS*. No threatened or endangered species were identified within the project area for the underlying action, nor were any threatened or endangered species identified on site when biologists and ecologists conducted wetland delineations on the Spaulding Greens site in 2002 and 2004. Wetland delineation studies for Spaulding Greens included detailed inventories of plant life on site as summarized above.

The vegetative cover and site characteristics that have been previously described at Spaulding Greens (e.g, fallow lands formerly in agriculture, successional old fields, wood lots, scrub/shrub lands, emergent wetlands along streams, etc.), are typical of vacant lands in the Town of Clarence north of the Onandoga escarpment. As stated in the DGEIS,

> The variety of cover types in and around *the Project Area* supports a diverse wildlife community. These wildlife habitats are common

> throughout the undeveloped sections of *The Town* and the County of Erie, as well as other townships in the Niagara Plateau. The most common species in this community are those whose populations have flourished since human settlement. The proximity of the site to active agricultural fields permits several wildlife species access to a readily available food source during much of the year. The shrub land habitat on the site provides daily and seasonal cover for these species.

It is not uncommon in this part of Clarence to observe white-tailed deer, eastern gray squirrel, woodchuck, eastern cottontail rabbit and meadow vole.

The DGEIS also included a discussion of related to birds. As described in the DGEIS,

> Bird species potentially breeding in *the Project Area* were determined, based upon a field survey of suitable breeding habitat and a 1988 Breeding Status Report for New York State. Birds display widespread migration and localized movement patterns and therefore, it is difficult to accurately assess passing versus territorial utilization of the site by different species. Birds observed during the field survey include many overwintering migrants, as well as permanent residents. Probable permanent resident species on the site area include American crow, bluejay, black capped chickadee, goldfinch, starling, northern cardinal, house finch, house sparrow, song sparrow, brown creeper, white-breasted nuthatch, mourning dove, downy woodpecker, red-tailed hawk, American kestrel, wild turkey, ruffed grouse and junco.
>
> The successional and secondary growth sapling cover types at *the Project Area* are patchy environments within forested areas that provide habitat for white-tailed deer, eastern cottontail rabbit, striped skunk, woodchuck and numerous small rodents, especially meadow voles. Numerous bird species utilize these habitats on a year-round basis due to the bountiful supply of insects, fruits and seeds common in the shrub and herbaceous vegetation. Predator species, such as shrew, fox, red-tailed hawk, great horned and screech owls and American kestrel prey on the many insects, small mammals and birds in these areas. Bird species utilizing these wooded areas throughout the year include bluejay, chickadee, brown creeper, woodcock, white-breasted nuthatch, downy woodpecker, northern flicker, junco and American crow. In addition to the permanent resident birds, several species of neo-tropical migrants utilize these areas for nesting.
>
> The aquatic habitat within *the Project Area* includes that associated with Got and Ransom Creeks. This habitat is best characterized as depressional shallow water emergent marsh, subject to water level fluctuations resulting from storm events and watershed collectors. This habitat area would provide suitable feeding and/or breeding habitat for amphibians and small fish species. Other species which could be expected to utilize the Creek habitats during inundation periods are

waterfowl and wading birds, including mallard ducks, green and blue heron, bittern, sora, rail, redwing blackbird, swamp sparrow, eastern kingbird, common yellowthroat, woodcock, marsh wren and several swallow species.

4.11 Cultural Resources

A supplemental assessment of cultural resources to address potential site specific impacts within the Spaulding Greens site was conducted from September 2003 to October 2005, by the Archaeological Survey, State University of New York (SUNY) Buffalo. The group conducted a Phase 1 archaeological and architectural reconnaissance survey and Phase 2 site testing for portions of the Spaulding Green subdivision on behalf of Mr. Dominic Piestrak, Spaulding Green LLC. Additional Phase 1 reconnaissance, Phase 2 site examination and Phase 3 data recovery work is planned for parcels and sites in the project area (see figure 4.6 – Archaeological Sites). The goals of this study were to locate, identify, and describe all archaeological sites within the project limits and assess associated structures and properties for their National Register potential, so that this project complies with all applicable local, state and federal laws governing such development. The report (Reports of the Archaeological Survey Vol. 37, No. 10) is a preliminary report that summarizes work to date, and provides a management plan for the cultural resources that have been or may be identified in the project area. It is reproduced in its entirety as Appendix "D" of this document. The Archaeological Survey, SUNY, intends to separately prepare more detailed Phase 1, Phase 2 and Phase 3 reports to OPRHP specifications.

With respect to prehistoric resources, there are numerous known site locations within a 3.2 km (2 mi) radius of the project area. The documented sites in adjacent land parcels make the Spaulding Green project area a place of high archaeological sensitivity for all types of prehistoric sites. Potential sites in the area include long term villages, base camps as well as ephemeral camps, stray finds, and lithic scatters. No previously recorded prehistoric sites are reported in the project area but landforms within the project area are similar to those of known sites. In virtually all of the adjacent land parcels, prehistoric sites have been identified (Hartner 1993, Salisbury 2002, Salisbury and Perrelli 2000). With respect to historic resources, the Spaulding Green project area has, for the most part, retained its rural setting since the early nineteenth century. Five pre-1953 houses are associated with the project area, suggesting high sensitivity for recovering associated artifacts near these properties. Two map-documented structures (MDS) occur in the project area, and three are adjacent to the project area. Overall the Spaulding Green project area has a moderate sensitivity with high sensitivity for historic sites associated with older residences and MDS.

A pedestrian survey was conducted identifying about 150 acres of recently plowed and about 196 acres of unplowed ground within the project area. The plowed areas were Phase 1B surface inspected, walking with the furrows at 2 m (6.6ft) intervals. Prehistoric and historic artifacts were flagged and collected. The artifact find spots were then mapped using a global positioning system (GPS) and a total station. Phase 2 work involved re-plowing all areas with sites and a second surface collection. The Phase 1B

subsurface investigation was conducted by excavating 2,767 shovel test pits (STP) throughout the project area. The STPs were dug in unplowed areas at 15 m (50 ft) intervals and at 60 m (200 ft) intervals in some plowed areas. Auxiliary testing around STP find spots was implemented at 1 m (3.3 ft) and 5 m (16 ft) intervals in the cardinal directions. Additional 7.5 m (25 ft) testing was implemented in areas having high sensitivity for historic or prehistoric sites. Phase 2 site examination STP were excavated at several sites, including 2.5 m (8.3 ft) and 7 m (23 ft) intervals to identify site limits as assess research potential. No testing was conducted in areas of disturbance including the two gas lines running through the project area, as well as gravel lot associated with the golf course.

The general field conditions encountered during the course of the investigations were good, which lead to maximum artifact recovery. Some parts of the project area are seasonal wetlands and were tested during dry phases as to not affect the survey results. Twenty-eight (28) previously undocumented archaeological sites were identified by the archaeological reconnaissance survey within these fields. These include 26 prehistoric and two historic sites. A total of 2,156 prehistoric artifacts were collected from project area including all site artifacts and a low-density scatter that covers most of the project area.

The 26 prehistoric sites yielded a total of 1,908 artifacts. A site classification system was implemented based on the total artifact count. Sites were divided into three groups; large, medium, and small sites. A preliminary analysis was then conducted on each site, separating the artifacts by artifact type (Andrefsky 1998, Odell 2003).

In addition to the twenty-six (26) prehistoric sites identified during the survey, 248 prehistoric stray finds were also collected from the project area. Stray finds are defined as discrete, single artifact find spots whose spatial distance is too great to associate with denser artifact scatters. Stray finds do provide some information about prehistoric activities occurring within the project area. This information potential increases when examined in conjunction with the sites and the surrounding landscape. For this reason the stray finds are classified as a low-density lithic scatter occurring throughout the entire project area and having some research potential. Thirteen (13) previously undocumented prehistoric sites were identified exclusively through surface investigation of plowed fields within the project area. The prehistoric artifacts recovered and identified range in size and temporal affiliation from Early Archaic through Late Woodland time periods. Temporally diagnostic artifacts include a serrated Early Archaic Kirk point, a Transitional Perkiomen point, an Early Woodland Adena point and two Lamoka-like points dating to the Middle-to-Late Archaic (Justice 1987, Ritchie 1971, Smith et al. 1998, Holland personal communication 2005). Site limits are defined by artifact concentrations amid a large diffuse artifact scatter that seems to cover the whole project area. One hundred and thirty (n=130) STPs contained prehistoric artifacts within the A-horizon soil throughout the Spaulding Green project area. Auxiliary testing was implemented to define site limits for positive STP. Thirteen (13) sites were identified by the use of subsurface investigation. Several of the artifacts were recovered within the B-horizon, representing potentially intact prehistoric deposits in the subsoil.

Figure 4.6 – Archaeological Sites

Two historic sites were identified within the project area. An historic map analysis shows that these two sites existed as early as the mid 19th century. Analysis of the artifacts recovered represents an occupation at these two sites from the mid 19th century to present day. A majority of these artifacts represent deposits not directly associated with a mid 19th century structure, but are associated with later historic occupation of these sites. During the Phase I investigation a very low density random scatter of modern historic material was also observed throughout the project area. These artifacts represent modern activities (1950+). Find spots that do not occur in association with a Map Documented Structure have no potential to yield further information and no further investigation is represented. Two hundred and ten (211) historic artifacts were recovered from the surface inspection of the Spaulding Green project area. One hundred and ninety (190) artifacts were recovered in plowed field context, while the remaining (21) were recovered on the surface around MDS 1. Historic artifacts date from the mid-to-late nineteenth century, and look to be utilitarian artifacts. Modern artifacts associated with the second half of the twentieth century was noted but not collected, these artifacts included tractor parts, shot gun shells, and barbed wire fencing. No concentration of historic artifacts exists within the plowed areas. Two concentrations of historic artifacts occurred within the Spaulding Greens project area that appear to be in the form of a tertiary deposit from later 19th century to mid 20th

century occupation of the sites. Further testing is needed to better understand stratigraphy and NRE potential.

Fieldwork for the Phase 2 study of the Spaulding Green Development Project was conducted by the SUNY Buffalo Archaeological Survey beginning in April 2005. The general field conditions that were encountered were good, which lead to maximum artifact recovery. Phase 2 testing involved re-plowing and surface inspection of all previously plowed fields. Further subsurface testing is planned for other sites located outside plowed fields. A total of 400 artifacts were collected from fields. Phase 2 surface collection results are currently being analyzed.

A copy of the SUNY Buffalo Archaeological Survey's report for Spaulding Greens has been forwarded to the OPRHP for their review. It is anticipated that the areas studied will ultimately be cleared for development, however more work may be required to recover and catalogue resources to the satisfaction of the OPRHP. Many of the identified sites fall within areas that are avoided by development activities, but for those areas that lay within areas slated for development, they must be avoided until cleared by the OPRHP.

4.12 Noise Levels (reproduced without revision from the DGEIS)

There are no existing unusual or excessive noise sources in *the Project Area* aside from those associated with general rural and suburban development (lawn mowers, leaf blowers, farming equipment, etc.).

4.13 Aesthetics

The Project Area landscape does not include scenic views known to be unique or rare in the community. The site is relatively flat, indistinct fallow farmland, much of which is covered in scrub brush. The most notable features of the site, the stream corridors for Gott and Ransom Creeks, are proposed to be maintained in their natural state as continuous greenways traversing the development area. The future home sites that are proposed for the site will be similar to those that already exist, almost completely encompassing the site.

4.14 Agricultural Resources

The Town has a long and significant agricultural heritage and *The Town* is concerned over the loss of productive agricultural lands. Currently, approximately 15,000 acres within *The Town* are located in the Clarence-Newstead Agricultural District (Erie County District #14). Of this, approximately 5000 acres are actively utilized in agricultural production. There are also some active agricultural lands outside of the Agricultural District (approximately 500 acres).

The subject action does not threaten any existing agricultural activities as there are no active agricultural activities within the project area.

4.15 Transportation and Traffic

The DGEIS, included a Comprehensive Traffic Study (2000) prepared by Nussbaumer & Clark for *The Town* and a Traffic Impact Study (TIS) for *the Roll Road PURD* (1999) prepared by FRA Engineering, P.C., formerly known as EMS Consulting Engineers, are included as Appendices 8 and 9 to the original *DGEIS,* respectively. During the initial SEQR screening to identify potentially large, significant adverse environmental impacts that might be expected to result from development of the subject parcel, the Town requested that the a supplement to the original TIS's be prepared. These studies provide the following information:

4.15.1 Existing Highway System (excerpted in part from the DGEIS)

Residential growth in the western sector of *The Town* and in adjacent regions during the late 1980s and 1990s has created a substantial increase in road traffic in this area. Even without growth realization in *The Town*, substantial growth in the Town of Lancaster and significant commercial growth in the Town of Amherst have resulted in increased traffic growth on area roadways. While scattered development has less impact on residential collector roads, it has an impact equal to a subdivision when traffic from these residences reaches the minor and major arterial.

As *The Town* realizes anticipated growth from the west to the east, the major impact will be on the north/south direction roadways. There are currently only four roads which cross *The Town* boundary south into Lancaster–Transit, Harris Hill, Gunnville and Ransom Roads. *The Town* is particularly sensitive to the pressure potential traffic increases would place upon Harris Hill Road and strives to preserve the character of its old growth street trees and residential setbacks. *The Town* is also concerned about possible increased traffic volume on Goodrich Road which offers one of only three north/south connections to Niagara County. The completion of construction on Transit Road has resulted in greater utilization of Transit Road and has had a corresponding effect of reducing traffic volume on Goodrich Road. Accordingly, this reduction in traffic has eliminated the impacts of high traffic volumes during peak hours on the historic four corners area of Goodrich and Clarence Center Roads.

In response to the Clarence Town Board request that a Supplemental Traffic Impact Study (STIS) be completed to assess site specific impacts resulting from development of Spaulding Greens, the project sponsors retained the engineering firm of Greenman-Pedersen, Inc. (GPI), to prepare the necessary study. The GPI study, which was completed in February 2007, is may be found attached to this document as appendix "E."

As discussed in the GPI study, the existing roadways within in the study area are described as follows:

Goodrich Road

- General: Goodrich Road is a County Highway, designated as County Route 216. It is functionally classified as a Minor Arterial. Goodrich Road runs in a north/south direction. Characteristics of the roadway within the study are summarized in the following sections.

- Geometry: The horizontal alignment of Goodrich Road in the study area is generally straight; the vertical alignment is generally flat to slightly rolling. There are no areas of significantly obstructed sight distance.

- Typical Section: The section of Goodrich Road in the study area is a two (2) lane undivided highway generally consisting of one (1) 11-foot wide travel lane in each direction, with variable shoulders ranging between approximately 8-foot wide for the segment between Main Street and Roll Road, and approximately 4-foot wide for the segment between Roll Road and Clarence Center Road. In the vicinity of the intersection with Clarence Center Road, the shoulders widen to as wide as 8-foot; the shoulder in the northwest quadrant of the intersection is designated for on-street parking.

- Curbing and Sidewalk: Portions of the roadway near the various intersections are curbed with either gutter or vertical curbing. Sidewalk is present on the west side of the roadway beginning at the Town Hall complex, approximately one half (½) mile south of Roll Road, running northerly through the intersection with Clarence Center Road, and on the east side of the roadway beginning approximately 680 feet south of the intersection with Clarence Center Road and running northerly through the intersection.

- Posted and Observed Speeds: The posted speed limit on Goodrich Road in the study area varies from 45 MPH between Main Street and Greiner Road, to 40 MPH between Greiner Road and Roll Road, to 35 MPH between Roll Road and Brookside Drive, and finally 30 MPH from Brookside Drive through the intersection with Clarence Center Road. Actual average vehicle speeds were not obtained; in performing the manual turning counts at the intersections it was observed that traffic appears to flow at speeds at or slightly below the speed limit in the vicinity of the studied intersections.

Greiner Road

- General: Greiner Road is a County Highway, designated as County Route 37. It is functionally classified as a Minor Arterial. Greiner Road runs in an east/west direction.

- Geometry: The horizontal alignment of Greiner Road in the study area is generally straight; the vertical alignment is generally flat to slightly rolling. There are no areas of significantly obstructed sight distance.

- Typical Section: The section of Greiner Road in the study area is a two (2) lane undivided highway generally consisting of one (1) 12-foot wide travel lane in each direction, with 8-foot wide shoulders west of and in the vicinity of the Goodrich Road intersection; narrowing to 4-foot in width approximately 600 feet east of Goodrich Road.

- Curbing and Sidewalk: There exists gutter curbing in the 8-foot wide shoulder areas; no sidewalks are present in the study area.

- Posted and Observed Speeds: The posted speed limit on Greiner Road within the study area is 40 MPH. Actual average vehicle speeds were not obtained; in performing the manual turning counts at the intersections it was observed that traffic appears to flow at speeds below the speed limit in the vicinity of the studied intersections.

There are no advisory speed limits posted within the study area.

A brief summary of the general characteristics of the roadways within the study area is presented in **Table 4.4**.

Table 4.4. General Characteristics of the Study Area Roadways

LOCATION	AADT*	ROADWAY CLASS*	POSTED SPEED	NUMBER OF LANES
Goodrich Road				
- Main to Greiner	7400	Minor Arterial	45	2
- Greiner to Roll	6400	Minor Arterial	40	2
- Roll to Clarence Center	9100	Minor Arterial	35, 30	2
Greiner Road				
- Shimerville to Goodrich	9300	Minor Arterial	40	2
- Goodrich to Salt	6000	Minor Arterial	40	2
* GBNRTC, 2002 - 2005				

4.15.2 Existing Intersections

A description of existing intersections within in the study area is presented in the following sections.

Main Street and Goodrich Road

This intersection is a three (3) approach ('T') semi-actuated signalized intersection. The traffic signal is a four (4) phase system. Left turns from Main Street onto Goodrich Road are permitted and protected. On Main Street, both east- and westbound approaches consists of two (2) travel lanes – an exclusive left turn lane and a thru lane eastbound and a thru lane and exclusive right turn lane westbound. The southbound approach of Goodrich Road consists of two (2) travel lanes – exclusive left and right turn lanes. Right turns on red are permitted.

Goodrich Road and Greiner Road

This intersection is a four (4) approach semi-actuated signalized intersection. The traffic signal is a two (2) phase system. All four (4) approaches consist of one (1) travel lane each. Left turns are permitted and unprotected; right turns on red are permitted.

Greiner Road and Thompson Road

This intersection is a four (4) approach nonsignalized intersection with stop control on both the north- and southbound approaches of Thompson Road and no control on both

the east- and westbound approaches of Greiner Road. All four (4) approaches consist of one (1) travel lane each.

Goodrich Road and Roll Road
This intersection is a three (3) approach ('T') nonsignalized intersection with stop control on the eastbound approach of Roll Road and no control on both the north- and southbound approaches of Goodrich Road. All three (3) approaches consist of one (1) travel lane each.

Goodrich Road and Clarence Center Road
This intersection is a four (4) approach nonsignalized intersection with stop control on all four (4) approaches (4-way stop). All four (4) approaches consist of one (1) travel lane each.

4.15.3 Existing Traffic Conditions

Existing traffic counts were taken manually by GPI from December 19 through December 21 of 2006 at the following intersections:

- Main Street and Goodrich Road
- Goodrich Road and Greiner Road
- Greiner Road and Thompson Road
- Goodrich Road and Roll Road
- Goodrich Road and Clarence Center Road

The manual counts were taken between the hours of 6:00 AM to 9:00 AM for the Weekday AM peak hour, and between 3:00 PM to 6:00 PM for the Weekday PM peak hour and were used as the base condition for the Level of Service analysis that was performed in the TIS. Traffic signal timing data were obtained from the New York State Department of Transportation Region 5 (NYSDOT) for the intersection of Main Street with Goodrich Road. Traffic signal data for the intersection of Goodrich Road and Greiner Road was requested from the Town of Clarence Highway Department, but had not yet been received prior to the completion of the TIS. Manual signal timing data for this installation were gathered between 11:00 AM and 11:15 AM on January 30, 2007 and are used in lieu of official data.

It is anticipated that the project will be constructed over an approximately twenty five (25) year period, depending upon market conditions. No-build/background traffic for the existing adjacent streets was estimated using a linear growth rate of one point four percent (1.4%) annually. This growth rate is based on forecasts performed by the Greater Buffalo-Niagara Regional Transportation Council (GBNRTC) for the year 2025 for use in long range transportation planning; as used in Phase I of the Town of Clarence Comprehensive Traffic Study performed by Nussbaumer & Clarke, Inc. in the year 2000. This growth rate was then applied to the existing traffic volumes in 2007 and projected up to the anticipated full build-out year for this study in 2032.

4.15.4 Projection of Site-Generated Traffic

Vehicle trip projections for the proposed Site were obtained from the Institute of Transportation Engineers (ITE) Trip Generation 5th Edition. The ITE categories "Apartments" and "Single Family Detached Housing" were utilized to project the site-generated traffic volume, using the amount of dwelling units as the parameter for projecting traffic generation. The proposed Site will consist of a mix of these two (2) land uses as presented in **Table 4.5**.

Table 4.5. Site-Generated Trips

LAND USE	DWELLING UNITS	ENTERING		EXITING	
		AM	*PM*	*AM*	*PM*
Multiple Family Residential	80	8	32	33	18
Single Family Residential	300	57	192	168	111
TOTAL	**380**	**65**	**224**	**201**	**129**

4.15.5 Trip Distribution

The new trips were distributed to the surrounding highway system by considering the existing traffic patterns, concentration of non-residential areas, and logical routing. It is anticipated that the majority of the new traffic volume will be distributed predominantly to and from the south and west, with a lesser concentration oriented to and from the north and east. The projected traffic volumes generated by the proposed Site were distributed onto the adjacent streets according to the estimated percentage distributions of the new trips.

The site-generated traffic volumes were then added to the no-build/background traffic volumes to represent anticipated traffic volumes after the completion of the proposed Site. These volumes were used to evaluate the potential impact that the site-generated traffic may have on the adjacent public street system. Through movements past the proposed Site driveways have been estimated by balancing traffic volumes with the nearest intersection at which manual counts were performed.

Manual traffic counts were not obtained at the existing intersection of Goodrich Road and Boxwood Drive. Because it is anticipated that a large portion of site-generated traffic will use this access, the no-build/background traffic volumes for this roadway were taken to be the trips generated by the portion of the full build-out of the existing subdivision which would logically use this roadway; then distributed according to the same directional distributions as those of the proposed Site.

4.15.6 Accident History

Accident records from the period beginning in January 2004 and continuing through December 2006 were obtained from the Erie County Sheriff's Office. These records were investigated to help determine if a safety problem exists within the study area. A brief summary of the severity of study area accidents is presented in **Table 4.6**.

Table 4.6. Severity of Reported Accidents Within the Study Area

ACCIDENT SEVERITY			TOTAL
FATAL	*INJURY*	*PDO*	
0	3	10	13

Accident rates for both roadway segments and intersections within the study area were determined and compared with the mean rates for similar state-wide facilities. The results are summarized in **Table 4.7**.

Across the study area there was no tendency for any particular variety of accident. A fair percentage of accidents are of the fixed object and/or run-off-the-road variety, however no attributable causes for these accidents were reported. Accident rates for all study area roadway segments and intersections are below the statewide average for similar State facilities.

It should be noted that the average accident rates for similar state-wide facilities factor in non-reportable accidents. For the purposes of this accident analysis, it was not possible to determine the actual number of non-reportable accidents, as no records are kept for these accidents. The result of this is that the accident rate determined for the roadway segment or intersection in this study may be slightly underrepresented.

Table 4.7. Comparison of Accident Rates Between Calculated and Mean for State Facility

LOCATION	ACCIDENT RATE (ACC/MVM)	AVERAGE RATE FOR SIMILAR STATE FACILITY (ACC/MVM)*
Segments		
Goodrich Road		
Main to Greiner	0.00	2.19
Greiner to Roll	0.00	2.19
Roll to Clarence Center	0.26	2.19
Greiner Road		
Thompson to Goodrich	0.00	2.19
Goodrich to Kraus	0.28	2.19
LOCATION	**ACCIDENT RATE (ACC/MEV)**	**AVERAGE RATE FOR SIMILAR STATE FACILITY (ACC/MEV)***
Intersections		
Main & Goodrich	0.25	0.29
Goodrich & Greiner	0.00	0.60
Greiner & Old Goodrich	0.09	0.27
Greiner & Thompson	0.08	0.27
Goodrich & Roll	0.10	0.16
Goodrich & Clarence Center	0.18	0.22
* NYSDOT, Average Accident Rates for State Highways, revised March 2004.		

The accident rates are not expected to increase significantly beyond the current level with the proposed Site based on a projection of accident rates proportional to the relatively low traffic volumes generated by the proposed Site.

4.16 Community Character (excerpted from the DGEIS)

The Town is primarily made up of a combination of traditional low density suburban development and farmland, with some commercial and industrial activity. Although there has been a decline in population throughout the Western New York region, *The Town* has experienced significant growth, rising by approximately 400 people per year for the last ten years. *The Town*'s current population has been estimated by the Census Bureau to be about 24,000 people. *The Town* adds approximately 145,000 square feet of new commercial and industrial space per year. In terms of housing, over the course of the last 40 years, *The Town* has created an additional 6,000 acres of residential development. Although this is large land area, most of the development is low density averaging out to approximately one residential building unit per .95 acre.

Since the mid-1980s, *The Town* has been experiencing development pressure for new residential housing. Most of the residential growth has been occurring in previously approved subdivisions. However, there are a significant portion of new single-family permits being issued for areas outside of subdivisions along rural roadways of town. The percentage of owner occupied units remains very high (approximately 87.7% as compared with Erie County as a whole (66.2%)). However, it should be noted that approximately 72% of these homes rely on private sewage disposal, as compared with Erie County as a whole (approximately 8.2%).

4.17 Schools

The Clarence Central School District encompasses an area of approximately 60 square miles and has a currently estimated population of 20,360. The District is located in the northeastern portion of Erie County about 6 miles east of Buffalo. On a valuation basis, the District includes almost 90% of *The Town*, approximately 14% of the Town of Newstead, as well as minor portions of the Towns of Amherst and Lancaster.

The Board of Education appoints the Superintendent of Schools, who serves at the pleasure of the Board. The Superintendent is the Chief Executive Officer of the District and the education system. The District provides services through approximately 425 full-time employees and 175 part-time employees. The school district is comprised of the following facilities, with a total 2006-2007 enrollment of 5,164 students as follows:

Table 4.8

Name	Grades	2006-07 Enrollment
Clarence Senior High School	9-12	1,704
Clarence Middle School	6-8	1,214
Ledgeview Elementary School	6-5	614
Clarence Center Elementary School	K-5	586
Harris Hill Elementary School	K-5	523
Sheridan Hill Elementary School	K-5	523

The Clarence Board of Education commissioned Information Management Systems to prepare updated enrollment projections for the district. The Study assessed enrollment projections by grade and attendance area for school years 2006-2007 through 2011-2012 for the purpose of facilities planning, as required by State of New York Education Department. Utilizing the well-established "Cohort Survival Method," the Study determined that the District is expected to realize less than 2 percent growth in overall enrollment for the period 2006-2007 to 2011-2012, as detailed below in Table 4.9. The report identified the largest increase in enrollment to occur at the 6-8 grade levels.

Table 4.9

School Year	Projected Enrollment
2007-08	5,214
2008-09	5,207
2009-10	5,251
2010-11	5,242
2011-12	5,244

The Adequate Educational Facilities schedule identifies the capacity of each school within the Clarence District. As seen below in Table 4.10, all schools currently have capacity. Additionally, the middle school which will be experiencing the largest growth in enrollment during the next five years will be able to handle the additional demand since it currently has over 24% more capacity available.

Table 4.10

School	% of Capacity Consumed
Clarence Center	81.3%
Harris Hill	72.6%
Ledgeview	94.5%
Sheridan Hill	75.6%
Middle School	75.7%
High School	99.3%

4.18 Emergency Services (reproduced without revision from the DGEIS)

According to the 1999 State of the Region Study conducted by the Institute for Local Governance and Regional Growth, emergency services which include police, hospital, ambulance and fire fighting services, are operating at acceptable levels within *The Town*. Specifically, this evaluation of emergency response services demonstrated that in Erie and Niagara Counties approximately 55% of the emergency calls received responses within five minutes and only 3% to 4% of the calls had a response time of greater than 15 minutes.

4.19 Air Resources (reproduced without revision from the DGEIS)

The Project Area is located within the Niagara Frontier Air Quality Control Region of New York State. Both the USEPA Bureau of Air Quality Surveillance and the *NYSDEC* Division of Air Resources have jurisdiction over air quality monitoring and violations. Pursuant to these responsibilities, the *NYSDEC* maintains numerous continuous ambient air monitoring systems in cities and towns located within this Region, including Buffalo, Lackawanna, Sloan, Blasdell, Amherst, Cheektowaga, Holland, Tonawanda and West Seneca.

The *NYSDEC* compiles and publishes annual summaries of the ambient air quality monitoring results which measures total particulates and particulate matter for pollutants, such as sulfur dioxide, nitrogen dioxide, carbon monoxide, ozone and lead. The most recent available Air Quality Report (1997) confirms that the Niagara Frontier Air Quality Control Region is below the established threshold limits for these pollutants.

4.20 Active Open Space and Recreational Areas (reproduced without revision from the DGEIS)

None of the sites to be developed within *the Project Area* are currently permitted to be used by the community or neighborhoods as active open space or recreational area. *The Town* does have a policy to protect existing open space through planned development, which is provided in *the Draft Master Plan* attached as Appendix 3 to the *DGEIS*. *The Project* incorporates *The Town*'s policy of open space preservation through low to average density development.

Section 5.0 Analysis of Environmental Impacts

5.1 Introduction

SEQR requires that the *DGEIS* provide a statement and evaluation of the potential significant adverse environmental impacts associated with *the Project* at a level of detail that reflects the severity of the impacts and the reasonable likelihood of their occurrence. *The Project Sponsors* conducted scoping pursuant to Section 617.8 of *SEQR* in order to focus the *DGEIS* on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant or non-significant. This chapter provides an evaluation of the reasonably foreseeable impacts anticipated as a result of *the Project*, based upon the Final Scope. In the interest of thoroughness, however, this chapter also includes issues identified as relevant during the *DGEIS* preparation, although such issues were not included in the Final Scope.

5.2 Secondary, Long-Term and Cumulative Impacts

The DGEIS prepared for the underlying action for Spaulding Greens already considered the long term impacts that would result from development of future development tributary the New Trunk Line beyond that anticipated in Clarence Hollow and from development of the Roll Road PURD (Waterford Village). As has been discussed previously, this document is intended as a Supplement to the original GEIS documentation. It should contain information necessary to complete the SEQR record for the Spaulding Greens development, and generally should be restricted to addressing site specific impacts related to development of the parcels comprising the Spaulding Greens development area. In many instances, we have reproduced information contained within the bodies of the previous documents so that readers may better understand the context in which this development is to be reviewed.

5.2.1 Growth Inducing Aspects

SEQR requires that a *DGEIS* contain an evaluation of the growth-inducing aspects of a project. The construction of sanitary sewer infrastructure typically has the potential for substantial growth-inducing impacts. However, in the case of *the Project*, there are several factors that make the growth-inducing impacts predictable and limited. They are:

- The 18-inch capacity restriction in the gravity sewer line connecting the Peanut Line between the Towns of Clarence and Amherst, as discussed in Section 2;

- *The Town*'s internal Smart Growth Policy which limits annual building permit issuance to 70 single homes outside of subdivisions and 170 subdivision building permits; and

- The proposed sewer trunk line will be operated, at least initially, as a private sewer, thereby eliminating the possibility of land development beyond that included in the scope of *the Project*.

The DGEIS identified three reasonably related possible forms of growth resulting from *the Project* beyond that associated with *the Roll Road PURD*: (i) development east of Thompson Road, (ii) development within Clarence Hollow and (iii) development along

the New Trunk Line route over the long term. As specified in *the Sewage-Works Construction and Operation Agreement* included in Appendix 2 to the *DGEIS*, future development will occur east of Thompson Road in the vicinity of *the New Trunk Line* Route. This additional development may consist of residential and/or commercial structures that will contribute to the total sanitary sewer flow, as specified in *the Sewage-Works Construction and Operation Agreement* included as Appendix 2 to the *DGEIS* and identified in Table 2.2 of this *DGEIS*. This sanitary sewer flow establishes the upper limit of acceptable growth related to *the Project*. Conceptually, the sanitary sewer flow permits the construction of 500 to 600 additional residences (beyond *the Roll Road PURD*) over the next 20± years.

Clearly, Spaulding Greens falls into these (and other) categories of anticipated growth. It is a project put forth by partners in private Sewage Works Corporation who constructed the Heise-Brookhaven sewer, and to whom the reserve sewer capacity was granted. It is located immediately adjacent to the sewer line on lands that the sewer traverses. The total development yield is projected not to exceed 380 units, well below the identified threshold of 500 to 600 units of excess available capacity.

A second potential growth-inducing aspect of *the Project* is the potential development of some additional residences in the hamlet of Clarence Hollow. This could be indirectly induced by the availability of the sanitary sewer infrastructure related to *the Project*. The magnitude of the new development within Clarence Hollow, however, would be minimal, based upon the existing and potential lot configuration and the limits of the proposed collection system connecting to *the New Trunk Line*.

A third potential growth-inducing aspect of *the Project* could occur only in the long term. Over the life of *the Project* (i.e., prior to the public ownership of the sanitary sewer trunk line), it is conceivable that some residences will be constructed along the road frontage adjacent to the route of *the New Trunk Line*. After *the New Trunk Line* is publicly owned, *the Town* may permit those adjacent properties to connect to the system. This would be permitted only pending a determination of adequate downstream sanitary sewer capacity. The magnitude of this potential future development has been estimated to be approximately 25 residential units. This estimate is based upon two factors. The first is the existing and reasonably foreseeable parcel configurations along the proposed sanitary sewer trunk alignment. The second is the suppressed demand for residential development utilizing septic systems. This is a result of the availability of fully serviced development within *the Roll Road PURD* and future development related to *the Project*.

5.2.2 Cumulative Impacts

This *DGEIS* analyzes all reasonably related direct and indirect impacts of *the Project*. This section considers the cumulative impacts of *the Project* when implemented at the same time as other unrelated residential land development projects. *The Draft Master Plan* indicates that there are currently 19 active subdivisions, with a remaining 857 developable residential lots.

When considered cumulatively with the proposed construction of *the Project*, environmental impacts will not be significantly increased. This is because, regardless of the number of residential building lots available to be developed, no more than 240 residential building permits will be issued by *the Town*. The 240-lot limit is established by *the Town*'s Smart Growth Policy discussed in Section 2 of this S*DGEIS*. In addition, cumulative growth within *the Town* is limited by the 18-inch sanitary sewer capacity restriction as discussed above. Thus, the cumulative annual environmental impact of residential development will remain relatively unchanged.

5.2.3 Municipal Planning and Community Character

5.2.3.1 Comprehensive Planning

Through the process of creating and adopting a new Master Plan, *The Town* has recognized that:

New housing construction is a vibrant resource of local employment and economic generation within the Western New York area. *The Town* should be steering any future residential development toward approved subdivisions with sewers rather than allowing septic system development growth at the market rate for an indefinite period of time. By continuing to allow unrestricted development in areas that are not serviced by sewers creates an environmental hazard for local stream corridors and underground aquifers.

The underlying action for Spaulding Greens (the Heise-Brookhaven Sanitary Sewer) was designed to eliminate septic system usage in Clarence Hollow, which was a documented environmental concern. Further, Spaulding Greens is situated within an existing sewer district and in an area recommended by the Proposed Land Use Map (Figure 9.1 of *the Draft Master Plan*) for future residential development.

Nine community goals, were identified as being important to the public, and were listed in the DGEIS:

1. **Preserve and protect the open character of *the Town* through the development of an open space plan.** Both "build" alternatives for Spaulding Greens incorporate Open Space Design Development, in conformance with the Town Code. Further, both development alternatives have planned not only elements of the built environment, but also the natural. Open spaces and greenway linkages have been provided that provide a continuous greenway connection across the project area to lands off-site to the north, south, east and west. *Spaulding Greens* and *the New Trunk Line* do not impact active agricultural land (see Figure 2.1 of the Master Plan). *Future Project-Related Development* will not be substantially contiguous to active agricultural land due to: 1) *the New Trunk Line* routing, 2) the location of active agricultural lands (as identified on Figure 2.1 of *the Draft Master Plan*) and 3) the location of agricultural districts (identified on Figure 2.2 of *the Draft Master Plan*). The only reasonably foreseeable growth area near an agricultural district is north of the eastern terminus of *the New Trunk Line*. Efforts have been made to reduce

potential development of parcels within agricultural districts by placing *the New Trunk Line* on the opposite side of the street of the agricultural district.

2. **Maintain and promote the historic character of Clarence Hollow, Clarence Center and Swormville as well as historic landmarks not located within these districts.** Providing sanitary sewer service to Clarence Hollow will help to maintain its historic character by preserving the viability of the existing lots and structures in a village-like atmosphere, since the lots are too small for functional septic systems. A sewage treatment facility in the community, as opposed to a gravity trunk line, would be an obtrusive visual feature adversely impacting the community character.

3. **Develop an official map that identifies future public service infrastructure upgrades.** *The Town* and the *NYSDEC* have indicated that a sanitary sewer trunk line to Clarence Hollow is an extremely important future public service infrastructure upgrade. *The Town* and the *NYSDEC* have been trying to prevent septic system pollution in Clarence Hollow since the early 1970s.

4. **Preserve existing green space through redesign of land use regulations and design guidelines.** *The Project* does not inhibit *the Town*'s ability to develop land use regulations and design guidelines to preserve existing green space. In fact, as stated above, *Spaulding Greens* has been designed in compliance with the Town Open Space Design Development Code, and has been expressly created to preserve existing green spaceand blend it into the built environment.

5. **Maintain *the Town*'s strong recreation programs and park facilities in proportion to growth.** *The Project* will create natural park facilities, and trail systems that are anticipated along the greenways will link the new neighborhoods in the project to the existing recreational facilities adjoining Town Hall. In addition, by similar reasoning as that presented in the DGEIS relating to development of the Roll Road PURD, development of Spaulding Greens will add to an increase in the recreational programs available to meet the demands of an increasing resident population. While *the Master Plan* indicates that, generally, the cost of servicing residential lots is greater than the taxes received, Town staff acknowledges that single-family residences with an assessed value greater than $250,000 pay more in taxes than is required to provide municipal services. As was the case with *the Roll Road PURD, Spaulding Greens* anticipates average home prices for single-family residences to be from $350,000 to $500,000. Therefore, *the Project* will help provide a positive tax benefit to *the Town* and enable *the Town* to meet this goal by providing funds for additional recreation programs and park facilities.

6. **Maintain the quality of our school systems.** In 1998, the Clarence Board of Education commissioned an enrollment projection study, which was prepared by Peter Rogerson of the Department of Geography of the State University of New York at Buffalo. The study, as well as *the Draft Master Plan*, concluded that the

existing school system likely will be under capacity in the future. The rate of population growth within *the Town* is limited by *the Town*'s Smart Growth Policy and the 18-inch sanitary sewer capacity restriction discussed above. *The Project* would contribute to future population growth, including that of school-age children. However, the rate of increase in the population of school-age children will be lower with the implementation of *the Project* than would otherwise be the case. Town homes, patio homes and higher cost single-family residences will contribute fewer children per household than other subdivision and road frontage development. In addition, while *the Draft Master Plan* indicates that the cost of servicing residential lots is greater than the taxes received, Town staff acknowledges that single-family residences, with an assessed valuation greater than $250,000, pay more in taxes at that time than is required to provide municipal services. *Spaulding Greens* anticipates average home prices for single-family residences to be from $350,000 to $500,000. Therefore, *the Project* will help provide a positive tax benefit to *the Town* and a portion of this tax benefit may be utilized by *The Town* to provide additional school capacity.

7. **Provide consistent enforcement of land use regulations.** *The Project* will not influence the enforcement of land use regulations, but will set a precedent for a pattern of growth that preserves open space.

8. **Adopt an orderly and balanced growth plan which protects existing residential areas.** *The Project* will not have an adverse impact on existing residential areas. The construction of *the New Trunk Line* protected the existing residential area by eliminating the need for significant on-site modifications to eliminate the numerous failed septic systems. In addition, *the Project* significantly reduced public health concerns related to surface water quality in the area.

9. **Coordinate planning efforts on a regional basis.** *The Project* will not inhibit planning on a regional basis. As part of the Action Plan for this section of *the Master Plan*, the preservation of *the Town*'s hamlets is critical to the long-term health of the community. Eliminating the usage of septic systems in Clarence Hollow preserves the viability of this hamlet. The Action Plan also recognizes the need for the extension of public sewer facilities to solve pollution problems. Through the elimination of nuisance conditions, the regional attraction of the hamlet setting and historic value of the area can be maintained. Further, the establishment of a larger neighborhood near the existing hamlet of Clarence Center will add to the vibrancy of that community. The additional residents will become consumers supporting the businesses in the hamlet.

Thus, *the Project* is in general accordance with the current goals and plans of *the Town*.

5.2.3.2 Community Character

The current community character in *the Project Area* can generally be characterized as suburban residential and rural. In that the properties surrounding the project area are almost entirely developed to the south, west and north, Spaulding Greens is consistent

with the existing community character. The property immediately to the east of the project, between the project property lines and Kraus Road, is zoned A-RR. The current land uses are residential and vacant agricultural land.

To the south of the project, located along Greiner Road, the zoning is R-SF, CF, and PURD. The primary land uses are single family residential including the existing Spaulding Lake subdivision to the south of Greiner Road. The two parcels currently zoned CF make up the Town of Clarence Escarpment Sanctuary and are open to the public.

The area directly to the west, located along Goodrich Road is zoned R-SF. This area contains a variety of uses. Near the corner of Goodrich Road and Greiner Road there is a single-family residential subdivision. Directly across from the project site is Clarence Town Hall as well as a park with several baseball diamonds. Located on the east side of Goodrich Road on a 3.75 acre site is the Clarence Center Cemetery. Adjacent to the project site on the northwest side is the Hidden Pond Subdivision. This single-family subdivision is still under construction and will connect to the proposed Spaulding Green project.

Beyond the Hidden Pond Subdivision at the intersection of Goodrich Road and Clarence Center Road lies Clarence Center. The current zoning in this area is a mix of TND, R-SF, and PURD. Land uses include retail shops and residential dwellings.

The majority of the zoning to the north along Clarence Center Road is R-SF. Uses are primarily single-family dwellings as well as vacant agricultural land. Also located along Clarence Center Road is the Clarence Center Elementary school. *The Master Plan* indicates that:

> Without any further subdivision approvals, the pressure placed on existing county road frontage will surely increase. As the county road frontage is built out, the vistas of open spaces and farmland behind the new homes can be blocked, creating a character change that is undesirable for the community.

The development plan for Spaulding Greens is sensitive to this observation. In response to comments expressed by the leadership of the Town, the project sponsor designed his project to preserve the trees and viewshed directly across Goodrich Road from Town Hall. Incorporated into the design of Spaulding Greens is a 200' deep buffer against the Goodrich Road frontage.

While questions of severity are often in the eye of the beholder, the development of Spaulding Greens will change the community character of *the Project Area* by introducing new development on previously vacant land. However, the types of development contemplated by *the action* do not represent an introduction of new or unfamiliar types of activity to the community and is consistent with *the Town*'s goals and plans. Thus, the development of *the Project*, while changing the community character

of *the Project Area*, helps to preserve the overall character of *the Town* as a residential/rural community and no mitigation is required.

5.2.4 Secondary, Long-Term and Cumulative Impacts on Land and Water Resources

5.2.4.1 Open Space

As discussed above, it is a policy of *the Master Plan* to "Preserve and protect the open character of *The Town* through the development of an open space plan," and Spaulding Greens has been deigned specifically to achieve this goal Continuous greenway corridors are maintained traversing the site in both east-west and north-south orientations. These corridors are anticipated to ultimately incorporate a trail network to facilitate public access and link the public recreational facilities at the Town Hall complex (athletic fields, picnic shelters, Town Courts, the Town library, etc.), with the new neighborhoods in Spaulding Greens, and eventually connect to the Clarence Center and the Peanut Line bike path. Thus the project incorporates good planning practices that incorporate long-term open space preservation.

5.2.4.2 Agricultural Land

As discussed in above, *the Roll Road PURD,* the *New Trunk Line* and Spaulding Greens do not impact any active agricultural land (see Figure 2.1 of the Master Plan). *Future Project-Related Development* related to *the Project* will not be substantially contiguous to active agricultural land. This is based on three factors: 1) the proposed sanitary sewer trunk sewer routing, 2) the location of active agricultural lands (identified on Figure 2.1 of *the Draft Master Plan*) and 3) the location of agricultural districts (identified on Figure 2.2 of *the Draft Master Plan*). The only reasonably foreseeable growth area near an agricultural district is north of the eastern terminus of the sanitary sewer trunk line. Efforts have been made to reduce potential development of parcels within agricultural districts by placing the trunk line on the opposite side of the street of the agricultural district. An excerpt of the Erie County Soil Survey is included as Figure 4.2. Review of the soil types in the vicinity of the sanitary sewer trunk line indicates that there are some relatively small areas of prime agricultural soils where future Project-related development may occur. Thus, when the direct impacts of the future Project-related development are identified, future impacts on prime agricultural soils must be evaluated. Overall, however, *the Project* will not have a substantial secondary, long-term adverse impact upon agricultural lands and no mitigation is required.

5.2.4.3 Loss of Vegetation or Fauna

Impacts on vegetation or fauna were evaluated in the DGEIS, and qualified biologists and ecologists retained by the project sponsor, as well as trained professionals in the employ of the United States Army Corps of Engineers and the *NYSDEC* Region 9 have visited the site. No significant vegetation or fauna has been identified.

As was stated and anticipated in the DGEIS,

future development areas likely will consist of former agricultural lands. The future development area also likely will consist of a scrub shrub ecological community, with relatively little mature forest disturbance. This ecological community is relatively abundant in Western New York, including *the Town*. Thus, *the Project* will not have a substantial secondary long-term adverse impact upon vegetation or fauna and no mitigation is required.

Spaulding Greens is exactly the type of development anticipated in the DGEIS. It consists of former agricultural lands. It also consists of a significant scrub shrub ecological community, with relatively little mature forest disturbance. As was recognized in the DGEIS, this ecological community is relatively abundant in Western New York, including *the Town*. Thus, *the Project* will not have a substantial secondary long-term adverse impact upon vegetation or fauna and no mitigation is required.

5.2.4.4 Water Resources

The clearing of wooded and vegetated areas and the construction of paved surfaces and structures will increase stormwater runoff from development sites. As discussed in Section 1, Spaulding Greens will contain stormwater management and detention facilities to eliminate potential impacts from erosion, sedimentation and transportation of oil and grease that could be related to site development. Runoff from future development sites will be collected from paved and developed areas in closed pipe systems for conveyance to a series of stormwater detention basins prior to eventual discharge to either Gott or Ransom Creek.

Utility and roadway crossings of Gott Creek will be required to provide reasonable pedestrian and vehicle circulation, and to access the New Trunk Sewer. While the stream corridor is largely avoided be development activities, the sewer trunk lies on the south side. Properties on the north side need to get waste water across the creek to the receiving sewer, as was intended when it was constructed. Recommended design practices would warrant that at least one waterline crossing of the stream be made for looping purposes to enhance pressure and circulation within the network. Roadway crossings with short spans such as that anticipated to cross the reach of Gott Creek that traverses Spaulding Greens are typically accomplished with culverts.

Ultimately, all the necessary crossings may be compressed into a single crossing with sub elements (i.e., a roadway crossing with associated utilities). A single crossing is the conceptual configuration, proposed to align with an area of previous disturbance, adjacent to the National Fuel Gas Transmission line. This location would facilitate public access to the proposed Gott Creek greenway, and aid in accessibility to the NFG line. However, the final layout and configuration will be subject to formal engineering design. In the context of the significant number of crossings this corridor already has downstream from the Spaulding Greens site, any potential crossing within the Spaulding Greens site should be considered minor.

5.2.4.5 State and Federal Wetland Impacts

As described previously, the project sponsors retained Wilson Environmental Technologies, Inc. (WET), to delineate wetlands within the project area, and upon creation of a development plan considerate of the delineation results, WET was then charged with creation of an acceptable, approvable wetland mitigation plan. WET identified at total of 45.48± acres of federal jurisdictional wetlands, including 28.43± acres of anticipated New York State Fresh Water Wetlands within the project area.

As noted in the WET mitigation report (appended to this document), the location and layout of Spaulding Greens will have a permanent impact to site wetlands. These wetlands provide extremely limited functions to water quality to Gott Creek, and they provide no functional wildlife habitat for wetland dependent species. The wetlands which will be proposed for impact are not directly associated with Gott Creek through any overland tributary other than through minor drainage ditch or abandoned agricultural connections.

A site walk-over of the wetland areas and surrounding landscape was performed to identify the general site topography relative to drainage patterns, major plant communities, potential areas of disturbance, adjacent land use. Wildlife sighting either actual or observed track, scat or animal/bird vocalization were recorded as being an occurrence on the site.

The following Table indicates the wetland areas proposed for impact. Included in the table is the Wetland Number in accordance with the Wetland Delineation, the total size of the wetland area in acres, the proposed total impact to each wetland area and the habitat classification in accordance with the U.S. Department of the Interior Fish and Wildlife Service wetlands classification system by Cowardin et.al., 1977.

Table 5.1

WETLAND AREA	TOTAL SIZE WITHIN PARCEL (ACRES)	PROPOSED IMPACT ALTERNATIVE 2 (ACRES)	HABITAT CLASSIFICATION
B	1.55±	0.39±	PSS/EM5E
C	3.33 ±	0.44±	PFO1E
D	0.94 ±	0.11±	PSS/EM5E
X	2.33	2.27	PEM5E
Z	3.22±	0.24±	PSS/EM5E

The quality of the wetlands proposed for impact within the subject parcel are low based on the dominance of shrub and wet meadow habitat, seasonal saturation, lack of waterfowl or threatened or endangered species habitat, groundwater recharge/discharge, flood flow alteration, nutrient removal/nutrient retention/ nutrient transformation, or other functions and values associated with higher quality wetlands. The wetland is typical of large blocks of wetlands found throughout the western New York region which is reverted agricultural lands.

The DGEIS anticipated that future development related impacts to wetlands would occur on a ratio of 0.25 acres of wetland for every 10 acres of development property,

with a mitigation ratio of 1.5 acres of wetland construction for every 1 acre of wetland loss. It appears that Spaulding Greens may impact wetlands at a rate less than a third of that anticipated. As proposed, Spaulding Greens would impact wetlands at a ratio of either 0.13± acres impact per 10 acres of development property (alternative 1), or 0.08± acres impact per 10 acres of development property (alternative 2), and mitigation for wetland impacts at a ratio of approximately 2 acres of wetland construction for every 1 acre of wetland loss.

The wetlands requested for impact are located within the limits of the proposed development area. The project site will be accessed from both Goodrich Road and within the existing ongoing subdivision adjacent to the subject parcel. With respect to site layout as related to maximizing wetland avoidance where possible, the configuration is driven in part by the existing infrastructure connection points to the project area, from which new infrastructure must extend. While alternative 2 accesses the site at the same locations as alternative 1, the internal pattern has been reworked in an attempt to avoid as much wetland area as possible. This reconfigured land use pattern requires different building product to achieve the desired avoidance, i.e., smaller building and lot foot prints, or "clustering." As designed, alternative 1 would impact wetlands resources as follows:

Federal Wetland Impacts:	5.64± acres
State Wetland Impacts:	0.49± acres
State Buffer Impacts:	6.88± acres

Alternative 2 would impact wetlands resources as follows:

Federal Wetland Impacts:	3.06± acres
State Wetland Impacts:	0.39± acres
State Buffer Impacts:	2.45± acres

Based on the practical limitations that constrain site access, the low quality assessed to the areas of wetland impact, and by the demonstrated effort to limit impacts to the greatest extent practicable, and the amount of investment already expended for public benefit to by the project sponsors to remediate an existing pollution problem impacting both Waters of the United States and New York State, it is felt it would not be reasonable to require further avoidance from that already proposed.

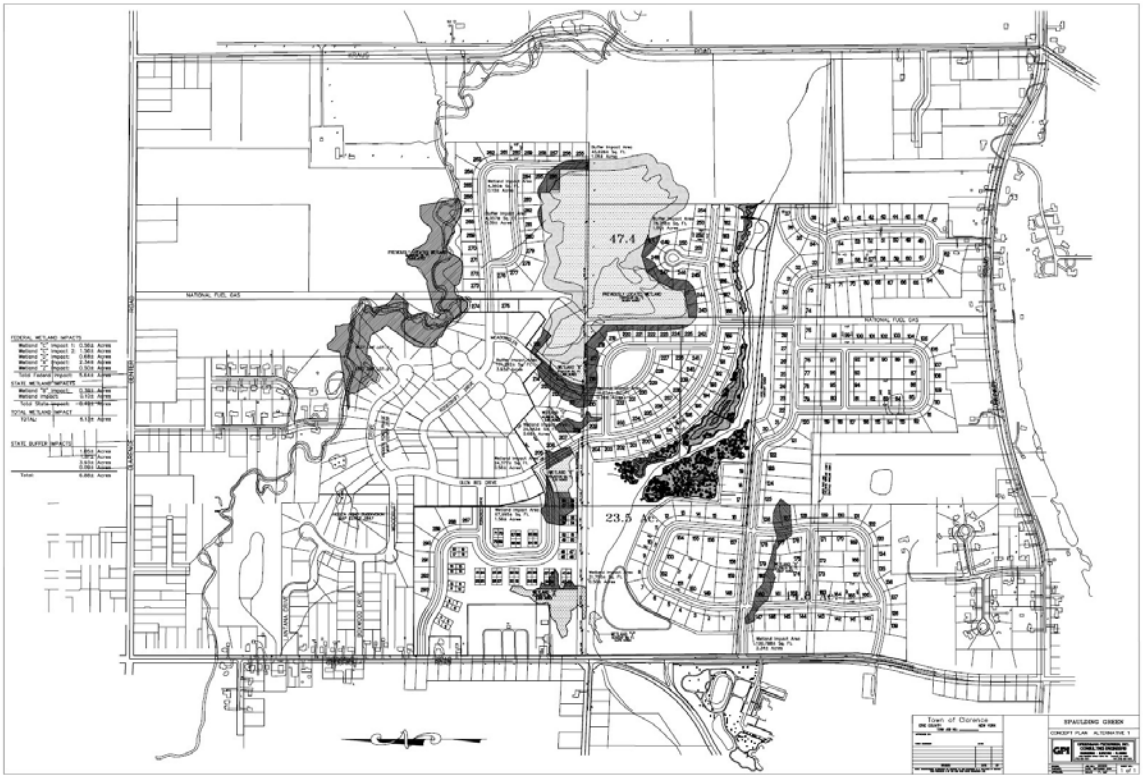


Figure 5.1 - Alternative 1

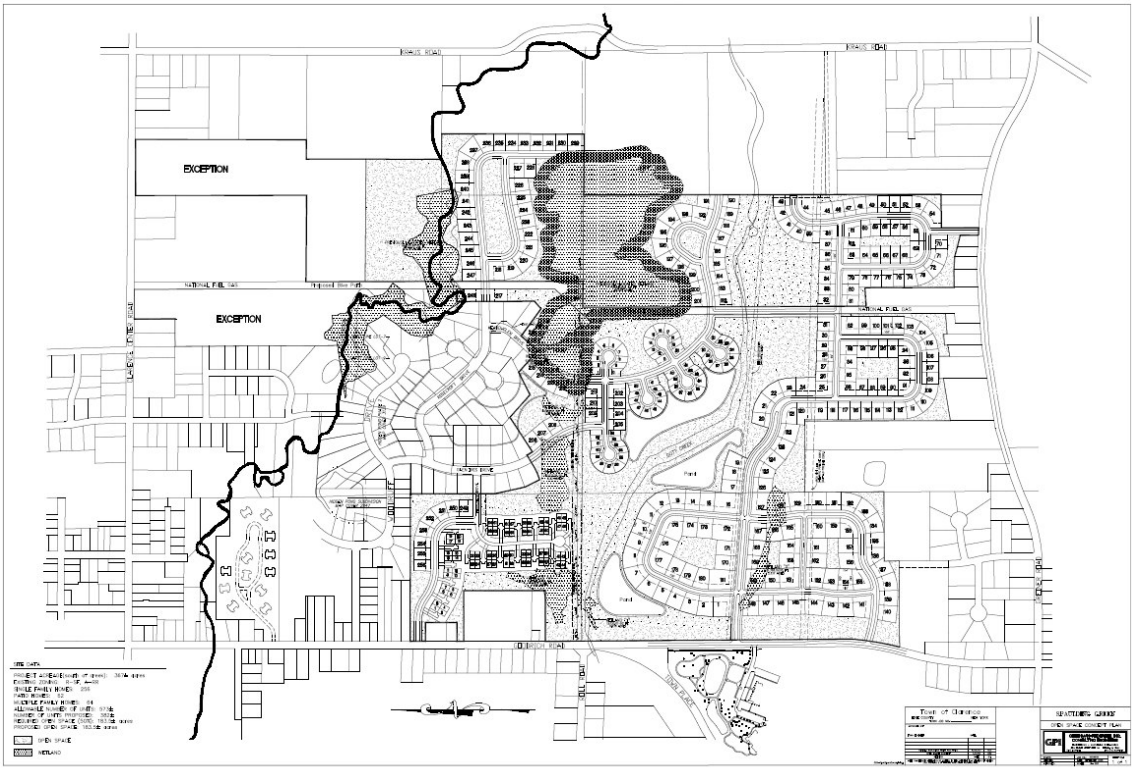


Figure 5.2 - Alternative 2

5.2.4.6 Plants and Animals

Development of *Spaulding Greens* will have a minor permanent adverse impact on plants and animals. The majority of the undeveloped portions of the project area are best described as upland forested and agricultural vegetation community over somewhat poorly drained silty clay loam soils on relatively flat terrain. The variety of vegetative cover types support a mixed wildlife community, though composed of species common to Western New York in rural agricultural communities and suburbia. The cover types comprising the site are common in undeveloped sections of Erie County, *The Town* and other areas in the Buffalo Niagara Region. In surveys of the site, no threatened or endangered plant or animal species were identified.

In terms of common vegetation, the development of Spaulding Greens will require the permanent removal and destruction of large quantities of the existing vegetative growth. However, because both alternative plans are proposed as Open Space Design Developments, 50% of the site will remain in its natural state. None of the vegetation to be removed from Spaulding Greens is considered mature (over 100 years old) or otherwise locally important. The types of vegetation on site are common in the Clarence area and remain in abundant supply throughout the Buffalo Niagara Region (see section 4 – Environmental Setting, for a detailed summary of species). Thus, the development of Spaulding Greens will not have a substantial adverse impact upon plant life and no mitigation of vegetative impacts is required.

In terms of the impacts to wildlife, the site is utilized by a wide variety of common regional species. These include: American crow, bluejay, black capped chickadee, goldfinch, starling, northern cardinal, house finch, house sparrow, song sparrow, brown creeper, white-breasted nuthatch, mourning dove, downy woodpecker, red-tailed hawk, American kestrel, wild turkey, ruffed grouse, junco, leopard frog, pickerel frog, eastern chorus frog, spring peeper, american toad, white-tailed deer, eastern gray squirrel, woodchuck, eastern cottontail rabbit, striped skunk, woodchuck and numerous small rodents. Development of the subject property will, thus, cause a disruption to site's wildlife community. It can be expected that transient and migratory bird species will be impacted the least, while larger mammals, which prefer to occupy relatively undisturbed areas, will restrict themselves to some portion of the 50% open space incorporated in the design, or will relocate to the more undeveloped areas north and east of the project area. The Town has taken steps to ensure northern and eastern extents of the Town remain mostly rural in character for a significant period of time. Overall, *project's* impacts upon wildlife are not significant and no mitigation will be required.

5.2.4.7 Air Quality

Grading and construction activities associated with the construction of Spaulding Greens have the potential to temporarily impact local ambient air quality as a result of fugitive dust emissions. Measures to minimize or eliminate fugitive dust emissions during site construction include the application of water, as required, to suppress dust emissions. Additionally, expeditious grading, seeding and paving of the site ground will

minimize soil erosion and associated dust emissions attributable to wind. Overall, these impacts are considered fairly minor and mitigation is not required.

5.2.4.8 Critical Environmental Areas

Although the Final Scope requires that the *DGEIS* include an analysis of *the Project*'s impacts associated with the environmental characteristics of Critical Environmental Areas as designated pursuant to the New York Environmental Conservation Law, site is not located in or substantially contiguous to a Critical Environmental Area. In fact, there are no designated Critical Environmental Areas within *the Town*. Thus, *the Project* will not have any impact to any Critical Environmental Areas as designated pursuant to the New York Environmental Conservation Law.

5.2.4.9 Cultural Resources: Historical, Archeological and Architectural Resources

The purpose of the SUNY study was 1) to locate, identify, and describe all archaeological sites within the project limits and assess their National Register Eligibility (NRE) potential, and 2) to mitigate the impact of the project on all sites deemed eligible for the State or National Register by the Office of Parks, Recreation and Historic Preservation (OPRHP) so that this project complies with all applicable local, state and federal laws governing such development. This preliminary report included in the appendices to this document summarize the Phase 1 and 2 work conducted to date, and provides a management plan for the cultural resources that have been or may yet be identified in the project area. The procedures described within the report are designed to bring the entire project area into compliance and will serve as a guide for the management of all cultural resources within project limits.

The study was performed in a multi-phase operation. Phase 1 was the Reconnaissance Phase, with phase 1A completed by researching existing literature and phase 1B being completed as a field investigation. Some Phase 1B testing remains to be undertaken in two sub-parcels of the project area, where existing land uses (an actively used 9-hole golf course) and property acquisition issues restricted access to limited portions the site for a period of time. Phase 1B work should be completed in the spring of 2007. Once this Phase 1 work is completed, a comprehensive Phase 1 reconnaissance survey report will be submitted to the OPRHP for review and comment. All recommendations for Phase 2 work to assess National Register eligibility potential will be complied with.

Phase 2 is a more detailed site examination. Phase 2 site examinations are typically recommended for all sites and are used to determine the NRE potential. All Phase 2 site examination plans will be developed in consultation with the OPRHP.

Following the Phase 2 work, a second OPRHP review will be initiated so that this agency can make NRE determinations for each site. No further archaeological work will be performed at sites that are not NRE. For all NRE sites, a determination will be made in consultation with the OPRHP regarding site avoidance or mitigation through more archaeological work in the form of a data recovery project.

Site avoidance is the recommended alternative for all NRE sites identified in the project area. An avoidance plan should be developed in consultation with the OPRHP for the long-term avoidance from future development and disturbance for all such sites. Most sites identified in the project area will likely be impacted in some way by proposed development plans so that avoidance plans are not a realistic may to manage these resources. Several are located in areas slated to remain as green space, however, and in some cases an avoidance plan may work for some sites in the parcel.

Mitigation, in the context of cultural resources, refers to lessening the impact of a project by documenting cultural resources before they are impacted. For the historic and prehistoric sites in the Spaulding Green project area, this means excavating the sites in a controlled fashion prior to construction. Phase 1 and 2 information already obtained shows the sites in the Spaulding Green project area to be typical of historic and prehistoric sites in the region. All of the sites can be mitigated using standard archaeological techniques and without extraordinary effort in the form of a Phase 3 data recovery project.

Phase 3 involves data recovery and is recommended to mitigate the impact of the project on all NRE sites that are unavoidable within project limits. All data recovery efforts will be conducted in consultation with the OPRHP. Standard archaeological methods are employed during data recovery as outlined by the New York Archaeological Council (NYAC 1994) and the New York State Museum (SED 2004).

The final step recommended for all data recovery projects is to strip off the plowzone over larger parts of the site. This is an efficient way to obtain high quality and important feature data without the laborious task of hand-excavating more of the site by test units. This should only be undertaken in consultation with the OPRHP and once the Ap-horizon plowzone has been adequately sampled, as will be achieved after following the above recommended data recovery procedures. All artifacts and soil samples are returned to the Archaeological Survey laboratory in the Department of Anthropology, SUNY at Buffalo in labeled bags according to provenience assignment and date of excavation. Artifacts and other potential cultural material are separated into categories for processing. Ceramics, chipped stone material, utilized cobbles, fire cracked rock, charcoal and bone are treated separately. Different materials are cleaned using appropriate methods and are stabilized for identification and analysis.

Upon the completion of all processing and analysis, report preparation will take an additional 1-2 months. Some overlap of report writing, processing and analysis is anticipated. Report completion may be influenced by the availability of analysis results. The total data recovery project is expected to take up to 9 months to complete, assuming all sites are excavated at about the same time.

A copy of the SUNY Buffalo Archaeological Survey's report for Spaulding Greens has been forwarded to the OPRHP for their review. Based on the characteristics of other known sites in the area, and the previous work to authorize the sewer line construction and the Roll Road PURD, it is anticipated that the areas studied will ultimately be cleared for development. However, more work may be required to recover and catalogue resources to the satisfaction of the OPRHP. Many of the identified sites fall within areas that are avoided by development activities, but for those areas that lay within areas slated for development, they must be avoided until cleared by the OPRHP. Most of the unavoidable areas slated for development are located to the eastern end of the site and there will be time to do the necessary work to recover resources to the satisfaction of OPRHP prior to authorization to proceed with development activities.

5.2.5 Impacts to Utilities and Municipal Services

5.2.5.1 Sanitary Sewer Infrastructure

At present the Spaulding Greens project has not progressed beyond the preliminary (i.e., conceptual) stages of review, but it appears that the entire site can be served by gravity sewers. Of the 380 units anticipated to be developed in the project, 293 will be directly tributary by gravity sewer to the newly constructed Heise-Brookhaven Sanitary Sewer. Eighty-seven (87) units north of Gott Creek and just east of the Roll Road terminus at Goodrich Road (7 single family detached residential subdivision lots extending off of the existing Hidden Pond Subdivision, and 80 townhome units) will be tributary to Clarence Town Sewer District Number 2, and there appears to be adequate downstream capacity to handle flows from this amount of development. As stated in the DGEIS, capacity will be reserved in the downstream sewers using a design emand of 100 gallons per capita day. At 3.5 persons per single family residence, and 3 persons per townhome unit, this equates to a flow contribution to the Heise Brookhaven system of 102,550 gallons per day (gpd), and a contribution to Clarence District 2 of 26,450 gpd. By contributing 80 town home units to District 2 instead of 80 additional detached single family homes, the average daily flow contribution to District 2 is reduced by 4000 gallons per day.

While the number of units tributary to district 2 are relatively small in number and the 293 units tributary to the New Trunk Sewer are well below the 500 to 600 units of reserve capacity, it should be noted that questions of downstream capacity are addressed at the time of formal submittal for approval of Waste Water Facilities from the State of New York, commonly referred to as an application for Sewer Extension Approval. The designs are reviewed by engineers at the Town of Clarence and the Town of Amherst Engineering Departments, the Erie County Department of Environment and Planning Division of Sewerage Management, and ultimately the Erie County Department of Health. If it is determined at the time of application that there is any problem that would preclude granting of the request for sewer extension, the application must be denied, and the project cannot be built. Therefore it is impossible to have a significant adverse impact with respect to sewers, because of the protections built into the technical programmatic requirements of the permit process.

5.2.5.2 Potable and Fire Fighting Water Infrastructure

A review of water infrastructure and discussions with the Town Engineer were conducted to assess potential impacts to potable and fire fighting water volumes and pressures near Potential *Future Project-Related Development* locations. In addition, GPI, the project sponsors engineering consultant, conducted a preliminary water supply study to evaluate the existing water supply networks capacity to serve the proposed Spaulding Greens development. Both the preliminary consultation with the Town Engineer and the preliminary study indicate that adequate pressure and supply exists within the existing system to serve the needs of the proposed development.

It should be noted, that similar to the technical review for waste water systems, public water supply systems also must undergo a rigorous engineering review. The designs are reviewed by engineers at the Town, the Erie County Water Authority and ultimately the Erie County Department of Health. Should it be determined that existing supply network is unable to serve the development, the application must be denied, and the project cannot be built. Therefore it is impossible to have a significant adverse impact with respect to water supply, because of the protections built into the technical programmatic requirements of the permit process.

5.2.5.3 Emergency Response (reproduced without revision from the DGEIS)

Current police, hospital, ambulance and fire fighting services are operating at acceptable levels. The *State of the Region* study conducted by the Institute for Local Governance and Regional Growth in 1999 included an evaluation of emergency response services. In Erie and Niagara Counties roughly 55% of emergency response calls received responses within five minutes, with just 3% to 4% of responses taking longer than 15 minutes. *Future Project-Related Development* will be consistent with existing land use types in the surrounding area.

5.2.5.4 Energy (Electric and Gas) (reproduced without revision from the DGEIS)

Electric and natural gas supplies in areas where *Future Project-Related Development* may occur are currently adequate. Utility providers typically provide sufficient capacity to accommodate growth in energy demands. In instances where a project is large enough to diminish energy availability, the energy providers normally upgrade infrastructure as a means of increasing sales of their product. No reasonably foreseeable aspect of *Future Project-Related Development* could be expected to significantly decrease energy supplies beyond the capability of the utility provider to remedy the situation.

5.2.5.5 Education

As discussed above in Section 4.17 of this *DGEIS*, the Clarence Board of Education commissioned an enrollment projection study, which was prepared by Information Management Systems. The study concluded that there will be level to small growth in overall enrollment figures.

The Draft Master Plan identifies concern over the capacity of the existing school system. The rate of population growth within *The Town* is limited by *The Town*'s Smart Growth Policy and the 18-inch sanitary sewer capacity restriction discussed above. *The Project* would contribute to future population growth, including school age children. However, the rate of increase in the population of school age children will be lower with the implementation of *the Project* than would otherwise be the case. Utilizing the student generation rates in the Adequate Educational Facilities (AEF) schedule, *the Project* would add 183 students to the Clarence School District. However, it can be expected that this is a very conservative number that is over-estimated since the generation rate does not take into account the patio home and town home element of *the Project*. Town homes, patio homes and higher cost single-family residences will contribute fewer children per household than other subdivision and road frontage development. While *the Project* will add 183 students, the demand on the schools will occur over a long period of time. It is expected that the project will take 20 years for full build out.

In addition, while *the Draft Master Plan* indicates that the cost of servicing residential lots is greater than the taxes received, Town staff acknowledges that single-family residences, with an assessed valuation greater than $250,000, pay more in taxes at that time than is required to provide municipal services. *The Roll Road PURD* portion of *the Project* anticipates average home prices for single-family residences from $250,000 to $500,000. Therefore, *the Project* will help provide a positive tax benefit to *The Town* and a portion of this tax benefit may be utilized by *The Town* to provide additional school capacity, including structures, staff and buses.

5.2.5.6 Solid Waste Management (reproduced without revision from the DGEIS)

The limited available capacity in the sewer system and developable tracts of land along the proposed route of *the New Trunk Line* limit the potential new growth associated with *the Project* to the construction of no more than 1,000 new residential units. Assuming that *the Project* consists of single-family residences producing solid waste at a rate of 50 pounds per week per household, the total project related solid waste production would be approximately 25 tons per week. More than sufficient capacity exists within the community to properly dispose of this waste stream.

5.2.5.7 Noise

Noise can adversely impact people by interfering with activities, such as sleeping, talking, noise-sensitive work and listening to radio, television or music. Adverse impact is defined as a change in the noise environment that causes unreasonable annoyance. Noise levels are generally measured in decibels or dBA. Some land uses are more sensitive than others; therefore, the nature and distance of receptors is an important factor, as are the number of people annoyed by new noise.

Table 5.2 Examples of Typical Sound Levels Expressed in dBA

10 dBA	20 dBA	30 dBA	40 dBA	50 dBA	60 dBA	70 dBA	80 dBA	90 dBA	110 dBA
threshold of hearing	rural night	soft whisper	rural daytime	suburban daytime	normal speech	shouting	urban daytime	jack hammer	rock band

The existing noise environment near *the Site* and surrounding area is generally characterized by the rural and residential nature of *the Site*. However, as can be seen by the above chart, residential development, in and of itself, is not the source of significant noise levels. In fact, residential development is generally considered a sensitive noise receptor because background noise levels within a residential development are very low and thus, do not screen out louder sounds traveling into the neighborhood. Thus, overall, Spaulding Greens will not have a significant adverse impact upon noise levels in and around *the Site* and no mitigation is required.

5.2.5.8 Transportation and Traffic

Section 4 of this document summarized environmental setting of the transportation network studied as a supplement to the TIS completed for the *New Trunk Line* and the *Roll Road PURD*. It also summarized the work and methodology that comprises the supplemental TIS prepared by GPI, completed in February of 2007.

After determining the geometry of the existing intersections and roadway in the study area, after counting turning movements at traffic volumes passing through the intersections in the study area, after projecting movements and volumes for site generated traffic, and background growth, we may now complete a capacity analysis for the specified intersections in the study area.

Each of the one (1) existing and four (4) proposed Site driveways and five (5) existing intersections within the study area were evaluated for capacity and Level of Service (LOS).

The capacity analyses were conducted for each of these intersections with procedures set forth in the Highway Capacity Manual (HCM) using the Synchro 7 Traffic Signal Coordination software developed by Trafficware Ltd. The purpose of the capacity analyses is to determine the LOS for movements which may be stopped or delayed during normal intersection operation. The intersection LOS is defined in terms of average control delay per vehicle, ranging from LOS 'A' for very short delays to LOS 'F' for longer than average delays. In addition, both HCM LOS and Intersection Capacity Utilization (ICU) LOS were analyzed on an intersection-wide basis. Note that there are no provisions for HCM LOS at two-way stop controlled intersections and that ICU LOS includes additional levels beyond LOS 'F' to further differentiate levels of congested operation.

The delays corresponding to each Level of Service are defined in Table 5.3.

Table 5.3. Intersection Level of Service Criteria

LOS	HCM 2000		ICU 2003
	CONTROL DELAY PER VEHICLE (SEC)		ICU (%)
	SIGNALIZED	*UNSIGNALIZED*	*UNSIGNALIZED*
A	≤ 10	≤ 10	≤ 55
B	> 10 and ≤ 20	> 10 and ≤ 15	> 55 and ≤ 64
C	> 20 and ≤ 35	> 15 and ≤ 25	> 64 and ≤ 73
D	> 35 and ≤ 55	> 25 and ≤ 35	> 73 and ≤ 82
E	< 55 and ≤ 80	> 35 and ≤ 50	> 82 and ≤ 91
F	> 80	> 50	> 91 and ≤ 100
G	-	-	> 100 and ≤ 109
H	-	-	> 109

The analysis was conducted for the following traffic conditions:

- Existing conditions – equal to the manual turning count volumes
- No-build/background conditions – equal to the projected volumes without the development of the proposed Site
- Build-out conditions – equal to the combination background and site-generated traffic volumes

The following sections summarize the analyses for each of the intersections included within the scope of the TIS.

Proposed Intersections:
One (1) existing and four (4) new three (3) approach ('T') intersections are proposed for the Site. Each intersection will consist of a new two- (2) lane driveway approach, with a single approach and departure lanes. More detailed descriptions of the proposed intersections are presented in the following sections.

Goodrich Road and Boxwood Drive
This existing intersection is located on Goodrich Road approximately 2000 feet north of the intersection with Roll Road, approximately mid-way between Roll Road and Clarence Center Road. This driveway will service both the existing portion of the subdivision and a large portion of the proposed single family residential units.

Goodrich Road and Drive # 1
The proposed location of this intersection is on Goodrich Road, approximately 1500 feet north of the intersection with Roll Road. This driveway will service the proposed multiple family residential units and a small portion of the proposed single family units.

Goodrich Road and Drive # 2
The proposed location of this intersection is on Goodrich Road, approximately 1350 feet south of the intersection with Roll Road and 165 feet north of the entrance of the Clarence Town Hall. This driveway will service a large portion of the proposed single family residential units.

Goodrich Road and Drive # 3

The proposed location of this intersection is on Goodrich Road, approximately 1550 feet north of the intersection with Greiner Road. This driveway will service a small portion of the proposed single family residential units.

Greiner Road and Drive # 4

The proposed location of this intersection is on Greiner Road, approximately 3900 feet east of the intersection with Goodrich Road and 1750 feet west of the intersection with Kraus Road. This driveway will service a large portion of the proposed single family residential units.

A stop sign should be posted at each driveway location for traffic exiting from the Site.

Outlines of the analyses for each of the one (1) existing and four (4) proposed new intersections are presented in Tables 5.4 through 5.8.

Goodrich Road and Boxwood Drive

Table 5.4. LOS Analysis for Goodrich Road and Boxwood Drive

APPROACH	MOVEMENT	NO-BUILD		BUILD-OUT	
		AM	*PM*	*AM*	*PM*
Boxwood Drive					
Westbound	All	C	C	**D**	**D**
Goodrich Road					
Northbound	All	A	A	A	A
Southbound	All	A	A	A	A
Intersection ICU LOS		A	A	A	A
Bold denotes decline in LOS over previous condition					

Goodrich Road and Drive # 1

Table 5.5. LOS Analysis for Goodrich Road and Drive # 1

APPROACH	MOVEMENT	BUILD-OUT	
		AM	*PM*
Drive # 1			
Westbound	All	D	D
Goodrich Road			
Northbound	All	A	A
Southbound	All	A	A
Intersection ICU LOS		A	A

Goodrich Road and Drive # 2

Table 5.6. LOS Analysis for Goodrich Road and Drive # 2

APPROACH	MOVEMENT	BUILD-OUT	
		AM	*PM*
Drive # 2			
Westbound	All	C	D
Goodrich Road			
Northbound	All	A	A
Southbound	All	A	A
Intersection ICU LOS		B	B

Goodrich Road and Drive # 3

Table 5.7. LOS Analysis for Goodrich Road and Drive # 3

APPROACH	MOVEMENT	BUILD-OUT	
		AM	*PM*
Drive # 3			
Westbound	All	C	C
Goodrich Road			
Northbound	All	A	A
Southbound	All	A	A
Intersection ICU LOS		A	A

Greiner Road and Drive # 4

Table 5.8. LOS Analysis for Greiner Road and Drive # 4

APPROACH	MOVEMENT	BUILD-OUT	
		AM	*PM*
Greiner Road			
Eastbound	All	A	A
Westbound	All	A	A
Drive # 4			
Southbound	All	C	C
Intersection ICU LOS		A	B

A nonsignalized capacity analysis reveals that the traffic exiting the Site will experience no worse than LOS 'D' at any driveway in both the Weekday AM and Weekday PM peak hours.

It is not anticipated that the proposed Site will significantly impact traffic operations along either Goodrich Road or Greiner Road, as they will experience conditions of LOS 'A' across all movements along the roadways during both the Weekday AM and Weekday PM peak hours.

Existing Intersections

Outlines of the analyses of each of the five (5) existing intersections within the study area are presented in Tables 5.9 through 5.13.

Main Street and Goodrich Road

Table 5.9. LOS Analysis for Main Street and Goodrich Road

APPROACH	MOVEMENT	EXISTING		NO-BUILD		BUILD-OUT	
		AM	*PM*	*AM*	*PM*	*AM*	*PM*
Main Street							
Eastbound	Left	B	C	**F**	**E**	F	F
	Thru	B	B	**C**	**C**	C	**D**
Westbound	Thru	F	F	F	F	F	F
	Right	B	B	B	B	B	B
Goodrich Road							
Southbound	Left	D	C	**F**	**F**	F	F
	Right	C	C	C	**D**	C	D
Intersection HCM LOS		E	D	**F**	**E**	F	E
Intersection ICU LOS		D	D	**G**	**F**	**H**	F

Goodrich Road and Greiner Road

Table 5.10. LOS Analysis for Goodrich Road and Greiner Road

APPROACH	MOVEMENT	EXISTING		NO-BUILD		BUILD-OUT	
		AM	*PM*	*AM*	*PM*	*AM*	*PM*
Greiner Road							
Eastbound	All	B	B	**C**	**D**	C	**F**
Westbound	All	B	B	**E**	**D**	**F**	**F**
Goodrich Road							
Northbound	All	B	C	B	**E**	**C**	**F**
Southbound	All	C	B	**E**	B	**F**	**E**
Intersection HCM LOS		B	B	**D**	**D**	**F**	**F**
Intersection ICU LOS		B	C	**D**	**F**	**F**	E

Greiner Road and Thompson Road

Table 5.11. LOS Analysis for Greiner Road and Thompson Road

APPROACH	MOVEMENT	EXISTING		NO-BUILD		BUILD-OUT	
		AM	*PM*	*AM*	*PM*	*AM*	*PM*
Greiner Road							
Eastbound	All	A	A	A	A	A	A
Westbound	All	A	A	A	A	A	A
Thompson Road							
Northbound	All	F	F	F	F	F	F
Southbound	All	F	E	F	**F**	F	F
Intersection ICU LOS		B	B	**E**	**D**	E	D

Goodrich Road and Roll Road

Table 5.12. LOS Analysis for Goodrich Road and Roll Road

APPROACH	MOVEMENT	EXISTING		NO-BUILD		BUILD-OUT	
		AM	*PM*	*AM*	*PM*	*AM*	*PM*
Roll Road							
Eastbound	All	C	C	**F**	**F**	F	F
Goodrich Road							
Northbound	All	A	A	A	A	A	A
Southbound	All	A	A	A	A	A	A
Intersection ICU LOS		B	B	**D**	**D**	**E**	**E**

Goodrich Road and Clarence Center Road

Table 5.13. LOS Analysis for Goodrich Road and Clarence Center Road

APPROACH	MOVEMENT	EXISTING		NO-BUILD		BUILD-OUT	
		AM	*PM*	*AM*	*PM*	*AM*	*PM*
Clarence Center Road							
Eastbound	All	C	B	**E**	**D**	E	D
Westbound	All	D	C	**F**	**E**	F	E
Goodrich Road							
Northbound	All	D	E	**F**	**F**	F	F
Southbound	All	F	C	F	**F**	F	F
Intersection HCM LOS		E	D	**F**	**F**	F	F
Intersection ICU LOS		B	A	**C**	**C**	C	C

As presented in Tables 5.9 through 5.13, the majority of the controlled traffic movements and overall intersections within the study area experience significant declines in LOS during peak hours, particularly under no-build/background and build-out conditions.

There are some turning movements, however, which do experience conditions of LOS 'D' or worse under existing conditions. These include

- the westbound thru approach of Main Street at Goodrich Road (LOS 'F'),
- the southbound left turn approach of Goodrich Road at Main Street (LOS 'D'),
- all movements of both the north- and southbound approaches of Thompson Road at Greiner Road (LOS 'F'),
- all movements of the westbound approach of Clarence Center Road at Goodrich Road (LOS 'D'), and
- all movements of the southbound approach of Goodrich Road at Clarence Center Road (LOS 'F') during the Weekday AM peak hour; and
- the westbound thru approach of Main Street at Goodrich Road (LOS 'F'),
- all movements of the northbound approach of Thompson Road at Greiner Road (LOS 'F'),
- all movements of the southbound approach of Thompson Road at Greiner Road (LOS 'E'), and
- all movements of the northbound approach of Goodrich Road at Clarence Center Road (LOS 'E') during the Weekday PM peak hour.

In addition, some intersections experience overall LOS 'D' or worse under existing conditions. These intersections include

- the intersection of Main Street and Goodrich Road (HCM LOS 'E' and ICU LOS 'D'), and
- the intersection of Goodrich Road and Clarence Center Road (HCM LOS 'E') during the Weekday AM peak hour; and
- the intersection of Main Street and Goodrich Road (HCM LOS 'D' and ICU LOS 'D'), and
- the intersection of Goodrich Road and Clarence Center Road (ICU LOS 'D') during the Weekday PM peak hour.

Several turning movements will experience declines in LOS by 2032, regardless of any impact from the proposed Site. These movements include

- the eastbound left turn approach of Main Street at Goodrich Road (from LOS 'B' to LOS 'F'),
- the eastbound thru approach of Main Street at Goodrich Road (from LOS 'B' to LOS 'C'),
- the southbound left turn approach of Goodrich Road at Main Street (from LOS 'D' to LOS 'F'),
- all movements of the eastbound approach of Greiner Road at Goodrich Road (from LOS 'B' to LOS 'C'),
- all movements of the westbound approach of Greiner Road at Goodrich Road (from LOS 'B' to LOS 'E'),
- all movements of the southbound approach of Goodrich Road at Greiner Road (from LOS 'C' to LOS 'E'),
- all movements of the eastbound approach of Roll Road at Goodrich Road (from LOS 'C' to LOS 'F'),
- all movements of the eastbound approach of Clarence Center Road at Goodrich

Road (from LOS ‘C’ to LOS ‘E’),

- all movements of the westbound approach of Clarence Center Road at Goodrich Road (from LOS ‘D’ to LOS ‘F’), and
- all movements of the northbound approach of Goodrich Road at Clarence Center Road (from LOS ‘D’ to LOS ‘F’) during the Weekday AM peak hour; and
- the eastbound left turn approach of Main Street at Goodrich Road (from LOS ‘C’ to LOS ‘E’),
- the eastbound thru approach of Main Street at Goodrich Road (from LOS ‘B’ to LOS ‘C’),
- the southbound left turn approach of Goodrich Road at Main Street (from LOS ‘C’ to LOS ‘F’),
- the southbound right turn approach of Goodrich Road at Main Street (from LOS ‘C’ to LOS ‘D’),
- all movements of the eastbound approach of Greiner Road at Goodrich Road (from LOS ‘B’ to LOS ‘D’),
- all movements of the westbound approach of Greiner Road at Goodrich Road (from LOS ‘B’ to LOS ‘D’),
- all movements of the northbound approach of Goodrich Road at Greiner Road (from LOS ‘C’ to LOS ‘E’),
- all movements of the southbound approach of Thompson Road at Greiner Road (from LOS ‘E’ to LOS ‘F’),
- all movements of the eastbound approach of Roll Road at Goodrich Road (from LOS ‘C’ to LOS ‘F’),
- all movements of the eastbound approach of Clarence Center Road at Goodrich Road (from LOS ‘B’ to LOS ‘D’),
- all movements of the westbound approach of Clarence Center Road at Goodrich Road (from LOS ‘C’ to LOS ‘E’),
- all movements of the northbound approach of Goodrich Road at Clarence Center Road (from LOS ‘E’ to LOS ‘F’), and
- all movements of the southbound approach of Goodrich Road at Clarence Center Road (from LOS ‘C’ to LOS ‘F’) during the Weekday PM peak hour.

In addition, some of the intersections will experience an overall decline in LOS under no-build/background conditions. These intersections include

- the intersection of Main Street and Goodrich Road (from HCM LOS ‘E’ to LOS ‘F’ and from ICU LOS ‘D’ to LOS ‘G’),
- the intersection of Goodrich Road and Greiner Road (from HCM LOS ‘B’ to LOS ‘D’ and from ICU LOS ‘B’ to LOS ‘D’),
- the intersection of Greiner Road and Thompson Road (from ICU LOS ‘B’ to LOS ‘E’),
- the intersection of Goodrich Road and Roll Road (from ICU LOS ‘B’ to LOS ‘D’), and
- the intersection of Goodrich Road and Clarence Center Road (from HCM LOS ‘E’ to LOS ‘F’ and from ICU LOS ‘B’ to LOS ‘C’) during the Weekday AM peak hour, and
- the intersection of Main Street and Goodrich Road (from HCM LOS ‘D’ to LOS ‘E’ and from ICU LOS ‘D’ to LOS ‘F’),

- the intersection of Goodrich Road and Greiner Road (from HCM LOS ‘B’ to LOS ‘D’ and from ICU LOS ‘C’ to LOS ‘F’),
- the intersection of Greiner Road and Thompson Road (from ICU LOS ‘B’ to LOS ‘D’),
- the intersection of Goodrich Road and Roll Road (from ICU LOS ‘B’ to LOS ‘D’), and
- the intersection of Goodrich Road and Clarence Center Road (from HCM LOS ‘D’ to LOS ‘F’ and from ICU LOS ‘A’ to LOS ‘C’) during the Weekday PM peak hour.

Section 6.0 MITI ATI MEAS ES

6.1 Introduction

SEQR requires that the *DGEIS* include mitigation measures designed to minimi e the adverse environmental impacts associated with *the Project* to the ma imum e tent practicable. Based on the thorough and detailed analysis of potentially significant adverse environmental impacts contained in Section 5, above, this section of the *DGEIS* sets forth the mitigation measures to be implemented as part of *the Project*.

6.2 Stormwater onstruction

Stormwater runoff associated with construction activities have been identified as a significant adverse environmental impact requiring mitigation. Thus, surface water and sedimentation controls will be established during construction phases per *NYSDEC* eneral Permit for Storm Water ischarges Associated with Industrial Activity from onstruction Activities regulations, Permit o. P-93-06, Issued Pursuant to Article 17, Titles 7, 8 and Article 70 of the Environmental onservation aw. Erosion control best management practices shall be established to control sediment migration off-site during construction activities. Thus, water quality will be maintained as a result of these sedimentation and erosion control practices.

6.3 Stormwater Spaulding reens

While development of Spaulding reens will not substantially alter current erosion, flooding, leaching and drainage patterns at the pro ect area, it will increase the amount of runoff. This is due to the increase in impervious surface area that will result from construction of roadways, driveways, sidewalks, rooftops, etc., within the pro ect area. Accordingly, the mechanism for conveying surface water runoff to the receiving streams that drain the site will be different in the post development condition. In other words, surface water runoff in the pre development condition flows across the site to the receiving streams that drain the site – principally ansom and ott reeks. In the post development condition, surface water runoff will flow across the landscape and be captured at inlet points to a closed drainage system. This system will then convey the runoff to a series of detention basins that will store the difference in runoff volume between the pre and post development conditions. This storm water management system will also be designed to capture eroded sediments before they can leave the site. ischarges from these basins will be directed to the same receiving streams principally ansom and ott reeks that drain the site in the predevelopment condition. These basins are designed to restrict discharges to predevelopment levels. Thus, development of a storm water management system will be necessary in order to minimi e and mitigate any potential adverse environmental impacts. Stormwater drainage facilities will be designed by *the Project Sponsors* in accordance with the Storm rainage esign Manual and *The Town* Storm rainage esign Standards.

6.4 Wetlands

8 ederal urisdictional wetlands totaling 45.48± acres have been identified on Spaulding reens site. Included within that area are appro imately 28.43± acres of wetlands anticipated to be promulgated by the state as ew ork State resh Water Wetlands.

As designed, alternative 1 would impact wetlands resources as follows

ederal Wetland Impacts	5.64± acres
State Wetland Impacts	0.49± acres
State Buffer Impacts	6.88± acres

Alternative 2 would impact wetlands resources as follows

ederal Wetland Impacts	3.06± acres
State Wetland Impacts	0.39± acres
State Buffer Impacts	2.45± acres

The EIS anticipated that future development related impacts to wetlands would occur on a ratio of 0.25 acres of wetland for every 10 acres of development property. It appears that Spaulding reens may impact wetlands at a rate less than a third of that anticipated. As proposed, Spaulding reens would impact wetlands at a ratio of either 0.13± acres impact per 10 acres of development property alternative 1 , or 0.08± acres impact per 10 acres of development property alternative 2 . evertheless, these impacts are significant and must be mitigated.

The EIS also anticipated that mitigation for future development related impacts to wetlands would occur on a ratio of 1.5 acres of wetland construction for every 1 acre of wetland loss. As proposed, Spaulding reens would provide mitigation for impact wetlands at a ratio of appro imately 2 acres of wetland construction for every 1 acre of wetland loss.

Wilson Environmental Technologies, Inc. WET , determined that to properly create an acceptable replacement wetland for the above listed impacts, a 7.24 acre mi ed wetland comple which will provide wildlife habitat for waterfowl, wading birds, migratory birds, amphibians ad acent to ott reek. The mitigation will also provide education opportunities since it will be constructed on public access land.

As described in the WET mitigation report,

> As wetland creation WET is proposing creation of varied wetland habitat through soil e cavation ad acent to ott reek. The mitigation habitats will be created in the area of the upper reaches of the seasonal high water one of the dessa soils. The elevation from the upland shrub habitat will be gradually reduced to form semi-permanently flooded shallow water submergent and emergent marsh. These habitats will be suitable for mi ed wildlife and waterfowl usage. The following table defines the proposed habitat cover types and si es

Table 6.1

ABITAT E E ATI A E	WATE EPT Ma .	E ETATI E
orested - Wet meadow at grade	moist soil	mi ed hardwoods A A W species
Scrub shrub - Wet Meadow 1.0' Below Inside Basin Edge Elevation	0.5 feet	A A W Species
Emergent Marsh 1.0 to 1.5' Below Inside Basin Edge Elevation	1.5 feet	B species
pen Water - obust Emergent Marsh 1.5 to 3.0' Below Inside Basin Edge Elevation	3.0 feet	B Species

Wetland hydrology will be maintained primarily through the e cavation of soils to intercept the seasonally high groundwater. ydrology will be maintained through the compaction of soils to severely limit the rate of permeability of the constructed wetland. The proposed wetland comple will be e cavated in an area of dessa soils. A saturated soil condition is e pected to be maintained for a significant portion of the growing season within the upper reaches of the seasonal high water table.

WET has determined through the performance of the wetland delineation that these areas contain suitable soil, hydrology and elevation profiles to succeed as creation areas.

As preservation, the developer has avoided 42± acres of wetlands within the sub ect parcel. The pro ect sponsor is proposing to preserve a natural corridor within the areas ad acent to both the north and south side of the ott reek corridor for use as natural passive recreational use. At this time the e act nature of the ott reek atural corridor is conceptual. owever it is highly likely that the area will support a nature trail hiking trail. uture planning and Town coordination is e pected.

Mitigation onstruction Specifications

WET is proposing the creation of the varied wetland habitat through the e cavation of an upland area within a mi ed shrubland and old field habitat. nder Alternative 2, the preferred plan, five 5 mitigation areas referred to as basins will be constructed within the corridor ad acent to ott reek. The total combined acerage of the wetland mitigation is 7.24 acres. our 4 of the basins will be interconnected via a swale providing both an inlet from ott reek in the westerly portion of the site and out letting to ott reek in the easterly end of the basin. The four basins will

be combined wet meadow emergent marsh comple . The basins will be e cavated to the design elevation not e ceeding 3.0 feet in final depth below the inside edge of the e cavated basin. ydrology will be drawn from ott reek in addition to utili ing groundwater intrusion. The combined acreage of the basins will be 1.15 acres.

The final mitigation area Basin 5 will be planted as a forested wet meadow comple with an area of robust emergent marsh e cavated within the forested habitat. The depth of the robust emergent marsh habitat will not e ceed three feet. The basin will be planted at grade with A and A W tree species of similar composition to native wetlands trees, such as green ash ra inus pennsylvanica, A W , pin oak uercus palustris, A W , swamp white oak uercus bicolor, A W , red maple Acer rubrum, A and silver maple Acer saccharinum, A W . Shrubs will also be planted within the forested comple to add diversity. Species of shrubs will include silky dogwood ornus amomum, A W , red osier dogwood ornus stolonifera, A W , American elder Sambucus canadensis, A W , meadowsweet Spiraea alba, A W and pussy willow Sali discolor, A W . The robust marsh will be e cavated to achieve the required depth. The e cavation is intended to intercept the seasonally high groundwater in addition to drawing seasonal highwater flows contained in the agricultural ditches and precipitation events. ydrology will be maintained through the compaction of soils to severely limit the rate of permeability of the constructed wetland in an already somewhat poorly drained soil , and during seasonally high flows and storm events. A saturated soil condition is e pected to be maintained for a significant portion of the growing season within the upper reaches of the seasonal high water table.

The wetland creation comple will be created by the e cavation of soil material to the necessary ground elevation within the creation area. The construction of the replacement habitat will serve to provide nesting, rearing and forage waterfowl, wading birds, amphibians and American woodcock, amphibians and reptiles.

The constructed mitigation plan would incorporate an irregularly shaped boundary margin sloping gradually to incorporate a wet meadow-scrub-shrub, and emergent habitat. The margins of the boundary would have a shallow grade 1 vertical to 8 hori ontal grading to lower elevation. sing shallow e cavation, as indicated on the construction plan a constructed depression will create the mitigation habitat.

Earth work for the mitigation area is e pected to begin in uly August of the construction year. Weather constraints may alter the start date somewhat. E cess subsoil will be stockpiled in an upland area within the site or utili ed in the construction of the subdivision. E cess material will be removed from the site at a later time. Access to the mitigation area will

be via the subdivision. At such time, the proper permits will be obtained from the Town of larence to remove the subsoil and trees larger than 4 inches in diameter. ntil such time, the subsoil will be stockpiled in an approved upland area and will be surrounded by silt screen material keyed 6 inches into the ground to prevent soil erosion runoff to the surrounding area.

Topsoil material will be spread over the growth areas of the mitigation areas to a depth of not less than eight inches in those areas which will be e cavated. The topsoil material will be the material stripped during the construction of the mitigation pro ect. The topsoil will be monitored to insure it is free of subsoil, purple loosestrife and or common reed grass seed, or rhi omes.

These actions will mitigate wetland impacts associated with *Spaulding Greens* to the ma imum e tent practicable.

6.5 Stream rossings ott reek

As presently conceived, *the Project* involves potentially three crossings of ott reek for a roadway, sewer and waterline crossings. Pending selection of a final layout and completion of the detailed engineering design for the site, the utility and roadway crossings may be combined in a single location.

The roadway crossing is necessary for vehicular and pedestrian circulation through the development site. More importantly, it provides improved access throughout the site for emergency services vehicles, shorting emergency response times and providing alternative routing in the event of catastrophe.

At least one crossing will be required to convey sanitary sewage across the stream from the north side of the creek to the south to access the ew Trunk ine, and at least one crossing should be made for a water line connection to establish a loop. This is recommended for pressure and circulation within the waterline network.

Stream crossings for utilities are generally completed by one of 3 methods boring and acking, otherwise known as tunneling coffer dams or flumed dry crossings. It is anticipated that a combination of the flumed dry and cofferdam crossing methods will be employed for each stream crossing. The cofferdam methodology will be utili ed for drainage ditches and drainage swales, or for disturbances of very short term duration 1-2 hrs. . The flumed dry crossing method will be utili ed in the creek stream beds. All e cavated spoils will be isolated by silt fence upgradient of the e cavation. pon completion of the e cavation and installation of *the New Trunk Line*, the area will be backfilled and graded to its original contour. oadway crossings over streams requiring short spans are generally accomplished by culvert.

According to the EIS, ott reek is classified as a " T " water, meaning it supports

fish and aquatic life and may support trout populations. Thus, the crossing of this stream is a significant adverse environmental impact that will require mitigation and *the Project Sponsors* will be required to obtain an appropriate *Stream Bed Disturbance Permit* pursuant to Environmental onservation aw Title 5, Article 15, Protection of Waters.

All stream crossings proposed are considered minor, meaning that each disturbance will be less than 50 linear feet. Minor *Stream Bed Disturbance Permit* applications, which require the submission of stream protection and erosion control plans, along with other details to ensure only minimal and short term disturbances to the stream bed, must be obtained from *NYSDEC*. *The Project Sponsors* must also submit an application to *ACOE*. eview and approval of construction plans, including stream protection and erosion control plans and issuance of a *Stream Bed Disturbance Permit* by *NYSDEC* and *ACOE* will ensure that the significant adverse environmental impacts associated with the stream crossings are minimi ed.

6.6 ultural esources

Mitigation, in the conte t of cultural resources, refers to lessening the impact of a pro ect by documenting cultural resources before they are impacted. or the historic and prehistoric sites in the Spaulding reen pro ect area, this means e cavating the sites in a controlled fashion prior to construction. Phase 1 and 2 information already obtained shows the sites in the Spaulding reen pro ect area to be typical of historic and prehistoric sites in the region. All of the sites can be mitigated using standard archaeological techniques and without e traordinary effort in the form of a Phase 3 data recovery pro ect.

If, at the completion of Phase 1 and 2 operations, more information is required to properly recover and catalogue artifacts form a given location within the pro ect area, the investigation will proceed to Phase 3. Phase 3 involves data recovery and is recommended to mitigate the impact of the pro ect on all E sites that are unavoidable within pro ect limits. All data recovery efforts will be conducted in consultation with the P P. Standard archaeological methods are employed during data recovery as outlined by the ew ork Archaeological ouncil A 1994 and the ew ork State Museum SE 2004 .

The final step recommended for all data recovery pro ects is to strip off the plow one over larger parts of the site. This is an efficient way to obtain high quality and important feature data without the laborious task of hand-e cavating more of the site by test units. This should only be undertaken in consultation with the P P and once the Ap-hori on plow one has been adequately sampled, as will be achieved after following the above recommended data recovery procedures. All artifacts and soil samples are returned to the Archaeological Survey laboratory in the epartment of Anthropology, S at Buffalo in labeled bags according to provenience assignment and date of e cavation. Artifacts and other potential cultural material are separated into categories

for processing. eramics, chipped stone material, utili ed cobbles, fire cracked rock, charcoal and bone are treated separately. ifferent materials are cleaned using appropriate methods and are stabili ed for identification and analysis.

pon the completion of all processing and analysis, report preparation will take an additional 1-2 months. Some overlap of report writing, processing and analysis is anticipated. eport completion may be influenced by the availability of analysis results. The total data recovery pro ect is e pected to take up to 9 months to complete, assuming all sites are e cavated at about the same time.

Although unlikely in the Spaulding reen pro ect area, the accidental discovery of human remains will initiate the following procedures. This human remains policy follows guidelines established by ew ork State A 1994 and of the federal government A P A . E cavation in the area of the bones will be stopped and the Principal Investigator of the Archaeological Survey, r. ouglas . Perrelli, will be notified 716-645-2297 113 . An initial attempt will be made to determine whether the bones represent a ative American or Euro-American individual s and or represent a burial. The presence of clearly non- ative American human bones will be reported to local law enforcement officials so that a coroner and investigators can determine if the bones represent a potential crime scene. If the site is determined to be a crime scene, all subsequent investigation is conducted by law enforcement officials. If not, the remains are treated as a potential burial in archaeological conte t from the historic period. Avoidance is the preferred course of action. If avoidance is not possible, the local municipality and all constituencies, including landowners and any potential descendants will be consulted regarding the removal and re-burial of the remains. If the bones do not represent a crime scene, and are of an undetermined national origin or are suspected to be ative American, they will be treated as ative American human remains. The pro ect director will immediately notify the ffice of Parks, ecreation and istoric Preservation in Peebles Island, ew ork, 518-237-8643 281 and the Seneca ation Tribal istoric Preservation ffice, 467 enter Street, Salamanca ew ork 14779, 716 945-9427, and Peter emison, Seneca ation A P A epresentative, 585-924-5414, and obert . ean, an archaeological representative of the Seneca ation, for advice on how to proceed. All interested parties will meet to discuss avoidance and preservation of the portion of the site that contains human bone, and alternatives to design plans. All parties must agree to an alternative. If there is no feasible alternative to the e isting pro ect plan, all parties must be consulted to formulate a plan for e humation and re-burial of the skeletal material. All actions will be summari ed in the final report for the pro ect.

A copy of the S Buffalo Archaeological Survey's report for Spaulding reens has been forwarded to the P P for their review. Based on the characteristics of other known sites in the area, and the previous work to authori e the sewer line construction and the oll oad P , it is anticipated that the areas studied will ultimately be cleared for development. owever, more work may be required to recover and catalogue resources to the satisfaction of the P P. Many of the identified sites fall within areas that are avoided by development activities, but for those areas that lay

within areas slated for development, they must be avoided until cleared by the P P. Most of the unavoidable areas slated for development are located to the eastern end of the site and there will be time to do the necessary work to recover resources to the satisfaction of P P prior to authori ation to proceed with development activities.

6.7 Traffic

The following recommendations outline and describe the selection of mitigation measures which are considered to represent the most cost-effective solution with the least negative impact on the study area roadway system, particularly in terms of minimi ing restrictions on turning movements which are not restricted under e isting conditions. Mitigation measures are analy ed against build-out traffic volumes regardless of the traffic volume condition under which a S deficiency first appears. Therefore, when considered against e isting and no-build background conditions, the recommendations may yield results more favorable than those outlined within this section.

ecommendations between each of the mitigated intersections are mutually e clusive i.e. the decision not to act upon a recommendation at any particular intersection will not have an effect on any other intersection within the study area.

Proposed ew Intersections

All turning movements e iting the proposed Site from each of the one 1 e isting and four 4 proposed intersections will operate under conditions no worse than S ' '. Au iliary turning lanes are warranted along the e isting roadways through some of these new intersections however, they would not provide a meaningful improvement in S as the movements along the e isting roadways will operate at S 'A' even without mitigation. Shoulder widths in these areas are sufficient to provide bypass of the e pected queues created by stopped or slowing vehicles. Therefore, no mitigation is considered necessary at any of the one 1 e isting or four 4 proposed intersections.

E isting Intersections

Many turning movements across the study area either e perience deficient S during e isting conditions or significant declines in S over no-build background and or build-out conditions. A brief summary of the recommended mitigation measures are presented in the following sections and in **Tables 6.2 through 6.5**

Main Street and Goodrich Road

- o mitigation is recommended at this location. All possible au iliary turning lanes as well as a traffic signal presently e ist at this location. A more detailed study, taking into account nearby ma or intersections, may be necessary to address S deficiencies of turning movements along the Main Street corridor in the southwestern portion of the Town of larence.

Goodrich Road and Greiner Road

- Au iliary Turning anes Based on traffic volumes under all conditions, it is recommended that left turn lanes be added

- in the length of 75 feet along both the east- and westbound approaches of reiner oad, and in the length of 100 feet along both the north- and southbound approaches of oodrich oad.

  It is likewise recommended that right turn lanes be added

- in the length of 75 feet along both the east- and westbound approaches of reiner oad and along the northbound approach of oodrich oad.

- Traffic Signals Based on no-build background and build-out traffic volumes, it is recommended that the e isting traffic signal at this intersection be modified to an eight 8 phase semi-actuated installation, with separate protected left turn phases on all four 4 approaches. nprotected left turns on green and right turns on red should be permitted. Pedestrian phasing is not required, but may become necessary at a future date. Suggested signal timing values may be found on **Pages 55 and 66 of Appendi** .

- S An outline of the analysis of the intersection when mitigated according to the recommendations is presented in **Table 6.2**.

Table 6.2. Mitigated S Analysis for oodrich oad and reiner oad

APPROACH	MOVEMENT	MITIGATED	
		AM	*PM*
Greiner Road			
Eastbound	Left	C	C
	Thru	C	C
	Right	B	C
Westbound	Left	B	B
	Thru	D	D
	Right	B	C
Goodrich Road			
Northbound	Left	C	B
	Thru	C	D
	Right	B	B
Southbound	Left	B	C
	Thru, Right	D	C
Intersection HCM LOS		C	C
Intersection ICU LOS		D	B

nder this mitigation scenario, the S is significantly improved for movements from all four 4 approaches and across the overall intersection in general. The lowest S e perienced will be S ‘ ’ conditions for both the westbound thru and southbound thru and right turn movements during the Weekday AM peak hour, and for both the west- and northbound thru movements during the Weekday PM peak hour.

Greiner Road and Thompson Road

- Au iliary Turning anes Based on e isting traffic volumes, it is recommended that a left turn lane be added in the length of 75 feet along the westbound approach of reiner oad.
- Traffic Signals It is recommended that a traffic signal be installed at this intersection, based on no-build background and build-out traffic volumes. A two 2 phase semi-actuated installation, with permitted but not protected left turn movements, is recommended. ight turns on red should be permitted. Pedestrian phasing is not required, but may become necessary at a future date. Suggested signal timing values may be found on **Pages 58 and 68 of Appendi** .
- S An outline of the analysis of the intersection when mitigated according to the recommendations is presented in **Table 6.3**.

Table 6.3. Mitigated S Analysis for reiner oad and Thompson oad

APPROACH	MOVEMENT	MITIGATED	
		AM	*PM*
Greiner Road			
Eastbound	All	A	A
Westbound	Left	A	A
	Thru, Right	A	A
Thompson Road			
Northbound	All	B	C
Southbound	All	B	B
Intersection HCM LOS		A	B
Intersection ICU LOS		D	D

nder this mitigation scenario, the S is significantly improved for both approaches of Thompson oad. onversely, movements from both approaches of reiner oad will not e perience a significant negative impact as they will continue to e perience conditions of S ‘A’. The lowest S e perienced will be S ‘ ’ conditions for the northbound approach of Thompson oad during both the Weekday PM peak hour.

Goodrich Road and Roll Road

- Au iliary Turning anes Based on e isting traffic volumes, it is recommended that a left turn lane be added in the length of 50 feet along the northbound approach of

oodrich oad. It is likewise recommended that a right turn lane be added in the length of 50 feet along southbound approach of oodrich oad.

- Traffic Signals It is recommended that a traffic signal be installed at this intersection, based on no-build background and build-out traffic volumes. A three 3 phase semi-actuated installation, with a separate protected left turn phase for the oodrich oad northbound left turn movement, is recommended. nprotected left turns on green and right turns on red should be permitted. Pedestrian phasing should be included, as an e isting crosswalk traverses the eastbound oll oad approach. Suggested signal timing values may be found on **Pages 60 and 70 of Appendi** .

- S An outline of the analysis of the intersection when mitigated according to the recommendations is presented in **Table 6.4**.

Table 6.4. Mitigated S Analysis for oodrich oad and oll oad

APPROACH	MOVEMENT	MITIGATED	
		AM	*PM*
Roll Road			
Eastbound	All	C	C
Goodrich Road			
Northbound	Left	B	A
	Thru	A	A
Southbound	Thru	C	B
	Right	A	A
Intersection HCM LOS		B	B
Intersection ICU LOS		C	B

nder this mitigation scenario, the S is significantly improved for the eastbound approach of oll oad. onversely, movements from both the south- and northbound approaches of oodrich oad will not e perience a significant negative impact as they will mostly continue to e perience conditions of S 'A', with the largest decline being that of the southbound thru movement under the Weekday AM peak hour, to S ' ' conditions. The lowest S e perienced will be S ' ' conditions for the southbound thru and eastbound left and right turn movements during the Weekday AM peak hour, and for the eastbound left and right turn movements during the Weekday PM peak hours.

Goodrich Road and Clarence Center Road

- Au iliary Turning anes ue to spatial constraints, it is not e pected that roadway widening at this intersections would be feasible and or cost-effective. Therefore, no au iliary turning lanes are recommended.

- Traffic Signals It is recommended that a traffic signal be installed at this intersection, based on e isting traffic volumes. A five 5 phase semi-actuated installation, with a leading protected green phase for the larence enter oad

westbound left turn movement, is recommended. nprotected left turns on green and right turns on red should be permitted. Pedestrian phasing should be included, as e isting crosswalks traverse all four 4 approaches. Suggested signal timing values may be found on **Pages 63 and 73 of Appendi** .

- S An outline of the analysis of the intersection when mitigated according to the recommendations is presented in **Table 6.5**.

Table 6.5. Mitigated S Analysis for oodrich oad and larence enter oad

APPROACH	MOVEMENT	MITIGATED	
		AM	*PM*
Clarence Center Road			
Eastbound	All	C	C
Westbound	All	F	C
Goodrich Road			
Northbound	All	C	C
Southbound	All	F	B
Intersection HCM LOS		E	C
Intersection ICU LOS		C	C

nder this mitigation scenario, the S is significantly improved for all four 4 approaches of the intersection with the e ception of the west- and southbound approaches during the Weekday AM peak hour, which will continue to e perience S ‘ ’ conditions. Introducing separate signal timing programs for both the Weekday AM and Weekday PM peak hours may aid in improving the situation slightly, but at the e pense of one or both of the other approaches, as the timings used in this analysis produce the smallest intersection-wide average delay.

Section 7.0 IMPA TS T AT A T BE MITI ATE

7.1 verview

SEQR requires that the *DGEIS* contain a statement of the adverse environmental impacts that cannot be avoided or adequately mitigated if the Proposed Action is implemented. It should be noted that there are impacts that cannot be mitigated associated with the proposed Spaulding reens.

7.2 and esources

Although this resource is not public, but is in fact privately held, implementation of *the Project* will none the less result in the permanent elimination of undeveloped areas as new residential facilities and associated roadways are constructed for Spaulding reens.

7.3 Plants and Animals

There will be a permanent adverse impact on plants and animals, with the elimination of e isting upland grassed areas, woodlot and scrub brush on *the Spaulding Greens Site.*

7.4 oise

There will be short-term noise impacts during construction of *the Project.*

7.5 isual Impacts

There will be short-term adverse visual impacts during construction of *the Project.*

7.6 ommunity haracter

The development of *the Project* will result in a permanent change to the community character in and around *the Project Area*.

7.7 Irreversible and Irretrievable ommitments of Environmental esources

SEQR requires that the *DGEIS* identify any irreversible and irretrievable commitments of resources which will occur as a result of implementation of the Proposed Action. esources to be considered include natural and man-made resources that are consumed, converted or made unavailable for future use. The *DGEIS* should also identify the e tent to which *the Project* forecloses future options.

Implementation of *the Project* will result in the permanent elimination of currently undeveloped areas for new residential facilities and associated roadways. These resources will no longer be available for alternative uses, such as green space park land development, farming, or natural habitat. ther irreversible and irretrievable commitments of sources required for the Proposed Action include construction materials, energy, labor. onstruction materials, energy supplies and labor used to construct *the Project* are not retrievable. These resources are readily available within *the Project Area*.

Section 8.0 Thresholds for uture evelopment

8.1 Introduction

This section outlines the conditions or criteria and procedures to be followed in evaluating *Future Project-Related Development* pursuant to *SEQR*.

8.2 Procedures

Future Project-Related Development, meaning any future development within *the Town* that will utili e *the New Trunk Line*, will require additional environmental review. *The Town*, as ead Agency, will be responsible for performing an environmental review on any *Future Project-Related Development* proposals and must consider each *Future Project-Related Development* proposal in relation to i the EIS, ii the inal EIS which will be issued for *the Project* and iii the inal indings Statement which will be issued for *the Project*.

pon application to *the Town* for a development pro ect requiring an Environmental Assessment orm ong EA , *the Town* must determine if the environmental impacts associated with the *Future Project-Related Development* proposal have been adequately addressed in the *DGEIS*, inal EIS and inal indings Statement, taking into account whether the proposal is consistent with the assumptions outlined in Section 8.3 below and whether the proposal e ceeds any of the thresholds outlined in Section 8.4 below. Such a determination must be made BE E any *Future Project-Related Development* approvals are issued.

In the event that *The Town* determines that

1 the *Future Project-Related Development* proposal is consistent with the assumptions outlined in Section 8.3 below and will be carried out in conformance with the conditions and thresholds established in Section 8.4 below, then no further *SEQR* compliance is required

2 the *Future Project-Related Development* proposal is consistent with the assumptions outlined in Section 8.3 below and will be carried out in conformance with the conditions and thresholds established in Section 8.4 below, but is not addressed, or is not adequately addressed, in the inal indings Statement for the *DGEIS*, then an amended findings statement must be prepared

3 the *Future Project-Related Development* proposal is not addressed, or is not adequately addressed, in the inal EIS for *the Project*, but the proposal does not e ceed any of the thresholds established in Section 8.4 below, or the proposal does e ceed a threshold s established in Section 8.4 below, but will not result in any significant adverse environmental impacts, then a negative declaration must be prepared or,

4 the *Future Project-Related Development* proposal is not addressed, or is not adequately addressed, in the inal EIS for *the Project* and or the proposal will e ceed one of the thresholds established in Section 8.4 below and may have one or more significant adverse environmental impacts, then a supplement to the inal EIS must be prepared.

ote Pursuant to SE regulations governing generic environmental impact statements, the issuance of a conditioned negative declaration is not authori ed.

8.3 Assumptions

The following assumptions were established for this environmental review and must be considered by the Town when determining whether the environmental impacts associated with any *Future Project-Related Development* have been adequately addressed in the *DGEIS*, inal EIS for *the Project* and the inal indings Statement for *the Project*

- *The Town* will continue to limit the number of annual residential building permits to no more than 240 residential units 70 single homes outside of approved subdivisions and 170 subdivision building permits .

- The 18 inch sanitary sewer downstream of the Peanut ine in the Town of Amherst will remain a capacity restriction and will effectively limit the growth inducing impacts of *the Project*.[2]

- *The Roll Road PURD* will be developed consistent with the concept plan included in this *DGEIS* as igure 2.2.

- A conservation easement covering appro imately 35 acres of *the PURD Site* will be granted to the Western ew ork and onservancy, or some other organi ation authori ed to accept and enforce conservation easements, to ensure long-term preservation of wetlands and wetland habitat.

- Total ederal urisdictional wetland impacts resulting from *the Roll Road PURD* will not e ceed 2.88 acres

- Total ederal urisdictional wetland impacts resulting from *the New Trunk Line* will not e ceed 0.65 acres

[2]Pursuant to its agreement with the Town of Amherst relative to *the Town*'s use of the Amherst WWTP, the Town of Amherst will not bear the cost of "debottlenecking" this line. Thus, any decision by *the Town* to do so must be approved by the Town Board and will require the preparation of an Environmental Impact Statement.

8.4 Thresholds

Future Project-Related Development proposals which e ceeds any one of the following conditions or thresholds shall not be considered to have been addressed by this *DGEIS* and must be evaluated by *the Town* to determine whether a Supplemental Environmental Impact Statement will be necessary

- *Future Project-Related Development* which will require a oning change affecting more than 25 acres.

- *Future Project-Related Development* which will result in the development of 250 or more residential units on a single, contiguous site.

- *Future Project-Related Development* which will adversely impact ground or surface water quality or quantity or which will substantially increase erosion, flooding, leaching or drainage problems.

- *Future Project-Related Development* which adversely impacts rare, threatened and or endangered species.

- *Future Project-Related Development* which will adversely impact important historical, archeological, or architectural resources.

- *Future Project-Related Development* which will generate a substantial increase in noise levels within *the Project Area*.

- *Future Project-Related Development* which will adversely impact important aesthetic resources.

- *Future Project-Related Development* which results in the development of active farmland within the larence- ewstead Agricultural istrict, an official Agricultural istrict pursuant to the ew ork Agriculture and Markets aw.

- *Future Project-Related Development* which will directly cause a degradation in evels of Service on e isting roadways within *the Town*.

- *Future Project-Related Development* which occurs in areas that the raft Master Plan or any inal Master Plan identifies as “high-priority” for open space, unless a detailed plan for alternative open space preservation is approved by *The Town*.