



**Department of  
Environmental  
Conservation**

# **Environmental Reviews Using the SEQRA Short Form**

**Onondaga County Planning Federation**

**March 2020**

**Diane Carlton**

# EAF Structure

Three parts to EAF, no matter if it's short or full EAF

➤ Part 1

- Site and Project Descriptions
- Project Sponsor/Applicant Completes

➤ Part 2

- Potential Impacts and Magnitudes
- Lead Agency Completes

➤ Part 3 (may be optional)

- Importance of Impacts Identified in Part 2
- Lead Agency Completes, if necessary

# Environmental Assessment Forms

- **Short EAF** can be completed without assistance from outside consultant
- **Short EAF** can be used **more frequently** for Unlisted Actions because it has more questions and goes into more depth
- Can be used for anything that's **not a Type I Action**

# Environmental Assessment Forms

- More items are now Unlisted than a few years ago when revisions to SEQRA occurred
- Consultants may still need to be used for parts of the Full/Long EAF
- **Short EAF is now used for a vast majority of projects due to its broader scope and more in-depth questions**

# Short Environmental Assessment Form

- Form is available in “fillable format” -- meaning DEC will answer and populate certain questions in Part I of the form.
- Answers are to Part I questions; questions that must be answered by the **APPLICANT**, not the **LEAD AGENCY**
- DEC searches for answers to certain questions and fills in answers based on location provided
  - Example- Is property in a wetland?
  - Is the site a former remediated site?
  - Are there threatened or endangered species on site?

# Questions Fillable Format Answer

SEAF Location-Based Questions that can be answered with the EAF Mapper	
SEAF Part 1 Question	Buffer Area Included in EAF Mapper
7. Is the site located in, or does it adjoin a state listed Critical Environmental Area?	500'
12.a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	
12b. Is the proposed action located in an archaeological sensitive area?	
13a. Does any portion of the site of the proposed action, or lands adjoining the proposed action contain wetlands or other waterbodies regulated by a federal, state or local agency?	500'
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State of Federal government as threatened or endangered?	
16. Is the project site located in the 100-year floodplain?	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	2,000'



# Lead Agency's Job

- It's the applicant who must learn how to use the fillable electronic version; and provide it to you, the lead agency.
- Helpful if you understand how the fillable format works
- Lead Agency will be **reviewing (for accuracy)** the answers provided in Part One of the EAF
- Lead agency can and should **require supplemental information to EAF** if needed to make determination of significance

# How to Review and Fill out the Short EAF Form

## EAF Mapper Application

- Found at <http://www.dec.ny.gov/permits/6191.html>
- Use with high speed internet connection only
- Mapper is not mandatory, it's a helpful tool
- It's only for a few questions in Part I;
- **Applicant, not lead agency fills it out**
- Lead agency should review it for accuracy
- None of the questions in Part 2 use the EAF mapper

# Front Page of EAF Mapper on DEC's Web Site



Services News Government Local

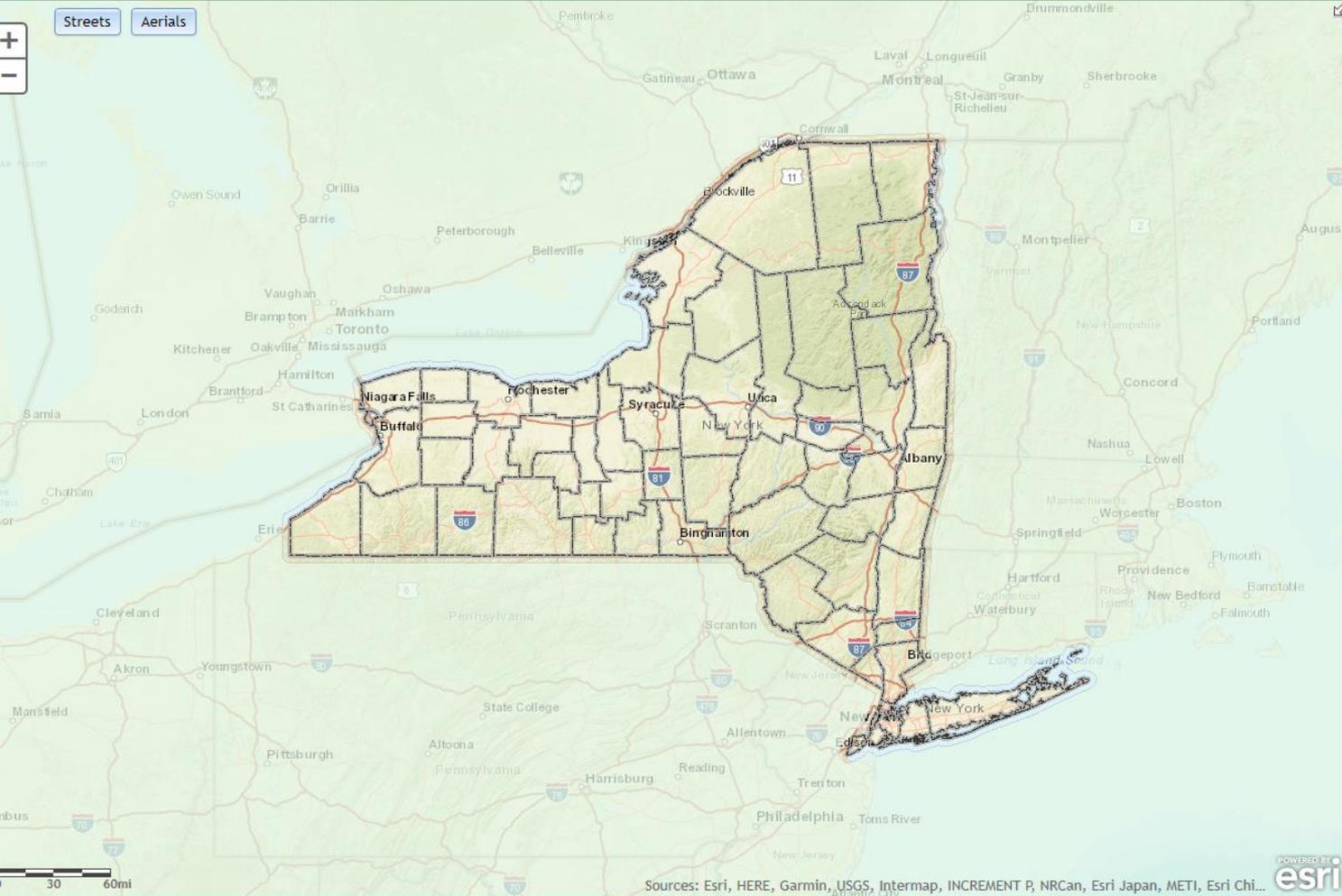
Search

Translate

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



Streets Aerials



**Navigate To Area (Step 1)**

Go To

Select County: [SELECT]

Select Town: [SELECT]

**Define Project Site (Step 2)**

Or

Area: [Acres]

**Create Report (Step 3)**

Initial Extent Zoom In Zoom Out Show Overview Map

Feedback | Help 1:4,622,324



Agencies App Directory Counties Events Programs Services

# Answers to Part One as Completed by Applicant

- If any answers in Part I seem untrue, meet with applicant to discuss and have him revise
- Don't accept answers that are inaccurate, based on hard facts you have
- **Lead agency** is ultimately responsible for Parts 1, 2 and 3 of EAF.

# Where Can I Get Help With Accuracy of Answers Completed by Applicant?

# Assistance for Lead Agency: EAF Workbook

- *Electronic* workbook on the Short EAF is available at <http://www.dec.ny.gov/permits/90132.htm>
- Includes generous uses of examples to help with filling out and understanding Parts 1 and 2 of EAF
- **Printable** workbook for Short EAF not available

# EAF Workbook-Short EAF

- Workbook is about 125 pages
- 11 pages of instructions on how to use workbook
- Also a glossary and other important links document

# EAF Workbook-Short EAF

## 1. Suggestions:

2. Don't read workbook word for word
3. Go to those questions in the workbook that you are having trouble answering
  - Example: Question 8 “Will action impair the character or quality of important historic, archeological, architectural or aesthetic resources?”
  - Skim the “**Background Information**” section
  - Review “**Will there be an impact**” section for guidance
  - Look at the “**Analysis Section**”- helps you discern a small impact versus a moderate to large impact
  - Look at the specific examples pertaining to the subject

# Part 2 of the EAF

## Lead Agency Responsibility

Part 2 requires lead agency to identify each impact as either “none/small impact” or “moderate to a large impact”

Examples:

- Does action **impair natural resources**?
- Does action **increase potential** for erosion, flooding, drainage problems?
- Does action **create hazard to environmental resources or human health**?
- Will there be remediation for hazardous materials on site?

# EAF Part 2 Answers

## None to Small Impact Examples:

- There will be a small impact to **community character** because of concerns over consistency with existing architectural and aesthetic resources (Question # 3)
- **Historic /Archaeological resources on site**, but no major changes will occur. Location where resources exist will be avoided, for example (Question #8)
- **Wetlands in the vicinity** of the project, but a site-specific inventory shows there are none on the project site (Question #8)
- **Minor disturbances to traffic** will occur, but they won't alter the level of traffic services (Question # 5)
- **Historic preservation permits** have been issued that are in compliance with the local historic preservation code (Question # 8)

# EAF Part 2 Answers

## Moderate to Large Impact Examples:

- **Historic structures will be demolished** or relocated (Question # 8)
- Historic structures to be remodeled in a way that **destroys or damages historic value** (Question #8)
- Proposed action will **increase flooding potential** in the project area (Question # 10)
- Proposed project **requests a land use not permitted by existing zoning** (Question # 1)
- Proposed action will **damage or reduce the number of threatened species** in the area (Question #9)
- Project **changes the character or view** of important aesthetic resources (Question #2)

# Hypothetical Review of a Project

**Location:** Town of Dewitt on the west side of the Fly Road

Parcel- # 26-4-11.1

Parcel on **either side of Loucks Rd.**, eastern side of parcel abuts Fly Road

Owner wants to subdivide lot and build on west side of the property



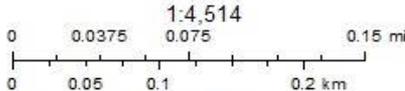
## Parcel Location

# Map of Land

Custom Print



January 13, 2020





New York State Thruway (toll road)

90

90

Rte 282

Guillermo Quetell,  
MD, FACS

Fly Rd

Google

Fly Rd









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Google



# Proposal

- Construction of a 75,000 square foot building housing delivery warehouse for UPS Warehouse
- Developer explains UPS is looking to increase its presence in Syracuse due to growth of Amazon delivery
- Location is excellent for UPS as they are close to Syracuse Airport and two exits off of 481 that serve the airport, the southern exit bringing them into 690 and Syracuse, as well.



# Proposal

- Looking to subdivide and create a new lot of **20 acres**, which is under the Type 1 threshold (threshold is 25 acres)
- Will physically alter only **9 acres of land** which is under the Type 1 threshold (threshold is 10 acres)
- Proposed development is an **Unlisted Action** and Short EAF can be used.

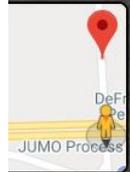


Inside a UPS Warehouse



1.8 ACRES  
BROOKWAY  
PA 20151  
For Sale

Fly Rd



**ADJOINING PROPERTY ON THE SOUTH**

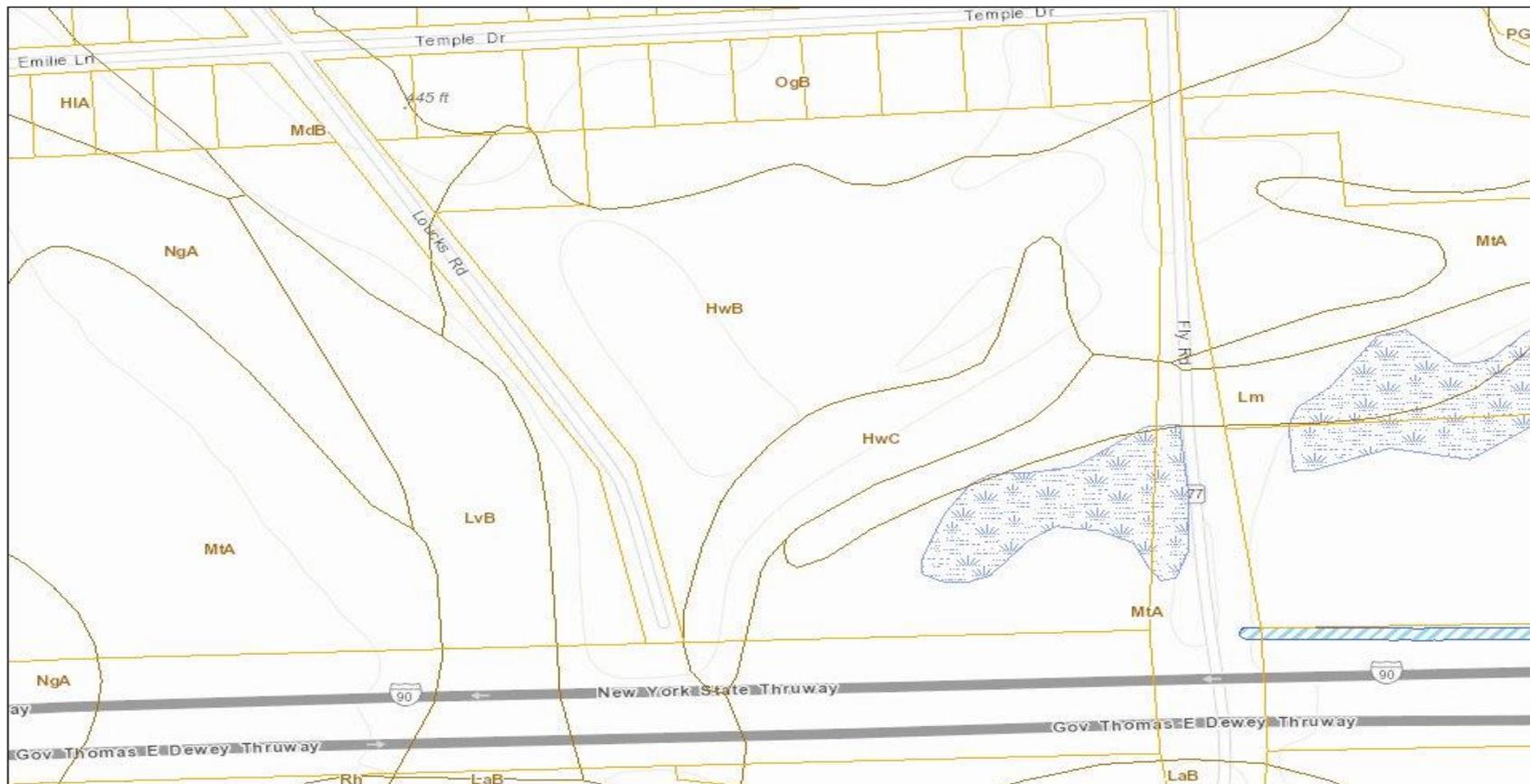
NYS Department of Environmental Conservation





# Map of Parcel Showing Soils and Wetlands

Custom Print



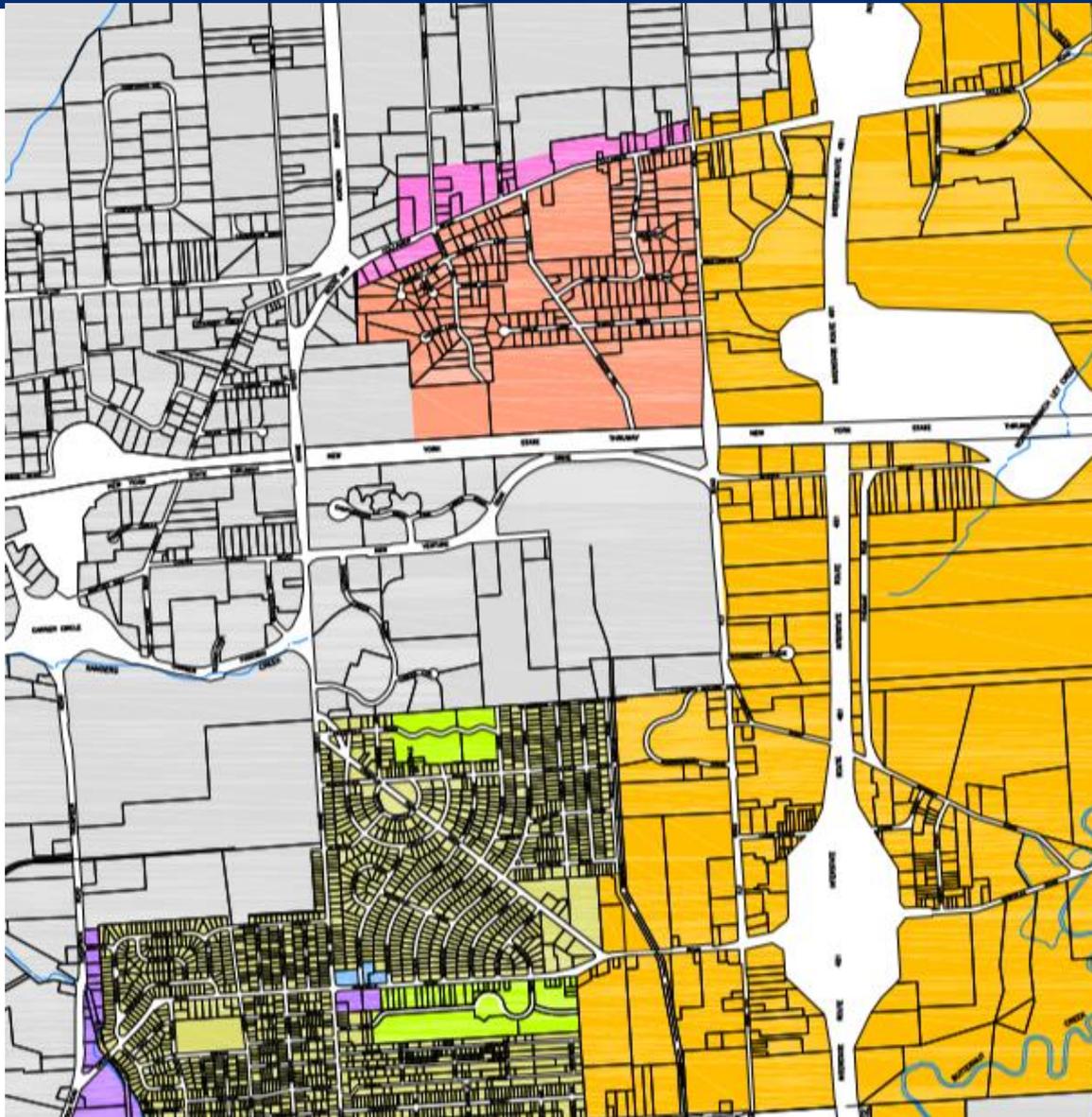
January 13, 2020

1:4,514  
 0 0.0375 0.075 0.15 mi  
 0 0.05 0.1 0.2 km  
 Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

# Partial Zoning Map for Town of DeWitt

## Parcel Proposed for Development in Salmon Color

### Parcel is Zoned Residential One, R-1



#### LEGEND

- RESIDENTIAL ZERO (R - 0)
  - RESIDENTIAL ONE-A (R - 1A)
  - RESIDENTIAL TWO (R - 2)
  - RESIDENTIAL THREE (R - 3)
  - OFFICE & PROFESSIONAL (O & P)
  - INDUSTRIAL (IND)
  - HI-TECH (H-T)
  - BUSINESS (B)
  - BUSINESS TRANSITIONAL (BT)
  - SPECIAL BUSINESS TRANSITIONAL (SBT)
  - HAMLET DISTRICT
  - HAMLET RESIDENTIAL OVERLAY
- \* AREA WITH SPECIAL ZONING LIMITATIONS

# Zoning for R-1

## Residential R-1

**In Residential R-1 Districts, only the following structures and uses shall be permitted:**

- A. Single-family dwellings.
- B. Home occupation.
- C. Residential accessory use.
- D. Family day-care home.
- E. Group family day-care home

***These uses don't need a site plan review or any special permit***

# Site plan review uses.

The following structures and uses shall be authorized in the R-1 District upon the issuance of a permit as provided in § 192-122 of this chapter:

- A. Cemetery, crypt.
- B. Educational facility.
- C. Family adult day-care home.
- D. Government facility.
- E. Public utility, except for the restrictions imposed on telecommunications by Chapter 172 of the Town Code.
- F. Religious use.
- G. Residential care facility.
- H. Regulation golf course.
- I. Private stable

# Specific/Special Uses

The following structures and uses shall be permitted in the R-1 District upon the issuance of a specific use permit by the Zoning Board of Appeals:

- A. Farm.
- B. Emergency service facility.
- C. Nursing home.

# Conclusions?

- Commercial Use **not allowed in the R-1 Zone**
- Applicant will need a **use variance** or a **zoning change**.
- Applicant will also need to tie into local water and sewer
- May also need a freshwater wetlands permit if development comes too close to DEC wetland shown on earlier map.

# Applicant's Answers to Part I

- Applicant indicates he will ask for a **zone change** from the town board
- He will also request a **subdivision of the land** from the planning board
- He knows he will need **site plan and special permit review** if the zone change is approved. These will come from the **planning board** and the **zoning board of appeals** respectively
- Thus, we have four agencies involved: town board, ZBA, planning board and DEC. Because this involves a zone change, **town board opts to be lead agency.**

# Developer's Answers to EAF Part I Questions

- Action is consistent with predominant character of the existing built landscape; **land on the other side of Fly Road is zoned high tech district and large scale commercial and warehouse development is permitted**
- Site is not in a Critical Environmental Area
- Public transit serves the area; **existing roads can handle traffic increase, especially with two exits off of Route 481.**
- Site will use public water and sewer system which have sufficient capacity
- **Not in the 100 year flood plain**
- **Stormwater** discharges will be **held on site** via a detention pond; won't flow off site

# Developer's Answers to Type I Questions

- Facility will be situated such that trucks will enter from the south side of the property. No trucks will enter or exit from the north side of the property where residential development abuts the lot.
- Developer offers to build **soundproofing wall, fence, screening** or landscaping to help buffer any noise and light from the property
- No structures on or near site listed on the State or National Register of Historic Places
- May be in an **archeological sensitive area**
- **Indiana Bat** indicated as a threatened or endangered species that may live on the site.

# Specific Answers to Part 2 Questions

## Town Board's Work

Q: Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

**Answer:** Yes, a **moderate to large impact** will occur because this use is not allowed in the district.

# Specific Answers to Part 2 Questions

## Town Board

Q: Will the proposed action result in a change in the use or intensity of use of land?

**Answer:** **Moderate to large impact.** The land currently is farmed, in part, and has two homes on it. The developer proposes to demolish the homes and build where the farm is now located.

# Specific Answers to Part 2 Questions

## Town Board

Q: Will the proposed action impair the character or quality of the existing community?

**Answer:** **None to Small impact**, as the area is currently heavily developed both to the south and to the west. The parcel also abuts the NYS Thruway which already has much noise and traffic and certainly detracts from any “residential” feel the land may have.

The site also has large scale electric towers running through it, thus it's **unlikely it would ever be further subdivided for residential purposes.**

# Specific Answers to Part 2 Questions Town Board

Q: Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

Answer: No, the **area is not a CEA.** **None to Small impact.**

# Specific Answers to Part 2 Questions Town Board

Q: Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

**Answer: First part of question: Moderate to large impact.**

The increase in the number of trucks on Fly Road could be significant. **Second part of question:** The project will not impact mass transit, biking or walkway. There's little to no biking on this road and no one walk it as there are no sidewalks.

# Specific Answers to Part 2 Questions Town Board

Q: Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

**Answer:** **None to Small impact.** The developer has indicated that UPS will offset energy uses by using a green building, and incorporating heat pumps and solar energy panels on the project.

# Specific Answers to Part 2 Questions

## Town Board

Q: Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?

**Answer:** No, **None to Small impact.**

# Specific Answers to Part 2 Questions Town Board

Q: Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

**Answer:** No, the area has no historic sites. Archeological sites may be on the site. **None to Small impact.**

# Specific Answers to Part 2 Questions

## Town Board

Q: Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

**Answer:** **None to Small impact.** The developer will not construct in the designated DEC wetland; however, some construction may occur in the buffer area

# Specific Answers to Part 2 Questions

## Town Board

Q: Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

**Answer: None to Small Impact.** The developer will contain all additional runoff on site. The area is not in a floodplain. The developer will have a stormwater runoff plan prepared by an expert engineer addressing these issues.

# Specific Answers to Part 2 Questions

## Town Board

Q: Will the proposed action create a hazard to environmental resources or human health?

**Answer:** No. **None to Small impact.**

# Lead Agency's Information

## Part III

For each **moderate to large** impact further discussion required:

**1. Zoning Change Issue:** The town must look closely at its comprehensive plan and zoning ordinance to determine if a zone change here will result in **spot zoning**.

It must also decide if such a change would result in an improvement for the town and look to see whether **other parcels should be re-zoned** if a zoning change is granted here.

# Lead Agency's Information

## Part III

**2. Change in Intensity of Use:** The change from farming to commercial, while unfortunate, is something to be expected along this road as development has been creeping north for years on the Fly Road.

With the location of the NYS Thruway adjunct to the land, it is **unlikely to be viable as a residential use indefinitely.**

# Lead Agency's Information

## Part III

**3. Adverse Impact in Traffic Numbers:** It's likely that a moderate to serious increase in traffic may occur with this project. While the road may be able to absorb the increase, it **may be disturbing to residential neighbors to the north and east.**

The lead agency would like to have the developers **undertake a traffic study** indicating the increase in numbers expected and the times those increases will most occur (will it affect AM/PM peaks?)

We will also insist on **noise/visual mitigation** if the project is to be approved.

# Lead Agency's Information

## Part III

**4. Archeological Survey-** While we have indicated a small to moderate impact for archeological and historic disturbance, we nonetheless, want the developer to **undertake a Part 1A and 1 B Archeological study** for the site in question.

Said study shall be done by a qualified archeologist.

# Three Types of Determinations

## Negative Declaration

- Action will have no significant adverse environmental impact
- Result: Ends SEQRA process

## Positive Declaration

- Action has potential to cause or result in at least one significant adverse environmental impact
- Result: Environmental Impact Statement must be prepared

# Three Types of Determinations

## Conditioned Negative Declaration

- Only used with Unlisted Actions, not Type I Actions
- A full/long EAF must have been prepared
- A coordinated review must have been completed
- Result: Approval with conditions imposed that eliminate or reduce significant adverse impact(s) to a non-significant level
- Can't use conditioned negative declaration here as applicant didn't do a long form EAF

# Decision of Lead Agency

## Negative Declaration

### Reasons:

- Developer has agreed to **undertake a traffic study** and **provide any mitigation** necessary to keep the traffic at the current level that now exists on the Fly Road. Level of Service B.
- Developer will build **noise reduction wall** and use downcast lighting to keep noise and light to a minimum for the residential area to the north of the site.

# Decision of Lead Agency

- Developer has agreed to **seek a permit from the DEC** for possible construction in the area adjoining the wetlands on the property
- Developer has agreed to undertake a **Part 1A and 1B archeological study** and comply with the terms of the study's result including any requirements from (NYS) SHPO.
- Developer is using **energy reducing techniques** in the building and will be using some all electric vehicles especially for deliveries after 11 pm.
- Town has agreed that **rezoning** of this property due to its location **adjacent to NYS Thruway** is necessary and **does not constitute spot zoning.**

# SEQRA Tips

Start SEQRA process early

Establish good communication with all parties, including the public

You can charge applicant for review of a DEIS

- Charge should be in your schedule of fees
- Town of Colonie charges a flat fee for the first 20 pages; thereafter the fee is \$2 per page
- Encourages brevity in EIS



# SEQRA Tips

SEQRA gives lead agencies authority to ask for more information from applicant

- Full EAF, not short EAF
- Correct information that's missing/wrong in Part I of EAF
- Additional information if DEIS is incomplete

Although SEQRA has time frames, clock doesn't start "ticking" until a complete application, as deemed such by the lead agency, is received.

# SEQRA Resources on the DEC Website

General SEQRA Information <http://www.dec.ny.gov/permits/357.html>

Stepping Through SEQRA- Sequential Information on SEQRA  
<http://www.dec.ny.gov/permits/6189.html>

SEQRA Handbook (Updated)  
<http://www.dec.ny.gov/permits/6188.html>

New Short and Full Environmental Assessment Forms-  
<http://www.dec.ny.gov/permits/6191.html>

New EAF Workbook - <http://www.dec.ny.gov/permits/90125.html>

# Other Information

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

To be placed on service list e-mail us at: [depprmt@gw.dec.state.ny](mailto:depprmt@gw.dec.state.ny).

# For More Information

## NYS Department of Environmental Conservation, Division of Environmental Permits

625 Broadway, Albany, NY 12233

518-402-9167

<http://www.dec.ny.gov/permtis/357.html>

## NYS Department of State Division of Local Gov't

One Commerce Plaza

99 Washington Ave

Suite 1015

Albany, NY 12231

518-473-3355

518-474-6740 (Legal)

<http://www.dos.state.ny.us/lgss/index.htm>

# For More Information

## NYS DEC, Region 7 Offices

615 Erie Blvd. W

Syracuse, NY 13204

315-426-7403 Public Outreach & Education

315-426- 7438 Environmental Permits

<http://www.dec.ny.gov/about/615.html>

[reg7info@gw.dec.state.ny.us](mailto:reg7info@gw.dec.state.ny.us)

