



Department of
Environmental
Conservation

Environmental Reviews Using the SEQRA Short Form

Onondaga County Planning Federation

March 2022

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

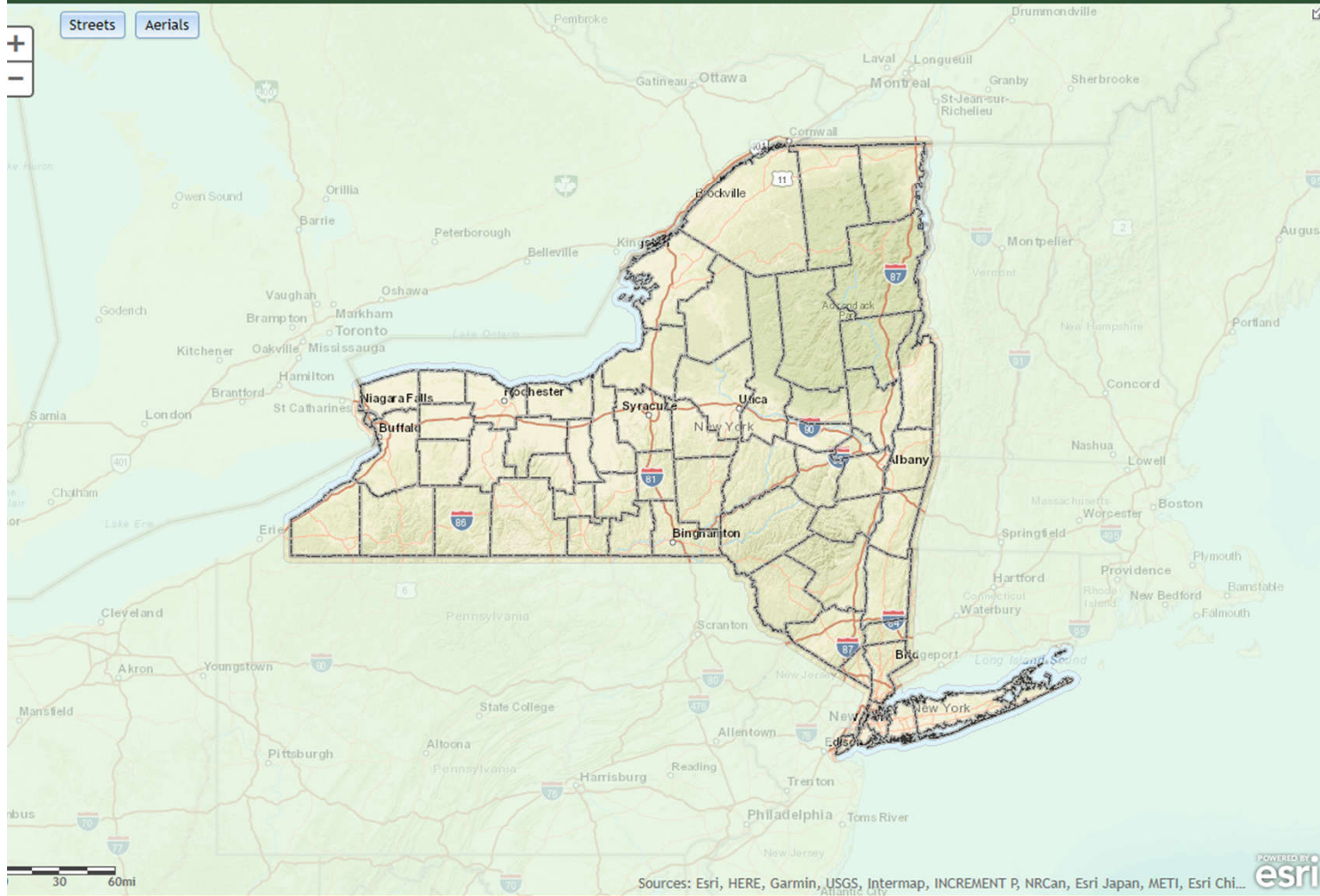


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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



Navigate To Area (Step 1)

Go To

Select County: [SELECT] ▾

Select Town: ▾

Define Project Site (Step 2)

Or

Area:

Create Report (Step 3)

Initial Extent

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 <https://www.dec.ny.gov/permits/90125.html>.
- Includes generous uses of examples to help with filling out and understanding Parts 1 and 2 of EAF
- **Printable** workbook for Short EAF now available
- Found as a link in right hand column of page

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)

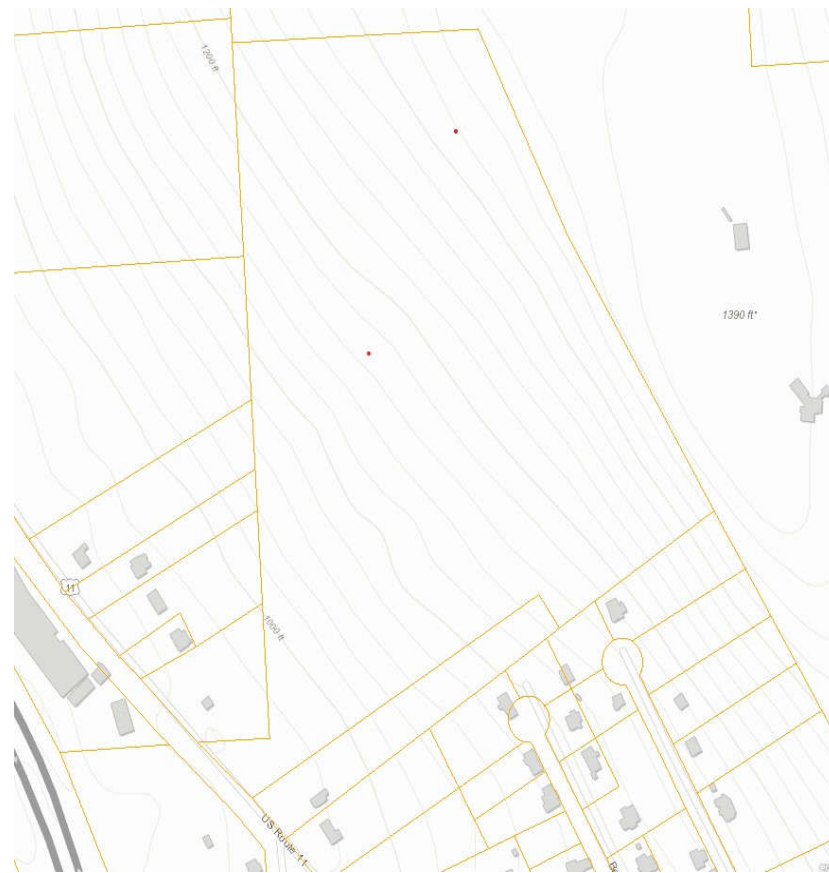
Hypothetical Review of a Project

Location: Town of Lafayette,
Rt. 11, north of the hamlet of
Lafayette

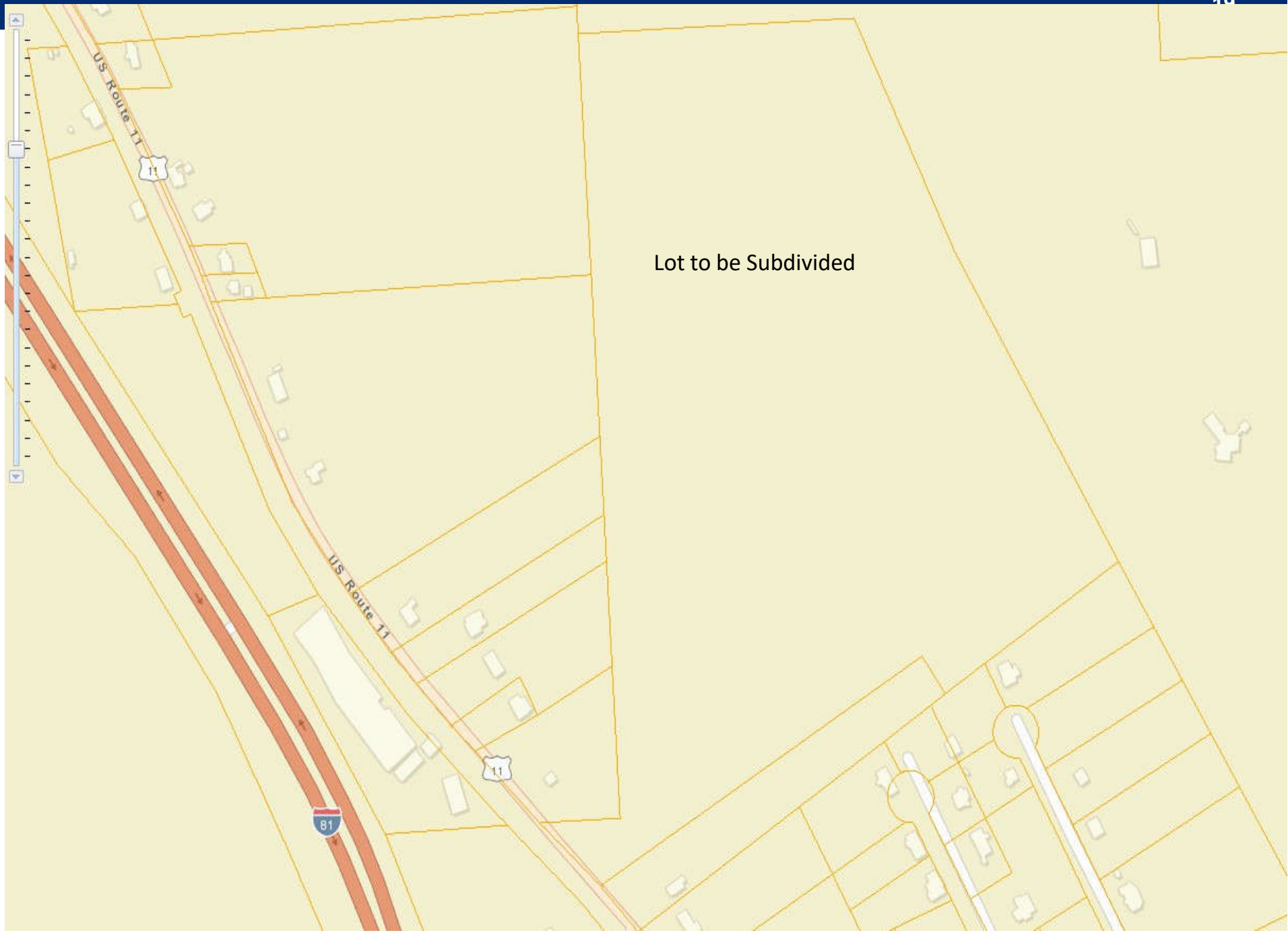
Parcel- # 25-02-06

Parcel located on the eastern
side of Rt. 11 **near Webb Rd.**

**Owner has plans for a major
development, but isn't being
transparent with the town**



Parcel Location



Map of Land





TOWN OF LAFAYETTE ZONING MAP

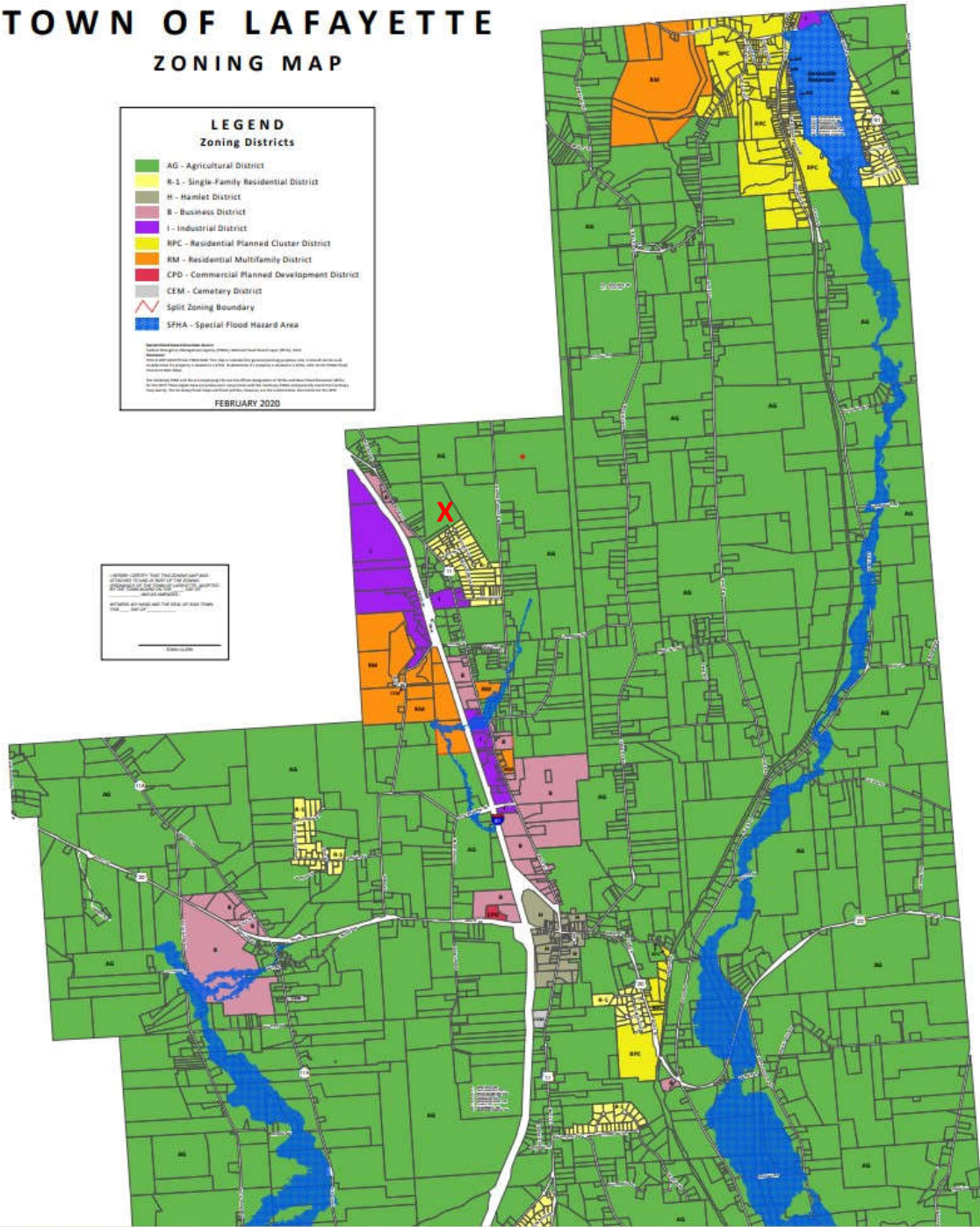
LEGEND
Zoning Districts

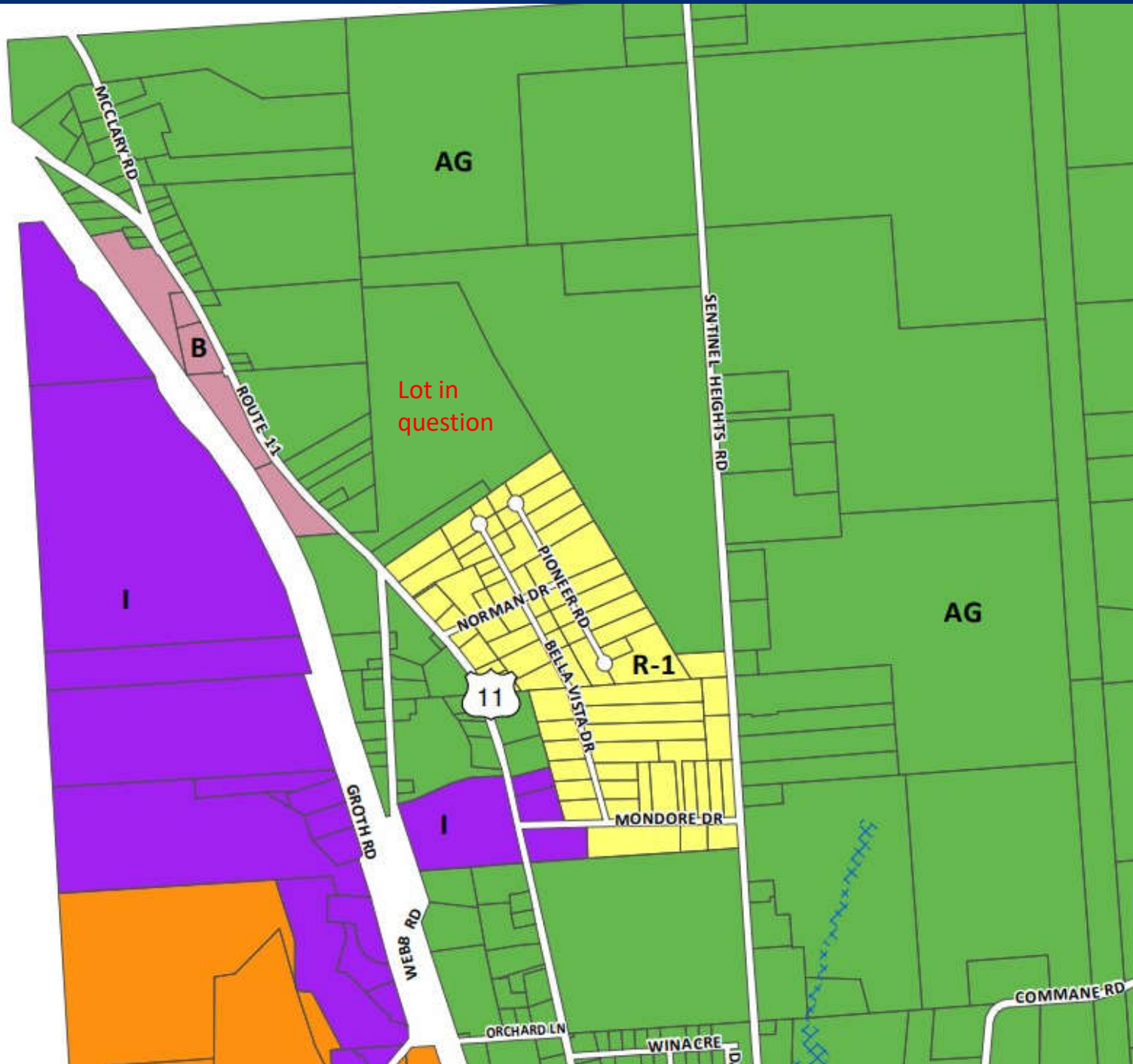
- AG - Agricultural District
- R-1 - Single-Family Residential District
- H - Hamlet District
- B - Business District
- I - Industrial District
- RPC - Residential Planned Cluster District
- RM - Residential Multifamily District
- CPD - Commercial Planned Development District
- CEM - Cemetery District
- Split Zoning Boundary
- SFHA - Special Flood Hazard Area

Map prepared by the Planning Board, Town of Lafayette, New York, based on the latest available data. The Planning Board is not responsible for any errors or omissions. The Planning Board is not responsible for any damages or losses resulting from the use of this map. The Planning Board is not responsible for any damages or losses resulting from the use of this map. The Planning Board is not responsible for any damages or losses resulting from the use of this map.

FEBRUARY 2020

LEGEND - ZONING - THIS ZONING MAP WAS APPROVED BY THE TOWN BOARD OF THE TOWN OF LAFAYETTE, NEW YORK, ON FEBRUARY 10, 2020. ALL DISTRICTS ARE SUBJECT TO THE TOWN ZONING ORDINANCES.





TOWN OF LAFAYETTE

ZONING MAP

LEGEND

Zoning Districts

| | |
|---|---|
|  | AG - Agricultural District |
|  | R-1 - Single-Family Residential District |
|  | H - Hamlet District |
|  | B - Business District |
|  | I - Industrial District |
|  | RPC - Residential Planned Cluster District |
|  | RM - Residential Multifamily District |
|  | CPD - Commercial Planned Development District |
|  | CEM - Cemetery District |
|  | Split Zoning Boundary |
|  | SFHA - Special Flood Hazard Area |

Special Flood Hazard Area Data Source:

Federal Emergency Management Agency (FEMA), National Flood Hazard Layer (NFHL), 2016

Disclaimer:

THIS IS NOT AN OFFICIAL FEMA MAP. This map is intended for general planning purposes only. It should not be used to determine if a property is located in a SFHA. To determine if a property is located in a SFHA, refer to the FEMA Flood Insurance Rate Maps.

The hardcopy FIRM and the accompanying FISs are the official designation of SFHAs and Base Flood Elevations (BFEs) for the NFIP. These digital data are produced in conjunction with the hardcopy FIRMs and generally match the hardcopy map exactly. The hardcopy flood maps and flood profiles, however, are the authoritative documents for the NFIP.

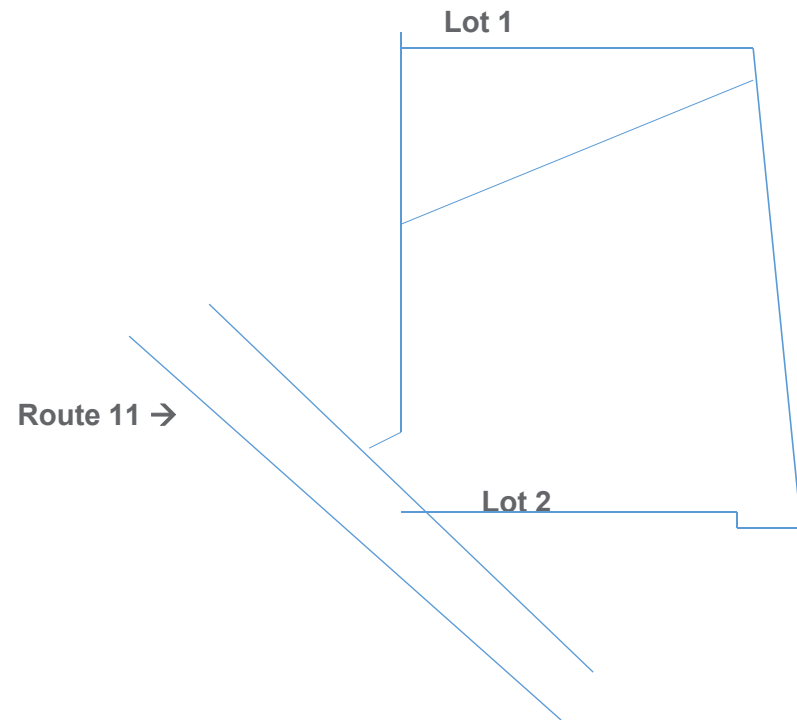
FEBRUARY 2020

What Developer Tells the Town

- Wants to subdivide 43-acre lot into two lots
- Will provide an easement for lot 1 to access Route 11 through Lot 2
- Fills out a short environmental assessment form based on this

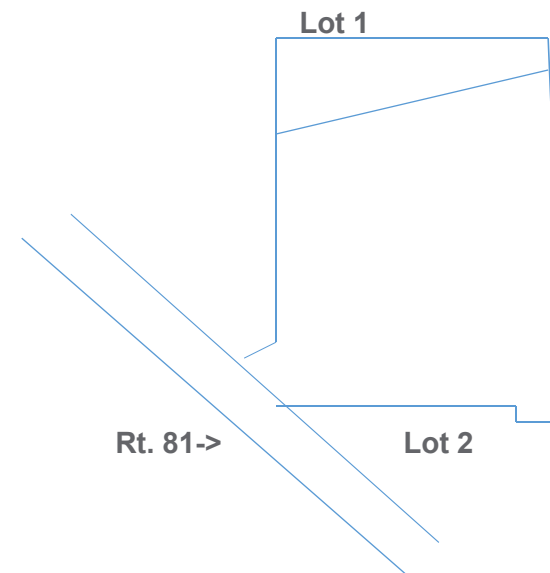
What Town Envisions

Lot to be subdivided



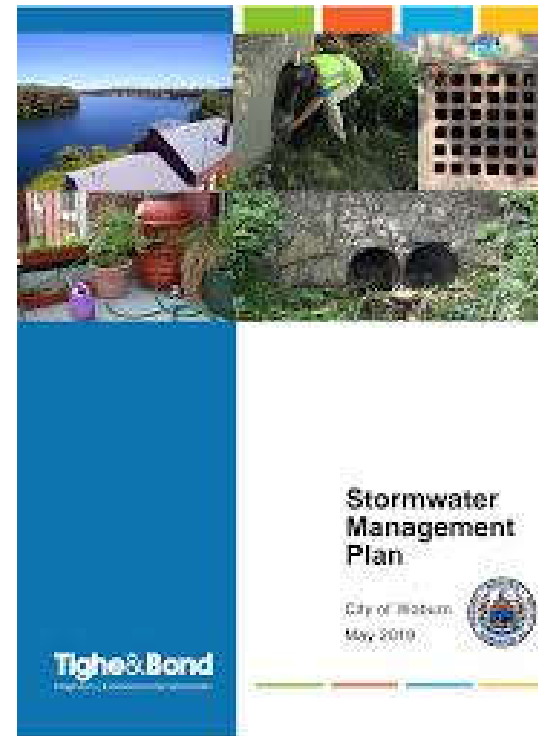
What Developer **Doesn't** Tell the Town

- He subdivided Lot 1 off and will keep it zoned AG to avoid the 25-acre rezoning threshold for Type I actions
- Lot 1 will be open space, as it has high electric lines and isn't buildable
- He needs a **rezoning to RM**, Residential Multiple Family district, for lot 2 because he's building townhouses
- He'll need **site plan review** per the Residential Multiple Family district in the town



What Developer **Doesn't** Tell the Town

- He'll need **variances** for minimum road frontage and maximum lot coverage
- **Stormwater management plan** will be needed since he plans on developing the land
- He'll also be **subdividing a non-conforming lot**; the town's zoning has no standards for this



Is this a problem?

- Developer believes he can address these issues **after he gets his subdivision approval**
- Doesn't want to put all his cards on the table because this is a much bigger project than he is letting on
- He also doesn't want to **invest money in a full-scale site plan** until he's sure that his subdivision has been approved.
- He's looking to **save money** and knows this is the easiest way to do it
- So, it's **NOT** a problem for the developer. It's an **ADVANTAGE**



Is it a problem for the town?

- Breaking a project into several actions and failing to look at the project in total is called “**Segmentation**” under SEQRA
- This developer is proposing to “Segment” the project into several separate actions
 - “Review my zoning change now.”
 - “Review my site plan, stormwater management plan and variances later.”

Is it a problem for the town?

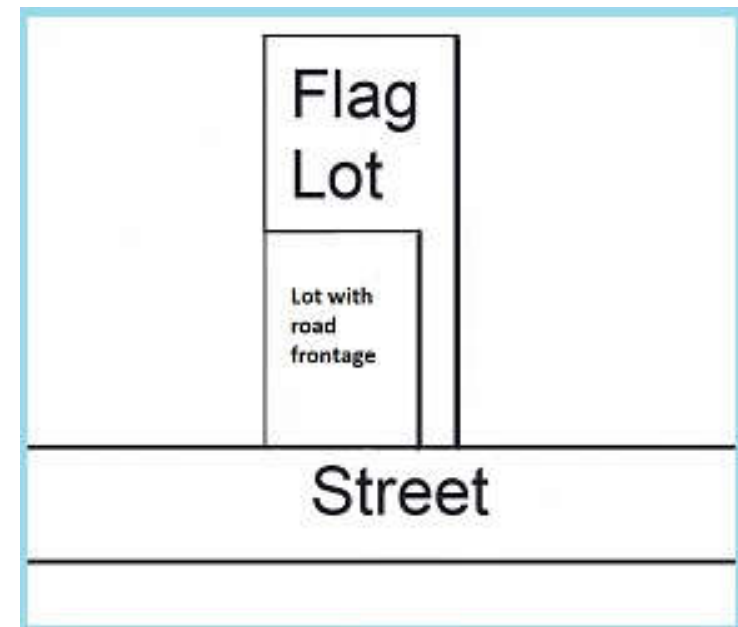
- Reviewing the “whole action” is an important part of SEQRA
Segmentation is not prohibited by SEQRA, but it is strongly disfavored
- “Interrelated or phased decisions should not be made without consideration of their consequences for the whole action”
- Segmented projects could be contested by local property owners or affected groups
- Town could wind up in court if it allows segmentation

What Should Planning Board Do?

- **Actively question** applicants who submit “only” a subdivision or “only” a variance
- **Remind developers of segmentation** and the fact that your board won’t approve a partial project
- It’s the **lead agency’s decision** to decide whether to proceed with a project if they believe it involves segmentation
- You have the **right to refuse/deny application** if you have strong evidence or belief that project involves several other components
- It’s your job to be the “sleuth” or detective about what is really being proposed

Developer's Arguments for the Zone Change

- Land is a **flag lot**; unlikely to be used by single family owner.
- It's a non-conforming lot with insufficient frontage per current zoning
- Property has high voltage electric lines crossing the back of property; **another reason for inability to develop as a single residential family**
- Soils not good for farming; thus, keeping it as AG is redundant
- Short commute to Syracuse; professionals at hospitals and colleges need good housing



Developer's Arguments for the Zone Change

- Lot is adjacent to R-1 zone and diagonally across street from a Business district zone- **has non-agricultural uses all around it**
- Townhouses will be purchased, not rented
- This type of housing is needed in the county and offers something more sustainable than large lot, single family homes
- Will be more affordable- fewer feet of road, electric, sewer and water and phone/internet lines need to be run because of this “clustered” approach



Clustered Approach

Developer's Arguments for the Zone Change

- Can't use the "Residential Planned Cluster District" as it only allows **2 dwelling units per building**
- Not affordable for a developer to do this on this lot
- RPC is also set up for each person owning their house **and lot**
- **Homeowners' association will own the land** in this proposal
- Using the only zoning district that allows this use



RM Residential Multifamily District

Permitted principal and accessory structures and uses:

- (1) Dwelling, single-family.
- (2) Dwelling, two-family.
- (3) Private garages, carports and accessory buildings.
- (4) Solar energy systems, as permitted in supplemental district regulations (see § 290-32)

Town of Lafayette Zoning

Permitted principal and accessory structures and uses - **site plan required:**

- (1) Dwelling, multiple.
- (2) Bed-and-breakfast.
- (3) Place of worship.
- (4) School.
- (5) Library.
- (6) Public park.
- (7) Commercial recreation facility.
- (8) Community center and Town building.
- (9) Police and fire station.
- (10) Manufactured home park.
- (11) Wind energy systems, as permitted in supplemental district regulations (see § 290-25)

Details of the FULL Proposal

- Developer wants to build 8 buildings on Lot 2, which is 24 acres in size
- Each building will have three townhouse units; thus 24 townhouse units in total
- Lot 1 will be 19 acres and remain as open space for use of the residents of the project



Three Units Per Building +
Eight Buildings in Total = 24 Units

Details of the FULL Proposal

- Developer, and eventually homeowners' association, will maintain roads, open space, lawns.
- They will cut grass, plow snow etc.
- Since zone change is for 19-acre lot it's an Unlisted Action (less than 25-acre zone change) and Short Form EAF can be used



Eight Buildings of Three Attached Townhouses Each



Interior Architectural Plans of the Units



Short EAF Questions and Answers

Applicant's Answers to Part I

- He will request a **subdivision of the land** from the planning board
- Applicant indicates he will also ask for a **zone change** from the town board
- He will need **site plan approval** through the planning board



Applicant's Answers to Part I

- He will also need variances for road frontage and lot coverage through the ZBA
- **He'll need sewer and water permits from NYSDEC and State Health Department**
- Thus, we have five agencies involved: town board, ZBA, planning board DOH and DEC. Because this involves a zone change, **town board opts to be lead agency.**



Sewer Package System

Developer's Answers to EAF Part I Questions

- Action is consistent with character of the existing built landscape; **land on southerly side of lot is R-1 with single family home.**
- Land across street is **zoned business**
- Land slightly south is zoned **Industrial** and houses NY Central Auto Auction



NY Central Auto Zone, Rt. 11, Lafayette

Developer's Answers to EAF Part I Questions

- Site is not in a Critical Environmental Area
- **Existing roads can handle traffic** increase
- Site will build its own 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



Stormwater Detention Pond

Developer's Answers to Type I Questions

- Developer will landscape buildings similar to those at Willow Woods Apartments a mile south- well landscaped with fields, hiking trail and flower gardens
- Color of façade will blend in with the surroundings.
- Developer provides estimates of increase to the tax base the townhouses will provide
- No structures on or near site listed on the State or National Register of Historic Places

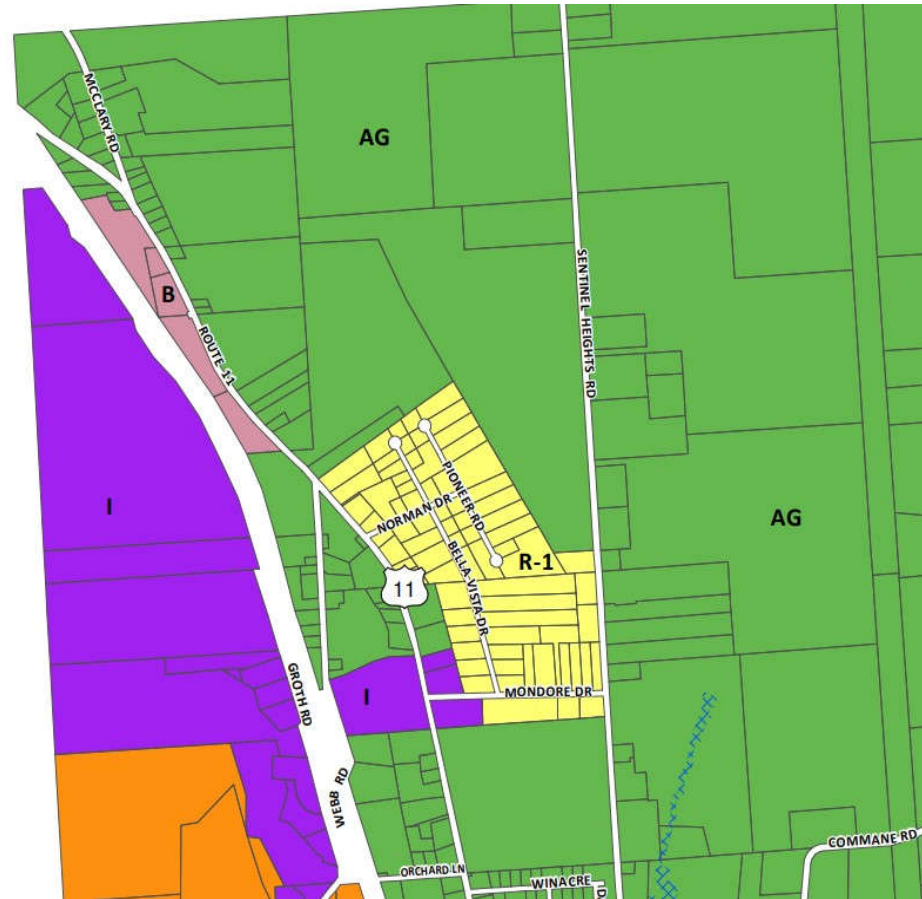


Willow Woods Apartments, Rt. 11 Lafayette

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: None to small impact.

- The land currently wooded and vacant. Surrounding uses are residential, business and industrial as well as the large junior/senior high school which has much traffic



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,** The area is already developed both to the south and east. The parcel is also close to I-81; thus, it's in a fairly noisy corridor. It doesn't fit the definition of agricultural land
- The site also has large scale electric towers running through it, thus it's **unlikely it would ever be further subdivided for residential purposes.**



I-81 near Proposed Developed Lot

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: None to small impact

- The increase in the number of vehicles on Rt. 11 is expected to be minimal a maximum of 24-48 vehicles over the 7-9 am and 4-6 pm period
- The project will not impact mass transit, biking or walkway. There's little to no biking on this road and no one walks it, as there are no sidewalks.



Route 11 in front of Lot

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 it will use energy efficient components in the construction of buildings including heat pumps and timers for heating water during off hours. Individual owners have the option of adding solar panels to their townhouse for further savings and energy efficiency.



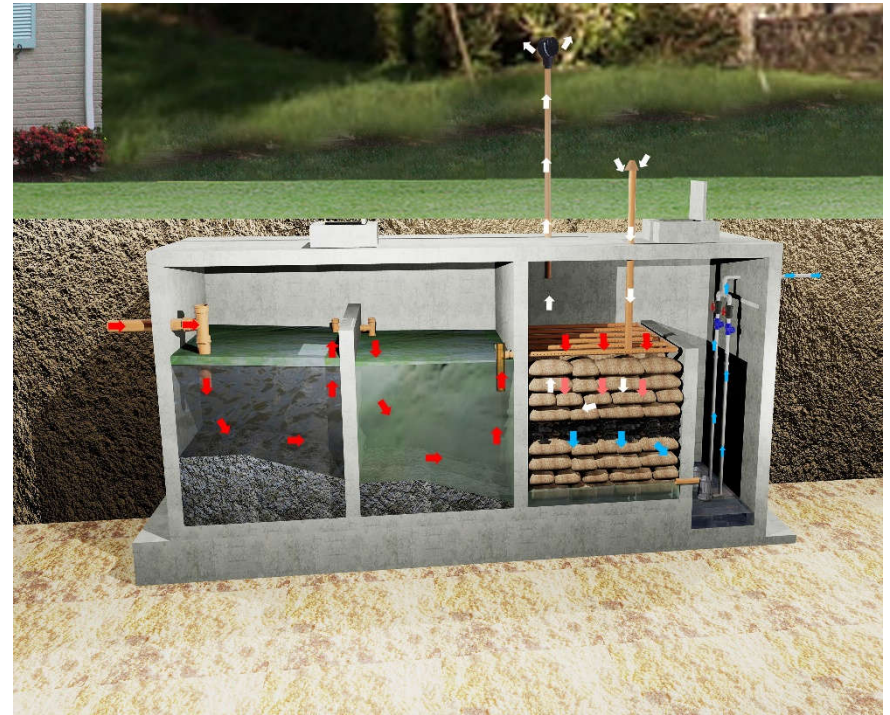
Heat Pump

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.

- The developer plans on putting in a package plant and well to serve the residents. With fewer than 100 people living in the townhouses, this will have no impact on water supply or sewerage issues



Package Sewerage System

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?

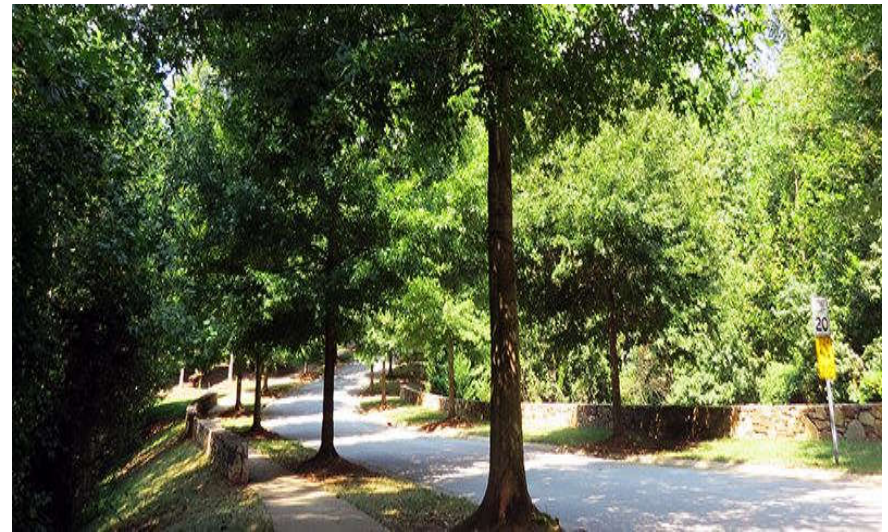
Answer: No, the area has no historic or archeological sites.
None to Small impact.

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.

- There are no wetlands, streams or waterbodies on the property.
- Since the area is currently woodland, there is no flora at present time. Developer states he will plant wildflowers around the development and leave many of the trees to give the development a woody/meadow feel.



Wooded Development

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.



Stormwater Containment Area

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 woodland to commercial, while unfortunate, is something to be expected along this road, as development has been creeping north for years from the hamlet.

With the location of I-81 adjunct to the land, it is **unlikely to be viable as an agricultural use indefinitely.**

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

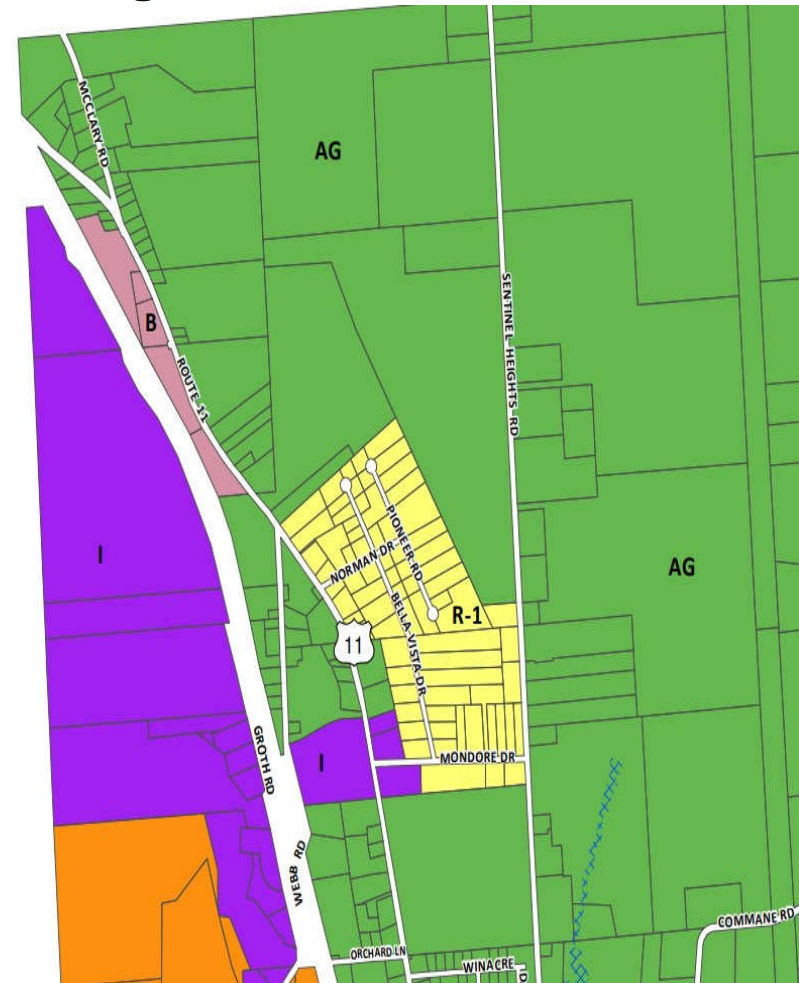
- Only used with Unlisted Actions, not Type I Actions
- A full/long EAF must have been prepared
- A coordinated review must have been completed
- Result: Approval with conditions imposed that eliminate or reduce significant adverse impact(s) to a non-significant level
- Can't use conditioned negative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

Decision of Lead Agency

Negative Declaration

Reasons:

- Developer has proposed several good reasons as to why this parcel should be rezoned.
- The Town Board and Planning Board have agreed to look at other parcels in the nearby area to see if a larger re-zoning should be undertaken.
- Area variances are minor in nature and needed for this non-conforming lot as the zoning has no standard reduction in lot width for non-conforming lots
- While the 30% lot coverage will be exceeded developer has agreed to keep lot 1 as open space and will put an easement on it so it remains as such in perpetuity



Comprehensive Review of other Lots for Re-zoning

NY State Department of Environmental Conservation



Decision of Lead Agency

- Developer has agreed to seek a permit from the DEC and DOH for sewer and water systems.
- Developer is using **energy reducing techniques** in the building and will be using installing a heat pump system which will significantly reduce heating and cooling loads
- Town has agreed that **rezoning** of this property due to its location near I-81 and other commercial uses is necessary and **does not constitute spot zoning**.



SEQRA Tips

Start SEQRA process early

Establish good communication with all parties, including the public

If a DEIS is required, lead agency 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

- 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>

For More Information

NYS Department of Environmental Conservation, Division of Environmental Permits

625 Broadway, Albany, NY 12233
518-402-9167
<https://www.dec.ny.gov/permits/6081.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

<https://www.dec.ny.gov/permits/89419.html>

