

**TOWN OF NIAGARA
TOWN BOARD MEETING
7105 Lockport Road
Niagara Falls, NY 14305**

MINUTES

**Tuesday, August 18th, 2026
6:30 PM**

PUBLIC HEARING

1. To consider the Special-Use Permit request of Market Stores WNY, LLC. to operate an adult-use cannabis retail dispensary out of 5 Colomba Drive/Tax Map #131.09-1-5.

Open @ 6:30pm Closed @ 6:33pm

2. To consider the Minor combination of lots request of Ronald and Raquel Kuntz. Tax Map #145.08-2-25 and 7800 Packard Road, Tax Map #145.08-2-24.

Open @ 6:33pm Tabled @ 6:36pm

3. To consider the major re-subdivision request of Thomas Reynolds PE. of Nussbaumer & Clarke on behalf of Mr. Frishman, Kay Ellen Drive. Tax Map #131.11-1-46.

Open @ 6:36pm Tabled @ 6:36pm

4. To consider the Special-Use Permit/Home Occupation request of Jack Horning to conduct a construction business office from his residence. 4620 Theresa Lane, Tax Map #131.11-1-78.

Open @ 6:37pm Tabled @ 6:37pm

5. To consider the Special-Use Permit request of Richard Kindzia, for a home occupation of gun sales from his residence, 7212 St. Joseph Road, Tax Map #131.20-3-49.

Open @ 6:37pm Closed @ 6:37pm

6. To consider the Towns amendment proposal to the Towns Zoning District Map. Changing (4) consecutive adjacent parcels located on the West side of Columba Drive. Currently zoned (MR) Mixed Residential to (C-MU) Commercial-Mixed Use. Tax map Numbers: 131.09-2-1.1, 131.09-2-1.2, 131.09-2-1.4, and 131.09-2-1.5

Open @ 6:38pm Closed @ 6:38pm

OPEN MEETING (Pledge, Prayer, Roll Call) @6:38pm

(Residents who passed away since our last meeting are Memorialized at the end of this Agenda)

Supervisor Sylvia Virtuoso called the meeting to order with the Pledge of Allegiance. Attached is a Memorial Page of all the deceased Town residents who passed away recently.

Roll Call:

Present: Supervisor Sylvia Virtuoso, Deputy Supervisor Marc Carpenter, Councilman Bob Herman, Councilman Johnny Parks, and Councilman Mike Lee

Absent:

Excused:

Also, present Melissa Cerrillo, Town Clerk

PRIVILEGE OF THE FLOOR *(Announce changes to agenda, if any)*

(§50-3 Privilege of the floor. Only members of the public sector are allowed to speak at this time and may address any agenda or non-agenda item. (3-minute limit))

Opened @ 6:39pm - Closed @ 7:33pm

Linda Danovskis of 5-Colomba Drive- wanted to just say that they went through planning and are here today in preparation for the next steps.

Ronald and Raquel Kuntz of 7800 Packard Road- spoke about their intent of combining lots to be able to build a garage on the side lot.

Pamela Scott of 4905 Isherwood Drive- spoke about the flooding. She mentioned that the drainage issues need to be addressed and that the water comes from Grauer road across Military, dips into Creekside down to Isherwood. The Town needs to step up to help the residents, and the Power Authority needs to clean out the ditches in the back of their houses. She wanted it on the record that the Town has to be proactive in finding another contract for garbage collection.

Lani Hottot-4820 Isherwood Drive- spoke about the thousands of dollars they have spent cleaning up after all of the floods over the years. She would like the Army Core of Engineers to step in and help out. The culverts are packed and need to be cleaned out. She has photos back from 2021 and will share them with the Supervisor to help try to get this addressed.

Sean Carter of 4915 Isherwood Drive- Doesn't know who our engineer is but would like to know what he did that day he came out to look into the flooding issues. The 12-inch drain won't handle all this water. The ditches are all gone, they look nice now with grass on them, but those 12-inch drains are not enough to help with the water. He would like to have them all dug out and get rid of all the grass along the Power Authority property.

Mel Hetrick of 4325 Isherwood Drive- spoke about the radiation and that there was a house for sale on Chester that was going to go for over \$200,000.00 and now their house is worth \$0.00 and questioned if the Town is going to redo their assessments. He also stated that the Town got free garbage and it bartered for. He believes that 4 people that worked in our sanitation department lost their positions but was informed that those employees were absorbed into other departments here at the Town.

Alex Ortiz of 7110 Colonial Drive- spoke about the noise on Saturday morning at 7:30am. The beeping of the trucks on Saturday's and Sundays has to stop, those are her only days off.

Franceen Rosati of 7500 Colonial Drive- read aloud a handwritten letter that she submitted for our records, that stated her concerns for the Bri-Estates Development. After she finished the letter, she questioned the cutting down of trees and that it was stated they were cut down to help with the flooding. She mentioned that 2 of her neighbors have gone to a small group meeting and if the Supervisor wants to lie, she has taped conversations that she has had with her neighbor that were a part of secret meetings the town is having, and questions why we have had the land cleared and ready for the development if we have nothing to do with organizing it. The Supervisor said that Cory would address all questions because those are accusations.

Suzanne Rizzo of 7310 Colonial Drive- stated that she is a coordinator of the concerned citizens group for the Town of Niagara and Lewiston and has no part of any Town of Niagara Community for Bri-Estates and her only connection is her group, the Concerned Citizens for the Town of Niagara and Lewiston. She handed out the information she emailed the Town Board earlier today and read aloud a letter that she also handed to the Town Board. Suzanne submitted information on radiological history from 1976 and 1986, pictures from the flooding that occurred this August for our records. She also mentioned that the planning, zoning and town board meeting minutes have not been updated, but it was stated by the Supervisor that the minutes are all up to date. She then asked who is up for re-election in the Fall and then mentioned it wasn't her question.

Russ Daniels of 7105 Colonial Drive- asked if the house at 7100 Colonial drive is coming down and the Supervisor stated that she couldn't answer that question, and the reason she can't answer that question because there is not a new plan for Bri-Estates anywhere in this building, in this department, with our engineers or anywhere, so without a new design she can not tell him that is it going to come down or not, just to make her answer clear. He asked if they would have to re-submit a plan and the Supervisor said exactly. He questioned why they are working back there and Supervisor stated that it is their land and they can clear it, cut the grass and cut down trees, nobody tells you that you can't cut down trees, and any questions you have, the Town attorney can address them. Russ asked if there is a timeline, and Supervisor said no because there have been no submittals.

David Ciera of 7315 Colonial Drive- has a concern of why the Town didn't ask any questions like where all the runoff is going to go. Supervisor stated that the attorney will answer any questions he has and also stated that there are stormwater regulations that they would need to follow. David mentioned that he foresees problems arising in the future and it needs to be addressed. He is concerned that there are issues with radiation and he doesn't want to see strings getting pulled just to get homes built.

Rebecca Vigue of 3035 Panama Street- spoke about her sewer getting backed up and that this was not the first time for it happening. The Town trucks always come over and put up 2 pumps, and this time it did not work. She still has powder poop on her floors that still needs to be cleaned. She was told in 2012 that they were getting new streets, but it hasn't happened until

now in 2026. During the flooding she had to park a block over and walk home. She wanted to know when the streets are going to be finished and when is there going to be some new drainage and sewer pipes taken care of. Water Superintendent Brian Bieter explained how the pumps work and that some of the flooding on the streets is not sanitary sewer it is storm water and for the sanitary issues, and to call his office and he will personally come out to meet with her. She stated that she hasn't seen Panama Street dug up until this last Thursday and that she wasn't notified about the work starting. The text messaging system was great, but nothing went out about the roads, and she would like a timeline for the road work.

Bob Butski of 4840 Miller Road- had one quick question about the cutting of the grass, cutting down trees and about them filling that ditch in. There is one drainage pipe that goes under his driveway and flows into that field on Kay Ellen. In the last 3 days he has been watching them fill that ditch in, if it rained a storm today, he doesn't know where that water would go. Mr. Sirianni stated that he looked at that ditch and described the work that they did, that he walked it all the way to the woods but he doesn't know where it ended up but he thinks its connected to the original thing, and that we don't have any jurisdiction over the ditch he put in and stated he asked George for the documentation and was told that his operators did it. Mr. Sirianni stated that he has no idea if it is going to work, and that he is waiting for our Town engineers to call.

Allan Stevens of 4631 Miller Road- said that there is a drainage ditch behind his house. He has lived there for 35 years and that the last time the Town did anything to that ditch was 35 years ago. It's overgrown with trees and needs to be cleaned out. There is already a drainage issue, the traffic is already heavy, and if you put in a sub-division, there are no sidewalks, the school is not that far away, and that there will be a lot of kids that will have to walk to that school and its extremely busy with oversized vehicles going up and down that road and the law enforcement hasn't been stopping those that blow through the stop sign. The road has a 5-ton limit on it, and it has huge trucks on it coming from the quarry. He has two family members that live on Isherwood Drive, and he talked to Mr. Herman, and he was kind enough to come over and look at the house and the flooding. Supervisor stated that again the drainage is Mr. Sirianni and that he will be looking into it and that we will be looking into all the drainage. She sits on a board of supervisors, and we are not the only municipality, there is every single municipality in Niagara County and Erie County with drainage issues. We have met with the DEC and there is a lot of regulations of who can touch it who can't but we are going to see what we can do. He stated he was a firefighter for 20 years at the Niagara Falls Air Force Base and that he used to dump A triple F foam into the creek that runs through the airport and it runs by Gills. That foam has PSA chemicals in it and it was done for years.

APPROVAL OF MINUTES

1. Town Board Meeting of July 21st, 2026

Motion to approve by Councilman Carpenter, second by Councilman Parks

Ayes –Virtuoso, Carpenter, Herman, Parks, Lee

Noes – none

Abstain-none

Motion carried.

PAYMENT OF THE BILLS

General Fund Pre-Pay vouchers [A] \$35,323.16
General Fund vouchers [A] \$96,809.52
Sewer Fund Pre-Pay vouchers [G] \$1,268.85
Sewer Fund vouchers [G] \$1,697.76
Water Fund Pre-Pay vouchers [F] \$494.80
Water Fund vouchers [F] \$11,601.42
Highway Fund Pre-Pay vouchers [DA] \$483.42
Highway Fund vouchers [DA] \$21,924.63
Fire Protection Pre-Pay vouchers [SF] \$0.00
Fire Protection vouchers [SF] \$0.00
Street Lighting Pre-Pay vouchers [SL] \$48.11
Street Lighting vouchers [SL] \$0.00
Trust & Agency Pre-Pay vouchers [TA] \$0.00
Trust & Agency vouchers [TA] \$8,947.50
Capital Projects Pre-Pay [H] \$0.00
Capital Projects vouchers [H] \$14,129.10

Motion to approve by Councilman Lee, second by Councilman Carpenter.

Ayes –Virtuoso, Carpenter, Herman, Parks, Lee

Noes – none

Abstain – none

Motion carried.

AGENDA

1. Resolution to declare a negative declaration on the associated SEQR for the Towns amendment to the Towns Zoning District Map. Changing all (4) parcels located on the West side of Columba Drive currently Zones (MR) Mixed Residential to (C-MU) Commercial-Mixed Use. Tax Map Numbers: 131.09-2-1.1, 131.09-2-1.2, 131.09-2-1.4 and 131.09-2-1.5. (Haseley)

Motion to approve by Councilman Lee second by Councilman Parks.

Ayes –Virtuoso, Carpenter, Herman, Parks, Lee

Noes – none

Abstain – none

Motion carried.

2. Resolution to approve the Towns amendment to the Towns Zoning District Map. Changing all (4) parcels located on the West side of Columba Drive currently Zones (MR) Mixed Residential to (C-MU) Commercial-Mixed Use. Tax Map Numbers: 131.09-2-1.1, 131.09-2-1.2, 131.09-2-1.4 and 131.09-2-1.5. (Haseley)

Motion to approve by Councilman Parks second by Councilman Lee.

Ayes –Virtuoso, Carpenter, Herman, Parks, Lee

Noes – none

Abstain – none

Motion carried.

3. Resolution to declare a negative declaration on the associated SEQR for the Special-Use Permit request of Linda M. Danovskis of Market Stores WNY, Inc. allowing for the adult use cannabis retail sales from 5 Colomba Drive. Tax Map #131.09-1-5. (Haseley)

Motion to approve by Councilman Carpenter second by Councilman Parks

Ayes –Virtuoso, Carpenter, Herman, Parks, Lee

Noes – none

Abstain – none

Motion carried.

4. Resolution to approve the Special-Use Permit request of Linda M. Danovskis of Market Stores WNY, Inc. allowing for the adult use cannabis retail sales from 5 Colomba Drive. Tax Map #131.09-1-5. Permit shall expire one year from approval date and is renewable upon written request remitted prior to expiration date and subsequent Town Board Approvals. (Haseley)

Motion to approve by Councilman Lee second by Councilman Parks

Ayes –Virtuoso, Carpenter, Herman, Parks, Lee

Noes – none

Abstain – none

Motion carried.

5. Resolution to declare a negative declaration on the associated SEQR for the Special-Use Permit request of Richard Kindzia for a home occupation from his residence located at 7212 St. Joseph Road, Tax Map # 131.20-3-49. (Haseley)

Motion to approve by Councilman Lee second by Councilman Herman.

Ayes –Virtuoso, Carpenter, Herman, Parks, Lee

Noes – none

Abstain – none

Motion carried.

6. Resolution to approve the Special-Use Permit request of Richard Kindzia for a home occupation from his residence at 7212 St. Joseph Road, Tax Map #131.20-3-49. Permit shall expire in one year from date of approval and is renewable annually upon written request prior to expiration and upon subsequent Town Board approvals. (Haseley).

Motion to approve by Councilman Herman second by Councilman Parks.

Ayes –Virtuoso, Carpenter, Herman, Parks, Lee

Noes – none

Abstain – none

Motion carried.

7. Resolution to declare a negative declaration on the associated SEQR for the final site plan request of Michael Lukaszewski R.A. 10195 Niagara Falls Blvd for an MRI trailer, Tax Map #146.19-2-4.22. (Haseley)

Motion to approve by Councilman Lee second by Councilman Parks.

Ayes –Virtuoso, Carpenter, Herman, Parks, Lee

Noes – none

Abstain – none

Motion carried.

8. Resolution to approve the final site plan request of Michael Lukaszewski R.A. 10195 Niagara Falls Blvd for an MRI Trailer, Tax Map #146.19-2-4.22. (Haseley)

Motion to approve by Councilman Parks second by Councilman Herman.

Ayes –Virtuoso, Carpenter, Herman, Parks, Lee

Noes – none

Abstain – none

Motion carried.

9. Resolution to approve spending Highway funds for micro-paving, milling & blacktopping roads, as budgeted for 2026. See attached for included properties. (Siriani).

Motion to approve by Councilman Carpenter second by Councilman Herman.

Ayes –Virtuoso, Carpenter, Herman, Parks, Lee

Noes – none

Abstain – none

Motion carried.

10. Resolution to approve the 2 Host Community Agreements with Macerich Niagara, LLC and the Town of Niagara and authorize the own Supervisor to sign and execute the agreements. (Risman)

Motion to approve by Councilman Carpenter second by Councilman Herman.

Ayes –Virtuoso, Carpenter, Herman, Parks, Lee

Noes – none

Abstain – none

Motion carried.

11. Resolution to re-bid the project to seal and stripe the Town Hall, garage area parking lot and seal only all the walking paths from the ball diamonds to the dog park. Funds available from Capital Projects. (Sirianni)

Motion to approve by Councilman Lee second by Councilman Carpenter.

Ayes –Virtuoso, Carpenter, Herman, Parks, Lee
Noes – none
Abstain – none

Motion carried.

12. Resolution to accept the resignation of part-time police officer Collin Durandetto. (Guiliani)

Motion to approve by Councilman Lee second by Councilman Carpenter.

Ayes –Virtuoso, Carpenter, Herman, Parks, Lee
Noes – none
Abstain – none

Motion carried.

13. Resolution to call for a Public Hearing on September 15, 2026, at 6:30p.m. at Town of Niagara Town Hall to consider the adoption of proposed Local Law No. 2026-2 repealing the current Chapter 179 sections 1 through 9 of the Town of Niagara Town Code and adopting a new noise law with new sections 179-1 through 179-7 of the Town Code.

Motion to approve by Councilman Carpenter second by Councilman Herman.

Ayes –Virtuoso, Carpenter, Herman, Parks, Lee
Noes – none
Abstain – none

Motion carried.

TABLED

1. Resolution to declare a negative declaration on the associated SEQR for the Minor re-subdivision / the combination of (2) lots request of Ronald and Raquel Kuntz. 7800 Packard Road, Tax Map #145.08-2-24 and Tax Map #145.08-2-25. (Haseley)
2. Resolution to approve the Minor re-subdivision/ the combination of (2) lots request of Ronald and Raquel Kuntz. 7800 Packard Road Tax Map # 145.08-2-24 and Tax Map #145.08-2-25. (Haseley)
3. Resolution to declare a negative declaration on the associated EAF for the Major re-subdivision request of Thomas Reynolds, PE of Nussbaumer & Clarke, Inc. on behalf of Mr. Frishman, Tax Map # 131.11-1-46. (Haseley)

4. Resolution to approve the Major re-subdivision request of Thomas Reynolds, PE of Nussbaumer & Clarke, Inc. Tax map #131.11-1-46. (Haseley)
5. Resolution to declare a negative declaration on the associated SEQR for the Special-Use Permit/Home occupation request of Jack Hornung to conduct business from his residence at 4620 Theresa Lane, Tax Map # 131.11-1-78. (Haseley)
6. Resolution to approve the Special-Use Permit/Home occupation request of Jack Hornung to conduct business from his residence. 4620 Theresa Lane, Tax Map #131.11-1-78. Permit shall expire one year from approval date and is renewable annually upon written request received prior to expiration and subsequent Town Board Approvals. (Haseley)
7. Resolution to declare a negative declaration on the associated SEQR for the final site plan request of Edward Webster. 2541 Military Road, Tax Map #145.12-3-21. (Haseley)
8. Resolution to approve the final site plan request of Edward Webster. 2541 Military Road, Tax Map #145.12-3-21. (Haseley).

COMMENTS

Councilman Herman said that tonight was an interesting night, and he hopes that everyone got the information they were seeking and he would like to let everyone know that he and all of the Town Board members work hard to do the right thing for our Town. Councilman Carpenter echoed Councilman Herman's comments and added that he appreciates everyone coming here. He's hoping to get the flooding addressed and thanked water and highway for working together to help out. Councilman Lee mentioned that tonight we all found out that Facebook is not your answer for truth, come to the meetings, ask questions and get your answers here. Councilman Parks spoke about the transparency of the Town Board and that they don't have anything to hide. He thanked Cory for taking his time and giving answers that we can understand. Supervisor Virtuoso thanked everyone for showing up tonight, and Cory and Mrs. Hathaway for all of their time and service over the years and reminded everyone that we are always here to answer their questions.

ADJOURNMENT

Motion to adjourn by Councilman Carpenter, second by Councilman Herman. All in favor. Meeting adjourned at 8:08pm.

Respectfully Submitted,

Melissa Cerrillo

Town Clerk

THE MONTHLY AGENDA IS ON THE TOWN WEBSITE

www.townofniagara.com

In Memoriam

Martha P. Mathison

Angelo J. Bauer

Tracy H. Adams

Billie J. Cooper



Last concert August 17th

26/08/18

Concerned Citizens for the Towns of Niagara/Lewiston

RE: Questions for Town of Niagara Town Planning Board

Rizzo ready
aloud

1. Many individuals spoke or emailed the Town regarding the construction behind Colonial Dr and were told that the Town was cleaning out the culvert underneath Miller Rd, and that it would take about a week.

Well, it's been several weeks and the developers of Bri Estates have continued this activity into clearing the entire field - and are now clearing the tree lines and bulldozing back there.

- a. What we'd like to know is why are they doing this since the project hasn't been approved?
- b. Did the Town give them permission to use Town property to access this field, and cut down Town trees for this access?
- c. Since the owners are a commercial entity, do they need to follow the commercial laws and regulations vs the ones for residential properties?

2. The DEIS submitted by the developer to address the 11/18 items that were listed as Positive, or impactful to the environment, were approved by the Town.

- a. The Concerned Citizens Group responded to the DEIS. The developers' response to us did not address our concerns, and we let the Town Board know this in writing, and had a meeting with the Town Supervisor, but the DEIS was approved, as is, by the Town anyway to our disappointment.
- b. It doesn't appear that the FINAL Environmental Impact Statement has been approved yet or filed. Is this information correct?
- c. Will the citizens have a chance to review and have a voice in this before final approval?

3. Has the developer for Bri Estates, Double C Realty, submitted a new scoping document and project plan to the Town?

- a. Have they submitted a list of waivers and variances?
- b. Were any of them approved by the Town Board?
- c. Can it be submitted in electric form, as well, and posted to the Town website?

4. The new approved Town Comprehensive Plan states that in large lot residential development:

- a. Future development in these areas should remain consistent with the existing neighborhood settlement patterns.
- b. Develop housing of a compatible scale adjacent to existing homes. The new lot sizes of 80' is appreciated, but that would put 2 homes behind most of the houses on Colonial Dr in this development if they are kept at 80' for adjacent homes. For example, my home lot on Colonial Drive is 105 x 130'. Will the development use a compatible scale for the houses behind the residents on Colonial Dr and Miller Rd in accordance with the Town Comprehensive Plan?
 - i. If something is not in alliance with the Comprehensive Plan, does it require a variance or waiver?

5. Are there plans for a radioactive screening of the Bri Estates properties?

- a. The EPA was just out on Colonial Dr and spent over 2 hours at my property. They suggested a fly over at minimum for the field, and soil examination when I told them about the development.
- b. I have aerial maps of the Niagara Industrial & Radiological History documenting the industrial network that supported the Manhattan Project and Cold War nuclear programs, along with the waste sites and other sources of radiological contamination across the Niagara region from 1979

April 13, 2025

Dear Town of Niagara Board Members,

RE: 20260310 BriEstates

The Concerned Citizens of the Towns of Niagara/Lewiston met last month and are sending you a synopsis of our discussions and concerns, along with a brief history of the Bri Estates issue for our new Board Members.

The following is a list of some of the issues that we see with the processes that have gone on with respect to the Bri Estates. We are including a synopsis of what we have presented to the Town since the project was first presented. Please review the various minutes of the Town Board, Planning Board, and Zoning Board that include information that we have previously presented about the project. Although we have presented many concerns and questions, to date we have not received any formal responses from the Town on said issues. If there have been formal responses regarding the issues we have presented, please advise us of such and provide us with copies of any actions taken by the Town with respect to them.

We have held several meetings at local churches and fire halls with town residents over this time, regarding the Bri Estates development, and have had excellent turnout. We have also attended previous meetings held at the Town Hall with the Town Board and Planning Boards in previous years, and are willing to attend again in mass if needed. As previously suggested, if you would like to have an open house Town Hall meeting, we will get the message out.

The following is a collection of voiced concerns from town residents at these meetings from past and recent meetings. First, we believe the project developer should submit an updated project plan, including anything that was changed/added/subtracted (preferably highlighted for easy reference) for this development, or better yet, a new and clearly laid out submission plan (to include various drawings and other attachments).

The town board has said publicly this project would not go through unless the KL entrance is included in the project. This was stated in a few Town Board meetings. We strongly believe that this is a requirement for the Bri Estates development for safety reasons for our children and traffic. We realize the developer is having some issues with buying properties to do this, however, the miniscule price they paid (approximately \$12,000 for 44 acres) more than makes up for this in their profit margin. Two exits/egresses on Colonial Dr. are not safe and the one off Miller has a definite sight line issue because of the curve in the road. Even without the curve, the distance from corner to the exit/egress is in violation of Town Code.

The previous Planning Board Chair asked the developer for a list of concessions they are looking for from the Town. There was a list provided from the developer to the Planning Board,

however, we do not believe that this includes all the issues we've presented to the Town Board, in writing and documentation presented by residents at Town meetings, with respect to the project and the Town Code.

Therefore, we'd like to know who (if at all) reviewed those items presented by the developer with regards to our concerns to see what is still missing in the project with respect to Town Code?. How will this be handled so that we make sure the project matches the concerns presented? Especially how the developer will be addressing the issues that do not meet the Town Code. This could include updates to the project plan, asking for waivers, concessions, etc., from the town, or other ways they have planned to address the issues in the project plan.

Referencing the meeting when the Planning Board approved waivers on Bri Estates. There is NO state law that we can find that allows the Planning Board to grant waivers. What we can find in the current state law is that the Town Board can grant to the Planning Board the ability to grant waivers, however, we don't see where that specific permission is granted in our Town Code. Where is it stated that the Town Board has granted the Planning Board permission to grant a waiver? It is our belief that the Planning Board is ONLY to make recommendations to the Town Board on various waivers. If we are incorrect, please provide evidence of this approval/permission for our town residents to view.

Also at this meeting, the Planning Board granted waivers when we don't believe they had authority to, and they only granted them for the items that the developer presented - there were no items that the Concern Citizens provided in writing over months of attending meetings and pointing out issues that we see with the real estate project. We'd like to understand when the Planning Board will address the items that we have brought forth about the project. We've also presented some of these items at Town Board meetings, as stated earlier. We have provided documentation that references our concerns (with written reasoning and justifications about why they are concerns) about the project plan and the relative Town Code violations in these meetings yet feel that they are not being taken seriously through action.

Our understanding is that town code includes federal, state, county, and local town requirements.

Previously, we hired a lawyer to review the project and presented the information by the lawyer at a Town Board Meeting, including the document that they developed for us. What is the status of that information in that document with respect to the project? Many residents donated hundreds of dollars for this attorney, and would appreciate a response.

What is the status of the DEIS submitted last fall? Who has reviewed it and what is their response? Please provide us with a list of who has reviewed it to include the responses from these departments/organizations, with the dates and names of people responding. What is the timeline for a possible approval? Do the citizens get to voice their concerns before this happens?

We responded to the developer's DEIS in January of this year in writing and had a meeting with the Town Supervisor to go over our concerns with a representative from our group. The meeting went well, but we'd like to understand who else in the town has reviewed our emailed response to the DEIS... and what their responses to our concerns are.

We have worked with various organizations and departments at the state and county. This includes actually meeting with them and having conversations with them. We have tried to include any issues that we have presented to the Town Board and Planning Board about our findings with these various organizations at the state and county level.

As stated above, we strongly recommend the Town have the developer update the latest project plan to include any changes, including any attachments, drawings, etc. This is needed so the Town can have a clear understanding of what the project is and have one last review by various organizations to make sure they don't see any issues with respect to this project. Again, none of the issues that we have presented to the Planning Board or Town Board have been addressed at any time that we know of. If it has, please advise us when, where, how etc.

Lastly, as mentioned in the April Tribune paper, we definitely want the 85' minimum residential lot size upgraded from the previous 60' lot size to assure our Town maintains its suburban appeal and avoids urban sprawl. We think we can all agree that the Town of Niagara is a gem of a community, and we need to protect its integrity and beauty while moving forward to expand in a positive direction.

Thank you for your consideration,
Concern and citizens.

November 30, 2024

Town of Niagara Town Board
7105 Lockport Rd
Niagara Falls, NY 14305

Concerned Citizens of the Towns of Niagara/Lewiston
<https://www.facebook.com/profile.php?id=100064413053178>

Dear Town of Niagara Board Members,

A group of us from the Concerned Citizens of the Towns of Niagara/Lewiston have reviewed the EIS and DEIS for Bri Estates and have the following questions and concerns. We are asking for clarification on some matters and beseeching you to consider our concerns seriously before granting any future waivers or variances. We want to be proactive - not reactive!

After reviewing the DEIS, we didn't see many new solutions, rather mostly just a repeat of what was already in the project proposal. The list included in the DEIS for requested waivers and variances isn't fully inclusive with the remedies they plan to initiate to ensure the safety and welfare of our citizens. Town codes are there for a reason, and any waivers, variances, and other concessions need to address the continued assurance that they will not impact us negatively.

Our major concerns are with flooding, roads, adherence to Town Codes, and mirroring of existing houses. Some of these suggestions will cost the developer more, but remember... they only paid around \$11,000 for over 40 acres and will be selling each of the 115 lots for well over \$65,000 (\$7,475,000) + the topsoil (\$44 per yard). There are 4840 yards in an acre, so another \$196,000. Also remember that local residents were unaware of this auction as it was posted in the Lockport paper - not Niagara Falls - why? We would have gladly purchased this property had we known it was for sale - especially for that amount!

The Concerned Citizens of the Towns of Niagara/Lewiston request a written response to the following questions:

1. On page 3, there is a list of waivers that the Town Planning Board granted. Does the planning board have the power to grant those waivers of Articles? If so, where does it state that in our Town Code? Our understanding is that they only have the power to waive criteria for special permits, and special permits are only valid for one year according to Article IX- Special Permits. According to NYS law, we believe that the town board must grant that privilege to the town planning board, and this is not in our Town Code.
2. On page 4-5, one of the arguments for this development is the need for its economic benefits, specifically assessment values. This process is already taking place without the development - moot point. Another reason is housing for the Amazon employees, 1000

jobs. If they are hiring local, these employees will currently have housing already. Their average Amazon warehouse employee makes \$18/hour, which equals \$37,440 annually for a 40 hour week. Please view the link below.

https://www.google.com/search?q=how+much+does+amazon+pay+per+hour+warehouse&sca_esv=4b3db9351712b765

Sure, overtime is expected, but to own a \$350K home, it requires an annual salary of \$87-\$110K according to mortgage lenders. So, these may not be the houses affordable for the average Amazon warehouse worker. Please view the link below.

<https://www.dsldmortgage.com/blog/what-income-do-i-need-to-afford-a-350k-house-an-expert-analysis/>

3. On page 5, it states: Attached as Appendix E is a report from the National Association of Home Builders dated April 2015 that concludes, at an average sales price of \$378,000, the estimated one-year impacts of building 100 homes include:

- \$28.7 million in local income: Fantastic! But:

1. It is temporary as the homes are built. Afterwards it will drop off.
2. It assumes the products outside of the house frames/basements are purchased by small local businesses and not online.

- 394 local jobs: Temporary construction jobs

Taxes for the Town

- \$3.6 million in taxes and other revenue for local governments:

1. That is total taxes - not the amount the Town will receive. Looking at our County Tax Bill Statement it will be MUCH **less:

**Based on a recent 2024 January Tax Statement, we calculated how much money the Town would approximately receive based on 100% assessment on 115 \$350,000 homes. If we are wrong, please show us your specific calculations:

- a. On a \$100,000 home, county taxes are .022654% = \$2,265
 - i. $2,265 \times 3.5$ (\$350,000 home) = \$7,928
- b. The county's share is about \$1,391 per \$100,000 home
 - i. $\$1,391 \times 3.5$ (\$350,000 home) = \$4,868
- c. Total tax collected of \$7,928 - \$4,868 (county's share)= \$3,060 left for local
- d. \$3,060 (tax for our Town) X 115 homes = \$351,900 actual revenue for our town, however, subtract out lights, highway, sewer, water, fire, etc that needs to be paid out and it comes down to about \$865 per home x 115 = \$99,475 for our town.

QUESTION:

Is this amount enough to pay for bike paths, town roads, plowing, salting, care of the pond, generators, lift station, and ditches? How much will actually be left over to improve (not maintain) our town?

4. On page 9, it states that the soils in this project are Churchville and Ovid silt and bedrock Geulph Dolostone. First of all, this is the worst type of soil to build on as it is not conducive to foundations. Please view the link below.

https://www.google.com/search?q=what+are+the+different+types+of+soil+and+how+do+they+affect+foundations&rlz=1C5CHFA_enUS1115US1122&oq=how+different+types+of+soil+affect+foundations&gs_lcrp=EgZjaHJvbWUqCAGBEAAYFhgeMgYIABBFGDkyCAGBEAAYFhgeMg0IAhAAGIYDGIAGloFMg0IAxAAAGIYDGIAGloFMg0IBBAAGIAEGKIEMgoIBRAAGIAEGKIEMgoIBhAAGIAEGKIEMgoIBxAAGIAEGKIE0qEJMTQ0OTFqMGo3qAlAsAlA&sourceid=chrome&ie=UTF-8

We do see that the developer is adding materials to the foundations to make them more stable - but mother nature will eventually win. Are they guaranteeing the foundations for a certain amount of time, say 50 years? The average foundation should last 80-100 years, with quality foundations lasting over 200. Please view the link below.

https://www.google.com/search?q=average+duration+of+a+house+foundation&rlz=1C5CHFA_enUS1115US1122&oq=average+duration+of+a+house+foundation&gs_lcrp=EgZjaHJvbWUyBggAEEUYOdIBCTM0NTk3ajBqOagCCLACAQ&sourceid=chrome&ie=UTF-8

5. On page 10. This development proposes using the water and sewer lines off Colonial Dr. Many residents received a notice that our drinking water service line lead status is unknown and that construction in our neighborhood could lead to MORE LEAD BEING RELEASED INTO OUR DRINKING WATER.
 - a. No thought of construction should even be considered until our water is deemed safe.
 - b. Our water should be retested after each phase of construction to be sure it continues to be safe.
6. What will the developer be using to remove the bedrock? We request that no dynamite, TNT, or other explosives be used. The use of explosives will affect the walls and foundations of nearby homes. The noise level of explosives is dangerous to the human ear and our safety must come first. It also contaminates the ground, water, birds, and wastewater treatment. Please view the link below.

https://www.google.com/search?q=how+does+tnt+affect+the+environment&rlz=1C5CHFA_enUS1115US1122&oq=how+does+tnt+effect+the+&gs_lcrp=EgZjaHJvbWUqCQgBEA

[AYDRiABDIGCAAQRRg5MgkIARAAGA0YgAQyDQgCEAAyhqMYgAQYigUyDQgDEAAyhqMYgAQYigUyDQgEEAAyhqMYgAQYigUyCggFEAAyhqAQYogQyCggGEAAyhqAQYogTSAQkxNTgxOGowajeoAgCwAgA&sourceid=chrome&ie=UTF-8](#)

7. We think it is necessary for the Town Board to analyze and calculate how much it would cost the town to support a development like this. If calculations have been done - we would like them publicized so that we can see the advantage of disadvantages such a project would have on our Town. Fire, garbage, recycling, snow removal, road repair and maintenance, pond maintenance, generator costs, swale upkeep and clearance, etc should all be considered in this analysis.
8. On page 11-12, it states that the natural drainage that we have on the "poorly defined" ditch to Gill Creek is sufficient. It is not. The backyards of Colonial and Miller Rd are flooded at least partially throughout the year. With the addition of 115 houses, roads, driveways, and other concrete foundations - there will be less land and trees to soak up the water (17 acres will be destroyed) that water will run off onto our land because it does NOT sufficiently do it now!

As for flooding, the DEC should have a more current, updated projected annual rainfall for this area. Therefore, we ask the Town to contact the DEC for this updated rainfall map for the designated project design and the land that is north, which is in the Town of Lewiston. With these updated water amounts, we may have some wetland that could be a problem. Again, this is a DEC task - not something a project developer is to do.

9. The area of development was once a lake. We request that the Army Corps of Engineers does a flood study of this property as an independent entity. We feel that the developer has not done a proper unbiased study of this issue. Also, the only reason the existing homes on Colonial Dr. aren't under continuous flooding is because the homes are built on a fault which drains the front of our homes. Our backyards continue to flood, however, and front yards can with heavy rains. This is why Colonial Dr. is so wavy and not straight.

Take a look at these pics as proof:







10. One Acre of woodland uses an average of 8,000 gallons of water a day. 17 acres will be taken, so that is 136,000 gallons of water per day to diffuse and 49,640,000 per year. Can our drainage ditch handle this PLUS the other drainage from the new housing?

See pic: **This is how much water is absorbed by ONE acre in one DAY!! Imagine 17 of these per day.** This development is over 40 acres. Can our water system handle this overage **plus** rainfall?



Steel Core Tank
8000 Gallon Galvanized Water Stora...

Please view the link below.

https://www.google.com/search?q=HOW+much+water+does+1+acre+of+woodland+use+per+day&rlz=1C5CHFA_enUS1115US1122&oq=HOW+much+water+does+1+acre+of+woodland+use+per+day&gs_lcrp=EgZjaHJvbWUyBggAEEUYOTIKCAEQABiABBiiBDIKCAIQABiABBiiBDIKCAMQABiABBiiBDIKCAQQABiABBiiBDIKCAUQABiABBiiBNIBCTE0MDgyajBqOagCCLACAQ&sourceid=chrome&ie=UTF-8

11. What are the developer's calculations and how did they determine the runoff from the various houses with things like driveways, the house, walkways, roads and so on? In addition, we believe that the lots are still a bit small so that a new homeowner wouldn't be able to put a shed and pool up in the backyard because there's not enough land in the lot to still handle the water drainage seeping into the Earth. Young families want a decent size yard for their children to play in.
12. On page 14: 4.1.9 - Background noise: A stick of dynamite going off produces a sound that is 212 dB. Anything over about 115 dB can cause immediate harm to your ears.
13. On page 14: 4.1.10, it states that agricultural operations have not been used in 10 years, which is just not true. Wheat was harvested up until 2-3 years ago.
14. 4.1.16 - The traffic study does not take into account the 1000 new jobs for Amazon and the trucking that will occur on Lockport Rd. It estimates 94 new trips in the morning and 124 in the evening? Most families have both parents working, especially to own a 350K home. $115 \times 2 = 230$ possible new trips coming in and out. Some families have 3- 4 vehicles to accommodate children, but most homes have 2 vehicles. PLEASE request a new study to include AMAZON and a fair estimate of actual trips in and out of this development from a NEW company that uses more accurate data to include the "pass by" trips that do occur presently by existing vehicles. Also, their data is from 2017- almost 8 years old.

A lot of development has occurred in the past 8 years , to include the dollar tree store and the Tim Hortons on Military and 31. The traffic study doesn't include the potential truck traffic and worker traffic

15. Two entrances on Colonial Dr are dangerous for local residents. We have no sidewalks so walking along the roadside with your friend, pets, or children is not safe. The Town has admitted to the speeding problem we have, and many drivers cannot move over because there is traffic from both sides passing simultaneously. Colonial Dr is not safe now for pedestrians walking and it will only get worse with more foot traffic.

We propose putting sidewalks or bike/walking paths along Colonial Dr and Miller Road to ensure the safety of all residents, especially the children playing and heading to Veteran's Park. The Town Comprehensive Plan states under DISLIKES: Streetscapes with no separation or designation between pedestrian and vehicular travel-ways. And under WEAKNESSES: Limited park facilities and access to current parks (by the way, the developer is opting out of putting a park/playground in the development because they state Veteran's Park is sufficient - yet there is no pedestrian travel-way to get there presently).

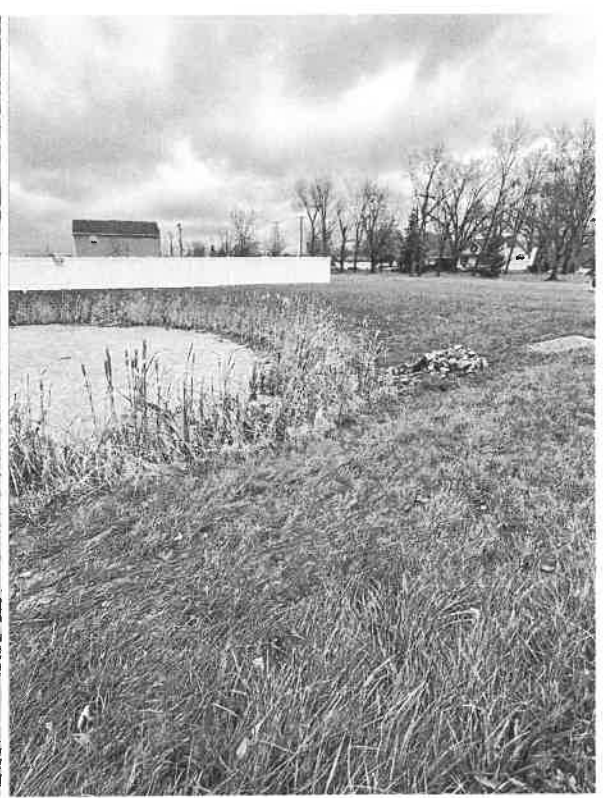
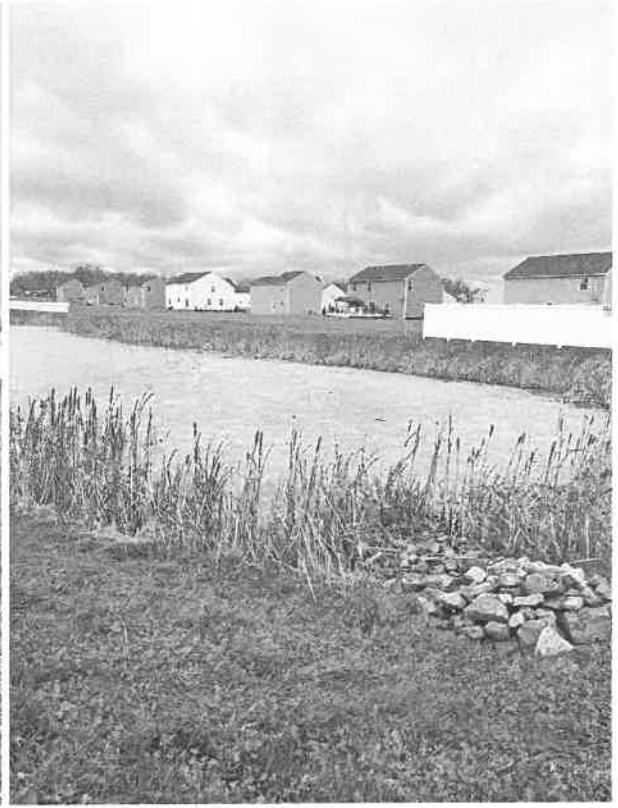
16. The entrance proposed on Colonial Dr. by Miller Rd. is in violation of the 500' site rule for intersections. This is a major safety concern for exiting the development and traffic on Colonial Dr coming off Miller. With the increase in traffic from this development and Amazon, we request traffic lights be put at the intersections of Miller and Lockport Rd, Miller and Saunders Settlement, and Grauer and Military.

We have brought up this issue at a previous Town Board meeting. Supervisor Wallace told Ron Brown to turn around and ask the town engineer about it. The town engineer said that he would look at it and get back to us. He never has and this is an option that the Town Planning Board should've at least considered before moving this project onto the Town Board for approval.

17. On page 19, it states that the development will be 28% manmade and 72% nature. This does not appear to be accurate when you view the Appendix map. How did they calculate up with this percentage? Just the lot and a house? No driveway, patios, sidewalk, roads, generator housing, etc.?
18. On Page 19, it states that 1200 trucks will be needed to haul dirt. What sediment and dust controls, specifically, will be used? This will be on top of the dust and debris created by the Amazon trucks which will definitely affect the air quality for the homes in the vicinity. Regarding the dust and dirt that will cover our homes - A suggestion would be for the developer to agree to power wash the existing houses directly affected by their construction.

19. The truck traffic hauling the dirt would be dangerous for children and people walking along the roads, as well. It's not only on Colonial Drive but also Miller Road and either Route 31 or Lockport Road. We also are concerned that most trucks would exceed the weight limit of these roads, especially if they are electric as the batteries add significant weight.
20. Page 21 talks about using predetermined flow rates to empty the pond into the "ditch" to Gill Creek. As water rises in the pond (because the flow out is kept at a constant) where will the overflow go if we have heavy rains? The flow into the pond in a heavy rain season will rise quickly - yet not be able to flow out quickly. What precautions have been made for this?
- We have asked for calculations on this. We have not received any. These calculations should include standard deviations of the amount of water in the pond. For example, heavy rains, heavy snow, etc. and also the buildup in the bottom of the pond is taken into account as part of the calculations. This should be known ahead of time to ensure safety and possible flooding.
21. Has the water drainage into the town of Lewiston been calculated? Our understanding with this drainage is that the developer is planning on putting a motor-like instrument in the ditch around the south side, west side to east side to handle the drainage coming off the project where it doesn't go into storm sewer. There should be at least 20 feet (as agreed to by supervisor Herman two or three years ago) between this drainage ditch and residential properties for Town maintenance of the drainage ditch to occur.
- We want to be sure that this 20 foot minimum clearing does not include the proposed slope from its high point (up to 7 feet) down to its base. We want to know what the angle of the slope would be and to be sure that it is not calculated in the 20 foot clearing to ensure the clearing will be obstruction free for maintenance vehicles to get in and be able to work.
22. Are the slopes to be maintained by the homeowners? Is it part of their property? We ask because people will be putting up fences before the slope in their backyards because they don't want their children or animals going down those slopes or getting hurt in the swales. If they don't put up a fence, who is responsible if a child is hurt in a swale? Can the Town be sued because they are open swales and not covered?
23. Any slope that is part of the entrance/exit would need to be maintained and is a concern with any roadway that's up high going down low. It is just the width of a road, so there is a need to also have a wide bike/walking path to go down that slope alongside the road for pedestrians to travel safely. Lastly the slope for the roadway and the one behind the houses must be included in the water calculations for possible flooding.
24. Who will clean the pond and the ditch? The pond at a Ryan Home development on Lockport and Hoover is an eyesore with scum and trash floating in it. The drainage is

covered/blocked by reeds :



25. The pond is very critical to the success of attempting to do a development like this. It must be made large enough to handle the extreme water that will be needed to go in there. Where are the calculations to assure that its size and depth are sufficient? Do we know how much it will cost to maintain?
26. NFTA gave the development approval, but the letter from the military has been omitted. We would like verification that the military approves the proposed pond being within a 5 mile radius of the military base and the danger of bird strikes. The Colonial Village Airport is not used much anymore but it is still classified as an airport and is also subject to bird strikes from the developers proposed pond.
27. The pumps they will be using are a good choice, (2) 4B2B Smith & Loveless pumps. Specifically, who will be maintaining the pumps and paying for upkeep and repair? We need to be sure that we have good backup for the pumps and generators should one of them fail to work during a storm.
28. Page 22; Again, this soil has little to no infiltration abilities. If there is an issue with the Runoff Reduction Volume system this could be disastrous for the community. Who is going to maintain this system and how often will it be checked?
29. Page 23 states that any water not absorbed by infiltration will be conveyed and collected to the stormwater pond. This soil does not infiltrate - so it needs to be planned that just about all runoff water will need to be held by the pond, not the extra left over from infiltration.
30. Water from the rooftops will be drained through the swales around the project. Who will maintain and keep the swales clean and free of debris? What about rodent and mosquito control? Niagara Falls is being infiltrated with rats - we do not want that here and we do not want any mosquito/tick borne illnesses because there is no plan to keep their breeding to a minimum outside of the structure of the pond walls (and you can see by the pics that this is not enough to control pond scum and the water reeds).
31. Page 23: Why are we not requiring reports and investigations from arms-length businesses? Isn't Metzger (Metzger Civil Engineering) involved with George Churakos on this development??!
32. Lewiston has not approved the Floodplain Development Application and the property owner where the tributary to Gill Creek needs to be cleaned out has not agreed to anything yet. It would be wise to get their approval on everything first before proceeding with this development. It cannot be assumed that Lewiston and the property owners would agree to do anything with the creek waterway.
33. An egress/exit on Kay Ellen Drive is needed to maintain a safe traffic flow. If there was ever a need to evacuate the project - there would be a massive bottleneck on Colonial Dr

- creating major safety issues to the people in the development, the existing residents on Colonial Dr and Miller Rd. They are basing this "Non-Need" on a flimsy traffic study, which is why the Town needs to designate a firm to conduct a new one to include the Amazon traffic.
34. At numerous Town Board meetings, and also in a meeting scheduled with Supervisor Wallace, we were assured that the project would not go forth without using the Kay Ellen Drive as an entrance/exit to the development area. The developers plan does not take into account that the town has on its map the use of Kay Ellen to this area for the purpose of entrance and exit.
35. The developer mentions calculations done that would not be profitable for them to do something like this. If we allow this, the risk of having all this traffic put onto Colonial Drive Would be a hazard to the public that lives along Colonial Drive, Miller Rd, and Grauer Road. The entrance/exit that is proposed on Colonial Dr near Miller is not wide enough to meet town code and was never presented by the developer as one of the waivers that they would want. The DEIS states that this was put there by the town to one day be a road for a development - we understand that this "road" is there to allow for utilities maintenance. Nonetheless, the road is too narrow and has issues with entering Colonial Dr.
36. The developer will put an island in the middle of the "road" down by Colonial Drive. This is a hazard. We have presented pictures to the Town Board of what the sight line is for traffic that would be coming in and out of this "road". Not only is the sight line not up to code, but add in the residents with cars parked down their driveways (cars with 4 or more vehicles in their driveways) or trailers or alike and these create an obstruction of view for cars entering/exiting that "road", as well. All this information has been presented to the planning board with copies.
37. We did ask the Town Board lawyer to look into this because we also found that this "road" is less than 500 feet from an obstructed view of the oncoming traffic in the road (due to the curvature of Colonial Dr.) and our calculations show it's only about 350 feet - 150 feet short of code. A previous chair of the planning board also agreed with our calculations. It's a perpendicular distance to that roadway.
38. Mirroring of existing homes was promised by the Town Board and is expected by the residents. Superintendent Virtuoso also supported this in a discussion after the October board meeting. The developer is requesting a waiver of Town Code: Article VIII §135-124(B)-Size of Lots Contiguous to Neighboring Properties.
- This is extremely important to the existing homeowners and we respectfully request that the Town Board keep its promise to us and **NOT** grant this waiver. Because it is such a major issue with the Concerned Citizens Group, we are officially requesting a Town Hall meeting prior to **any** consideration of granting this waiver by the Town Board,

- with the intent of an explanation of why the Town Board is breaking its promise to its citizens. New administration and builder costs are not a reason.

Mirroring of the lots is important for both residences who are back to back for harmony in our neighborhood and aesthetics. It will affect our morals and general welfare Article VIII 135-133 F(2). We support that our Town Administration wants to improve our town and leave a legacy, let's be sure it's one we can be proud of.

39. We would like to establish a Citizen Committee to work with developers and the Board to ensure that citizens who have lived in the community for years have input on any new housing developments that will impact their health and safety. The Town Comprehensive Plan's objective for engaged citizenry is to "Foster a strong sense of community by promoting a Town identity and increasing communication with residents".

We should have the attorneys present at some point to let the affected citizens know, step-by-step, how this project will be carried out. We respectfully request that the Town allows Johnny Parks and/or Mike Lee to represent the Town for this Citizen Committee. Their families live near this development and will be affected by it, so we know they have a vested interest. Some things we may want to discuss:

- Background and reputation of the developers and home builders
- The home builders quality of construction (Ryan Homes uses low end materials)
- How have other developments/housing fared on this type of soil after 5/10 years?
- Do the builders have experience with building on this type of soil?
- Are the roads wide enough?
- Will our outdated sewer system handle the increase? Our Comprehensive Plan states " Poor stormwater and drainage systems" as a Town weakness.
- Will this affect our water pressure?
- Will citizens on foot travel be safe in the development and on Colonial/Miller roads?

40. We respectfully request that all Bri Estate related issues be posted publicly to the Town Board/Planning Board/Zoning Board online agendas. The October Board agenda that was posted online did not mention the Bri Estates DEIS. Some of our members just happened to attend the meeting and Bri Estates was on the paper agenda!! This is unacceptable. Transparency is expected by the Town citizens.

The above are only some of our comments to complete the review of the DEIS - The 800 page document submitted by the developer and the amount of time given by the Town Board to review (less than 2 months - with holidays celebrations) was not enough time to delve deeper into the, but it's a start.

We would like to understand:

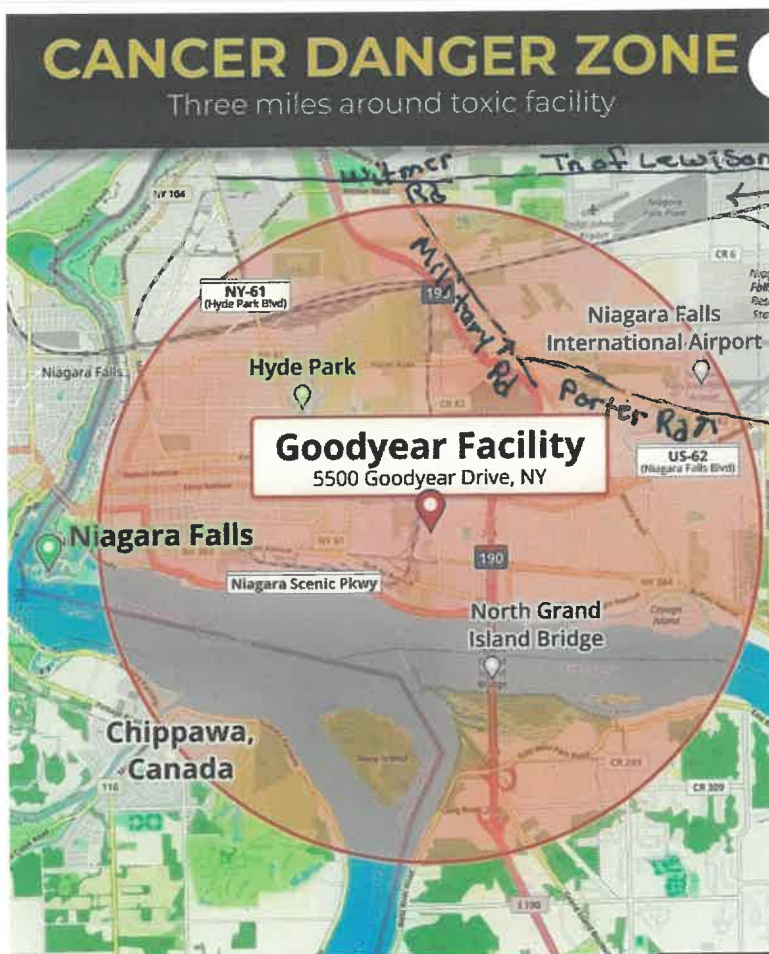
- How the Town is completing the review of the positive SEQR in the form of a timeline.
- The Town's timeline for the developer's project. Especially when the citizens will be able to provide comments, questions, and concerns.

3. What happens to the documentation presented to the Town and Planning Board. What kind of feedback can we expect for our research?
4. Why do the Town Board/Planning Board/Zoning Board not post the minutes of the meetings afterwards - adjusted for public comments received and documents presented to the boards.
5. Are board meetings recorded? We feel that would be beneficial to our community. We have referenced many board meetings where comments were made and feel that should be recorded as public record for clarification and transparency.

We do respectfully request a written response to the questions and concerns we have presented in this document. It took many citizens several hours of their time to review the DEIS and meet to discuss our concerns so that our Town Board has feedback to weigh into. We believe a 45 day window is fair for response, but if not, please send a written response as to what you feel is fair. All we ask is that no waivers, variances, or other considerations are made without your constituents' feedback.

Highest Regards,

Concerned Citizens for the Towns of Niagara/Lewiston

**Kim Ann**

August 11 at 6:48 AM ·

Does anyone know the source of this map that has been circulating? I apologize if I missed it somehow. I know that there are others like it. But I'm looking for the source of this one. Thank you so much.



13



8

**Most relevant** ▼**Kelly Carpenter** · 5d

My grandpa worked at Goodyear and it killed him. And no accountability



Share



1

▼ View 4 replies

**Dan Telvock** · 5d

Nys doh



Share



2

▼ View 1 reply

Niagara Industrial & Radiological History

Interactive research map documenting the factories and industrial network that supported the Manhattan Project and Cold War nuclear programs, along with waste sites and other sources of radiological contamination across Niagara Falls and the surrounding region. Read more at [Greetings from Niagara](#).

PROCESS 1985 SURVEY LEGEND ARCHIVE

Search factories, companies, or sites

VISIBLE SITE GROUPS

☒ Alcoa	1
☒ Bell Aerospace	3
☒ Bethlehem Steel	1
☒ Bliss & Laughlin Steel	1
☒ Carborundum	10
☒ Federal / Military	1
☒ Guterl Steel	1
☒ Hooker	7
☒ Niagara Falls Storage Site (NFSS)	1
☒ Other industrial sites	0
☒ Power City Warehouse / Tract I	3
☒ Stauffer Chemical	1
☒ TAM / NL Industries	7
☒ Union Carbide (Linde / Electromet)	36

MODERN FINDINGS LEGEND

☐ Radioactive waste landfill / storage site / FUSRAP site



Power-reservoir radium anomaly — working area B

WAMD-010 · September 1979 aerial survey

AERIAL INTERPRETATION
Ra-226 indicated by Bi-214

Aerial anomaly above local background of approximately 7–10 uR/h.

Open WAMD-010 report

Approximate working placement reconstructed from WAMD-010 report figures. The airborne detector averaged radiation over several acres; this is not a parcel boundary, exact source location, or ground-level exposure measurement.

PROCESS	1985 SURVEY	LEGEND	ARCHIVE
VISIBLE SITE GROUPS			
☒	☐ Airco Properties		1
☒	☐ Alcoa		1
☒	☐ Bell Aerospace		3
☒	☐ Bethlehem Steel		1
☒	☐ Bliss & Laughlin Steel		1
☒	☐ Carborundum		11
☒	☐ Federal / Military		1
☒	☐ Globe Metallurgical		1
☒	☐ Guterl Steel		1
☒	☐ Hooker		7
☒	☐ Niagara Falls Storage Site (NFSS)		1
☒	☐ Power City Warehouse / Tract I		3
☒	☐ Stauffer Chemical		1
☒	☐ TAM / NL Industries		7
☒	☐ Tonawanda Coke		1

Niagara + Erie Hotspots Map & Industrial History

Interactive research map documenting the factories and industrial network that supported the Manhattan Project and Cold War nuclear programs, along with waste sites and other sources of radiological contamination across Niagara Falls and the surrounding region. Read more at [Greetings from Niagara](#).

PROCESS1985 SURVEYLEGENDARCHIVE

1985 ORNL Niagara Falls Radiological Survey

A follow-up investigation of locations identified during the October 1984 mobile gamma scan. ORNL conducted onsite measurements from July 15–17, 1985, and published the findings in ORNL/TM-10076 in November 1986.

Click to view the complete 1985 ORNL Radiological Survey.

100 survey records match. Showing 35. All 100 records, including unresolved locations, remain in this list.

Anomaly 1 • South side of Pletcher Road, 2200 ft east of Creek Road

Ra-226Calculated from report distance

Pletcher Road / LOOW • Open field

1 m: 14 µR/h • surface: 31 µR/h • scan: 11–86 µR/h

Calculated from the report distance and road side; not a surveyed GPS coordinate.

Highlight on map

Anomaly 2 • South side of Pletcher Road, 2950 ft east of Creek Road

Ra-226Calculated from report distance



Niagara Industrial & Radiological History

Over the past several years, the Niagara and Hamilton communities have supported the Munitions Project and Civil War Institute programs, along with waste sites and other sources of radiological contamination, across Niagara Falls and the surrounding region. Read more at [Easidrop](#).

Niagara

PROPERTY	WASTE SOURCE	LEGEND	ADDRESS
Search factories, companies, or sites			
VISIBLE SITE GROUPS			
☒ ☐ Alone			1
☒ ☐ Bell Aerospace			2
☒ ☐ Bethlehem Steel			1
☒ ☐ Biles & Laughlin Steel			1
☒ ☐ Carbide			10
☒ ☐ Federal / Military			1
☒ ☐ Galt Steel			1
☒ ☐ Hoyer			7
☒ ☐ Niagara Falls Storage Site (NFS)			0
☒ ☐ Other industrial sites			3
☒ ☐ Power City Warehouse / Tract I			1
☒ ☐ Sluiter Chemical			7
☒ ☐ TAM / ML Industries			30
☒ ☐ Union Carbide (Linda / Electronics)			

MODERN FINDINGS LEGEND

☐ Radiative waste landfill / storage site / FUGRO site





Radiation guide

Niagara Industrial & Radiological History

interactive research map documenting the factories and industrial network that supported the Manhattan Project and Cold War nuclear programs, along with waste sites and other sources of radiological contamination across Niagara Falls and the surrounding region. Read more at [Greetings from Niagara](#)

PROCESS

1955 SURVEY

LEGEND

ARCHIVE

4

Hooker Chemical

Niagara Falls, New York

Recovered remaining uranium from C-2 slag using hydrochloric acid.

Show on map

5

Lake Ontario Ordnance Works / Niagara Falls Storage Site

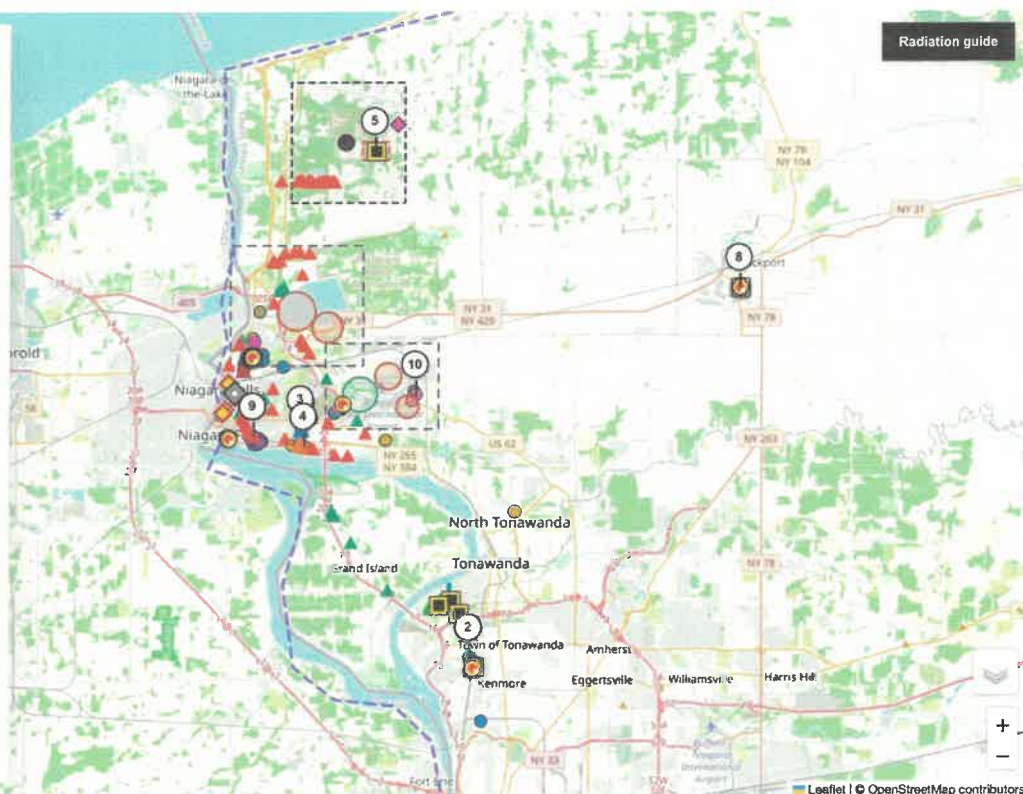
Lewiston, New York

Storage, handling, burial, and disposal of radioactive residues and contaminated materials generated by Manhattan Project and later Atomic Energy Commission operations. A New York State Assembly investigation conducted in the aftermath of the Love Canal disaster uncovered accounts that workers associated with the LOOW removed radioactive waste from the site and used it as fill elsewhere in the region.

Radioactive waste from Union Carbide's Linde and Electromet operations was transported to the LOOW/NFSS. Union Carbide also operated its own [landfill on Niagara Falls Boulevard](#). Records uncovered by a private investigator hired to trace radioactive slag found at a Niagara Falls bowling alley further showed that some Union Carbide waste was diverted, dumped locally, or distributed as fill instead of reaching the federal storage site.

Tons of radioactive waste remain unaccounted for. [Click here to read the updated unaccounted-waste estimate.](#)

Official reference / Open source: [Watch archival video](#)



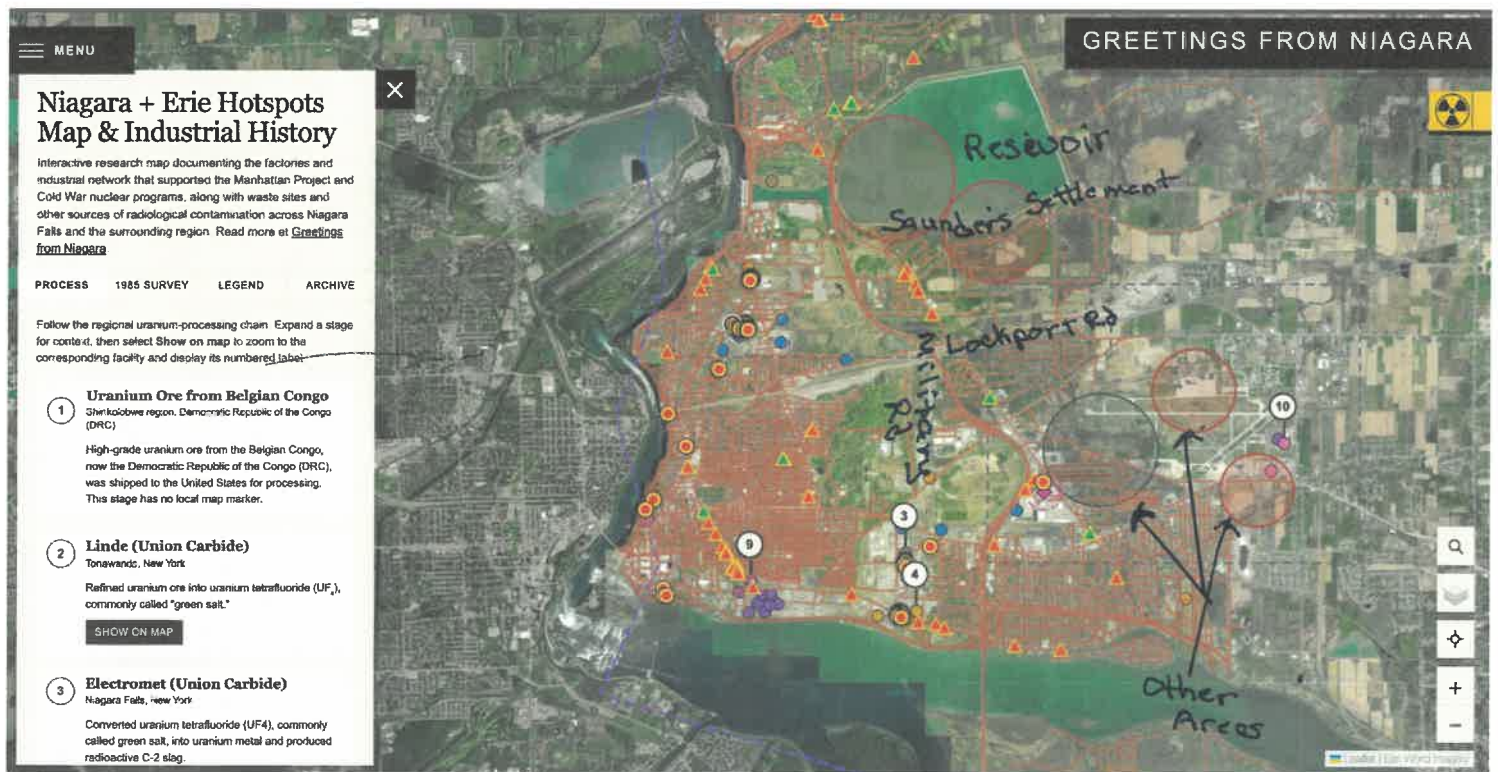
Natalia Neuhaus

July 22 at 11:38 AM · 🌐

Hi **Betty Osborne** I created this map to help us all navigate the why and how this happened. BEST VIEWED ON DESKTOP. It also includes previous surveys, and archive of documents dating back to 1940s to now. <https://natalianeuhhaus.github.io/GreetingsFrom.../index.html>

26





~~8/20/26~~
8/2/26
Rizzo





~~8/2/26~~ 8/2/26



8/2/26



7/20/21



* Given the previous environmental findings concerning this property, including the documentation we have from the U.S. Army Corps of Engineers and environmental professionals, what new scientific or environmental evidence does the Town have today that demonstrates this land is suitable for this development - and if no such evidence exists, why is this project being allowed to move forward?

Fran Rosati

- ① Who authorized the Committee or group that has been meeting regarding this development, who served on it, and when was it formed?
- ② Why were this committee/group and its meetings never identified in the Town Board minutes or otherwise publicly disclosed?
- ③ Were any of these meetings subject to New York's Open Meetings Law? If the town believes they were not, what is the basis for that determination?

Fran Rosati

* For a development of this size, what public-notice, hearing, environmental-review, and approval procedures are required steps been followed?

* Why weren't residents informed earlier that this development was being reconsidered, particularly when residents had already raised significant concerns about this same property during the previous proposal?

Fran Rosati

⑧ We have documentation from the U.S. Army Corps of Engineers and environmental professionals concerning the limitations and environmental conditions of this land, What new evidence does the Town have that contradicts or supersedes those previous findings?

⑧ If there is no new ~~findings~~ evidence contradicting those findings, what is the factual and legal basis for considering this property suitable for this development now?

Fran Rosati

*Will the town guarantee that no clearing, grading, excavation, filling or other disturbance of this property will occur until All environmental review and required state, federal and local approvals have been completed?

Fran Rosati



Rosatti

RECEIVED

FEB 02 2018

Reference No. 11124897-100-01

TOWN OF NIAGARA
BLDG. INSP. OFFICE

January 31, 2018

Mr. Charles Haseley
Building Inspector
Town of Niagara
7105 Lockport Road
Niagara Falls, New York 14305

Dear Mr. Haseley:

Re: Bri Estates Subdivision – Updated Preliminary Plat Submission

On behalf of the Town of Niagara, GHD Consulting Services Inc. (GHD) is reviewing the Preliminary Plat application for the above-referenced subdivision. This letter represents our 3rd comment letter to date in connection with Preliminary Plat document submissions. This review is based upon the latest submittal which included a revised set of Drawings, dated December 22, 2017, a cover letter responding to Town comments on November 29, 2017, and a traffic study, prepared by TYLIN International and dated January 23, 2018. Please note that comments below focus only on the Town Engineer Comments from the aforementioned letter.

Drainage and Grading:

1. Verify the condition of the existing pipe from Miller Road west to the drainage ditch that bisects the site. – **This item remains to be addressed. The applicant shall coordinate with the Highway Superintendent.**
2. Add note to the site grading plans "clean and regrade existing drainage ditch from outlet to project boundary". – **This item has been addressed.**
3. The existing drawings indicate drainage features located within an easement 10 feet in width. The width/piping requirements must meet the Town Code (see Building Department Comments); Revise design plans to meet Town requirements. – **We find the response and revised drawings provided to be acceptable.**
4. Downstream Capacity Assessment and Plan Update – **We find the responses provided acceptable for the Preliminary Plat phase. As part of the submittal for Final Plat, we will require a blow-up plan and detail of the pond outlet into the downstream swale. The plan must depict, to a level constructible by a contractor, the grading, the profile, and/or spot elevations of the pond outlet pipes, proposed north side swale entering from east and west, and the existing swale on the neighboring property on the Town of Lewiston. The application indicates that the existing swale will be lower by 0.3 feet for 75 feet, but does not provide any other topographic information on the swale (i.e. width, side slopes) to justify that four (4) 24-inch pipes and two (2) swales can flow into the space provided.**

*attention
sewer*

GHD

285 Delaware Avenue Suite 500 Buffalo New York 14202 USA
T 716 856 2142 F 716 856 2160 W www.ghd.com

REGISTERED COMPANY FOR
ISO 9001
CERTIFICATION



5. The pond outlet design appears to be set for the pre-development flow (100-year), but does not include a reduction in flow for the lands discharging directly to the existing drainage ditch. – **We find the response provided acceptable.**
6. The northern swale shall require construction of a berm (minimum 18 inches in height) in order to capture runoff and prevent flows to adjacent properties. Add additional cross-sections along the northern rear yard swale associated with Lot Numbers 12 to 18 and Lot Numbers 19 to 24. – **We find the response and revised drawings provided to be acceptable.**
7. Proposed design swales shall have a minimum depth of 12 inches. Add existing and proposed grades along the project boundary at the four corners of the property. – **We find the response provided acceptable for the Preliminary Plat phase. However, the southwest corner of the site shows an existing grade at the property line that is lower than the bottom of the proposed swale. The design must ensure that no runoff will affect adjacent properties. We recommend an inlet and French drain behind Lot #82 to control rear yard runoff coming north to south and around the corner.**
8. The overall site design must include provisions for roadway drainage (i.e., swales, underdrain). – **The response provided states that “a 0.5% (typ) swale” will be installed along the shoulder. No detail is provided for the swale. In addition, this response does not take into account the driveway crossings for roadside drainage. This response is also under review by the Highway Department (Comment #3).**
9. Provide additional topographic survey information to clarify the grading at the corner of Colonial Drive and the proposed Stephanie Lane to confirm that the proposed road will not impact drainage along the north side of Colonial Drive. – **We find the response and revised drawings provided to be acceptable.**
10. Exhibit 15, Volume Calculations: We disagree with the earthwork calculations (18,000 CY excess fill as presented vs. 15,000 CY fill required). – **Based upon the response, GHD recommends including additional measures to minimize impact from hauling of fill to include rough grading of the entire site (by phase) as part of initial construction, identification of fill source and requiring a road bond prior to the start of construction.**

Stormwater:

1. Erosion and Sediment Control Drawings, Sheets EC-1 and 2, must take into account the phases of the project. Silt fence/sock may need to be placed along the phase separation, as well as around the pond during future phases. – **Although we understand, as stated in the cover letter, that the SWPPP is a fluid document and plans will be altered in accordance with field conditions, the SWPPP and the Erosion and Sediment Control Plan must be presented in enough detail to merit acceptance by the Town Engineer and yourself as the Town Stormwater Management Officer (SMO). You must sign the MS4 SWPPP Acceptance Form in order for the project to receive SPDES permit coverage. The request to show phasing considerations for erosion and**



sediment control measures is reasonable. However, this can be addressed during Final Plat phase.

2. On Sheet EC-3, Note 4, under stabilized construction entrance indicates that base stone shall be used per detail on DT-1. Sheet DT-1 does not include any road base detail. – **We find the response provided acceptable.**
3. Responses to comments (Page 12 of 26) from GHD, EC Plans, Comment 2, it would appear that clearing is not required behind Lot Numbers 25-26 as indicated in the response, but also not behind Lot Numbers 27-28, 38 to 41 and Lot Number 44. We repeat our request for clearing limits to be added to the drawings. – **We find the response provided acceptable.**
4. Exhibit 4, Stormwater Pollution Prevention Plan (SWPPP) – **We find the responses provided acceptable.**

Utilities:

1. There is a proposed hydrant at the intersection of Tyler Circle and Nicholas Drive STA 4+16 and a second hydrant in Tyler Circle at STA 5+97 (Difference = 181 feet), and then a permanent blow-off at the cul-de-sac STA 8+12 (Difference = 215 feet). Move the second hydrant to the dead-end and use as permanent blow-off (see Water and Sewer Department Comments). – **We find the response and revised drawings provided to be acceptable, but the Water and Sewer Department must also accept the response (Comments #2-3).**
2. Sanitary sewer manhole on Colonial Drive has a RIM = 627.89 and an existing INVERT = 611.35. The proposed new sanitary sewer connection from the project is set at an INVERT = 618.82 (drop of 7.47 feet). Sewer shall require a drop inlet or an increase in the slope of pipe, as approved by the Sewer Department. – **We find the response and revised drawings provided to be acceptable.**
3. See Water and Sewer Department Comments in regards to fire hydrant spacing.

Additional Comments:

1. The applicant will be applying for a waiver of the maximum block size by providing a "4-foot-wide concrete sidewalk interconnection" which has been added to the plans. A sidewalk detail is required. – **We find the response provided acceptable.**

In addition, we have reviewed the Traffic Study provided per the Town's request. A professional engineering firm, experienced in traffic analysis and standards, performed the work. The study and report are sound documents, properly prepared and presented. We find no reason to dispute the conclusions presented in the report.



Please contact us if you have any questions or concerns.

Sincerely,
GHD

A handwritten signature in cursive script, reading "Camie Jarrell".

Camie Jarrell, P.E.

DMB/CLJ/ck/11

cc: Michael J. Metzger, P.E. – Metzger Civil Engineering, PLLC
Robert P. Lannon Jr., P.E. – GHD
David M. Britton, P.E. – GHD

Full Environmental Assessment Form
Part 1 - Project and Setting

MAR 24 2017

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

TOWN OF NIAGARA
BLDG. INSP. OFFICE

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Bri Estates Subdivision		
Project Location (describe, and attach a general location map): Undeveloped land east of Kay Ellen Drive		
Brief Description of Proposed Action (include purpose or need): Development of a 137 single family home lots on 40 +/- acres of land.		
Name of Applicant/Sponsor: Double C Realty, Inc.		Telephone: 716-282-5244
		E-Mail:
Address: PO Box 3009		
City/PO: Niagara Falls	State: New York	Zip Code: 14304
Project Contact (if not same as sponsor, give name and title/role): Mr. George Churakos		Telephone: 716-282-5244
		E-Mail: gchurakos@markcamone.com
Address: 2368 Maryland Avenue		
City/PO: Niagara Falls	State: NY	Zip Code: 14305
Property Owner (if not same as sponsor): Same as Applicant		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, ☒ Yes ☐ No or Village Board of Trustees	Subdivision Approval	December 2016
b. City, Town or Village Planning Board or Commission ☒ Yes ☐ No	Recommendation on subdivision approval	December 2016
c. City Council, Town or Village Zoning Board of Appeals ☐ Yes ☒ No		
d. Other local agencies ☐ Yes ☐ No		
e. County agencies ☒ Yes ☐ No	Niagara County Health - sewer and water Niagara County Planning Board	December 2016
f. Regional agencies ☐ Yes ☐ No		
g. State agencies ☒ Yes ☐ No	NYSEC - SPDES permit and sanitary sewer	March 2017
h. Federal agencies ☒ Yes ☐ No	USACOE - Ditch relocation	December 2016
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		☐ Yes ☒ No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		☐ Yes ☒ No
iii. Is the project site within a Coastal Erosion Hazard Area?		☐ Yes ☒ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally-adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

NYS Heritage Areas: West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

R-1 Residential

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☒ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Niagara - Wheatfield

b. What police or other public protection forces serve the project site?

Niagara Police Department, Niagara County Sheriffs, NYS Troopers

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

Niagara Fire Protection District

d. What parks serve the project site?

Veterans Memorial Park, Reservoir State Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential

b. a. Total acreage of the site of the proposed action? 40.4 acres

b. Total acreage to be physically disturbed? 40.4 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 40.4 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☒ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
Residential

ii. Is a cluster/conservation layout proposed? ☐ Yes ☒ No

iii. Number of lots proposed? 137

iv. Minimum and maximum proposed lot sizes? Minimum 7500 sqft Maximum 50,300 sq ft

e. Will proposed action be constructed in multiple phases? ☒ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

• Total number of phases anticipated 4

• Anticipated commencement date of phase 1 (including demolition) 5 month 2017 year

• Anticipated completion date of final phase 12 month 2022 year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

The start of each phase will be determined by the rate of sales in the previous phase.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

This ditch will be relocated to the north. This would not affect the function of the ditch other than to increase the flow capabilities.

iii. Will proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☒ No

If Yes, describe:

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☒ No

If Yes:

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

v. Describe any proposed reclamation/mitigation following disturbance: _____

The relocated ditch will function in the same fashion as the current ditch.

c. Will the proposed action use, or create a new demand for water?

☒ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: 45,210 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☒ Yes ☐ No

If Yes:

- Name of district or service area: Town of Niagara municipal system
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☒ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
Water to be provided by tapping existing main on Colonial Drive
- Source(s) of supply for the district: Niagara River

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☒ No

If Yes:

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

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

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

d. Will the proposed action generate liquid wastes?

☒ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: 45,210 gallons/day

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

Sanitary sewage

iii. Will the proposed action use any existing public wastewater treatment facilities?

☒ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: Niagara County WWTP
- Name of district: Niagara County Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

f. Does the project include new residential uses? ☒ Yes ☐ No

If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	39			
At completion of all phases	137			

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☒ No

If Yes,

- i. Total number of structures _____
- ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
- iii. Approximate extent of building space to be heated or cooled: _____ square feet

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

If Yes,

- i. Purpose of the impoundment: _____
- ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____

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

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

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

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

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☒ No

(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

- i. What is the purpose of the excavation or dredging? _____
- ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): _____
 - Over what duration of time? _____
- iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

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

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☒ Yes ☐ No

If Yes:

- i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Unnamed farm irrigation ditch to be relocated

• Do existing sewer lines serve the project site? _____ • Will line extension within an existing district be necessary to serve the project? _____	☒ Yes ☐ No ☒ Yes ☐ No
If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	
<u>Sewer to be tied into the existing Municipal sewer on Colonial Drive</u>	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?	☐ Yes ☒ No
If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____ _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?	☒ Yes ☐ No
If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or <u>9.7</u> acres (impervious surface) _____ Square feet or <u>40.4</u> acres (parcel size) ii. Describe types of new point sources. <u>Stormwater runoff from rain fall</u>	
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? <u>On site detention pond with outlet control structure</u>	
• If to surface waters, identify receiving water bodies or wetlands: _____	
• Will stormwater runoff flow to adjacent properties? _____	
iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?	☐ Yes ☒ No ☒ Yes ☐ No
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?	☐ Yes ☒ No
If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?	☐ Yes ☒ No
If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____.

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

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

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

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

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

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☒ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

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

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

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

i. During Construction:		ii. During Operations:	
• Monday - Friday:	7am-9pm	• Monday - Friday:	Continuous
• Saturday:	7am-9pm	• Saturday:	Continuous
• Sunday:	9am-5pm	• Sunday:	Continuous
• Holidays:	7am-9pm	• Holidays:	Continuous

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

If yes:

i. Provide details including sources, time of day and duration:
Typical home construction noise associated with equipment

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☒ No
Describe: _____

n.. Will the proposed action have outdoor lighting? ☒ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
Typical low intensity residential and street lighting

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No
Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No

If Yes:

i. Describe proposed treatment(s): _____

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☒ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: 5 tons per month (unit of time)
- Operation: 8 tons per month (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: Recycling of construction materials will be at the discretion of the builder.
- Operation: Typical household recycling materials will be collected by the local recycling agency.

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Construction material disposal will be performed by on site dumpsters
- Operation: Typical household refuse will be collected by the local disposal agency.

s. Does the proposed action include construction or modification of a solid waste management facility?

☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☒ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- ☐ Urban ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☒ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	9.7	+9.7
• Forested	-	-	-
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	40.4	0	-40.4
• Agricultural (includes active orchards, field, greenhouse etc.)	-	-	-
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	1.0	+1.0
• Wetlands (freshwater or tidal)	-	-	-
• Non-vegetated (bare rock, earth or fill)	-	-	-
• Other Describe: <u>Lawn / Landscaping</u>	-	29.7	+29.7

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

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

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

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☒ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☒ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 13' feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Churchville	90 %
Ovid	10 %
_____	%

d. What is the average depth to the water table on the project site? Average: .5'seasonal feet

e. Drainage status of project site soils: ☐ Well Drained: _____ % of site
☐ Moderately Well Drained: _____ % of site
☒ Poorly Drained 100 % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: 100 % of site
☐ 10-15%: _____ % of site
☐ 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☒ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

• Streams:	Name _____	Classification _____
• Lakes or Ponds:	Name _____	Classification _____
• Wetlands:	Name Federal Waters, Federal Waters, Federal Waters	Approximate Size _____
• Wetland No. (if regulated by DEC)	_____	

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☒ Yes ☐ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____
Name - Pollutants - Uses: Gill Creek and tribs - Unknown Toxicity - Recreation; Aquatic Life

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

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

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

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No

If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: Typical WNY wildlife _____ _____ _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☒ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☒ No	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☒ No	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☒ No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☒ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☒ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places?

If Yes:

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

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?

☒ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site?

☐ Yes ☒ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?

☒ Yes ☐ No

If Yes:

i. Identify resource: Niagara gorge

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

iii. Distance between project and resource: _____ 3.5 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?

☐ Yes ☒ No

If Yes:

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

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?

☐ Yes ☐ No

F. Additional Information

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

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

G. Verification

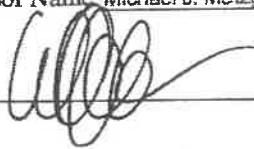
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Michael J. Metzger

Date

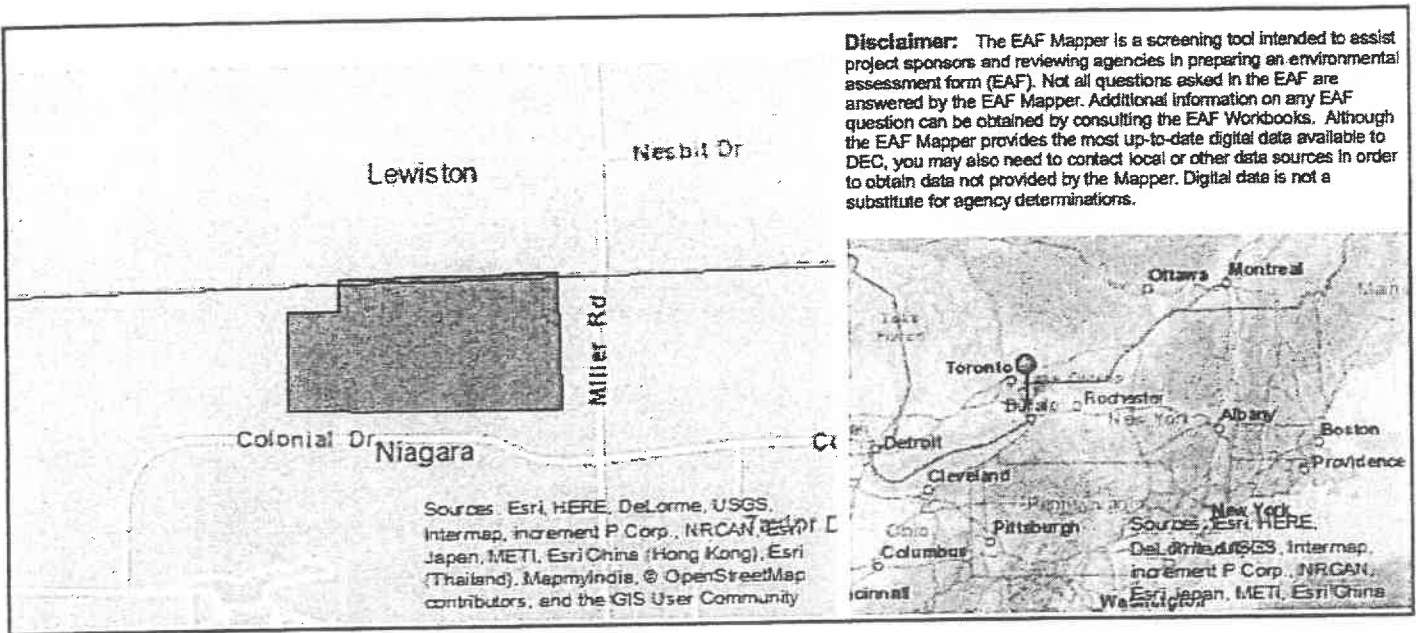
3/24/17

Signature



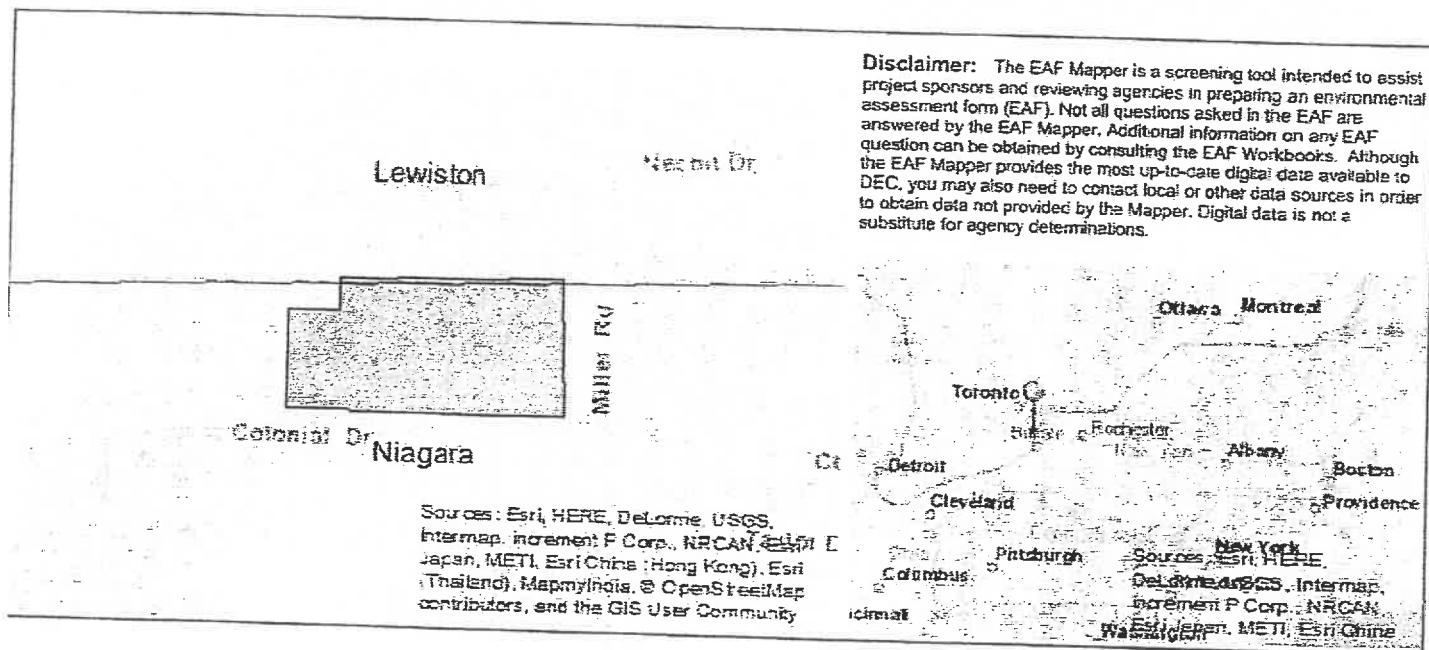
Title Agent

PRINT FORM



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.ii [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses: Gill Creek and tribs - Unknown Toxicity - Recreation; Aquatic Life
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	No

E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
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E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
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E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

METZGER CIVIL ENGINEERING, PLLC

February 23, 2018

Town of Niagara Planning Board and
Town of Niagara Town Board
7105 Lockport Road
Niagara Falls, NY 14305

RECEIVED
FEB 23 2018
TOWN OF NIAGARA
BLDG. INSP. OFFICE

**Re: Bri Estates Residential Subdivision [Tax Map Nos. 131.12-1-8 & 131.12-1-1]
Preliminary Plat Application - Letter Requesting Waiver and Variances
Town of Niagara**

Honorable Members of the Planning Board and Town Board:

During the most recent meeting of the Planning Board held on Tuesday, February 6th, we were asked to submit a letter to the Planning Board with a list of any waivers and variances being sought in connection with the proposed residential subdivision.

This letter has been prepared on behalf of the Project Sponsor for the purpose of seeking one waiver from the Planning Board and two variances from the Town Board. For the convenience of both the Planning Board and the Town Board, each request is listed separately below along with a copy of the relevant section of the Town Code in **bold** and *italics* followed by justification for each request.

The granting of waivers by the Planning Board is governed by Article VI, Section 135-79 of the Town Code which states as follows:

"...Streets shall be graded and improved with pavements, sidewalks, storm drainage facilities, water mains, sewers, signs, street lighting, street trees and fire hydrants, except that the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare."

The granting of variances by the Town Board of standards specified in Article VIII of Chapter 135 of the Town Code is governed by Section 135-127, which is titled "Variances" and states as follows:

"A. Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with this article, or that the purposes of these regulations may be served to a greater extent by a subdivision which is not in strict compliance with this article, or both, it may recommend to the Town Board variances to these subdivision regulations, provided that any variance shall not have the effect of nullifying the intent and purpose of these regulations. The Planning Board shall not

recommend variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property is located.*
- (2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.*
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this article is carried out.*
- (4) The variances will not in any manner vary the provisions of the Zoning Law, Master Plan or Official Map."*

I. Waiver No. 1: Request to Allowed Increased Block Length as Related to Article 6 – Section 135-78(H) of the Town Code:

Article VI of Chapter 135 of the Town Code is titled "*Roads, Pavement and Grading Standards*" and Section 135 is titled "*Layout and inspection*". Section 135-78(H) states as follows:

"Block size. Blocks Generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot-wide paved foot path be included."

The layout of the proposed residential subdivision includes a block with a length of 1,441 feet. This is 241 feet greater than the standard cited above in Section 135-78(H) of the Town Code. This block includes frontage along the stormwater management/pond area.

The Project Sponsor is requesting that the Planning Board grant a waiver to allow a block length of 1,441 feet. The granting of the requested waiver will not jeopardize public health, safety and general welfare. The proposed roadway improvements depicted on the fully engineered plans have been designed in accordance with all town standards and the increase in distance between intersections poses no risk to public safety, health or welfare and is not injurious to other property. There is adequate access for emergency vehicles, school buses, etc. since the block can be accessed from either direction. The stormwater management pond has intentionally been located in the center of the Project Site to provide an aesthetic feature and so that this important component of the stormwater management system can be installed in connection with the first phase. The longer block length is largely attributable to the location of the stormwater pond.

Waver
Jan 3, 2018
Have Sue
Building Dept
Feb 6, 2018
6 20180306
Com. for
BP.
Meeting
245

II. Variance No. 1: Request to Slightly Adjust Location of Paper Street as Related to Article 8, Section 135-124(B) of the Town Code:

Article VIII of Chapter 135 of the Town Code is titled "Subdivision Regulations" and Section 125-24 is titled "Policy". Section 135-124(B) states as follows: ①-

Master
Plan
design

"Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Proper provision shall be made for drainage, water supply, sewerage and other needed improvements. All proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties. The proposed streets shall compose a convenient system conforming to the Official Map and shall be properly related to the proposals shown on the Master Plan and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings. Proper provision shall be made for open spaces for parks and playgrounds."

The Project Sponsor has been advised that Kay Ellen is depicted as a future paper street on the Town's official map. It is important to mention that the Town does not own or have an access easement over any portion of the Project Site for a possible future extension of Kay Ellen as a public roadway. The proposed alignment of Kay Ellen on the Project Site provides for "a convenient system...to the prospective traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings". However, while the future potential public roadway meets the intent of the Town's official map, the proposed alignment is not precisely the same as depicted on the Town's official map. The roadway location on the Project Site is slightly north of the location on the Town's map to allow for additional space in the center of the Project Site for the stormwater pond and to provide more rear yard separation between the houses in the center portion of the interior of the subdivision. It should be noted that the northerly shift in the roadway location has a smooth transition to the existing paper street to the west of the Project Site that will eventually potentially become the extension of Kay Ellen Drive to the west.

The Project Sponsor believes the requested variance is warranted based on the four criteria set forth in Section 135-127 of the Town Code for the following reasons:

✓ **Criteria No. 1:** *The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property is located.*

Response: The street layout has been designed to comply with the technical standards specified in the Town Code. The proposed on-site public roadway has simply been designed with a slight shift in the road alignment to the north from the location depicted on the Town's Official Map. The proposed slight shift of the roadway location poses no risk to public safety, health or welfare and is not injurious to other property.

Criteria No. 2: *The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.*

Provide hardship reasons & must be established by financial evidence

Response: The exact geometric configuration of the potential future extension of Kay Ellen Drive in relation to the specific property line of the Project Site is unlikely to occur anywhere else in the Town of Niagara. As such, this specific condition is unique to the property and not applicable generally to other property.

Criteria No. 3: *Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this article is carried out.*

Response: The streets to be installed on the Project Site in connection with the proposed subdivision have been designed to leave sufficient room for the stormwater management pond to be installed in connection with the on-site stormwater management system to be installed pursuant to the applicable stringent standards of the New York State Department of Environmental Conservation ("NYSDEC"). The road was shifted to the north to provide the room necessary to provide a stormwater pond compliant with the required stormwater quantity standards. If the Project Sponsor was required to install the roadway at the precise location depicted on the Town's Official Map, a hardship, instead of a mere convenience would result, since the roadway would conflict with the subdivision design. Strict compliance is not necessary since the subdivision has been designed to accommodate a future extension of Kay Ellen Drive onto the relevant portion of the Project Site.

Criteria No. 4: *The variances will not in any manner vary the provisions of the Zoning Law, Master Plan or Official Map.*

Response: A town's official map is basically a planning tool that allows at the town on a macro scale. The intent is to depict the general location of potential future roadways. The Town's Official Map is not intended to depict the precise alignment and location of potential future roadways on privately owned property. The fully engineered plans accommodates the future construction of Kay Ellen Drive in a manner consistent with the Town's Official Map. The slight difference in the alignment is not inconsistent with the planning objective of accommodating a future extension of Kay Ellen Drive.

III. Variance No. 2: Request to Delete Requirement of Identification of Trees as Related to Article 8, Section 135-146A(6) of the Town Code:

Article VIII of Chapter 135 of the Town Code is titled "Subdivision Regulations" and Section 125-146 is titled "Major subdivision preliminary plat and accompanying data". Section 135-146A(6) states as follows:

"Location of existing property lines, all survey monuments, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more, as measured three feet above the base of the trunk, and other significant existing features for the proposed subdivision and adjacent property."

Compliance with the NYSDEC Phase 2 Stormwater SPDES Regulations requires that the entire Project Site be raised to provide for the required storage and treatment of on-site stormwater in the

developed condition. As such, the existing trees cannot be preserved in the developed portions of the Project Site during construction. The purpose of a tree survey would be to allow for the planning of which trees are to be removed and which trees are to be preserved. The area-wide placement of fill to raise the Project Site as required will necessitate the removal of all trees over a large portion of the site excluding the area north of the existing ditch where all trees will be preserved. Given that the tree survey would serve no useful purpose, it is not necessary. It should be noted that the clearing limits are shown on the Erosion and Sediment Control Plan. Again, there is an area of "no clearing" shown on the rear of lots 25, 26, 40 and 41 - the trees in this area are to remain.

The Project Sponsor believes the requested variance is warranted based on the four criteria set forth in Section 135-127 of the Town Code for the following reasons:

Criteria No. 1: *The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property is located.*

Response: The granting of the requested waiver of the preparation of a tree survey poses no risk to public safety, health or welfare and is not injurious to other property.

Criteria No. 2: *The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.*

Response: The requested variance is unique since the development of the Project Site, a residential subdivision, requires a large amount of fill to meet the NYSDEC stormwater requirements, which necessitates the clearing of most of the trees, which is not a situation applicable generally to other property.

Criteria No. 3: *Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this article is carried out.*

Response: The existing topographical conditions of the Project Site create the hardship to the owner. Specifically, existing elevation of the Project Site requires the Project Site to be raised to satisfy the New York State Stormwater regulations and the filling of the Project Site necessitates the removal of trees as described above.

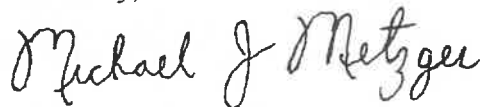
Criteria No. 4: *The variances will not in any manner vary the provisions of the Zoning Law, Master Plan or Official Map.*

Response: The granting of the requested variance will not in any manner vary the provisions of the Zoning Law, Master Plan or Official Map.

IV. Conclusion:

The Project Sponsor requests that the Planning Board grant the requested waiver of Section 135-78(H) of the Town Code and recommend that the Town Board grant the requested variances of Sections 135-124(B) and 135-146A(6) of the Town Code.

Yours truly,

A handwritten signature in cursive script that reads "Michael J. Metzger". The signature is written in dark ink and is positioned above the printed name.

Michael J. Metzger, P.E.

z: mce m1518 kayellen subdivision letters planningboard.02-20-18 responses let doc

Community Profile



Top Employment Industry
22% Education/Healthcare/Social Services



Unemployment Rate
6%



Poverty Rate
15%



Median Household Income
\$45,826

Sources: 2015 ACS, 2010 US Census

LOCATION

The Town of Niagara is one of 12 towns located in Niagara County at the northwest-most edge of New York State. The Town borders the City of Niagara Falls to the south and west as well as the Towns of Lewiston, Wheatfield, and Pendleton to the east and north respectively (see Figure 1 at right). The Town of Niagara is approximately 7.5 square miles in land area, and although not immediately adjacent to the Niagara River is located within the Niagara River Lake Erie Watershed.

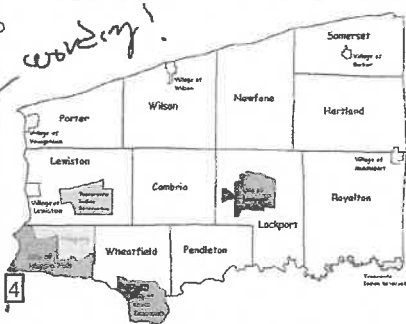


Figure 1: Map of Niagara County
Source: Niagara County Office of Planning

The Town of Niagara is well connected to the City of Niagara Falls (US), Canada, and the greater western New York region via Interstate 190 or the Niagara Thruway. Additionally, the Town hosts the western portion of the Niagara Falls International Airport along its eastern boundary.

POPULATION TRENDS

In 2015, Niagara's town population was an estimated 8,927 residents; the Town reached its peak population in 1990 and has been steadily declining since. In comparison, the City of Niagara Falls and Niagara County both hit their peak populations in 1960 and have been declining at a much faster rate than that of the Town (see Figure 2 on the following page).

From 2000 to 2010, the Town's population declined by 25%. During the same period, the City of Niagara experienced a population decline of 10%, and Niagara County overall fell by 25%. Over the last five decades, however, the Town has had a relatively stable population history. Therefore, it is anticipated that Niagara will not experience any significant periods of growth or decline over the next 10 years.

The median age of residents within the Town is 43.4, which is higher than that of the City and County. This is due to the fact that nearly 50% of the Town's population is 45 years of age or older (see Figure 3 on the next page). In fact, the largest age cohort of residents within the Town includes ages 45 to 64 at 29%.

shows the numbers
17-19 No new taxes?
13-15 by 2020?
14 when-date?

18

CON VERN and ADT
2018 \$, so are \$
Comparisons are Based on
Same Year + Sources? Year

NATIONWIDE PERMIT 29

RESIDENTIAL DEVELOPMENTS: Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision.

This NWP authorizes the construction of building foundations and building pads and attendant features that are necessary for the use of the residence or residential development. Attendant features may include but are not limited to roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development).

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects.

This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters. (*Section 10 and 404*)

Subdivisions: For residential subdivisions, the aggregate total loss of waters of United States authorized by this NWP cannot exceed 1/2-acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (See general condition 31). (*Section 10 and 404*)

WATER QUALITY CERTIFICATION, NWP 29:

Agency responsible for administration of water quality, based on project location is listed below. *If DENIED, then an Individual Water Quality Certification or Waiver of Certification is required, prior to the commencement of any work activities and/or issuance of a DA verification, authorization and/or permit.*

State of Idaho: ISSUED, with exception: IDEQ denies certification for any activities authorized by this NWP that may result in a discharge to an "outstanding resource water"

NOTE: Impacts over 300 LF requires a Statement of Waiver & must be coordinated with IDEQ, *prior* to permit authorization

Coeur d'Alene Tribal Lands: DENIED

Shoshone-Bannock Tribal Lands: DENIED

U.S. Environmental Protection Agency for all other Tribal Lands: DENIED

NATIONWIDE – SPECIFIC CONDITIONS

1. Notification under General Condition 31 shall include a copy of the current plat map and information about previous discharges of fill material into waters of the United States, within the project area.
2. Dredged or fill material may not be discharged into open water to meet local government set back requirements. For example, a city may require a house to be located a minimum of 100 feet from the ordinary high water line. Discharges into a lake or stream to meet this setback requirement are not authorized under this NWP.

REGIONAL CONDITIONS, WALLA WALLA DIVISION

Watersheds Requiring Pre-Construction Notification, Specific to Anadromous Fish:

"Pre-construction notification will be required for all nationwide permits in geographic areas as shown on Figure 1: *Watersheds Requiring Pre-Construction Notification*," dated March 06, 2012 (see pg 15).

Vegetation Protection & Restoration: Permittee shall minimize removal of native vegetation in riparian and wetland areas to the maximum extent possible. Areas subject to temporary vegetation removal in riparian and wetland areas during construction shall be replanted with appropriate native species by the end of the first growing season following the disturbance, except as waived by the District Engineer.

Select Waters and Wetlands: Corps shall coordinate with Idaho Department of Fish and Game for activities in the following waters and wetlands that require notification:

Henry's Fork, Snake River	Medicine Lodge Creek
Teton River, upstream of State Highway 33	Crooked Creek Mud Lake Basin
South Fork, Snake River	Kootenai River Basin
Big Lost River, upstream of US 93 crossing, south of Leslie	Big Sand Creek
East Fork Big Lost River	Potlatch River
Boise River, upstream of Arrow Rock Reservoir	Hog Meadow Creek
Salmon River and its tributaries	East Fork, Palouse River
St. Joe River	Lolo Creek
Priest River	Musselshell Creek
Falls River	Eldorado Creek
Big Wood River	Camas Prairie (northern Idaho)
Closed Basins of Beaver-Camas Creeks	Middle and South Fork Clearwater River Basins
	Weiser River Basin, Adams & Washington Counties

Or, when the project would affect forested wetlands, peat lands, vernal pools, kettles or wetlands identified in Idaho Department of Fish and Game Wetland Conservation Strategy as Class I, Class II and Reference Habitat Sties.

De-Watering: Permittee shall comply with the following conditions:

- 1) Water removed from within the coffered area must be pumped to a sediment basin or otherwise treated to remove suspended sediments prior to its return to the
- 2) The intake of the water pipe must be screened (openings <3/32 inch) to prevent entrainment of fish trapped in the coffered area;
- 3) Where ESA listed fish are present, fish trapped within the coffered area shall be salvaged by a qualified professional and returned to the waterway upstream of the project area.

Waiver Requirement: The applicant must request a wavier in writing and provide documentation and environmentally based reasons to support the waiver request. Native riparian plants shall be incorporated into bank stabilization projects unless the permittee demonstrates, in writing, that a planting plan is not appropriate or practicable. District coordination with IDEQ or EPA – for projects on tribal lands – will be conducted prior to the District Engineer making the waiver determination to ensure the proposed activity will result in only minimal impacts and is in compliance with Section 401 Water Quality Standards.

REGIONAL ADDITIONS to the GENERAL CONDITIONS

General Condition #2, Aquatic Life Movement: The stream bed shall be returned to pre-construction contours after construction, unless the purpose of the activity is to eliminate a fish barrier and restore the natural substrate and contour.

General Condition #4, Migratory Bird Breeding Areas: The U.S. Fish and Wildlife Service (USFWS) is the primary Federal agency responsible for the conservation and management of migratory bird resources. Applicants

should contact the Spokane Office at (509) 893-8009, for additional information.

General Condition #9, Management of Water Flows: Expected high flows referenced in this general condition are defined at the minimum as a 25-year flood event, as identified by the Idaho Department of Water Resources (IDAPA 37.03.07, Rule 62.03.04.a). For culverts or bridges located in a community qualifying for the national flood insurance program, the minimum size culvert shall accommodate the 100-year flood design flow frequency (IDAPA 37.03.07, Rule 62.03.04.c).

General Condition #12, Soil Erosion and Sediment Controls: If the permittee does not have a Best Management Plan (BMP), refer to the Idaho Department of Environmental Quality Catalog of Stormwater Best Management Practices for Idaho Cities and Counties at <http://www.deq.idaho.gov/media/494058-entire.pdf>.

Use of native vegetation is the preferred method to treat soil erosion and stabilize areas disturbed during construction. Eroded and/or disturbed areas shall be replanted with native vegetation and stabilized until vegetative root mass can become established, unless the District Engineer determines this is not practicable. Non-biodegradable materials, such as chicken or hog wire or plastic netting that may entrap wildlife or pose a safety concern should not be used for soil stabilization.

General Condition #13, Removal of Temporary Fills: Temporary stockpiles in waters of the United States may not be placed so a berm or levee is formed parallel to the stream that could confined flows or restrict overbank flow to the floodplain.

General Condition #18, Endangered Species: Non-Federal applicants must contact either their local Idaho Department of Fish and Game (IDFG) or the U.S. Fish and Wildlife Service (USFWS) to determine if any listed species or designated critical habitat might be in the vicinity of their project. Applicants shall notify District Engineer of their findings (see County contact numbers below).

Contact USFWS at (509) 893-8009 for *Bonner, Boundary, Kootenai, Shoshone, Benewah and Latah* Counties

Contact USFWS at (208) 378-5388 for all other Idaho Counties

General Condition #20, Historic Properties: Applicants must contact the Idaho State Historic Preservation Office at (208) 334-3847 located in Boise, Idaho to determine if their project may affect historic properties listed in the National Register of Historic Places. Applicant shall notify the District Engineer of their findings.

GENERAL CONDITIONS

To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer.

Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP.

Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation.

(a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard,

through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and

agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the

Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements.

**See Regional Addition*

No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbody shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. Spawning Areas.

Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas.

**See Regional Addition*

Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds.

No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material.

No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes.

No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments.

If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows.

**See Regional Addition*

To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course; condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year

Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats

must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment

Controls. **See Regional Addition*

Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills.

**See Regional Addition*

Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance.

Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project.

The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers.

No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild

and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or Study River (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

17. Tribal Rights.

No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species.

**See Regional Addition*

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the

requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue,

hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.noaa.gov/fisheries.html> respectively.

19. Migratory Birds and Bald and Golden Eagles.

The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

20. Historic Properties.

**See Regional Addition*

(a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those

requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultations is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the preconstruction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)).

When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the

Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any

views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts.

If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters.

Critical resource waters include, NOAA managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are **not authorized** by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly

affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWP's only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation.

The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal

adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate Compensatory Mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.

(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2)-(14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of

components of a compensatory mitigation plan.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWP's. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWP's.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a

single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures.

To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate

that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality.

Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management.

In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions.

The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits.

The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications.

If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property.

To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

30. Compliance Certification.

Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The

success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

31. Pre-Construction Notification

(a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the

district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to General Condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been

obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction

Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the

Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating

compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction

Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination:

(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWP and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, sites specific

comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the preconstruction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of preconstruction notifications to expedite agency coordination.

FURTHER INFORMATION

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
 2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
 3. NWPs do not grant any property rights or exclusive privileges.
 4. NWPs do not authorize any injury to the property or rights of others.
 5. NWPs do not authorize interference with any existing or proposed Federal project
-

DEFINITIONS

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration, establishment (creation), enhancement, or preservation of aquatic resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Discharge: The term “discharge” means any discharge of dredged or fill material and any activity that causes or results in such a discharge.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom

elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act are not considered when calculating the loss of waters of the United States.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(e)).

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: Re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in

riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands adjacent to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects waterbodies with their adjacent uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 20.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete project: The term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete project must have independent utility (see definition). For linear projects, a “single and complete project” is all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a wetland (i.e., water of the United States) that is inundated by tidal waters. The definitions of a wetland and tidal waters can be found at 33 CFR 328.3(b) and 33 CFR 328.3(f), respectively. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line, which is defined at 33 CFR 328.3(d).

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWP, a waterbody is a jurisdictional water of the United States that, during a year with normal patterns of precipitation, has water flowing or standing above ground to the extent that an ordinary high water mark (OHWM) or other indicators of jurisdiction can be determined, as

well as any wetland area (see 33 CFR 328.3(b)). If a jurisdictional wetland is adjacent—meaning bordering, contiguous, or neighboring—to a jurisdictional waterbody displaying an OHWM or other indicators of jurisdiction, that waterbody and its adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of “waterbody” include streams, rivers, lakes, ponds, and wetlands.

DEFINITIONS, REGIONAL ADDITIONS

Forested Wetlands: Wetlands characterized by woody vegetation that is 6 meters tall or taller; They are located where moisture is relatively abundant, particularly along rivers and in the mountains and normally possess an overstory of trees and an understory of young trees or shrubs and an herbaceous layer.

REFERENCE: Classification of Wetlands and Deepwater Habitats of the United States, Mr. Lewis M. Cowardin; Office of Biological Services; Fish & Wildlife Services; 1979

High Value Wetlands: Forested wetlands, peatlands, vernal pools, playa lakes, kettles, prairie potholes and Class I, Class II, reference and habitat sites identified in Wetland Conservation Strategies, prepared by the Idaho Department of Fish & Game, Conservation Data Center.

Invasive Species: Species of plants not native to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

REFERENCE: *Executive Order No. 13112; U.S. Department of Agriculture National Invasive Species Information Center*

Kettle: A steep sided, usually basin or bowl shaped hole or depression, commonly without surface drainage, in glacial drift deposits, often containing a lake or swamp.

REFERENCE: *Bates, Robert L. & Jackson, Julia A.; Glossary of Geology, American Geological Institute; Falls Church; 1980*

Native Species: Species that occurs naturally in a particular region, state, ecosystem and habitat without direct or indirect human actions.

REFERENCE: *Federal Native Plant Conservation Committee; 1994*

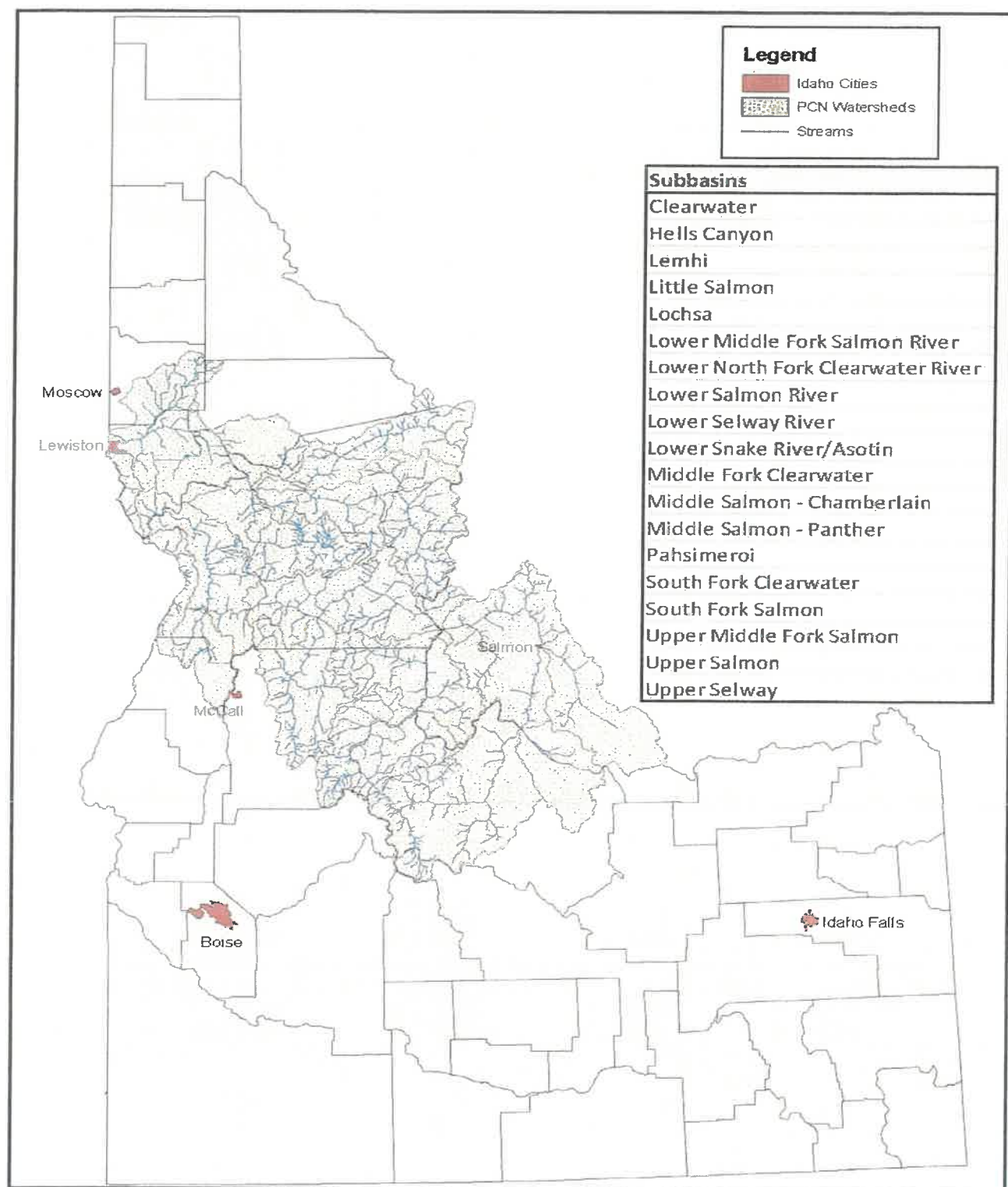
Peatland: Wetlands with waterlogged substrates and at least 30cm of peat accumulation.

REFERENCE: *Bursik, R.J. and Moseley, R.K.; Ecosystem Conservation Strategy for Idaho Panhandle Peatlands: Cooperative project between Idaho Panhandle National Forest and Idaho Department of Fish & Game; Conservation Data Center; Boise 28 pp plus Appendix; 1995*

Vernal Pools: Precipitation-filled seasonal wetlands inundated during periods when temperature is sufficient for plant growth, followed by a brief waterlogged-terrestrial stage and culminating in extreme desiccating soil conditions of extended duration.

REFERENCE: *Keely, J.E. & Zedler, P.H.; Characterization and Global Distribution of Vernal Pools; Pp 1-14 in C.W. Witham, E.T. Bauder, D. Belk, W.R. Ferren Jr., and R. Ornduff (Editors); Ecology, Conservation, and Management of Vernal Pool Ecosystems (Proceedings from Conference, 1996); California Native Plant Society, Sacramento, CA; 1998*

Figure 1: Watersheds Requiring Pre-Construction Notification



06-March-2012

MS4 Annual Report Cover Page

MCC form for period ending March 9, 2017

This cover page must be completed by the report preparer.
Joint reports require only one cover page.

SPDES ID

N Y R 2 0 A 0 1 2

Choose one:

☒ This report is being submitted on behalf of an individual MS4.

Fill in SPDES ID in upper right hand corner.

Name of MS4

T O W N O F N I A G A R A

OR

☐ This report is being submitted on behalf of a Single Entity

(Per Part II.E of GP-0-10-002)

Name of Single Entity

OR

☐ This is a joint report being submitted on behalf of a coalition.

Provide SPDES ID of each permitted MS4 included in this report. Use page 2 if needed.

Name of Coalition

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MS4 Annual Report Cover Page

MCC form for period ending March 9, 2 0 1 7

Provide SPDES ID of each permitted MS4 included in this report.

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MS4 Municipal Compliance Certification(MCC) Form

MCC form for period ending March 9, 2017

Name of MS4

TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

Each MS4 must submit an MCC form.

Section 1 - MCC Identification Page

Indicate whether this MCC form is being submitted to certify endorsement or acceptance of:

- ☒ An Annual Report for a single MS4
- ☐ A Single Entity (Per Part II.E of GP-0-10-002)
- ☐ A Joint Report

Joint reports may be submitted by permittees with legally binding agreements.

If Joint Report, enter coalition name:

MS4 Municipal Compliance Certification(MCC) Form

MCC form for period ending March 9, 2 0 1 7

Name of MS4 TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

Section 2 - Contact Information

Important Instructions - Please Read

Contact information must be provided for each of the following positions as indicated below:

1. Principal Executive Officer, Chief Elected Official or other qualified individual (per GP-0-08-002 Part VI.J).
2. Duly Authorized Representative (Information for this contact must only be submitted if a Duly Authorized Representative is signing this form)
3. The Local Stormwater Public Contact (required per GP-0-08-002 Part VII.A.2.c & Part VIII.A.2.c).
4. The Stormwater Management Program (SWMP) Coordinator (Individual responsible for coordination/implementation of SWMP).
5. Report Preparer (Consultants may provide company name in the space provided).

A separate sheet must be submitted for each position listed above unless more than one position is filled by the same individual. If one individual fills multiple roles, provide the contact information once and check all positions that apply to that individual.

If a new Duly Authorized Representative is signing this report, their contact information must be provided and a signature authorization form, signed by the Principal Executive Officer or Chief Elected Official must be attached.

For each contact, select all that apply:

- ☒ Principal Executive Officer Chief Elected Official
- ☐ Duly Authorized Representative
- ☐ Local Stormwater Public Contact
- ☐ Stormwater Management Program (SWMP) Coordinator
- ☐ Report Preparer

First Name	MI	Last Name
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MS4 Municipal Compliance Certification(MCC) Form

MCC form for period ending March 9, 2 0 1 7;

Name of MS4 TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

Section 2 - Contact Information

Important Instructions - Please Read

Contact information must be provided for each of the following positions as indicated below:

1. Principal Executive Officer, Chief Elected Official or other qualified individual (per GP-0-08-002 Part VI.J).
2. Duly Authorized Representative (Information for this contact must only be submitted if a Duly Authorized Representative is signing this form)
3. The Local Stormwater Public Contact (required per GP-0-08-002 Part VII.A.2.c & Part VIII.A.2.c).
4. The Stormwater Management Program (SWMP) Coordinator (Individual responsible for coordination/implementation of SWMP).
5. Report Preparer (Consultants may provide company name in the space provided).

A separate sheet must be submitted for each position listed above unless more than one position is filled by the same individual. If one individual fills multiple roles, provide the contact information once and check all positions that apply to that individual.

If a new Duly Authorized Representative is signing this report, their contact information must be provided and a signature authorization form, signed by the Principal Executive Officer or Chief Elected Official must be attached.

For each contact, select all that apply:

- ☐ Principal Executive Officer/Chief Elected Official
☐ Duly Authorized Representative
☒ Local Stormwater Public Contact
☒ Stormwater Management Program (SWMP) Coordinator
☐ Report Preparer

First Name	MI	Last Name
C H A R L E S	E	H A S E L E Y
Title		
S T O R M W A T E R M A N A G E M E N T O F F I C E R		
Address		
7 1 0 5 L O C K P O R T R O A D		
City	State	Zip
N I A G A R A F A L L S	N Y	1 4 3 0 5 -
eMail		
c h a s e l e y @ t o w n o f n i a g a r a . c o m		
Phone	County	
(7 1 6) 2 9 7 - 2 1 5 0	N I A G A R A	

MS4 Municipal Compliance Certification(MCC) Form

MCC form for period ending March 9, 2 0 1 7

Name of MS4 TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

Section 2 - Contact Information

Important Instructions - Please Read

Contact information must be provided for each of the following positions as indicated below:

1. Principal Executive Officer, Chief Elected Official or other qualified individual (per GP-0-08-002 Part VI.J).
2. Duly Authorized Representative (Information for this contact must only be submitted if a Duly Authorized Representative is signing this form)
3. The Local Stormwater Public Contact (required per GP-0-08-002 Part VII.A.2.c & Part VIII.A.2.c).
4. The Stormwater Management Program (SWMP) Coordinator (Individual responsible for coordination implementation of SWMP).
5. Report Preparer (Consultants may provide company name in the space provided).

A separate sheet must be submitted for each position listed above unless more than one position is filled by the same individual. If one individual fills multiple roles, provide the contact information once and check all positions that apply to that individual.

If a new Duly Authorized Representative is signing this report, their contact information must be provided and a signature authorization form, signed by the Principal Executive Officer or Chief Elected Official must be attached.

For each contact, select all that apply:

- ☐ Principal Executive Officer/Chief Elected Official
☐ Duly Authorized Representative
☐ Local Stormwater Public Contact
☐ Stormwater Management Program (SWMP) Coordinator
☒ Report Preparer

First Name	MI	Last Name
C A M I E	L	J A R R E L L
Title		
T O W N E N G I N E E R		
Address		
2 8 5 D E L A W A R E A V E , S T E 5 0 0		
City	State	Zip
B U F F A L O	N Y	1 4 2 0 2 -
eMail		
c a m i e . j a r r e l l @ g h d . c o m		
Phone	County	
(7 1 6) 8 5 6 - 2 1 4 2	E R I E	

MS4 Municipal Compliance Certification (MCC) Form

MCC form for period ending March 9, 2017

Name of MS4 TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

Section 3 - Partner InformationDid your MS4 work with partners/coalition to complete some or all permit requirements during this reporting period? ☒ Yes ☐ No

If Yes, complete information below.

Submit a separate sheet for each partner. Information provided in other formats will not be accepted. If your MS4 cooperated with a coalition, submit one sheet with the name of the coalition. It is not necessary to include a separate sheet for each MS4 in the coalition.

If No, proceed to Section 4 - Certification Statement.

Partner Coalition Name

W e s t e r n N Y S t o r m w a t e r C o a l i t i o n

Partner Coalition Name (con't.)

c / o E r i e C o u n t y D E P

SPDES Partner ID - If applicable

N Y R 2 0

Address

9 5 F r a n k l i n S t r e e t

City

B u f f a l o

State

N Y

Zip

1 4 2 0 2 -

eMail

m a r y . r o s s i @ e r i e . g o v

Phone

(7 1 6) 8 5 8 - 7 5 8 3

Legally Binding Agreement in accordance
with GP-0-08-002 Part IV.G.?

☒ Yes ☐ No

What tasks/responsibilities are shared with this partner (e.g. MM1 School Programs or Multiple Tasks)?

☒ MM1 M u l t i p l e T a s k s☒ MM2 M u l t i p l e T a s k s☒ MM3 M u l t i p l e T a s k s☒ MM4 T r a i n i n g & E d u c a t i o n☒ MM5 T r a i n i n g & E d u c a t i o n☒ MM6 T r a i n i n g & E d u c a t i o n

Additional tasks/responsibilities

☐ Watershed Improvement Strategy Best Management Practices required for MS4s in impaired watersheds included in GP-0-08-002 Part IX.

MS4 Municipal Compliance Certification(MCC) Form

MCC form for period ending March 9, 2017

Name of MS4 TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

Section 4 - Certification Statement

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

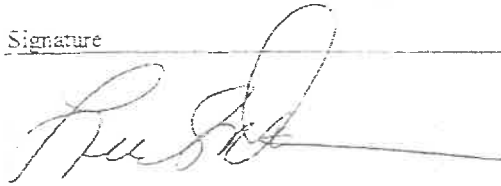
This form must be signed by either a principal executive officer or ranking elected official, or duly authorized representative of that person as described in GP-0-08-002 Part VI.J.

First Name	MI	Last Name
L e e		W a l l a c e

Title (Clearly print title of individual signing report)

T o w n S u p e r v i s o r

Signature



Date

10 / 10 / 2017

Send completed form and any attachments to the DEC Central Office at:

MS4 Permit Coordinator
Division of Water
4th Floor
625 Broadway
Albany, New York 12233-3505

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

NYR 20A 012

Water Quality Trends

The information in this section is being reported (check one):

- ☒ On behalf of an individual MS4
☐ On behalf of a coalition

How many MS4s are contributed to this report? _____

1. Has this MS4/Coalition produced any reports documenting water quality trends related to stormwater? If not, answer No and proceed to Minimum Control Measure One. ☐ Yes ☒ No

If Yes, choose one of the following

- ☐ Report(s) attached to the annual report
☐ Web Page(s) where report(s) is/are provided below

Please provide specific address of page where report(s) can be accessed - not home page.

URI _____

URI _____

URI _____

URI _____

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition: TOWN OF NIAGARA SPDES ID: N Y R 2 0 A 0 1 2

Minimum Control Measure 1. Public Education and Outreach

The information in this section is being reported (check one):

- ☒ On behalf of an individual MS4
☐ On behalf of a coalition

How many MS4s contributed to this report? _____

1. Targeted Public Education and Outreach Best Management Practices

Check all topics that were included in Education and Outreach during this reporting period:

- | | |
|--|---|
| ☒ Construction Sites | ☒ Pesticide and Fertilizer Application |
| ☒ General Stormwater Management Information | ☒ Pet Waste Management |
| ☒ Household Hazardous Waste Disposal | ☒ Recycling |
| ☒ Illicit Discharge Detection and Elimination | ☐ Riparian Corridor Protection/Restoration |
| ☒ Infrastructure Maintenance | ☒ Trash Management |
| ☐ Smart Growth | ☒ Vehicle Washing |
| ☐ Storm Drain Marking | ☐ Water Conservation |
| ☐ Green Infrastructure/Better Site Design/Low Impact Development | ☐ Wetland Protection |
| ☒ Other: | ☐ None |

Use & Care of Septic Systems

2. Specific audiences targeted during this reporting period:

- | | |
|---|---|
| ☒ Public Employees | ☒ Contractors |
| ☒ Residential | ☒ Developers |
| ☐ Businesses | ☒ General Public |
| ☐ Restaurants | ☐ Industries |
| ☒ Other: | ☐ Agricultural |

Septic System Owners

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA SPDES ID N Y R 2 0 A 0 1 2

3. What strategies did your MS4/Coalition use to achieve education and outreach goals during this reporting period? Check all that apply:

☒ Construction Site Operators Trained	# Trained	<u>2 1 0</u>
☒ Direct Mailings	# Mailings	<u>1 8 2 8</u>
☒ Kiosks or Other Displays	# Locations	<u>3 5</u>
☐ List-Serves	# In List	<u></u>
☐ Mailing List	# In List	<u></u>
☐ Newspaper Ads or Articles	# Days Run	<u></u>
☒ Public Events/Presentations	# Attendees	<u>1 4 4 6 4</u>
☒ School Program	# Attendees	<u>2 8 9 8</u>
☐ TV Spot/Program	# Days Run	<u></u>
☒ Printed Materials:	Total # Distributed	<u>7 2 1 3</u>

Locations (e.g. libraries, town offices, kiosks)

M S 4 P u b l i c B u i l d i n g s
K i o s k s / P u b l i c E v e n t s
L i b r a r y 3 7 E r i e 4 N i a g
C o u n t y S W C D s

☒ Other:

T r a i n i n g - E d H a n d o u t s

☒ Web Page: Provide specific web addresses - not home page. Continue on next page if additional space is needed.

URL

w w w . e r i e . g o v / s t o r m w a t e r

URL

w w w . t o w n o f n i a g a r a . c o m / d e p a r t m e n t
s / b u i l d i n g - i n s p e c t i o n /

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

3. Web Page cont.: Provide specific web addresses - not home page.

URL

URL

URL

URL

URL

URL

URL

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition

TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

4. Evaluating Progress Toward Measurable Goals MCM 1

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Identification of Pollutants of Concern; Waterbodies of Concern; Geographic Areas of Concern; Target Audiences

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Pollutants of Concern: sediment/silt; pathogens; floatables; phosphorous
 Waterbodies of Concern: Cayuga Creek and Gill Creek
 Geographic Areas of Concern: Industrial area northwest corner along Hyde Park
 Target Audiences: households; developers; contractors; small businesses

C. How many times was this observation measured or evaluated in this reporting period?

4

D. Has your MS4 made progress toward this Measurable Goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

As needed, update POCs, waterbodies of concern, geographic areas of concern and target audiences. Continue to address via public education and outreach.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition: TOWN OF NIAGARA

SPDES ID
N Y R 2 0 A 0 1 2

4. Evaluating Progress Toward Measurable Goals MCM 1

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Develop additional update existing public education materials addressing stormwater pollution prevention for general public, target businesses/activities and schools. Prepare posters that can be placed within municipal buildings, libraries, and schools. Maintain a webpage to educate the public on stormwater pollution prevention, the MS4 SWMPP and involvement opportunities.
Display/distribute public education materials and posters in municipal buildings and libraries.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Maintained records of number of educational materials distributed.
Updated brochures: Citizens Guide, Household Guide
Developed brochures: Litter: Annual Report
Distributed stormwater pollution prevention posters to public libraries for display.
Rotated rain barrel display at Erie/Niagara County DMV buildings (8).

C. How many times was this observation measured or evaluated in this reporting period?

7 2 1 3

D. Has your MS4 made progress toward this Measurable Goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Develop additional public education brochures - as needed.
Continue to display public education materials in municipal buildings and libraries.
Update webpage as needed with new educational materials.
Continue to reinforce the messages conveyed with printed materials & displays with use of additional media when funding is available.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

4. Evaluating Progress Toward Measurable Goals MCM 1

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Distribute Grades K-12 education packages.
Participate in educational programming.
Conduct annual Rain Barrel Painting Contest for schools community groups in Erie Niagara Counties.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Participated in school educational programs (6 events: 1,784).
Coordinated annual Rain Barrel Painting Contest for K-12 schools youth groups (1 event: 886 participants).
Distributed K-12 education packages (1 event: 228 recipients).

C. How many times was this observation measured or evaluated in this reporting period?

8

D. Has your MS4 made progress toward this Measurable Goal during this reporting period?

Teacher education packages are a bi-ennial BMP.

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Education packages will be updated & distributed March 2018 - March 2019 reporting cycle as per current biennial implementation.

Participate in school science fairs/events, Niagara County's Environmental Field Days.

Conduct annual Rain Barrel Painting Contest for K-12 schools/groups in Erie and Niagara County.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

4. Evaluating Progress Toward Measurable Goals MCM 1

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Utilize public education display for outreach & education for at least two local community events or set up public education display in a prominent location in a municipal building. Mount a permanent wall plaque in a municipal building frequented by the public. - Full-time display at Building Department & Town Hall vestibule; Display used at one Town Board meeting.
Utilize public education display for outreach & education at regional community events.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Set up public education display for outreach & education at two local community events/locations within the MS4 community and/or set up public education display and mount wall plaque in prominent locations in a municipal building frequented by the public.
Utilized public education display activities for outreach & education at a variety of regional community events.

C. How many times was this observation measured or evaluated in this reporting period?

3 5

D. Has your MS4 made progress toward this Measurable Goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Plan to use public education display at two local community events/locations by March 9, 2018 and/or continue use of public education display and permanently mounted wall plaque in prominent locations in a municipal building frequented by the public.
Plan to use public education display at 25 regional community events by March 9, 2018.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

4. Evaluating Progress Toward Measurable Goals MCM 1

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Post PSAs on WNY Stormwater Coalition webpage.

Use PSAs at public meetings, in school programs and at community events as appropriate.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

PSAs on webpage (www.erie.gov/stormwater).

Displayed the PSAs at 2 outreach events.

C. How many times was this observation measured or evaluated in this reporting period?

2

D. Has your MS4 made progress toward this Measurable Goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to promote PSAs addressing stormwater pollution and water quality protection in WNY. Use video and or PSAs at public education venues. Continue to pursue funding opportunities to use local media outlets to educate the public.

MS4 Annual Report Form

This report is being submitted for the reporting period ending **March 9, 2017**

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

Minimum Control Measure 2. Public Involvement/Participation

The information in this section is being reported (check one):

- ☒ On behalf of an individual MS4
☐ On behalf of a coalition

How many MS4s contributed to this report? 1

1. What opportunities were provided for public participation in implementation, development, evaluation and improvement of the Stormwater Management Program (SWMP) Plan during this reporting period? Check all that apply:

- ☒ Cleanup Events # Events 12
- ☐ Comments on SWMP Received # Comments
- ☐ Community Hotlines Phone # () -
- Phone # () - Phone # () -
- Phone # () - Phone # () -
- Phone # () - Phone # () -
- Phone # () - Phone # () -
- Phone # () - Phone # () -
- ☒ Community Meetings (All WNYSC meetings open to public) # Attendees 107
- ☐ Plantings Sq. Ft.
- ☐ Storm Drain Markings # Drains
- ☐ Stakeholder Meetings # Attendees
- ☐ Volunteer Monitoring # Events
- ☒ Other: Household Hazardous Waste Events

2. Was public notice of availability of this annual report and Stormwater Management Program (SWMP) Plan provided?

☐ Yes ☐ No

- ☐ List-Serve # In List
- ☐ Newspaper Advertising # Days Run
- ☐ TV/Radio Notices # Days Run
- ☒ Other: Outreach at Public Libraries
- ☒ Web Page URL: Enter URL(s) on the following two pages.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

2. URL(s) con't.:

Please provide specific address(es) where notice(s) can be accessed - not home page.

URL

URL

www.erie.gov/stormwater

URL

URL

URL

URL

URL

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition: TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

2. URL(s) con't.:

Please provide specific address(es) where notices can be accessed - not home page.

URL

URL

URL

URL

URL

URL

URL

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

SPDES ID

Name of MS4 Coalition TOWN OF NIAGARA

N Y R 2 0 A 0 1 2

3. Where can the public access copies of this annual report, Stormwater Management Program SWMP) Plan and submit comments on those documents?

Enter address/contact info and select radio button to indicate which document is available and whether comments may be submitted at that location. Submit additional pages as needed.

☒ MS4 Coalition Office ☒ Annual Report ☒ SWMP Plan ☒ Comments

Department

B u i l d i n g D e p a r t m e n t

Address

7 1 0 5 L o c k p o r t R o a d

City

N i a g a r a F a l l s

N Y

Zip

1 4 3 0 5 -

Phone

(7 1 6) 2 9 7 - 2 1 5 0

Library

Address

☐ Annual Report ☐ SWMP Plan ☐ Comments

City

Zip

Phone

() -

☒ Other ☐ Annual Report ☒ SWMP Plan ☒ Comments

Address

9 5 F r a n k l i n S t r e e t R o o m 1 0 7 6

City

B u f f a l o

N Y

Zip

1 4 2 0 2 -

Phone

(7 1 6) 8 5 8 - 7 5 8 3

☒ Web Page URL: ☒ Annual Report ☒ SWMP Plan ☐ Comments

w w w . t o w n o f n i a g a r a . c o m / d e p a r t m e n t s / b u i l d i n g - i n s p e c t i o n /

t s / b u i l d i n g - i n s p e c t i o n /

w w w . e r i e . g o v / s t o r m w a t e r

Please provide specific address of page where report can be accessed - not home page.

☒ eMail ☐ Comments

c h a s e l e y @ t o w n o f n i a g a r a . c o m

m a r y . r o s s i @ e r i e . g o v

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017.

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

4.a. If this report was made available on the internet, what date was it posted?

Leave blank if this report was not posted on the internet.

1 0 / 0 1 / 2 0 1 7

4.b. For how many days was/will this report be posted?

3 6 5

If submitting a report for single MS4, answer 5.a.. If submitting a joint report, answer 5.b..

5.a. Was an Annual Report public meeting held in this reporting period?

☒ Yes ☐ No

If Yes, what was the date of the meeting?

0 9 / 1 9 / 2 0 1 7

If No, is one planned?

☐ Yes ☐ No

5.b. Was an Annual Report public meeting held for all MS4s contributing to this report during this reporting period? WNY Stormwater Coalition - April 2017 ☒ Yes ☐ No

If No, is one planned for each?

☐ Yes ☐ No

6. Were comments received during this reporting period?

☐ Yes ☒ No

If Yes, attach comments, responses and changes made to SWMP in response to comments to this report.

MS4 Annual Report Form

This report is being submitted for the reporting period ending **March 9, 2017**

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

7. Evaluating Progress Toward Measurable Goals MCM 2

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Identify key individuals and groups who are interested in or affected by the permitting program. Groups identified include: Erie County Environmental Management Council; Niagara County Environmental Management Council; municipal Conservation Advisory Committees; Buffalo Niagara Riverkeeper; Erie and Niagara County's Soil & Water Conservation Districts; Erie County Water Quality Committee.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Periodic reports to Erie Niagara County Environmental Management Councils; MS4 Conservation Advisory Committees; Erie County Water Quality Committee. Participation of Erie and Niagara County Soil & Water Conservation Districts (6); and, Erie County Water Quality Committee (3) in WNYSC monthly meetings, SWMP and Annual Report review, trainings and activities.

C. How many times was this observation measured or evaluated in this reporting period?

9

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue periodic reports to Erie Niagara County Environmental Management Councils; MS4 Conservation Advisory Committees; Erie County Water Quality Committee. Continue to encourage participation of Buffalo Niagara Riverkeeper; Erie County Soil & Water Conservation District; Niagara County Soil & Water Conservation District and MS4 Conservation Advisory Committee members in WNYSC monthly meetings, trainings & activities.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

NYR20A012

7. Evaluating Progress Toward Measurable Goals MCM 2

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Provide public with an ongoing opportunity to inspect Stormwater Management Program Plan (SWMPP) and review comment. Present the draft Annual Report at a meeting that is open to the public and/or on the internet to solicit public review and comment. Provide public notice about the presentation in accordance with State Open Meetings Law or other local public notice requirements.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of known SWMPP reviews comments (0).
 Number of attendees at public meeting (Coalition meeting 20 + Town meeting 11 = 31).
 Number of known Annual Report reviews comments (0)
 Number of known webpage reviews (0).

C. How many times was this observation measured or evaluated in this reporting period?

2

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to provide public with an ongoing opportunity to inspect SWMPP and review comment. Continue to present the draft Annual Report at a meeting that is open to the public and/or on the internet to solicit public review and comment.

MS4 Annual Report Form

This report is being submitted for the reporting period ending **March 9, 2017**

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition **TOWN OF NIAGARA**

SPDES ID

N Y R 2 0 A 0 1 2

7. Evaluating Progress Toward Measurable Goals MCM 2

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Inform and encourage residents about opportunities to participate in stormwater pollution prevention programming including: community clean up initiatives such as Household Hazardous Waste collections, Great American Clean Ups; Buffalo Niagara Riverkeepers Spring/Fall Shoreline Clean Up and Keep America Beautiful Fall Beach Sweep; and, annual Erie-Niagara County Rain Barrel and Compost Bin Sales.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of Household Hazardous Waste collections (5); number of participants (4,104)
 Number of clean up events (2); number of participants (1,622)
 Number of Rain Barrels/Composters sold (391); number of participants (290)

C. How many times was this observation measured or evaluated in this reporting period?

Number of participants: **6 0 1 6**

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Erie County: Publish a notice in local paper & Erie County Household Hazardous Waste webpage (May, June 2017) to notify residents of the Collection events. Niagara County: Educate residents on options for disposal of household hazardous waste, location, schedule and guidelines for facilities accepting the waste (year-round; ongoing). Rain barrel/composter sale schedule TBD. Continue to track community clean up events and other stormwater related community involvement.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

7. Evaluating Progress Toward Measurable Goals MCM 2

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Incorporate feedback mechanism into WNYSC and/or MS4 webpage

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of responses received.

C. How many times was this observation measured or evaluated in this reporting period?

0

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to provide feedback option on webpage in the form of a name contact number and public comment forms.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition

TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

7. Evaluating Progress Toward Measurable Goals MCM 2

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Identify Contact Person for Stormwater Program.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Stormwater Management Officer appointed designated and listed in SWMPP.
Stormwater Management Officer listed in MS4 Reference Guide on WNY Stormwater Coalition webpage.

C. How many times was this observation measured or evaluated in this reporting period?

N/A

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Identify Stormwater Management Officer in SWMPP, update as needed.
Identify Stormwater Management Officer in MS4 Reference Guide on WNY Stormwater Coalition webpage, update as needed.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

NYR20A012

Minimum Control Measure 3. Illicit Discharge Detection and Elimination

The information in this section is being reported (check one):

- ☒ On behalf of an individual MS4
☐ On behalf of a coalition

How many MS4s contributed to this report? 1

1. Enter the number and approx. percent of outfalls mapped: 38 # 100 %

2. How many of these outfalls have been screened for dry weather discharges during this reporting period (outfall reconnaissance inventory)? 4

3.a. What types of generating sites/sewersheds were targeted for inspection during this reporting period?

- | | |
|--|--|
| ☐ Auto Recyclers | ☐ Landscaping (Irrigation) |
| ☐ Building Maintenance | ☐ Marinas |
| ☐ Churches | ☐ Metal Plateing Operations |
| ☐ Commercial Carwashes | ☐ Outdoor Fluid Storage |
| ☐ Commercial Laundry/Dry Cleaners | ☐ Parking Lot Maintenance |
| ☐ Construction Vehicle Washouts | ☐ Printing |
| ☐ Cross-Connections | ☐ Residential Carwashing |
| ☐ Distribution Centers | ☐ Restaurants |
| ☐ Food Processing Facilities | ☐ Schools and Universities |
| ☐ Garbage Truck Washouts | ☐ Septic Maintenance |
| ☐ Hospitals | ☐ Swimming Pools |
| ☐ Improper RV Waste Disposal | ☐ Vehicle Fueling |
| ☐ Industrial Process Water | ☐ Vehicle Maint./Repair Shops |
| ☒ Other: | ☐ None |

Recent developments

Sewersheds:

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

3.b. What types of illicit discharges have been found during this reporting period?

- ☐ Broken Lines From Sanitary Sewer ☐ Industrial Connections
☐ Cross Connections ☐ Inflow/Infiltration
☐ Failing Septic Systems ☐ Pump Station Failure
☐ Floor Drains Connected To Storm Sewers ☐ Sanitary Sewer Overflows
☐ Illegal Dumping ☐ Straight Pipe Sewer Discharges
☐ Other: ☒ None

4. How many illicit discharges/potential illegal connections have been detected during this reporting period?

0

5. How many illicit discharges have been confirmed during this reporting period?

0

6. How many illicit discharges/illegal connections have been eliminated during this reporting period?

0

7. Has the storm sewershed mapping been completed in this reporting period? ☒ Yes ☐ No
 If No, approximately what percent was completed in this reporting period? 100%

Field work for 2010 Newly designated MS4 Areas is complete, maps will be finished by fall 2017.

8. Is the above information available in GIS? ☒ Yes ☐ No
Is this information available on the web? ☒ Yes ☐ No
 If Yes, provide URL(s):

Please provide specific address of page where map(s) can be accessed - not home page.

URL

http://gis2.erie.gov/GC/ENSSO/
PublicLaunchPage.aspx

URL

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA SPDES ID N Y R 2 0 A 0 1 2

8. URL(s) con't.:

Please provide specific address of page where map(s) can be accessed - not home page

URI _____

URI _____

URI _____

URI _____

URI _____

9. Has an IDDE law been adopted for each traditional MS4 and/or have IDDE procedures been approved for all non-traditional MS4s contributing to this report? ☒ Yes ☐ No

10. If Yes, has every traditional MS4 contributing to this report certified that this law is equivalent to the NYS Model IDDE Law? ☒ Yes ☐ No ☐ NT

11. What percent of staff in relevant positions and departments has received IDDE training?

100 %

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

12. Evaluating Progress Toward Measurable Goals MCM 3

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Update outfall data and map as needed.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Outfall inspections according to schedule.
New outfalls added as located or at time of completion.
Timely updates to outfall data.
GIS outfall map is current.

C. How many times was this observation measured or evaluated in this reporting period?

1 1

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue outfall inspections according to schedule.
Continue to update existing information/add new outfalls as needed.
Continue to maintain and update GIS outfall map.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

NYR20A012

12. Evaluating Progress Toward Measurable Goals MCM 3

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Outfall Reconnaissance Inventory (ORI) - routine dry weather visual inspections of outfalls.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of outfall inspections completed.

C. How many times was this observation measured or evaluated in this reporting period?

4

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Plan to inspect at least 20% of outfalls.

MIS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

SPDES ID: N Y R 2 0 A 0 1 2 Name of MIS4 Coalition: TOWN OF NIAGARA

12. Evaluating Progress Toward Measurable Goals MCM 3

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.
Pollutant source tracking procedures to detect and address non-stormwater discharges, including illegal dumping, as needed in response to public complaints or by scheduled inspection of outfalls.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.
Number of outfalls sampled trackdown investigations conducted.

C. How many times was this observation measured or evaluated in this reporting period?
0

D. Has your MIS4 made progress toward this measurable goal during this reporting period?
Yes ☒ No ☐

E. Is your MIS4 on schedule to meet the deadline set forth in the SWMPP?
Yes ☒ No ☐

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).
Plan to sample outfalls discharging during dry weather to determine presence of pollutants.
Plan to conduct trackdown sampling investigation as needed.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

Minimum Control Measures 4 and 5.
Construction Site and Post-Construction Control

The information in this section is being reported (check one):

- ☒ On behalf of an individual MS4
☐ On behalf of a coalition

How many MS4s contributed to this report? _____

1a. Has each MS4 contributing to this report adopted a law, ordinance or other regulatory mechanism that provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities? ☒ Yes ☐ No

1b. Has each Town, City and/or Village contributing to this report documented that the law is equivalent to a NYSDEC Sample Local Law for Stormwater Management and Erosion and Sediment Control through either an attorney certification or using the NYSDEC Gap Analysis Workbook? ☒ Yes ☐ No ☐ NT

If Yes, Towns, Cities and Villages provide date of equivalent NYS Sample Local Law.

☒ 09/2004 ☐ 03/2006 ☐ NT

2. Does your MS4/Coalition have a SWPPP review procedure in place? ☒ Yes ☐ No

3. How many Construction Stormwater Pollution Prevention Plans (SWPPPs) have been reviewed in this reporting period? 3

4. Does your MS4/Coalition have a mechanism for receipt and consideration of public comments related to construction SWPPPs? ☒ Yes ☐ No ☐ NT

If Yes, how many public comments were received during this reporting period? _____

5. Does your MS4/Coalition provide education and training for contractors about the local SWPPP process? ☒ Yes ☐ No

Via NYS 4 Hour Erosion & Sediment Control Training

6. Identify which of the following types of enforcement actions you used during the reporting period for construction activities, indicate the number of actions, or note those for which you do not have authority:

☐ Notices of Violation	#	☐ No Authority
☐ Stop Work Orders	#	☐ No Authority
☐ Criminal Actions	#	☐ No Authority
☐ Termination of Contracts	#	☐ No Authority
☐ Administrative Fines	#	☐ No Authority
☐ Civil Penalties	#	☐ No Authority
☐ Administrative Orders	#	☐ No Authority
☐ Enforcement Actions or Sanctions	#	☐ No Authority
☐ Other	#	☐ No Authority

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition

TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

Minimum Control Measure 4. Construction Site Stormwater Runoff Control

The information in this section is being reported (check one):

☒ On behalf of an individual MS4

☐ On behalf of a coalition

How many MS4s contributed to this report?

1. How many construction projects have been authorized for disturbances of one acre or more during this reporting period? 3

2. How many construction projects disturbing at least one acre were active in your jurisdiction during this reporting period? 3

3. What percent of active construction sites were inspected during this reporting period? 100% NT

4. What percent of active construction sites were inspected more than once? 100% NT

5. Do all inspectors working on behalf of the MS4s contributing to this report use the NYS Construction Stormwater Inspection Manual? ☒ Yes ☐ No ☐ NT

6. Does your MS4/Coalition provide public access to Stormwater Pollution Prevention Plans (SWPPPs) of construction projects that are subject to MS4 review and approval? ☒ Yes ☐ No ☐ NT

If your MS4 is Non-Traditional, are SWPPPs of construction projects made available for public review? ☐ Yes ☐ No

If Yes, use the following page to identify location(s) where SWPPPs can be accessed.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA SPDES ID N Y R 2 0 A 0 1 2

6. con't.:

Submit additional pages as needed.

● MS4 Coalition Office

Department

B u i l d i n g D e p a r t m e n t

Address

7 1 0 5 L o c k p o r t R o a d

City

N i a g a r a F a l l s

Zip

N Y

1 4 3 0 5 -

Phone

(7 1 6) 2 9 7 - 2 1 5 0

Library

Address

City

Zip

Phone

() -

Other

Address

City

Zip

Phone

() -

Web Page URL(s): Please provide specific address where SWPPPs can be accessed - not home page.

URL

URL

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

7. Evaluating Progress Toward Measurable Goals MCM 4

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Conduct SWPPP review for all permitted construction sites to ensure consistency with State and local erosion and sediment control requirements and NYS Design Standards.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of SWPPPs approved.

C. How many times was this observation measured or evaluated in this reporting period?

3

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to conduct SWPPP review for all permitted construction sites to ensure consistency with State and local erosion and sediment control requirements and NYS Design Standards.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

7. Evaluating Progress Toward Measurable Goals MCM 4

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SW MPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Conduct inspections of permitted construction sites that discharge stormwater to the MS4 as often as needed to ensure compliance with GP-0-15-002 (or previous permits for projects approved prior to January 1, 2015).

Issue enforcement actions to owners/operators of construction sites that are not in compliance with GP-0-15-002 (or previous permits for projects approved prior to January 1, 2015).

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of active construction sites and inspections performed for each.
Number and type of enforcement actions.

C. How many times was this observation measured or evaluated in this reporting period?

15

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to conduct inspections of permitted construction sites that discharge stormwater to the MS4 as often as needed to ensure compliance with GP-0-15-002 (or previous permits for projects approved prior to January 1, 2015). Continue to issue enforcement actions to owners/operators of construction sites that are not in compliance with GP-0-15-002 (or previous permits for projects approved prior to January 1, 2015).

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition

TOWN OF NIAGARA

SPDES ID

NYR20A012

7. Evaluating Progress Toward Measurable Goals MCM 4

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Provide the public with an opportunity to review and comment on proposed design plans and construction projects.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of projects presented for public review and comment.

C. How many times was this observation measured or evaluated in this reporting period?

3

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to provide the public with an opportunity to review and comment on proposed design plans and construction projects.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

Minimum Control Measure 5. Post-Construction Stormwater Management

The information in this section is being reported (check one):

☒ On behalf of an individual MS4

☐ On behalf of a coalition

How many MS4s contributed to this report? 1

1. How many and what type of post-construction stormwater management practices has your MS4/Coalition inventoried, inspected and maintained in this reporting period?

	# Inventoried	# Inspections	# Times Maintained
☐ Alternative Practices			
☐ Filter Systems			
☐ Infiltration Basins			
☐ Open Channels			
☒ Ponds	<u>6</u>	<u>1</u>	<u>0</u>
☐ Wetlands			
☐ Other			

Only one pond is publicly owned (5 private ponds)

2. Do you use an electronic tool (e.g. GIS, database, spreadsheet) to track post-construction BMPs, inspections and maintenance?

☐ Yes ☒ No

3. What types of non-structural practices have been used to implement Low Impact Development/Better Site Design/Green Infrastructure principles?

- ☒ Building Codes ☐ Municipal Comprehensive Plans
- ☐ Overlay Districts ☐ Open Space Preservation Program
- ☒ Zoning ☐ Local Law or Ordinance
- ☐ None ☐ Land Use Regulation/Zoning
- ☐ Watershed Plans ☐ Other Comprehensive Plan
- ☐ Other:

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

N Y R 2 0 A 0 1 2

- 4a. Are the MS4s contributing to this report involved in a regional/watershed wide planning effort?
☐ Yes ☒ No
- 4b. Does the MS4 have a banking and credit system for stormwater management practices?
☐ Yes ☒ No
- 4c. Do the SWMP Plans for each MS4 contributing to this report include a protocol for evaluation and approval of banking and credit of alternative siting of a stormwater management practice?
☐ Yes ☒ No
- 4d. How many stormwater management practices have been implemented as part of this system in this reporting period?
5. What percent of municipal officials/MS4 staff responsible for program implementation attended training on Low Impact Development (LID), Better Site Design (BSD) and other Green Infrastructure principles in this reporting period? 0 %

MS4 Annual Report Form

This report is being submitted for the reporting period ending **March 9, 2017**

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition	SPDES ID
TOWN OF NIAGARA	N Y R 2 0 A 0 1 2

6. Evaluating Progress Toward Measurable Goals MCM 5

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Develop an inventory and inspection program for post-construction stormwater management practices.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Inventory of post-construction stormwater management practices created.
Number of post-construction stormwater management practices inspected.

C. How many times was this observation measured or evaluated in this reporting period?

1

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Maintain inventory of all post-construction stormwater management practices.
Plan to inspect 20% of post-construction stormwater management practices per year.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID6

N Y R 2 0 A 0 1 2

6. Evaluating Progress Toward Measurable Goals MCM 5

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Conduct maintenance on post-construction stormwater management practices as needed.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number and type of post-construction stormwater management practices maintained.

C. How many times was this observation measured or evaluated in this reporting period?

10

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to conduct maintenance on post-construction stormwater management practices as needed.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2017

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4 Coalition TOWN OF NIAGARA SPDES ID NYR 20A 012

Minimum Control Measure 6. Stormwater Management for Municipal Operations

The information in this section is being reported (check one):

☒ On behalf of an individual MS4

☐ On behalf of a coalition

How many MS4s contributed to this report? 1

1. Choose/list each municipal operation/facility that contributes or may potentially contribute Pollutants of Concern to the MS4 system. For each operation/facility indicate whether the operation/facility has been addressed in the MS4's/Coalition's Stormwater Management Program (SWMP) Plan and whether a self-assessment has been performed during the reporting period. A self-assessment is performed to: 1) determine the sources of pollutants potentially generated by the permittee's operations and facilities; 2) evaluate the effectiveness of existing programs and 3) identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it's not done already.

<u>Operation/Activity/Facility</u>	<u>Self-Assessment</u>			
	<u>Operation/Activity/Facility</u>		<u>performed within the past 3</u>	
	<u>Addressed in SWMP?</u>		<u>years?</u>	
Street Maintenance.....	☒ Yes	☐ No	☐ Yes	☒ No
Bridge Maintenance.....	☒ Yes	☐ No	☐ Yes	☒ No
Winter Road Maintenance.....	☒ Yes	☐ No	☐ Yes	☒ No
Salt Storage.....	☒ Yes	☐ No	☐ Yes	☒ No
Solid Waste Management.....	☒ Yes	☐ No	☐ Yes	☒ No
New Municipal Construction and Land Disturbance..	☒ Yes	☐ No	☐ Yes	☒ No
Right of Way Maintenance.....	☒ Yes	☐ No	☐ Yes	☒ No
Marine Operations.....	☒ Yes	☐ No	☐ Yes	☒ No
Hydrologic Habitat Modification.....	☒ Yes	☐ No	☐ Yes	☒ No
Parks and Open Space.....	☒ Yes	☐ No	☐ Yes	☒ No
Municipal Building.....	☒ Yes	☐ No	☐ Yes	☒ No
Stormwater System Maintenance.....	☒ Yes	☐ No	☐ Yes	☒ No
Vehicle and Fleet Maintenance.....	☒ Yes	☐ No	☐ Yes	☒ No
Other.....	☐ Yes	☒ No	☐ Yes	☒ No

MS4 Annual Report Form

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Name of MS4 Coalition TOWN OF NIAGARA

SPDES ID

NYR20A012

2. Provide the following information about municipal operations good housekeeping programs:

Parking Lots Swept (Number of acres X Number of times swept)	# Acres	<u> </u>
Streets Swept (Number of miles X Number of times swept)	# Miles	<u> </u>
● Catch Basins Inspected and Cleaned Where Necessary	#	<u> 4 2 </u>
Post Construction Control Stormwater Management Practices Inspected and Cleaned Where Necessary	#	<u> </u>
Phosphorus Applied In Chemical Fertilizer	# Lbs.	<u> </u>
● Nitrogen Applied In Chemical Fertilizer	# Lbs.	<u> 1 7 0 </u>
● Pesticide/Herbicide Applied (Number of acres to which pesticide/herbicide was applied X Number of times applied to the nearest tenth.)	# Acres	<u> 4 . 3 </u>

3. How many stormwater management trainings have been provided to municipal employees during this reporting period?

6

4. What was the date of the last training?

02 / 14 / 2017

5. How many municipal employees have been trained in this reporting period?

2

6. What percent of municipal employees in relevant positions and departments receive stormwater management training?

100%

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N Y R 2 0 A 0 1 2

7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Inspect catch basins and clean as needed.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of catch basins inspected.

Number of catch basins cleaned.

C. How many times was this observation measured or evaluated in this reporting period?

42

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to inspect catch basins and clean as needed.

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7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Conduct street sweeping.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of miles of street swept.

C. How many times was this observation measured or evaluated in this reporting period?

0

D. Has your MS4 made progress toward this measurable goal during this reporting period?

Yes ☐ No ☒

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

Yes ☐ No ☒

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to sweep streets.

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NYR 20A 012

7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Create an inventory of operations/activities/facilities that are subject to environmental assessment requirement.

Conduct environmental assessment of each operation/activity/facility every three years.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of environmental assessments performed.

C. How many times was this observation measured or evaluated in this reporting period?

0

D. Has your MS4 made progress toward this Measurable Goal during this reporting period?

☐ Yes ☒ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☐ Yes ☒ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Conduct environmental assessment of each operation/activity/facility every three years.

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Additional Watershed Improvement Strategy Best Management Practices

N/A

The information in this section is being reported (check one):

☐ On behalf of an individual MS4

☐ On behalf of a coalition

How many MS4s contributed to this report?

MS4s must answer the questions or check NA as indicated in the table below.

MS4 Description	Answer	Check NA	(POC)
NYC EOH Watershed			
Traditional Land Use	1,2,3,4,5,6,7a-d,8a,8b,9	10,11,12	Phosphorus
Traditional Non-Land Use	1,2,3,4,7a-d,8a,8b,9	5,10,11,12	Phosphorus
Non-Traditional	1,2,77a-d,8a,8b,9	5,4,5,10,11,12	Phosphorus
Onondaga Lake Watershed			
Traditional Land Use	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
Non-Traditional	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
Greenwood Lake Watershed			
Traditional Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Non-Traditional	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Oyster Bay			
Traditional Land Use	1,4,7a-d,9,10,11,12	2,3,5,6,8a,8b	Pathogens
Traditional Non-Land Use	1,4,7a-d,9,10,11,12	2,3,5,6,8a,8b	Pathogens
Non-Traditional	1,4,7a-d,9	2,3,4,5,8a,8b,10,11,12	Pathogens
Pecenic Estuary			
Traditional Land Use	1,4,7a-d,8a,9,10,11,12	2,3,5,6,8b	Pathogens and Nitrogen
Traditional Non-Land Use	1,4,7a-d,8a,9,10,11,12	2,3,5,6,8b	Pathogens and Nitrogen
Non-Traditional	1,4,7a-d,8a,9	2,3,4,5,8b,10,11,12	Pathogens and Nitrogen
Oscawana Lake Watershed			
Traditional Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Non-Traditional	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
LI 27 Embayments			
Traditional Land Use	1,2,3,4,7a-d,9,10,11,12	5,6,8a,8b	Pathogens
Traditional Non-Land Use	1,2,3,4,7a-d,9,10,11,12	5,6,8a,8b	Pathogens
Non-Traditional	1,2,3,4,7a-d,9	5,6,8a,8b,10,11,12	Pathogens

1. Does your MS4/Coalition have an education program addressing impacts of phosphorus/nitrogen/pathogens on waterbodies? ☐ Yes ☐ No ☐ N/A

2. Has 100% of the MS4/Coalition conveyance system been mapped in GIS? ☐ Yes ☐ No ☐ N/A

If N/A, go to question 3.

If No, estimate what percentage of the conveyance system has been mapped so far. %

Estimate what percentage was mapped in this reporting period. %

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N Y R 2 0

3. Does your MS4/Coalition have a Stormwater Conveyance System (infrastructure) Inspection and Maintenance Plan Program? ☐ Yes ☐ No ☐ N/A
4. Estimate the percentage of on-site wastewater treatment systems that have been inspected and maintained or rehabilitated as necessary in this reporting period? %
5. Has your MS4/Coalition developed a program that provides protection equivalent to the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) to reduce pollutants in stormwater runoff from construction activities that disturb five thousand square feet or more? ☐ Yes ☐ No ☐ N/A
6. Has your MS4/Coalition developed a program to address post-construction stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre that provides equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001), including the New York State Stormwater Design Manual Enhanced Phosphorus Removal Standards? ☐ Yes ☐ No ☐ N/A
- 7a. Does your MS4/Coalition have a retrofitting program to reduce erosion or phosphorus/nitrogen/pathogen loading? ☐ Yes ☐ No ☐ N/A
- 7b. How many projects have been sited in this reporting period?
- 7c. What percent of the projects included in 7b have been completed in this reporting period? %
- 7d. What percent of projects planned in previous years have been completed? %
- ☐ No Projects Planned
- 8a. Has your MS4/Coalition developed and implemented a turf management practices and procedures policy that addresses proper fertilizer application on municipally owned lands? ☐ Yes ☐ No ☐ N/A
- 8b. Has your MS4/Coalition developed and implemented a turf management practices and procedures policy that addresses proper disposal of grass clippings and leaves from municipally owned lands? ☐ Yes ☐ No ☐ N/A

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9. Has your MS4/Coalition developed and implemented a program of native planting?

Yes ☐ No ☐ N/A ☐

10. Has your MS4/Coalition enacted a local law prohibiting pet waste on municipal properties and prohibiting goose feeding?

Yes ☐ No ☐ N/A ☐

11. Does your MS4/Coalition have a pet waste bag program?

Yes ☐ No ☐ N/A ☐

12. Does your MS4/Coalition have a program to manage goose populations?

Yes ☐ No ☐ N/A ☐

Year 14: March 10, 2016 - March 9, 2017

Public Education & Outreach

Stormwater Display (estimated attendees)

4/9/16	Evans Environmental Fair	150
4/30/16	Boom Days Niagara	75
4/23/16	City of Buffalo EnviroFair	400
4/16/16	NYPA Earth Day Celebration (Gate 500-700)	600
4/26/16	Environmental Information Fair at Buffalo State	300
6/25/16	Party for the Planet (Gate 2600; 300 bags for kids + at least 1 parent)	600
7/20/16	UB on the Green	125
8/2/16	West Seneca Night Out	400
8/10-8/21/16	Erie County Fair (Gate: 986,542)	5000
8/27-8/28/16	Elmwood Festival (Gate: 60,000-80,000)	1000
9/17/16	Reinstein Woods Fall Festival	1200
9/24/16	Environmental Summit	180
9/25/16	NYPA Wildlife Festival (Gate: 15,000)	2000
10/8/16	Penn Dixie Earth Science Day	505
Total Attendees		12535

Rain Garden Display (estimated attendees)

4/21/16	Erie County Green Expo	138
5/21/16	Williamsville Earth Day/Arbor Day Festival	100
4/22/16	Stormwater/Rain Barrel Display in Erie County Hall	32
Total Attendees		270

Rain Barrel Display (estimated attendees based on counted brochures)

8/14/16-8/25/16	Niagara County DMV Office - Lockport	200
8/25/16-2/2/17	Niagara County DMV Office - North Tonawanda	180
2/2/17-present	Niagara County DMV Office - Niagara Falls	TBD
3/16/16	Buffalo Sabres Game - Lobby Display	0
5/1/16-5/31/16	Erie County DMV Office - Buffalo	92
6/1/16-6/30/16	Erie County DMV Office - Eastern Hills Mall	43
7/1/16-7/31/16	Erie County DMV Office - Northtown Plaza	281
8/1/16-8/30/16	Erie County DMV Office - Cheektowaga	168
9/1/16-9/30/16	Erie County DMV Office - Orchard Park	81
Total Attendees		1045

School Programs (attendees)

4/22/16	Heritage Heights Environmental Wellness Day	64
4/28/16	Ellicott Elementary School Science Fair	650
4/29/16	Rain Barrel Painting Contest	886
5/9/16	Great Lakes Student Summit	123
6/7/16	Niagara County Environmental Field Days	500
10/12/16	4-H Youth Science Day	147
1/13/16	Sweet Home STEM Conference	300
2/9/17	Teacher Education Packages	228
Total Attendees		2898

Niagara County Household Hazardous Waste Collections (participants)		
On-going	County-wide Continuous Collection Program	1298
	Total Participants	1298
Rain Barrel - Compost Bin Sale (participants)		
Summer 2016	Rain Barrel/Compost Bin Sale (391 units sold)	290
	Total Participants	290
Erie/Niagara Pharmaceutical Collections (lbs.)		
4/30/16	Erie County - Earth Day Collection	7,982
1/1/16- 12/31/16	Niagara County - Continuous Collection Program	3,020
	Lbs.	11,002
WNYSC Participation - Key Groups		
Buffalo Niagara Riverkeeper	0	
Erie County SWCD	1 meeting; 3 trainings; 1 event	
Niagara County SWCD	0	
CACs; Planning Board Members	0	
ECWQC	3	
<i>Updated: March 20, 2016</i>		