

Exhibit 2 - NEGATIVE DECLARATION PURSUANT  
TO THE STATE ENVIRONMENTAL QUALITY  
REVIEW ACT ("SEQRA")

**D R A F T (3/22/21)**

**SEQR**

**NEGATIVE DECLARATION**

**NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

---

<b>Lead Agency:</b>	Town of Amherst Town Board	<b>Project:</b> Z-2020-14
<b>Address:</b>	5583 Main Street Williamsville, NY 14221 (716) 631-7051	<b>Date:</b>

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

<b>Title of Action:</b>	Rezoning Request.
<b>SEQR Status:</b>	Unlisted action.
<b>Description of Action:</b>	Rezoning of 2.38± acres of land from GB to CTR-8 to allow for the redevelopment and expansion of the existing hotel building for multifamily residential uses.
<b>Location:</b>	1265 Sweet Home Road, Town of Amherst, Erie County, New York
<b>Petitioner:</b>	DMG Investments, LLC

Attachment: 1265 Sweet Home Z-2020-14\_Town Board Draft Neg Dec\_ (RES-2021-242 : 1265 Sweet Home Road Rezoning)

DRAFT Negative Declaration, Z-2020-14  
 date  
 Page 2

### **Reasons Supporting This Determination**

Based on information submitted by the applicant, including a Full Environmental Assessment Form (EAF) - Part 1, a complete rezoning application, and concept plan, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that the proposed rezoning of 2.38± acres of land from General Business (GB) to Center 8 District (CTR-8) to allow the redevelopment and expansion of the existing hotel building for multifamily residential uses will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Town Engineering Department on January 6 and February 11, 2021 reviewed the application and EAF submitted on December 28 and February 8, 2021, and had no objection or comments on the proposed rezoning.
2. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. A Landscape/Tree preservation Plan shall be required of the applicant upon submittal of a site plan application for development of the site at which stage all landscape requirements of the Zoning Ordinance will be met.
3. The project is not expected to create any material conflict with the Town Comprehensive Plan. The project will comply with all regulations of the Town Zoning Ordinance before final site plan approval is granted. The Town Building Department on January 13 and February 18, 2021 reviewed the application and EAF submitted on December 28 and February 8, 2021, and has no objection or comments on the proposed rezoning.
4. The project is not within an area identified by the State as potentially containing significant cultural or archeological resources, nor will it impair the character or quality of important historical resources.
5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The subject request is for rezoning from General Business (GB) to Center 8 District (CTR-8) to allow the redevelopment and expansion of the existing hotel building for multifamily residential uses. Neighboring uses are hotels, mixed-use buildings (retail/residential), offices, University facilities and public utility uses and are zoned General Business District (GB), Research Development District (RD) and the New Community District - SUNYUB (NCD); therefore, the project is consistent with surrounding land use.

DRAFT Negative Declaration, Z-2020-14

date

Page 3

- 6. The proposed rezoning to Center 8 District (CTR-8) to allow the redevelopment and expansion of the existing hotel building for multifamily residential uses will not cause a major change in the use of either the quantity or type of energy.
- 7. The rezoning to Center 8 District (CTR-8) to allow the redevelopment and expansion of the existing hotel building for multifamily residential uses will not create any hazard to human health.
- 8. The rezoning to Center 8 District (CTR-8) will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The proposed redevelopment and expansion of the existing hotel building for multifamily residential uses will be consistent with the scale of surrounding land uses.
- 9. The rezoning to Center 8 District (CTR-8) to allow the redevelopment and expansion of the existing hotel building for multifamily residential uses will not significantly increase the number of people using the site over its previous intended use as a hotel.
- 10. Review by the Town Traffic/Safety Board on February 4 & 16, 2021 indicates that significant negative traffic impacts are not expected to result from the proposed project.
- 11. Coordinated reviews of the project have been undertaken by Town Departments including Building on January 13 and February 18, 2021, Engineering on January 6 and February 11, 2021, Traffic/Safety Board on February 4 & 16, 2021, Assessor on January 8 and February 22, 2021, and Right-of-Way Agent on January 10 and February 10, 2021, along with the Williamsville Central School District on February 11, 2021. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.
- 12. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to be causing significant negative environmental impacts.

\_\_\_\_\_  
Signature & title of preparer

\_\_\_\_\_  
date

\_\_\_\_\_  
Brian J. Kulpa, Supervisor

\_\_\_\_\_  
date

Attachment: 1265 Sweet Home Z-2020-14\_Town Board Draft Neg Dec\_ (RES-2021-242 : 1265 Sweet Home Road Rezoning)