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# Tackling Difficult SEQR Topics

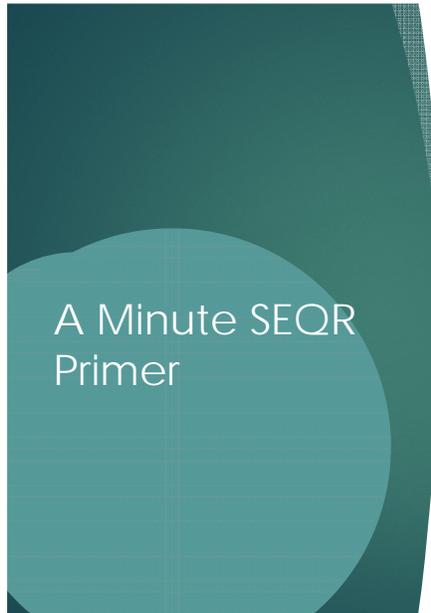
COMMUNITY CHARACTER,  
HISTORIC/ARCHAEOLOGICAL  
RESOURCES & HABITATS/ENDANGERED  
SPECIES

## Training Agenda

- ▶ Introductions
- ▶ Community Character
- ▶ Online/GIS Tools
- ▶ Historic/Archaeological Resources
- ▶ Habitats/Endangered Species
- ▶ Questions/Answers

- Defining and Measuring
- SEQR Forms
- Connection to Comprehensive Plans
- Impacts on the Resource
- Example(s)





Part 1 – Information  
About Project From  
Applicant

Part 2 – Determination  
By Reviewing Board On  
Potential Impact And Its'  
Size

Part 3 – Analysis By  
Reviewing Board And  
Significance Of Impact



**COMMUNITY CHARACTER –**

**WILL WE KNOW IT WHEN WE  
SEE IT?**

## Question 6, SEAF Part 1



- ▶ “Is the proposed action consistent with the predominant character of the existing built or natural landscape?”
- ▶ What is ‘consistent’?
- ▶ What is ‘predominant character’?
- ▶ What is the ‘existing built or natural landscape’?

## Question 3, SEAF Part 2

- ▶ “Will the proposed action impair the character or quality of the existing community?”
- ▶ How do you define ‘character’?
- ▶ How do you measure the ‘quality’ of the existing community?



## What is Community Character?



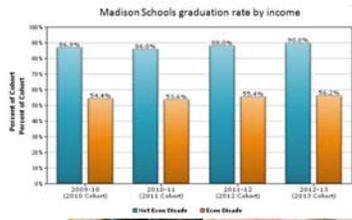
## What is Community Character?

- ▶ What about these? Do these have anything to say about community character?



## What is Community Character?

► And what about these?



## Often Cited, Rarely Defined

- Tangible - Measurable Features
- Intangible Features
- Built Environment (Man-Made)
- Un-Built Environment (Natural)
- Visual/Aesthetic
- Economy
- Demographics
- Activities/Culture
- Values



Either the intrinsic sense of a place, or the meaning people give to it, but, more often, a mixture of both.

## Community Character Includes...

- ▶ Aesthetics and Design
- ▶ Social and Architectural History
- ▶ Languages and Food Culture
- ▶ Current Landscape
- ▶ Scale, Intensity, Hours
- ▶ Public Spaces
- ▶ Transportation Systems
- ▶ Events
- ▶ Natural Resources
- ▶ Signage
- ▶ Art forms
- ▶ Educational Institutions
- ▶ History
- ▶ Economic Conditions
- ▶ Population/Demogr.

## Community Character & Short EAF

- ▶ Part I- Offers Direct Question (#6)
- ▶ Part II- Offers Direct Question (#3)

BUT BECAUSE COMMUNITY CHARACTER INCLUDES SO MANY FEATURES...

ANSWERS TO ALL PART 2 QUESTIONS COULD BE RELEVANT.



**It's All About Scale and Context**

## Questions to Ask ...



- ▶ Change in the nature and intensity of land uses?
- ▶ Change in visual character? In architectural character?
- ▶ Change nature of housing?
- ▶ Create need for more public services?
- ▶ Change traffic patterns?
- ▶ Consistent scale and intensity of project?
- ▶ Change the demographics of the community?
- ▶ Change dynamics of community?

## Community Character and Full EAF

- ▶ Part I- Does **Not** Offer Direct Question.
- ▶ Part II - **Does** Offer Direct Question (#18) but #9, #10, and #17 highly connected AND many others should be considered!



**It's All About Scale and Context**

## Small Impacts

- ▶ Generally consistent in design, placement, size, intensity, scale, architecture.
- ▶ Similar to existing land uses.
- ▶ Existing resources can handle public service demand.
- ▶ Adequate housing opportunities will exist.
- ▶ Changes to natural landscape small and not in sharp contrast.

## Moderate to Large Impacts

- ▶ Moderately or significantly changes visual character.
- ▶ Action is much larger scale than currently exists in area; design, lot layout, streetscape, intensity, scale is in sharp contrast.
- ▶ Will change demographics, traffic, lights, odors.
- ▶ Demands on public services will increase.
- ▶ Large decrease in affordable housing will occur.
- ▶ Existing facilities have no added capacity.
- ▶ Significant changes to natural landscape.

## Does Your Comprehensive Plan Help?

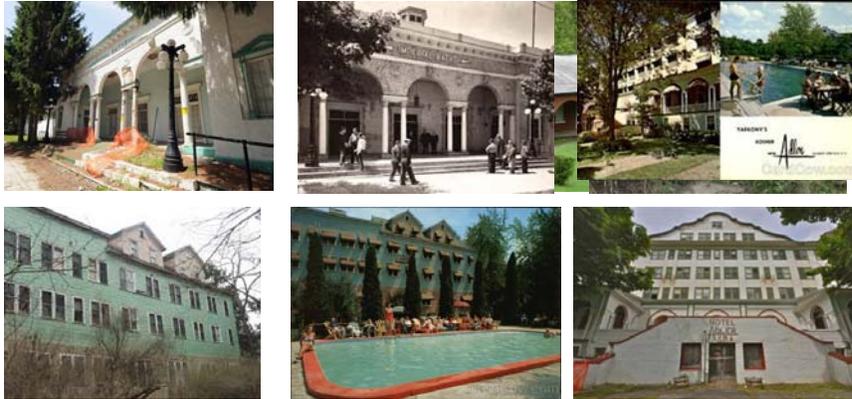
- ▶ A comprehensive plan can and should define community character.
- ▶ Plan can play a major role in your SEQR evaluation.
- ▶ Plan should include:
  - ▶ Inventory, assessment, mapping of resources.
  - ▶ Public input to define both current and future character.
  - ▶ Document the historic, cultural, economic and social context.
  - ▶ Vision for the future.



## An Example: Sharon Springs



## Still Struggling: Sharon Springs



## Impacts?



 Sharon Springs



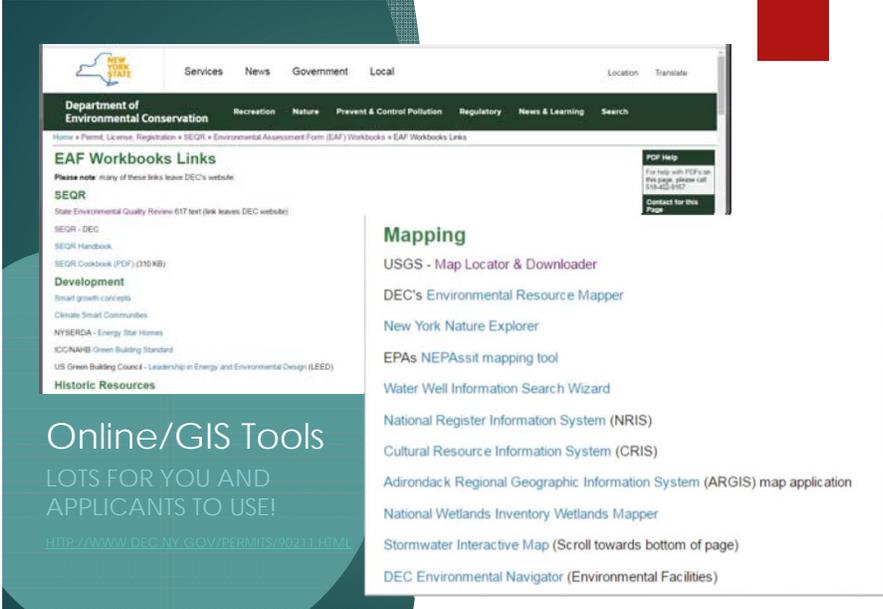
**18. Consistency with Community Character**  
 The proposed project is inconsistent with the existing community character.  NO  YES  
 (See Part 1. C.2, C.3, D.2, E.3)  
 If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

- Aesthetic Resources?
- Historic and Archaeological Resources?
- Consistency with Community Plans?
- Transportation?
- Noise, Odor, Light?



**Online/GIS Tools**  
 LOTS FOR YOU AND APPLICANTS TO USE!



The screenshot shows the Department of Environmental Conservation website. The main navigation bar includes 'Services', 'News', 'Government', and 'Local'. Below this, there are links for 'Recreation', 'Nature', 'Prevent & Control Pollution', 'Regulatory', 'News & Learning', and 'Search'. The page title is 'EAF Workbooks Links'. A 'Please note' section states: 'Please note: many of these links leave DEC's website.' The 'SEQR' section lists: 'State Environmental Quality Review (SEQ) text (link leaves DEC website)', 'SEQR - DEC', 'SEQR Handbook', and 'SEQR Cookbook (PDF) (310 KB)'. The 'Development' section lists: 'Smart growth concepts', 'Climate Smart Communities', 'NYSERDA - Energy Star Homes', 'ICC/NAB Green Building Standard', and 'US Green Building Council - Leadership in Energy and Environmental Design (LEED)'. The 'Historic Resources' section is also present. A 'Mapping' section lists: 'USGS - Map Locator & Downloader', 'DEC's Environmental Resource Mapper', 'New York Nature Explorer', 'EPAs NEPAAssit mapping tool', 'Water Well Information Search Wizard', 'National Register Information System (NRIS)', 'Cultural Resource Information System (CRIS)', 'Adirondack Regional Geographic Information System (ARGIS) map application', 'National Wetlands Inventory Wetlands Mapper', 'Stormwater Interactive Map (Scroll towards bottom of page)', and 'DEC Environmental Navigator (Environmental Facilities)'. A 'PDF Help' box is visible on the right side of the page.

**Online/GIS Tools**  
 LOTS FOR YOU AND APPLICANTS TO USE!  
[HTTP://WWW.DEC.NY.GOV/PERMITS/90211.HTML](http://www.dec.ny.gov/permits/90211.html)

## Tools to Use

- ▶ SEQR Workbooks <http://www.dec.ny.gov/permits/90125.html>
- ▶ EAF Mapper <http://www.dec.ny.gov/eafmapper>
- ▶ DEC Environmental Resource Mapper <http://www.dec.ny.gov/gis/erm>
- ▶ New York Nature Explorer <http://www.dec.ny.gov/natureexplorer/app>
- ▶ Cultural Resource Information System (CRIS) - <https://cris.parks.ny.gov>
- ▶ National Register Information System (NRIS) <https://www.nps.gov/nr/research>

The screenshot shows the EAF Mapper web application. The browser address bar displays [www.dec.ny.gov/eafmapper/](http://www.dec.ny.gov/eafmapper/). The page header includes the New York State logo and navigation links for Services, News, Government, and Local. A search bar and location/translate options are also present. The main content area features a map of New York State with county boundaries highlighted. On the right side, there are three panels: "Navigate To Area (Step 1)" with fields for "Go To" (Locate Address), "Select County" ([SELECT]), and "Select Town"; "Define Project Site (Step 2)" with buttons for "Draw Project Site" or "Select Tax Parcel" and a field for "Area: Acres"; and "Create Report (Step 3)" with buttons for "Full Form, Part 1" and "Short Form, Part 1". At the bottom, there are navigation links for Agencies, App Directory, Counties, Events, and Programs. A status bar at the very bottom shows "Part 1 / Question 20 [Remediation Site] Yes".

The screenshot shows the Environmental Resource Mapper web application. The browser address bar displays [www.dec.ny.gov/gis/em/](http://www.dec.ny.gov/gis/em/). The page header includes the New York State logo and navigation links for Services, News, Government, and Local. A search bar and location/translate options are also present. The main content area features a map of New York State with various environmental resources overlaid. On the left side, there is a "Layers and Legend" panel with several layers: "Waterbody Classifications for Lakes", "State Regulated Freshwater Wetlands", "State Regulated Wetland Checklines", "Significant Natural Communities", and "Rare Plants or Animals". Below these are sections for "Other Wetland Layers", "Reference Layers", "Tell Me More...", "Need A Permit?", and "Contacts". The map shows the Adirondack Mountains, Green Mountains, and Allegheny Mountains. At the bottom, there are navigation links for Agencies, App Directory, Counties, Events, and Programs. A status bar at the very bottom provides information: "SOURCE: FRANK, Eugene Americana", "Date Last Documented: 1965-09-13", "Location: Stockport Creek Marshes", and "NYS Protected".







## Historic & Archaeological Resources

ALSO PART OF COMMUNITY CHARACTER?

## What Are These Resources?

- ▶ Historic Resources
- vs.
- ▶ Archeological Resources



## Classifying the Action

- ▶ **§617.4 Type I actions**
- ▶ (b) The following actions are Type I if they are to be directly undertaken, funded or approved by an agency:
  - ▶ (9) any Unlisted action (unless the action is designed for the preservation of the facility or site) occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places, or that has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register, or that is listed on the State Register of Historic Places.

## Historic and Archeological Resources in the SEAF

- ▶ **Part 1:**
  - ▶ 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?
  - ▶ 12. b. Is the proposed action located in an archeological sensitive area?
- ▶ **Part 2:**
  - ▶ 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

## Historic and Archeological Resources in the FEAF

- ▶ **Part 1 - E.3. Designated Public Resources On or Near Project Site:**
- ▶ e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district 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, and/or Historic Building/District (check one or both)
- ▶ ii. Name: \_\_\_\_\_
- ▶ iii. Brief description of attributes on which listing is based: \_\_\_\_\_
- ▶ \_\_\_\_\_

## Historic and Archeological Resources in the FEAF

- ▶ **Part 1 - E.3. Designated Public Resources On or Near Project Site:**
- ▶ 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?
- ▶ g. Have additional archaeological or historic site(s) or resources been identified on the project site?
- ▶ If Yes:
- ▶ i. Describe possible resource(s): \_\_\_\_\_
- ▶ ii. Basis for identification: \_\_\_\_\_

## Historic and Archeological Resources in the FEAF

- ▶ **Part 2 - 10. Impact on Historic and Archeological Resources**
- ▶ The proposed action may occur in or adjacent to a historic or archaeological resource.
  - ▶ *If "Yes", answer questions a - e*
  - ▶ a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district 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.
  - ▶ b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.
  - ▶ The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory.
  - ▶ Source: \_\_\_\_\_
  - ▶ d. Other impacts: \_\_\_\_\_

## Historic and Archeological Resources in the FEAF

- ▶ **Part 2 - 10. Impact on Historic and Archeological Resources**
- ▶ If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:
- ▶ i. The proposed action may result in the destruction or alteration of all or part of the site or property.
- ▶ ii. The proposed action may result in the alteration of the property's setting or integrity.
- ▶ iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.

## Historic Resources - Review

- ▶ The only way properties on the National and State Registers may receive direct municipal regulatory protection from incompatible alteration and demolition by a private owner is through enactment of a local historic preservation law.

- ▶ Zoning
- ▶ Site Plan Review
- ▶ Landmark Preservation Law
- ▶ Certified Local Government



## Questions to Ask ...

- ▶ Is the proposed project location in a historic district?
- ▶ Is the proposed project next to, or contiguous with any buildings or sites listed on the National or State Register of Historic Places?
- ▶ Are there any buildings or sites near the project location that have been nominated for listing on the National or State Register of Historic Places?
- ▶ For what reason was the site placed on the Register?
- ▶ Will the proposed project alter or affect any of the criteria used to evaluate and place the building or site on the Register?

## Small vs Large Impacts

### ▶ Small

- ▶ There is no historic or archaeological resource on the site, but there may be a small impact to community character because of concerns over consistency with existing architectural and aesthetic resources.
- ▶ There are historic or archaeological resources on the site, but the project design is such that no disturbances or major changes to historic structures will occur. For example, the location where archaeological resources exist will be avoided, or the historic structure on the property will be maintained and restored.
- ▶ Minor disturbances to the resources will occur or minor changes to the aesthetic or scenic quality of the area but these do not destroy the historic resource or drastically change the character of the area.
- ▶ Work at a location that is locally designated and historic preservation permits are issued that indicate identified work as being in compliance with relevant local historic preservation code.

## Small vs Large Impacts

### ▶ Large

- ▶ Historic structures are planned to be demolished or relocated as part of the development plan.
- ▶ Historic structures are to be remodeled in a way that destroys or damages its historic value.
- ▶ The project introduces an architectural design that is not consistent with an existing designated historic district and that is not consistent with the long-term vision the community has for its aesthetic character as identified in an adopted comprehensive plan.
- ▶ The project changes the character or view of important aesthetic resources.

## Archaeological Resources - Review

- ▶ SHPO gives great deference to the local reviewing body
- ▶ Local knowledge is Key
- ▶ Consider previous site disturbance



## Questions to Ask ...

- ▶ Are there any areas designated as sensitive archaeological sites within or contiguous with the proposed project location?
- ▶ Have there been any phase I, II, or III studies done on the site?
- ▶ Will there be any disturbance of the archaeological resource?
  - ▶ Will it affect the physical integrity of the site?
  - ▶ Will it restrict any existing public access to the site?
  - ▶ Will it obstruct the view of the site?
  - ▶ Will it alter any access to the site for purposes of scientific, historic, or archeological research?
- ▶ Does the proposed project include any avoidance or mitigation measures?

## Small vs Large Impacts

### ▶ **Small**

- ▶ There are archaeological resources known to occur in the vicinity of the project that are already included in a sensitive area designated by the SHPO, but a site-specific inventory shows that no artifacts at the specific site that will be disturbed.
- ▶ There are archaeological resources known to occur in the vicinity of the project that are already included in a sensitive area designated by the SHPO, and site specific inventory and recover of artifacts has already been completed.

## Small vs Large Impacts

### ▶ **Large**

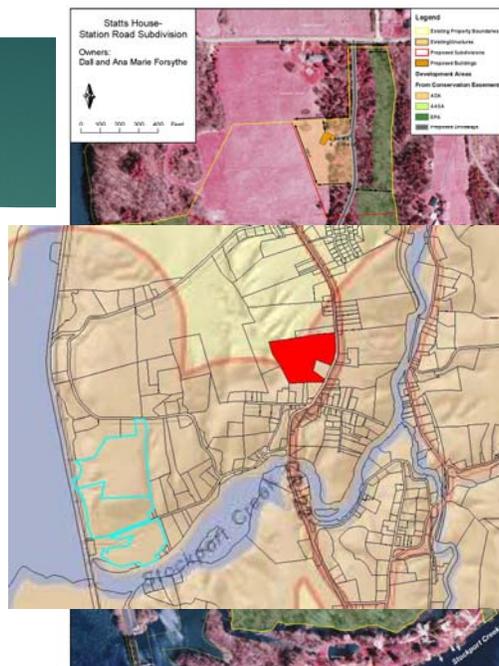
- ▶ Archeological resources are present on the actual site and the site is included in a sensitive area designated by the SHPO, but the project is such that the artifacts will be destroyed, covered, or built on in a manner which makes it impossible to study or recover artifacts in the future.

## Possible Mitigation Measures

- ▶ For Archeological Resources
  - ▶ Avoid
  - ▶ Document and Remove (data retrieval)

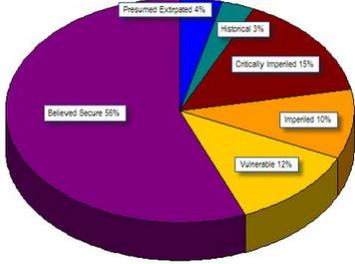
## Example – Staats House

- ▶ Built ~1654-64
- ▶ Site of a Henry Hudson Landing
- ▶ Known Native American Activity





## Habitats & Endangered Species



Conservation Status	Percentage
Believed Secure	50%
Presumed Extinct	4%
Historical	3%
Critically Imperiled	15%
Imperiled	10%
Vulnerable	12%

## Sorting Out Confusing Terms

- ▶ Endangered or Threatened Species
- ▶ Typical Habitat Types
- ▶ Natural Resources
- ▶ Predominant Wildlife Species
- ▶ Habitats

Review SEAF and FEAF Workbooks and Glossary

<http://www.dec.ny.gov/permits/90125.html>

- ▶ Significant natural community
- ▶ Endangered and Threatened Species
- ▶ Rare Species or Species of Special Concern
- ▶ Species of Conservation Need
- ▶ National Natural Landmark

## SEAF

- ▶ Part 1 – Applicant provides specific information on endangered and threatened species or their associated habitats.
- ▶ Part 2 – Planning Board explores impacts on natural resources broadly (wetlands, waterbodies, groundwater, air, flora and fauna).
- ▶ Relationship between Part I data and Evaluation of Part 2 can be confusing.

## SEAF Part I Q 15: Assumptions & Expectations

- ▶ **No expectation** in SEAF for applicant development of comprehensive list of species found at the site.
  - ▶ SEAF assumption is to use existing data.
- ▶ EAF Mapper answers Part 1 question.
  - ▶ Yes = supplemental data needed.
  - ▶ No = No, OR Maybe confirmed with supplemental data from existing sources.

## FEAF, Part 1, E2 m-q

- ▶ Wildlife species and habitats
- ▶ Significant natural community
- ▶ Endangered and Threatened Species
- ▶ Rare Species or Species of Special Concern
  - ✓ EAF Mapper fills in some of these- Field work needed for others
  - ✓ Field study needed if no information is obtainable from existing sources
  - ✓ Field study needed if 'yes' to any of these

## Important Questions

- ▶ What wildlife and habitat sources are on the site?
- ▶ Are these habitats linked to resources off site?
- ▶ Do any regulated resources exist on site?
- ▶ Is there a CEA on site or nearby?
- ▶ Are any listed species found nearby in similar habitats?
- ▶ How much natural vegetation will be removed?
- ▶ Will it create, or remove an important habitat fragment?

## SEAF Part 2 , Q 9 – Evaluating Impact on Natural Resources

- ▶ Q9 explores all 'natural resources'.
- ▶ Context is critical to determine impacts
  - ▶ Small changes may have large magnitude impacts
  - ▶ Consider project site's role in a larger system
- ▶ Understand all resources and connections to wildlife and plants.

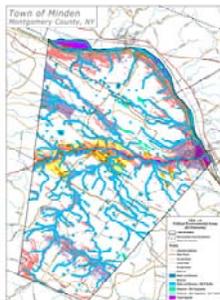
## FEAF, Part 2, #7

- ▶ Loss of Flora and Fauna
- ▶ Reduction in # of Threatened, Endangered Species or Species of Special Concern or degradation of their habitats
- ▶ Removal or disturbance of a designated significant natural community
- ▶ Substantially interferes with predominant species

## When is More Data Needed?

- ▶ If EAF Mapper returns 'yes' for Q 15.
- ▶ When EAF Mapper returns 'no' for Q 15 but local information exists on species or habitats.
- ▶ When EAF Mapper is not used - at least get source of data for how question is answered.
- ▶ You have a CAC that has visited site and reported on need for additional information.
- ▶ You can't reliably answer the following:

## Does Your Comprehensive Plan Help?



- ▶ Resource inventory of species
  - ▶ Breeding Bird Atlas
  - ▶ Herpetological Atlas
  - ▶ NYS DEC mapping resources
- ▶ Maps of streams, wetlands, shorelines, etc.
- ▶ Maps from local data
- ▶ Natural Heritage Data
- ▶ Identification of critical linkages between habitats

## Small Impacts

- ▶ Isolated impact, minimal size, no E/T/Rare species
- ▶ Impact doesn't affect regulated resources
- ▶ E/T/Rare nearby but no habitat on site
- ▶ Travel corridors maintained
- ▶ Mitigation used during construction
- ▶ No excessive lights, noise, barriers
- ▶ Loss does not fragment habitats

## Moderate to Large Impacts

- ▶ E/T/Rare species present; habitats to be removed
- ▶ Barriers to be placed to prevent travel
- ▶ One component of habitat to be removed (an ecological layer)
- ▶ Bright lights could interfere with nocturnal animals
- ▶ Significantly fragments a habitat
- ▶ Loss removes small but vital habitats (vernal pool)

## SEAF Example

- ▶ 4-lot subdivision (25 acre parcel).
- ▶ Fully forested area in rural town
- ▶ No wetlands, streams, steep slopes, known endangered/threatened species or CEA on or near the site
- ▶ 4 acres to be cleared for house development.
  - ❖ **Questions to Ask & Discuss?**
  - ❖ **Will there be an impact? Of What? How big?**
  - ❖ **Significance of that impact?**
  - ❖ **Will you ask for more data?**

## FEAF Example

- ▶ Commercial Development will disturb 10 of 50 acres, mature forest
- ▶ 10 acre wetland on site; Class C(t) stream goes through site
- ▶ No known rare, E or T species on site, but does have a small area of red maple-hardwood swamp as part of the wetland.
- ▶ Parcel contains woodland linking two remaining forested habitats in mostly suburbanized town
  - ❖ **Questions to Ask & Discuss?**
  - ❖ **Will there be an impact? Of What? How big?**
  - ❖ **Significance of that impact?**
  - ❖ **Will you ask for more data?**

## Possible Mitigation Measures

- ▶ Change size or scale, or design features
- ▶ Change location, density, site layout
- ▶ Add landscaping, berms or other buffers
- ▶ Lighting and noise controls
- ▶ Applicant-funded infrastructure upgrades
- ▶ Move/restore historic buildings or features
- ▶ Housing trusts, recreation funds, etc
- ▶ Determine the impact is too large and say no



Questions &  
Answers

**ADDITIONAL  
DISCUSSION?**