



U.S. Department of Housing and Urban  
Development  
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Washington, DC 20410  
[www.hud.gov](http://www.hud.gov)  
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**Environmental Assessment  
Determinations and Compliance Findings  
for HUD-assisted Projects  
24 CFR Part 58**

**Project Information**

**Project Name:** Shanley-Street-Road-Reconstruction

**HEROS Number:** 900000010372904

**Project Location:** , Cheektowaga, NY 14206

**Additional Location Information:**

Shanley Street, Cheektowaga NY 14206 From Clinton Street (on the south) through Griswold Street (on the north) to the I-190.

**Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

Installation of approximately 2,800 lineal feet of new upright concrete curb and replacement of 42 concrete driveway aprons. This work will be in conjunction with full depth road reconstruction on Shanley Street from Clinton Street (on the south) through Griswold Street (on the north) to the I-190.

**Funding Information**

Grant Number	HUD Program	Program Name	
B-24-MC-36-000	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)	\$122,500.00

**Estimated Total HUD Funded Amount:** \$122,500.00

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$1,150,000.00

**Mitigation Measures and Conditions [CFR 1505.2(c)]:**

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition
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**Project Mitigation Plan**



**Determination:**

<input checked="" type="checkbox"/>	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
<input type="checkbox"/>	Finding of Significant Impact

Preparer Signature: Dale Marie Parks Date: 1.22.24

Name / Title/ Organization: Dale Marie Parks / / CHEEKTOWAGA TOWNSHIP

Certifying Officer Signature: [Signature] Date: 1/24/2024

Name/ Title: Brian Nowak / Supervisor

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environment Review Record (ERR) for the activity / project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

**Environmental Assessment  
Determinations and Compliance Findings  
for HUD-assisted Projects  
24 CFR Part 58**

**Project Information**

**Project Name:** Shanley-Street-Road-Reconstruction

**HEROS Number:** 900000010372904

**Responsible Entity (RE):** CHEEKTOWAGA TOWNSHIP, BROADWAY AND UNION  
ROAD CHEEKTOWAGA NY, 14227

**RE Preparer:** Dale Marie Parks

**State / Local Identifier:**

**Certifying Officer:** Brian Nowak

**Grant Recipient (if different than Responsible Entity):**

**Point of Contact:**

**Consultant (if applicable):**

**Point of Contact:**

**Project Location:** , Cheektowaga, NY 14206

**Additional Location Information:**

Shanley Street, Cheektowaga NY 14206 From Clinton Street (on the south) through  
Griswold Street (on the north) to the I-190.

**Direct Comments to:**

**Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

Installation of approximately 2,800 lineal feet of new upright concrete curb and replacement of 42 concrete driveway aprons. This work will be in conjunction with full depth road reconstruction on Shanley Street from Clinton Street (on the south) through Griswold Street (on the north) to the I-190.

**Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:**

The total project consists of roadway reconstruction along with sanitary and storm sewer replacement. The existing roadway is higher in elevation than the existing driveways and sidewalks. Thus the area experiences terrible flooding during heavy rain events and then back-ups into the basements. The Town is planning on reconstructing the roadway and replacing the existing sanitary and storm sewers. The installation of approximately 2,800 lineal feet of 8" wide x 18" high concrete curbing will help to direct rain runoff and snow melt for the properties. The curbs will also create a safer street scape for pedestrians and vehicles driving and parking on the roadway.

**Existing Conditions and Trends [24 CFR 58.40(a)]:**

The existing street (Shanley Street) from Clinton Street (on the south) through Griswold Street (on the north) to the I-190 does not have any curbing installed. The current roadway is higher in elevation than the existing driveways and sidewalks and rain run-off and snow melt flood the current properties and basements. The existing sanitary and storm sewers need to be replaced and possibly enlarged. If the road reconstruction (including curbs) and sewer replacement are not completed, continued flooding and property degeneration will continue in this neighborhood.

**Maps, photographs, and other documentation of project location and description:**

[Shanley Street Map.pdf](#)

**Determination:**

✓	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
	Finding of Significant Impact

**Approval Documents:**

[Shanley Street Road Construction ERR SIGNED.pdf](#)

**7015.15 certified by Certifying Officer  
on:**

**7015.16 certified by Authorizing Officer  
on:**

**Funding Information**

Grant / Project Identification Number	HUD Program	Program Name	Funding Amount
B-24-MC-36-000	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)	\$122,500.00

**Estimated Total HUD Funded, \$122,500.00  
Assisted or Insured Amount:**

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$1,150,000.00**

**Compliance with 24 CFR §50.4, §58.5 and §58.6 Laws and Authorities**

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.6</b>		
<b>Airport Hazards</b> Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. See attached map.
<b>Coastal Barrier Resources Act</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act. See attached map.
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance. While flood insurance



		may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with Flood Insurance requirements. See attached map.
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</b>		
<b>Air Quality</b> Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act. The project is the installation of concrete curbing on a residential street and does not involve new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units.
<b>Coastal Zone Management Act</b> Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act. See attached map.
<b>Contamination and Toxic Substances</b> 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements. See attached documents. An onsite inspection was conducted on 12/8/2023 and NEPA Assist was consulted on 12/27/2023. No on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property.
<b>Endangered Species Act</b> Endangered Species Act of 1973,	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project has been determined to have No Effect on listed species. This

particularly section 7; 50 CFR Part 402		project is in compliance with the Endangered Species Act without mitigation. See attached documents.
<b>Explosive and Flammable Hazards</b> Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements. The project is concrete curb installation on an already established residential neighborhood street. The project does not include the development of a hazardous facility nor will it involve development, construction, rehabilitation that will increase residential densities, or conversion.
<b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. There are no agricultural lands within the borders of the Town of Cheektowaga. See attached map.
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. See attached map.
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description the project has No Potential to Cause Effects. The project is in compliance with Section 106. See attached letter from NYS SHPO dated 1/3/2024.
<b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.
<b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. See attached map.

<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. See attached map.
<b>Wild and Scenic Rivers Act</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. See attached map.
<b>HUD HOUSING ENVIRONMENTAL STANDARDS</b>		
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

**Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]**

**Impact Codes:** An impact code from the following list has been used to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<b>LAND DEVELOPMENT</b>			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	The project conforms to existing zoning, the Town of Cheektowaga plans and the existing neighborhood. We are adding concrete curbs to an existing residential street where none exist. The new curbs will help with drainage and aesthetics in this neighborhood.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	The project site(s) are completely flat. The project will need to remove existing earth materials to install the new curbs and replace the existing driveway aprons. All debris and unused earth materials will be properly disposed of. Short-term erosion during construction will be reduced to a less than significant level by the installation	



Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		of temporary erosion control devices as needed. These devices may include de-silting basins, berms, hay bales, silt fences, dikes, and shoring. Protective devices will be provided at every adjacent storm drain inlet to prevent sediment from entering the storm drain system. Erosion control measures will be installed as required by the Town of Cheektowaga Engineering Department. The Town of Cheektowaga Engineering Department will review all construction drawings and oversee the installation. Soil suitability will be based on data from Erie County Engineering Index Properties. If required, soil testing will be performed.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	The proposed concrete curb installation and concrete driveway apron replacement will not involve hazardous materials, substances or wastes as defined by Code of Federal Regulations, Title 49, Section 171.8. Project operation and project construction will not generate a nuisance as defined by the Town of Cheektowaga Code, Chapters 66, 166, 206 & 209. Existing materials and debris will be properly disposed of. Because the project site is flat and inland, the potential impacts from landslides, liquefaction and flooding would be less than significant. The goal of the project is to provide new concrete curbs and concrete driveway aprons in this residential area. During the earth removal and construction phases of the project there would be a minor (and temporary) increase in the ambient noise levels. Crews will be limited to work between the hours of 7am to 6pm Monday through Friday only. Also, because of street generated noise and surrounding daily activity, any increase in ambient noise would be negligible.	
<b>SOCIOECONOMIC</b>			

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
Employment and Income Patterns	2	The primary goal of the project is to provide new concrete curbs and concrete driveway aprons in this residential area. There are no planned or anticipated long-term employment opportunities.	
Demographic Character Changes / Displacement	2	This project should have no impact on demographics or the neighborhood character as the project consists of concrete curb installation and concrete driveway apron replacement on Shanley Street. This is in an existing established residential neighborhood and will not affect the existing neighborhood character or demographics. The project would not require relocation as this project will not affect any existing dwellings.	
Environmental Justice EA Factor	2	The primary goal of the project is to provide new concrete curbs and concrete driveway aprons in this residential area. There is no impact on environmental justice factors.	
<b>COMMUNITY FACILITIES AND SERVICES</b>			
Educational and Cultural Facilities (Access and Capacity)	2	This project should have no impact on educational and cultural facilities as the project consists of curb installation and concrete driveway apron replacement on Shanley Street. This is in an existing established neighborhood and will not affect the existing educational and cultural facilities. The project site is within 1.2 miles of JFK High School and within 3.3 miles of Cheektowaga Central High School. There are no planned or anticipated school impacts as a result of this project. We do expect an increased level of safety for all pedestrians and aid in storm drainage for the neighborhood.	
Commercial Facilities (Access and Proximity)	2	The primary goal of the project is to provide new concrete curbs and concrete driveway aprons in this residential area. Commercial facilities are located on nearby Clinton Street and north on Dingens Street within close proximity of the project site.	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
Health Care / Social Services (Access and Capacity)	2	There are no significant health care providers located within close proximity of the project site. It is a typical residential neighborhood street that is in close proximity to major roadways that will provide access to health care and social service facilities within Cheektowaga and Erie County.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	The primary goal of the project is to provide new concrete curbs and concrete driveway aprons in this residential area. This will not be a significant increase in population requiring additional solid waste management facilities and services. The Town of Cheektowaga has their own sanitation contract which will adequately provide solid waste pickup services.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	This project should have a minor beneficial impact on waste water and sanitary sewers as the total project consists of road reconstruction on Shanley Street. Part of the entire project consists of replacing the sanitary sewers along this street. The street is in an already established residential neighborhood and therefore, the project will not require additional wastewater facilities or services.	
Water Supply (Feasibility and Capacity)	2	The primary goal of the project is to provide new concrete curbs and concrete driveway aprons in this residential area. Therefore, the project will not require additional water supply facilities or services as the proposed project will not result in a net increase in the consumption of water otherwise available for public consumption or public water supplies for this area.	
Public Safety - Police, Fire and Emergency Medical	2	The primary goal of the project is to provide new concrete curbs and concrete driveway aprons in this residential area. The Town of Cheektowaga Police Department will continue to provide adequate service to this area. The Town of Cheektowaga Office of Community	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		Development may also fund police foot patrols in this neighborhood. The Doyle Fire Department will continue to provide adequate service to the area.	
Parks, Open Space and Recreation (Access and Capacity)	2	The primary goal of the project is to provide new concrete curbs and concrete driveway aprons in this residential area. The project will have no impact on parks, open space, and/or recreation. The Town of Cheektowaga Dingens Park is located less than 1.00 mile from the project site.	
Transportation and Accessibility (Access and Capacity)	2	The primary goal of the project is to provide new concrete curbs and concrete driveway aprons in this residential area. Access to the NYS Thruway (I-190) is less than 1.0 mile of the site. Access to the Amtrak train station is within 4.3 miles of the project site. Access to the Buffalo Niagara International Airport is within 4.9 miles of the project site. Access to the Greyhound Bus Station is within 4 miles of the site. The project will have no impact on transportation and/or accessibility to transportation.	
<b>NATURAL FEATURES</b>			
Unique Natural Features /Water Resources	2	The project sites are flat pieces of land. There are neither unique natural features nor agricultural resources on site. The project proposes to provide new concrete curbs and concrete driveway aprons in this residential area.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	2	The project site contains grasses and miscellaneous vegetation. The project site is urbanized, previously built on and fully disturbed. The project will not affect sensitive biological resources.	
Other Factors 1			
Other Factors 2			
<b>CLIMATE AND ENERGY</b>			
Climate Change	2	The project proposes to provide new concrete curbs and concrete driveway aprons in this residential area. The installation of curbs will help to mitigate	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		rain run-off and snow melt for the street, to ultimately decrease flooding. There will be no significant impact on climate change factors.	
Energy Efficiency	2	The proposed project would not conflict with any adopted energy conservation plans. The proposal will be designed to meet or exceed all applicable energy efficiency regulations. There are no proposed features or aspects of the project that would result in the wasteful or inefficient use of non-renewable resources.	

**Supporting documentation**

**Additional Studies Performed:**

**Field Inspection [Optional]:** Date and completed by:

**List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:**

United States Department of Housing and Urban Development New York State Office of Parks, Recreation and Historic Preservation United States National Park Service United States Environmental Protection Agency United States Federal Emergency Management Agency United States Fish & Wildlife Service United States Department of Agriculture National Oceanic & Atmospheric Administration Google Maps Google Earth New York State Department of Environmental Conservation Erie County On-Line Mapping Program Erie County Water Authority Town of Cheektowaga, New York Town of Cheektowaga, Engineering Department

**List of Permits Obtained:**

**Public Outreach [24 CFR 58.43]:**

The FONSI, NOI, and RROF will be published in the Town of Cheektowaga's official paper, the Cheektowaga BEE. It will be published as a legal ad on Thursday XXXXXXXX. The project was also published in the Town of Cheektowaga Office of Community Development Annual Action Plan for FY 2024. A public comment period was held from December 22, 2023 through January 23, 2024. A public hearing was held on January 23, 2023. No comments were received.

**Cumulative Impact Analysis [24 CFR 58.32]:**

The total project consists of roadway reconstruction along with sanitary and storm sewer replacement. The existing roadway is higher in elevation than the existing driveways and sidewalks. Thus, the area experiences terrible flooding during heavy rain events and then back-ups into the basements. The Town is planning on reconstructing the roadway and replacing the existing sanitary and storm sewers. The installation of approximately 2,800 lineal feet of 8" wide x 18" high curbing will help to direct rain runoff and snow melt for the properties. The curbs will also create a safer street scape for pedestrians and vehicles driving and parking on the roadway. Thus, the cumulative impact on Shanley Street and on the residents will be a positive impact. The "curb appeal" of the street and dwellings will be improved, the safety of pedestrians will be improved, and the chances of heavy flooding in the dwelling basements will be reduced.

**Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]**

**No Action Alternative [24 CFR 58.40(e)]**

If the no action alternative was implemented, the neighborhood safety and "curb appeal" would suffer. The new curbs will also aid in the rain run-off and snow melt issues for the flooding in the neighborhood. Also, if we didn't install the curbing at this time (when the street will be under reconstruction) we would have to come back and dig up the street again in the future.

**Summary of Findings and Conclusions:**

The purpose of the proposed project is to provide road reconstruction on Shanley Street (located in a low-mod area). This site has significant flooding and the installation of new concrete curbs and the replacement of concrete driveway aprons will aid in the rain and snow melt run-off, increase pedestrian safety, and increase the neighborhood "curb appeal" of the residences. This proposed project will have only positive impacts on this existing developed residential neighborhood.

**Mitigation Measures and Conditions [CFR 1505.2(c)]:**

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-

conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Mitigation Plan	Complete
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**Project Mitigation Plan**

**Supporting documentation on completed measures**



## APPENDIX A: Related Federal Laws and Authorities

### Airport Hazards

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

✓ No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

### Screen Summary

#### Compliance Determination

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. See attached map.

#### Supporting documentation

[Shanley Street airport distance map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

## Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

**1. Is the project located in a CBRS Unit?**

☒ No

Document and upload map and documentation below.

Yes

### Compliance Determination

This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act. See attached map.

### Supporting documentation

[Shanley Street CBRS Map.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

☒ No

## Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

**1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?**

- ✓ No. This project does not require flood insurance or is excepted from flood insurance.

Based on the response, the review is in compliance with this section.

Yes

**4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?**

Yes

- ✓ No

### Screen Summary

#### **Compliance Determination**

Based on the project description the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with Flood Insurance requirements. See attached map.

#### **Supporting documentation**

[Shanley Street FEMA map.pdf](#)

#### **Are formal compliance steps or mitigation required?**

Yes

✓ No



## Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

**1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?**

Yes

✓ No

Based on the response, the review is in compliance with this section.

### Screen Summary

#### **Compliance Determination**

Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act. The project is the installation of concrete curbing on a residential street and does not involve new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units.

#### **Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

**1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?**

Yes

✓ No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

### Screen Summary

#### **Compliance Determination**

This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act. See attached map.

#### **Supporting documentation**

[Shanley Street coastal zone map.pdf](#)

#### **Are formal compliance steps or mitigation required?**

Yes

✓ No



## Contamination and Toxic Substances

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)

**1. How was site contamination evaluated? Select all that apply. Document and upload documentation and reports and evaluation explanation of site contamination below.**

American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA)

ASTM Phase II ESA

Remediation or clean-up plan

ASTM Vapor Encroachment Screening

☒ None of the Above

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

☒ No

**Explain:**

An onsite inspection was conducted on 12/8/2023 and NEPA Assist was consulted on 12/27/2023. No on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property.

Based on the response, the review is in compliance with this section.

Yes

### Screen Summary

### Compliance Determination



Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements. See attached documents. An onsite inspection was conducted on 12/8/2023 and NEPA Assist was consulted on 12/27/2023. No on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property.

**Supporting documentation**

[NEPAssist\\_Analysis Drilldown Hazardous Shanley Street.pdf](#)

[NEPAssist\\_Analysis Drilldown Toxic Shanley Street.pdf](#)

[NEPAssist\\_Analysis Shanley Street.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service ("FWS" and "NMFS" or "the Services").	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i> ); particularly section 7 (16 USC 1536).	50 CFR Part 402

**1. Does the project involve any activities that have the potential to affect species or habitats?**

No, the project will have No Effect due to the nature of the activities involved in the project.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

- ✓ Yes, the activities involved in the project have the potential to affect species and/or habitats.

**2. Are federally listed species or designated critical habitats present in the action area?**

No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

- ✓ Yes, there are federally listed species or designated critical habitats present in the action area.

**3. What effects, if any, will your project have on federally listed species or designated critical habitat?**

- ✓ **No Effect:** Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat. in the action area.

Document and upload all documents used to make your determination below. Documentation should include a species list and explanation of your conclusion, and may require maps, photographs, and surveys as appropriate

**May Affect, Not Likely to Adversely Affect:** Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

**Likely to Adversely Affect:** The project may have negative effects on one or more listed species or critical habitat.

**6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.**

Mitigation as follows will be implemented:

- ✓ **No mitigation is necessary.**

Explain why mitigation will not be made here:

There are no adverse impacts to species and/or critical habitats as a result of this project. See attached documents from IPaC consultation 12/27/2023.

#### **Screen Summary**

#### **Compliance Determination**

This project has been determined to have No Effect on listed species. This project is in compliance with the Endangered Species Act without mitigation. See attached documents.

**Supporting documentation**

[20231227 NE Consistency NLEB\\_RW Shanley Street.pdf](#)  
[IPaC\\_ESA Determination Key interview - Shanley Street Curb Installation \(Road Reconstruction\) Indiana Bat.pdf](#)  
[Species List\\_New York Ecological Services Field Office Shanley Street.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No



## Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

✓ No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

✓ No

Based on the response, the review is in compliance with this section.

Yes

### Screen Summary

#### Compliance Determination

Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements. The project is concrete curb installation on an already established residential neighborhood street. The project does not include the development of a hazardous facility nor will it involve development, construction, rehabilitation that will increase residential densities, or conversion.

#### Supporting documentation

Are formal compliance steps or mitigation required?

Yes

Shanley-Street-Road-  
Reconstruction

Cheektowaga, NY

9000000010372904

✓ No

## Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	<a href="#">7 CFR Part 658</a>

**1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?**

Yes

✓ No

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

### Screen Summary

#### **Compliance Determination**

This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. There are no agricultural lands within the borders of the Town of Cheektowaga. See attached map.

#### **Supporting documentation**

[Agricultural District Map 2023.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No



## Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55

1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]

55.12(c)(3)

55.12(c)(4)

55.12(c)(5)

55.12(c)(6)

55.12(c)(7)

55.12(c)(8)

55.12(c)(9)

55.12(c)(10)

55.12(c)(11)

✓ None of the above

2. Upload a FEMA/FIRM map showing the site here:

[Shanley Street FEMA map\(1\).pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

Does your project occur in a floodplain?

✓ No

Based on the response, the review is in compliance with this section.

Yes

**Screen Summary**

**Compliance Determination**

This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. See attached map.

**Supporting documentation**

[Shanley Street FEMA map\(2\).pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Historic Preservation

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 "Protection of Historic Properties" <a href="https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf">https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf</a>

### Threshold

Is Section 106 review required for your project?

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA ). (See the PA Database to find applicable PAs.)

- ✓ No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

Yes, because the project includes activities with potential to cause effects (direct or indirect).

**Threshold (b). Document and upload the memo or explanation/justification of the other determination below:**

Based on the response, the review is in compliance with this section.

### Screen Summary

#### Compliance Determination

Based on the project description the project has No Potential to Cause Effects. The project is in compliance with Section 106. See attached letter from NYS SHPO dated 1/3/2024.

Shanley-Street-Road-  
Reconstruction

Cheektowaga, NY

900000010372904

**Supporting documentation**

[SHPO letter Shanley Street.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No



## Noise Abatement and Control

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972  General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B

**1. What activities does your project involve? Check all that apply:**

New construction for residential use

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

✓ None of the above

### Screen Summary

#### Compliance Determination

Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.

#### Supporting documentation

Are formal compliance steps or mitigation required?

Yes

Shanley-Street-Road-  
Reconstruction

Cheektowaga, NY

900000010372904

✓ No

### Sole Source Aquifers

General requirements	Legislation	Regulation
The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

✓ No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

✓ No

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

#### Screen Summary

##### Compliance Determination

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. See attached map.



Shanley-Street-Road-  
Reconstruction

Cheektowaga, NY

900000010372904

**Supporting documentation**

[Sole Source Aquifers Map 2023.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

**1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order**

No

✓ Yes

**2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.**

**"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."**

✓ No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.

Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

Yes, there is a wetland that be impacted in terms of E.O. 11990's definition of new construction.

### Screen Summary

**Compliance Determination**

The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. See attached map.

**Supporting documentation**

[Shanley Street wetlands map.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

### 1. Is your project within proximity of a NWSRS river?

✓ No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

### Screen Summary

#### **Compliance Determination**

This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. See attached map.

#### **Supporting documentation**

[Wild and Scenic Rivers Map 2023.pdf](#)

#### **Are formal compliance steps or mitigation required?**

Yes

✓ No



## Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?

Yes

✓ No

Based on the response, the review is in compliance with this section.

### Screen Summary

#### Compliance Determination

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

#### Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No