



SENT VIA E-MAIL ONLY

Date: October 7, 2025

To: Distribution List (attached)

Re: DASNY *State Environmental Quality Review (SEQR) Negative Declaration* for the Orchard Park CCRC, Inc. d/b/a Fox Run at Orchard Park's *Fox Run Senior Living Expansion Project (2025 Financing Project)*, Buffalo, Erie County, New York Facilities for the Aged Program

Dear Involved Agency/Interested Party Representative:

Enclosed herewith is a copy of DASNY's *State Environmental Quality Review ("SEQR") Negative Declaration Notice of Determination of Non-significance* for the above-referenced project.

Should you require any additional information, please contact me at: **Mr. Robert S. Derico, R.A., Director, Office of Environmental Affairs, DASNY, 515 Broadway, Albany, New York 12207-2964**, via email rderico@dasny.org or telephone at (518) 257-3214.

Respectfully,

Robert S. Derico, R.A.
Director
Office of Environmental Affairs

Enclosures

cc: David Ostrander
Michael Logan, Esq.
Joanna Oliver
SEQR File



Orchard Park CCRC, Inc. *Fox Run Senior Living Expansion Project*
E-MAIL DISTRIBUTION LIST OF INVOLVED AGENCIES AND INTERESTED PARTIES

Eugene Majchrzak
Supervisor
Town of Orchard Park
4295 South Buffalo Street
Orchard Park, New York 14127
majchrzakg@orchardparkny.gov

Anna Worang-Zizzi
Director of Community Development
Town of Orchard Park
4295 South Buffalo Street
Orchard Park, New York 14127
opplanning@orchardparkny.gov

Mark C. Poloncarz
Erie County Executive
95 Franklin Street, 16 Floor
Buffalo, New York 14202
countyexecutive@erie.gov

Nancy Herter, Ph.D.
Director
Technical Preservation Services Bureau
NYS Office of Parks, Recreation and Historic
Preservation
P. O. Box 189
Waterford, New York 12188-0189
nancy.herter@parks.ny.gov

Julie Barrett O'Neil
Region 9 Director
NYS Department of Environmental Conservation
700 Delaware Avenue
Buffalo, New York 14209
region9@dec.ny.gov

Kristine M. Carlson
Deputy Permit Administrator
NYS Department of Environmental Conservation
700 Delaware Avenue
Buffalo, New York 14209
Kristine.carlson@dec.ny.gov

William Wlodarczyk
Chief Operating Officer
Fox Run at Orchard Park
One Fox Run Lane
Orchard Park, New York 14127
wwlodarczyk@foxrunorchardpark.com

Jill Szalach
Chief Financial Officer
Fox Run at Orchard Park
One Fox Run Lane
Orchard Park, New York 14127
jszalach@foxrunorchardpark.com

Brandon Cottrell
Partner
Hodgson Russ LLP
140 Pearl Street, Suite 100
Buffalo, New York, 14202
bcottrel@hodgsonruss.com

Christofer Fattey
Partner
Hodgson Russ LLP
140 Pearl Street, Suite 100
Buffalo, New York, 14202
cfattey@hodgsonruss.com

Nicholas Gatto
Partner
Hodgson Russ LLP
140 Pearl Street, Suite 100
Buffalo, New York, 14202
ngatto@hodgsonruss.com

Portia Lee
Managing Director
Public Finance & Portfolio Monitoring
DASNY
515 Broadway
Albany, New York 12207
plee@dasny.org

David Ostrander
Assistant Director
Public Finance & Portfolio Monitoring
DASNY
515 Broadway
Albany, New York 12207
dostrand@dasny.org

Michael Logan
Managing Assistant Counsel
Counsel-Finance Unit
DASNY
515 Broadway
Albany, New York 12207
mlogan@dasny.org



**STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

Date: October 6, 2025

Lead Agency: Dormitory Authority of the State of New York
515 Broadway
Albany, New York 12207-2964

Applicant: Orchard Park CCRC, Inc. d/b/a Fox Run at Orchard Park ("Fox Run")
1 Fox Run Lane, Orchard Park, New York 14127
Erie County

This notice is issued pursuant to the *State Environmental Quality Review Act* ("SEQRA"), codified at Article 8 of the New York Environmental Conservation Law ("ECL"), and its implementing regulations, promulgated at Part 617 of Title 6 of the *New York Codes, Rules and Regulations* ("N.Y.C.R.R."), which collectively contain the requirements for the *State Environmental Quality Review* ("SEQR") process.

The Dormitory Authority of the State of New York DASNY ("DASNY"), as lead agency, has determined that the Proposed Action described below would not have a significant adverse effect on the environment and a Draft Environmental Impact Statement ("DEIS") will not be prepared.

Title of Action: Orchard Park CCRC, Inc. Obligated Group Revenue Bonds,
Series 2025A and Series 2025B
Fox Run at Orchard Park Senior Living Expansion Project
(Facilities for the Aged Program)

SEQR Status: Unlisted Action – 6 N.Y.C.R.R. Part 617.2(al)

Review Type: Coordinated Review

Description of Proposed Action and Proposed Project

The Dormitory Authority of the State of New York (“DASNY”) has received a funding request from the Orchard Park CCRC, Inc. d/b/a Fox Run at Orchard Park (“Fox Run”) for its *Fox Run at Orchard Park Senior Living Expansion* (the “Proposed Project”). For purposes of the *State Environmental Quality Review Act* (“SEQRA”), the Proposed Action would involve DASNY’s authorization of the issuance of one or more series of fixed and/or variable rate, tax-exempt and/or taxable bonds in an amount not to exceed \$75,000,000, with maturities not to exceed 35 years, to be sold at one or more times through a negotiated offering and/or a private placement on behalf of Orchard Park CCRC, Inc., pursuant to DASNY’s Facilities for the Aged Program.

More specifically, the Proposed Project would consist of the construction of three new independent living apartment wings with 63 new units (approximately 82,500 square feet); eight new duplex patio homes (16 units totaling approximately 14,100 square feet); and an addition to the commons building (approximately 4,600 square feet). Also included is the renovation of the commons building, which contains the dining areas, wellness and exercise space, event center and library (approximately 30,000 square feet). Fox Run at Orchard Park is located at 1 Fox Run, Orchard Park, Erie County, New York.

The Proposed Project would be developed as of right; no other discretionary building permits or approvals are anticipated. A New York State Department of Environmental Conservation (“DEC”) Permit was issued for the Proposed Project under Freshwater Wetlands – Article 24 on September 17, 2025 (Permit ID 9-1460-00163/00004). Expansions of Continuing Care Retirement Communities (“CCRCs”) require regulatory approval by New York State prior to construction. The Proposed Project received this approval on July 8, 2025, from the New York State Department of Health (“DOH”) and the New York State Department of Financial Services (“DFS”), with contingencies to be satisfied prior to construction.

Description of the Institution

Fox Run is a not-for-profit corporation which operates a CCRC for individuals aged 62 or older on a 54-acre campus in Orchard Park, New York, just south of Buffalo. Fox Run is a 501(c)(3) New York not-for-profit corporation established by The United Church Home Society, a not-for-profit organization with the mission to help older adults find appropriate housing since 1877. As discussed previously, CCRCs in New York State are subject to licensing and regulation by the DOH and the DFS under Article 46 of New York State Public Health Law. Fox Run’s assisted living, memory care, and skilled nursing components are also subject to regulatory oversight by the DOH. Fox Run was granted a certificate of authority for the facility in April 2006 and began operating November 1, 2007. Fox Run employs 294 employees, 122 of which are full-time. The facility currently offers 150 apartment units, 15 duplex patio homes, 52 assisted living suites (with 18 Memory Care Units) and 60 skilled nursing beds.

Reasons Supporting This Determination

Overview. DASNY completed this environmental review in accordance with the procedures set forth in the *SEQRA*, codified at Article 8 of the New York *Environmental Conservation Law* (“ECL”), and its implementing regulations, promulgated at Part 617 of Title 6 of the *New York Codes, Rules and Regulations* (“N.Y.C.R.R.”), which collectively contain the requirements for the

SEQR process. This environmental review followed standard environmental analysis methodologies and impact criteria for evaluating the Proposed Project, unless stated otherwise.

The Proposed Project was also reviewed in conformance with the *New York State Historic Preservation Act of 1980* (“SHPA”), especially the implementing regulations of Section 14.09 of the *Parks, Recreation and Historic Preservation Law* (“PRHPL”), as well as with the requirements of the Memorandum of Understanding (“MOU”), dated March 18, 1998, between DASNY and the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”).

Additionally, the Proposed Project was analyzed for consistency with the State of New York *Smart Growth Public Infrastructure Policy Act* (“SGPIPA”), Article 6 of the New York *ECL*, for a variety of policy areas related to land use and sustainable development. The *Smart Growth Impact Statement Assessment Form* (“SGISAF”) is included with this determination.

SEQR Determination. The Proposed Project constitutes an Unlisted Action under 6 N.Y.C.R.R. Part 617.2(a) of the SEQR implementing regulations. On August 28, 2025, DASNY circulated a lead agency request letter, including a *Short Environmental Assessment Form – Part 1* (“SEAF – Part 1”) that was prepared for the Proposed Project by representatives of Fox Run, as well as a *Distribution List of Involved Agencies and Interested Parties* to whom the lead agency letter was sent. There being no objection to DASNY assuming SEQR lead agency status, a coordinated review among the potentially involved agencies was initiated.

DASNY representatives reviewed the *SEAF Part – 1*, including relevant supplemental documentation that analyzed potential environmental impacts associated with the Proposed Project (see attached). DASNY subsequently completed an evaluation of the magnitude and importance of project impacts, as detailed in the *SEAF – Parts 2 and 3* (see attached). **Based on the above, and the additional information set forth below, DASNY as lead agency has analyzed the relevant areas of environmental concern and determined that the Proposed Project would not have a significant adverse effect on the environment.**

SHPA Determination. As noted above, the Proposed Project was reviewed in conformance with the SHPA, Section 14.09 of the PRHPL, as well as with the requirements of the MOU between DASNY and OPRHP. OPRHP is an Interested Agency for the purposes of this SEQR review.

DASNY submitted the Proposed Project to OPRHP for review (OPRHP No. 25PR08164). In its letter of September 4, 2025 (attached), OPRHP determined that “...no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places” would be impacted by this project. It is the opinion of DASNY that the Proposed Project would have no adverse impact on historical or cultural resources in or eligible for inclusion in the *State and National Registers* (“S/NR”).

SSGPIPA Determination. DASNY’s Smart Growth Advisory Committee reviewed the *SGISAF* that was prepared in accordance with the *SGPIPA* and found that, to the extent practicable, the Proposed Project would be consistent with and would be generally supportive of the smart growth criteria established by the legislation. The compatibility of the Proposed Project with the criteria of the *SSGPIPA*, Article 6 of the *ECL*, is detailed in the *SGISAF* (see attached). In general, the Proposed Project would be in compliance with the relevant State and local public policy initiatives that guide development within the project area.

General Findings. The purpose of the Proposed Project is the expansion and renovation of the existing Fox Run CCRC facility funded by bond proceeds. DASNY's overall SEQR classification for all elements of the proposed financing is Unlisted.

Potential Impacts. DASNY, as lead agency, has inventoried all potential resources that could be affected by the Proposed Project, assessed the magnitude, duration, likelihood, scale, and context of the construction and determined that no impact, or a small impact, may occur to the following: Land Use, Zoning and Public Policy, Socioeconomics, Community Facilities, Open Space and Recreational Facilities, Cultural Resources, Architectural Design and Visual Resources, Neighborhood Character, Natural Resources, Hazardous Materials, Infrastructure, Solid Waste and Sanitation Services, Use and Conservation of Energy, Transportation, Air Quality, Noise and Construction (see *SEAF Part 2 and 3, attached*). No potential negative long-term or cumulative impacts or significant adverse environmental impacts were identified in connection with the Proposed Project.

Summary. DASNY has reviewed the Proposed Project using criteria provided in Part 617.7 of SEQRA and has determined that:

- (i) there would be no substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; no substantial increase in solid waste production; and no substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there would be no removal or destruction of large quantities of vegetation or fauna; no substantial interference with the movement of any resident or migratory fish or wildlife species; no impacts on a significant habitat area; no substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
- (iii) there would be no impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;
- (iv) there would be no creation of a material conflict with a community's current plans or goals as officially approved or adopted;
- (v) there would be no impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (vi) there would be no major change in the use of either the quantity or type of energy;
- (vii) there would be no creation of a hazard to human health;
- (viii) there would be no 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;
- (ix) there would be no encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
- (x) there would be no creation of a material demand for other actions that would result in one of the above consequences;

- (xi) there would be no changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment;
- (xii) there would not be two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision; and
- (xiii) there would be no other significant adverse environmental impacts.

Based on the above, and the additional information contained herein, DASNY, as lead agency, analyzed the relevant areas of environmental concern and determined that the Proposed Project would not have a significant adverse impact on the environment and a Draft Environmental Impact Statement will not be prepared.

For Further Information:

Contact Person: Robert S. Derico, R.A.
Director
Office of Environmental Affairs

Address: DASNY
515 Broadway
Albany, New York 12207-2964

Telephone: (518) 257-3214

Email: rderico@dasny.org

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

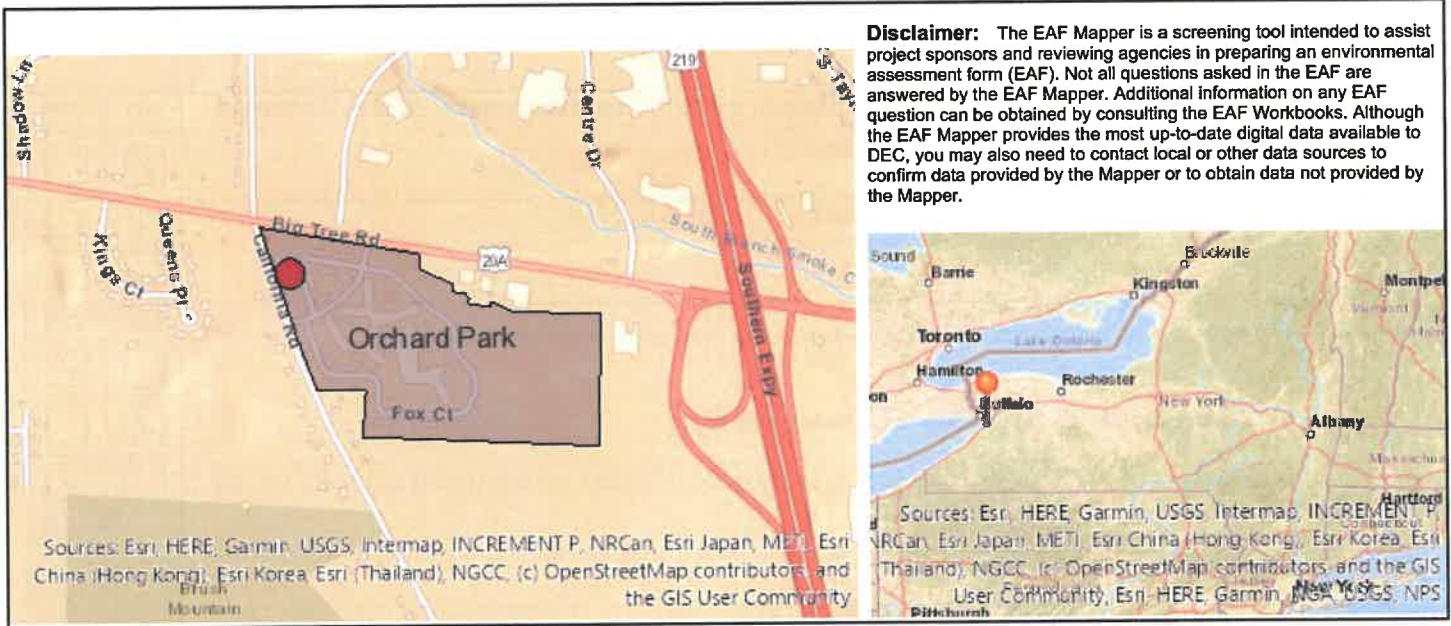
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information							
Name of Action or Project: Fox Run Senior Living Expansion Project							
Project Location (describe, and attach a location map): 1 Fox Run Lane, Orchard Park NY 14127 Erie County							
Brief Description of Proposed Action: The Dormitory Authority of the State of New York ("DASNY") has received a funding request from Orchard Park CCRC (d/b/a "Fox Run") for its proposed Fox Run Senior Living Expansion Project. For the purposes of SEQRA, the Proposed Action would involve DASNY's authorization of the issuance of bonds on behalf of Orchard Park CCRC pursuant to DASNY's Facilities for the Aged program for the Proposed Project. The Proposed Project consists of the design and construction of three independent living senior apartments wings connected to the existing campus apartment buildings (63 new units, approximately 82,500 gsf), four duplex senior patio homes (eight new units, approximately 14,100 gsf), renovations to the existing commons/amenity building (approximately 30,000 gsf), and the construction of additions to the commons/amenity building (approximately 4,600 gsf).							
Name of Applicant or Sponsor: William L. Wodarczyk, CEO Fox Run		Telephone: 716-662-5001					
		E-Mail: wwlodarczyk@foxrunorchardpark.com					
Address: 1 Fox Run Lane							
City/PO: Orchard Park		State: NY	Zip Code: 14127				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> </table>	NO	YES	☒	☐
NO	YES						
☒	☐						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: DASNY - funding			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;">☐</td> <td style="text-align: center;">☒</td> </tr> </table>	NO	YES	☐	☒
NO	YES						
☐	☒						
3. a. Total acreage of the site of the proposed action?		50.9 acres					
b. Total acreage to be physically disturbed?		7.2 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		50.9 acres					
4. Check all land uses that occur on, are adjoining or near the proposed action:							
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban)							
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):							
☐ Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO ☐ ☐	YES ☒ ☒	N/A ☐ ☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO ☒ ☒ ☐	YES ☐ ☐ ☒	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO ☐	YES ☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO ☐	YES ☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO ☐	YES ☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. 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?	NO ☐ ☐	YES ☒ ☒	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO ☐ ☒	YES ☒ ☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☒ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☒
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☒
Storm water will continue to be directed to the existing SWMF 		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>William Wlodarczyk</u> Date: <u>8/27/25</u> Signature: <u>William J. Wlodarczyk</u> Title: <u>CEO</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



SMART GROWTH IMPACT STATEMENT ASSESSMENT FORM

Date: October 6, 2025
Project Applicant: Orchard Park CCRC, Inc. (d/b/a Fox Run at Orchard Park)
Project Name: Orchard Park CCRC, Inc. Obligated Group Revenue Bonds, Series 2025A and Series 2025B *Fox Run at Orchard Park Senior Living Expansion Project*
Program: Facilities for the Aged Program
Project Location: 1 Fox Run Lane, Orchard Park, Erie County, New York
Project Number: 387920
Completed by: Joanna Oliver, AICP

This Smart Growth Impact Statement Assessment Form (“SGISAF”) is a tool to assist the applicant and the Dormitory Authority of the State of New York’s (“DASNY’s”) Smart Growth Advisory Committee in deliberations to determine whether a project is consistent with the New York State *Smart Growth Public Infrastructure Policy Act* (“SSGPIPA”), Article 6 of the New York State *Environmental Conservation Law* (“ECL”).¹ Not all questions/answers may be relevant or applicable to all projects.

Description of Proposed Action and Proposed Project:

The Proposed Action would involve DASNY’s authorization of the issuance of DASNY obligations on behalf Orchard Park CCRC, Inc., pursuant to DASNY’s Facilities for the Aged Program. A portion of the bond proceeds would be used to finance the Proposed Project.

The Proposed Project would consist of the construction of three new independent living apartment wings with 63 new units (approximately 82,500 square feet); eight new duplex patio homes (16 units totaling approximately 14,100 square feet); and an addition to the commons building (approximately 4,600 square feet). Also included is the renovation of the commons building, which contains the dining areas, wellness and exercise space, event center and library (approximately 30,000 square feet).

Smart Growth Impact Assessment: Have any other entities issued a Smart Growth Impact Statement (“SGIS”) with regard to this project? (If so, attach same). ☐ Yes ☒ No

1. Does the project advance or otherwise involve the use of, maintain, or improve existing infrastructure? Check one and describe: ☒ Yes ☐ No ☐ Not Relevant

The Proposed Project is located in a developed area with existing access to transportation and municipal infrastructure (i.e., water supply and sewer service). The Proposed Project would utilize existing infrastructure serving the area.

2. Is the project located wholly or partially in a **municipal center**,² characterized by any of the following: Check all that apply and explain briefly:
- ☐ A city or a village
 - ☒ Within the boundaries of a generally-recognized college, university, hospital or nursing-home campus
 - ☐ Area of concentrated and mixed land use that serves as a center for various activities including, but not limited to: **see below**
 - ☐ Central business districts (i.e., commercial or geographic heart of a city, downtown or “city center”)
 - ☐ Main streets (i.e., primary retail street of a village, town, or small city)
 - ☐ Downtown areas (i.e., city’s core, center or central business district)
 - ☐ Brownfield opportunity areas (<https://www.dos.ny.gov/opd/programs/brownFieldOpp/index.html>)
 - ☐ Downtown areas of Local Waterfront Revitalization Programs (“LWRPs”) (<https://www.dos.ny.gov/opd/programs/lwrp.html>)

¹ <https://www.nysenate.gov/legislation/laws/ENV/A6>

² DASNY interprets the term “municipal centers” to include existing, developed institutional campuses such as universities, colleges and hospitals.

- ☐ Transit-oriented development areas (i.e., areas with access to public transit for residents)
- ☐ Environmental justice areas (<https://www.dec.ny.gov/public/911.html>)
- ☐ Hardship areas

The Project Site is a developed Continuing Care Retirement Community (“CCRC”) with various levels of independent living and skilled nursing components. The Project Site is fully developed with buildings, roadways, common facilities and paved parking areas.

3. Is the project located adjacent to municipal centers (please see characteristics in question 2, above) with clearly-defined borders, in an area designated for concentrated development in the future by a municipal or regional comprehensive plan that exhibits strong land use, transportation, infrastructure and economic connections to an existing municipal center? Check one and describe: ☐ Yes ☐ No ☒ Not Relevant

This is not relevant because the project is consistent with criterion 2 above.

4. Is the project located in an area designated by a municipal or comprehensive plan, and appropriately zoned, as a future municipal center? Check one and describe: ☐ Yes ☐ No ☒ Not Relevant

This is not relevant because the project is consistent with criterion 2 above.

5. Is the project located wholly or partially in a developed area or an area designated for concentrated infill development in accordance with a municipally-approved comprehensive land use plan, a local waterfront revitalization plan, brownfield opportunity area plan or other development plan? Check one and describe: ☐ Yes ☐ No ☒ Not Relevant

This is not relevant because the project is consistent with criterion 2 above.

6. Does the project preserve and enhance the state’s resources, including agricultural lands, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and/or significant historic and archeological resources? Check one and describe: ☒ Yes ☐ No ☐ Not Relevant

No significant adverse impacts would occur to any of the state’s resources as a result of the Proposed Project.

7. Does the project foster mixed land uses and compact development, downtown revitalization, brownfield redevelopment, the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development and/or the integration of all income and age groups? Check one and describe: ☐ Yes ☐ No ☒ Not Relevant

The Proposed Project would expand the number of independent living units at the existing facility and renovate shared spaces such as dining spaces, and library.

8. Does the project provide mobility through transportation choices, including improved public transportation and reduced automobile dependency? Check one and describe: ☐ Yes ☐ No ☒ Not Relevant

The Proposed Project would expand the number of independent living units at an existing facility for seniors.

9. Does the project demonstrate coordination among state, regional, and local planning and governmental officials?³ Check one and describe: ☒ Yes ☐ No ☐ Not Relevant

DASNY, acting as lead agency, conducting a coordinated SEQR review of the Proposed Project that included State and local governmental agencies.

10. Does the project involve community-based planning and collaboration? Check one and describe: ☒ Yes ☐ No ☐ Not Relevant

³ Demonstration may include *State Environmental Quality Review* [“SEQR”] coordination with involved and interested agencies, district formation, agreements between involved parties, letters of support, State Pollutant Discharge Elimination System [“SPDES”] permit issuance/revision notices, etc.

The SEQR review was coordinated between State and local agencies and interested parties.

11. Is the project consistent with local building and land use codes?

Check one and describe: ☒ Yes ☐ No ☐ Not Relevant

The Proposed Project would be consistent with all local building and land use codes.

12. Does the project promote sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of future generations? Check one and describe: ☒ Yes ☐ No ☐ Not Relevant

The Proposed Project would increase the number of independent living facilities on a CCRC campus already developed with roadways and infrastructure.

13. During the development of the project, was there broad-based public involvement?⁴

Check one and describe: ☒ Yes ☐ No ☐ Not Relevant

As previously noted, DASNY, acting as lead agency, is conducting a coordinated review of the Proposed Project in accordance with *SEQRA*.

14. Does the Recipient have an ongoing governance structure to sustain the implementation of community planning? Check one and describe: ☒ Yes ☐ No ☐ Not Relevant

CCRCs are regulated by the NYS Department of Health, and the NYS Department of Financial Services.

15. Does the project mitigate future physical climate risk due to sea level rise, and/or storm surges and/or flooding, based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable? Check one and describe: ☒ Yes ☐ No ☐ Not Relevant

According to the NYSDEC's Environmental Resource Mapper, the Project Site is not located in a floodplain or floodway. Future physical climate risk would not be impacted by this project.

DASNY has reviewed the available information regarding this project and finds:

- ☒ The project was developed in general consistency with the relevant Smart Growth Criteria.
☐ The project was not developed in general consistency with the relevant Smart Growth Criteria.
☐ It was impracticable to develop this project in a manner consistent with the relevant Smart Growth Criteria for the following reasons: _____

ATTESTATION

I, President of DASNY/designee of the President of DASNY, hereby attest that the Proposed Project, to the extent practicable, meets the relevant criteria set forth above and that to the extent that it is not practical to meet any relevant criterion, for the reasons given above.



10/6/2025

Signature/Date

Robert S. Derico, R.A., Director, Office of Environmental Affairs

Print Name and Title

⁴ Documentation may include *SEQR* coordination with involved and interested agencies, SPDES permit issuance/revision notice, approval of Bond Resolution, formation of district, evidence of public hearings, *Environmental Notice Bulletin* ["ENB"] or other published notices, letters of support, etc.



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

RANDY SIMONS
Commissioner Pro Tempore

September 04, 2025

Joanna Oliver
Environmental Manager
DASNY
28 Liberty Street
55 Floor
New York, NY 10005-1445

Re: DASNY
Fox Run at Orchard Park Expansion Project
1 Fox Run Ln, Orchard Park, NY 14127
25PR08164
387920

Dear Joanna Oliver:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project.

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above. If you have any questions, please contact Campbell Higle at the following email address:

Campbell.Higle@parks.ny.gov

Sincerely,

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation