

**VILLAGE OF BUCHANAN RESOLUTION
ADOPTING LOCAL LAW NO. 3 OF 2021 WHICH WOULD AMEND
THE VILLAGE ZONING LAW BY REZONING THE EASTERLY SIDE
OF ALBANY POST ROAD FROM WHITE STREET TO BLEAKLEY AVENUE
FROM THE M-1 TO THE C-2 ZONING DISTRICT, AND BY CREATING AND
APPLYING THE C-1/C-2 OVERLAY DISTRICT TO THE MODIFIED C-2 DISTRICT
AND TO A PORTION OF THE C-1 DISTRICT**

At a regular meeting of the Village of Buchanan Village Board held on the 4th day of April 2021 at 7:30 PM at the Municipal Building, 236 Tate Avenue, Buchanan, New York, or conducted virtually in accordance with New York State (NYS) Executive Order 202.1.

Introduced by: _____
Seconded by: _____
Dated: _____

WHEREAS, the Village Board is considering the adoption of Local Law No. 3 of 2021 which would amend the Village Zoning Law by rezoning the easterly side of Albany Post Road from White Street to Bleakley Avenue from the M-1 to the C-2 zoning district, and by creating and applying the C-1/C-2 Overlay District to the modified C-2 District and to a portion of the C-1 District (the "Proposed Action"); and

WHEREAS, a Public Hearing on the proposed Local Law was duly advertised in The Journal News as required by law; and

WHEREAS, a Public Hearing was opened on January 5, 2021, was continued at multiple Village Board meetings, and was closed on May 4, 2021, during which times all parties in attendance were permitted an opportunity to speak about said proposed Local Law or any part thereof; and

WHEREAS, the Village Board has determined that the Proposed Action is an action for which there are no other Involved Agencies and that the Village Board is therefore, by default, the Lead Agency for this action; and

WHEREAS, the Village Board referred the proposed Local Law to the Village Planning Board for its advisory opinion; and

WHEREAS, in response to said referral the Village Planning Board responded with comments regarding the proposed Local Law; and

WHEREAS, as in accordance with Section 239 of the New York State General Municipal Law, the Village Board referred the proposed Local Law to the Westchester County Planning Board (WCPB) for its advisory opinion; and

WHEREAS, in response to said referral the DCDPD responded with comments; and

WHEREAS, the Village Board has given due consideration to the comments of the Village Planning Board and the WCPB.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The Village Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
2. Pursuant to the State Environmental Quality Review Act regulations, the Village Board hereby adopts the attached Negative Declaration for the reasons stated therein, thereby finding that the Proposed Action will not result in any significant adverse environmental impacts, that a Draft Environmental Impact Statement will not be required, and that the SEQRA process is complete.
3. The Village Board, after due deliberation, finds that it is in the best interest of the Village to adopt said Local Law, and the Village Board hereby adopts Local Law No. 3 of 2021, a copy of which is attached hereto and made a part of this Resolution; except as specifically modified by the amendments contained therein, the Village Code, as originally adopted and amended from time to time thereafter, is to remain in full force and effect.
4. The Village Clerk is directed to enter said Local Law in the minutes of this meeting into the Local Law book for the Village of Buchanan and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

UPON A ROLL CALL VOTE:

Mayor Theresa Knickerbocker _____

Trustee Richard Funchion _____

Trustee Anthony Capicotti _____

Trustee Sean Murray _____

Trustee Nicolas Zachary _____

Vote: Resolution carried by a vote of ____ to ____.

STATE OF NEW YORK)
COUNTY OF WESTCHESTER)

I, Cynthia Kempter, Village Clerk of the Village of Buchanan, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Village Board of the Village of Buchanan at a meeting of said Board held May 4, 2021.

CYNTHIA KEMPTER, Village Clerk

Attachments: Local Law; Negative Declaration

C-1/C-2 local law pm

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of BUCHANAN

Local Law No. 3 of the year 2021

A local law entitled "A Local Law for the Purpose of Amending Chapter 211, Zoning, of the Village Code with Respect to the Creation and Application of a New C-1/C-2 Overlay Zoning District and the Rezoning of Property from M-1 to C-2 and the Placement of Said Property in the C-1/C-2 Overlay District, and Amending Chapter 171, Subdivision of Land, with Respect to Lot Consolidation"

Be it enacted by the VILLAGE BOARD **of the Village of** BUCHANAN **as follows:**

TEXT COMMENCES ON NEXT PAGE

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW No. 3 OF THE YEAR 2021

BE IT ENACTED by the Village Board of the Village of Buchanan as follows:

Section 1. Title

This Local Law shall be known and cited as “Local Law No. 3 of 2021, for the Purpose of Amending Chapter 211, Zoning, of the Village Code with Respect to the Creation and Application of a New C-1/C-2 Overlay Zoning District and the Rezoning of Property from M-1 to C-2 and the Placement of Said Property in the C-1/C-2 Overlay District, and Amending Chapter 171, Subdivision of Land, with Respect to Lot Consolidation.”

Section 2. Legislative Intent

The Village Board believes that it is reasonable and appropriate to update and amend Chapter 211, Zoning, of the Village Code with respect to the creation and application of a new C-1/C-2 overlay zoning district and the rezoning of property from M-1 to C-2 and the placement of said property in the C-1/C-2 Overlay District, and to amend Chapter 171, Subdivision of Land, with respect to lot consolidation. This local law is determined to be an exercise of the police powers of the Village to protect the public health, safety and welfare of its residents. This local law is consistent with and an implementation of the Village’s Comprehensive Plan.

Section 3. Amendments to Chapter 211, Zoning

1. Section 211-7.A shall be amended to read as follows:

- A. The location and boundaries of the zoning districts hereby established are shown on the Zoning Map of the Village of Buchanan, New York, dated May 4, 2021. This Zoning Map, and all notations, references and other information shown thereon, is incorporated by reference and is attached hereto. An updated copy of the Zoning Map shall be maintained in the office of the Village Clerk for public view.

2. In Section 211-6, Enumeration of Districts, the following new zoning district shall be added at the end of the current list of districts:

C-1/C-2 Overlay Zoning District

3. A new Section 211-24.1 shall be added and shall read as follows:

§ 211-24.1 C-1/C-2 Overlay District.

- A. Purpose. The purpose of the C-1/C-2 Overlay District is to implement recommendations of the Village's Comprehensive Plan by encouraging business and residential development of a character desired by the Village, amending the tables of use and bulk regulations to obtain such character, beautifying the existing commercial corridor, and improving its pedestrian access.
 - B. Underlying and overlay zoning. The parcels located in the C-1/C-2 Overlay District shall retain their respective underlying zoning and may be developed in accordance with said underlying zoning. In addition, the provisions of § 211-24.1 shall also apply to the parcels in the C-1/C-2 Overlay District.
 - C. Bulk regulations. The following provisions apply to all permitted uses (whether based upon the underlying zoning or the overlay district), provided said uses comply with § 211-24.1.D of this chapter.
 - (1) The permitted lot coverage in the C-1/C-2 Overlay District may be increased at the sole discretion of the Planning Board to not more than 75 percent, provided that effective perimeter screening is proposed and the board determines that said increase conforms to sound planning principles.
 - (2) When a parcel is situated between two improved lots, each having a principal building within 20 feet of the side lot lines of said parcel, the front yard on the parcel may be reduced to a depth equal to that of the greater front yard of the two adjoining lots provided, however, that it may not be reduced to less than 20 feet.
 - D. Design guidelines. Any use developed in accordance with § 211-24.1, shall be consistent, to the extent deemed necessary by the Planning Board, with the Design Guidelines of the Village of Buchanan.
 - E. Prevailing provisions. If the provisions of this section are found to be inconsistent with any other provisions of this chapter, the provisions of this section shall prevail.
- 4. The Schedule of Use Regulations, Section 211-10, shall be revised in accordance with the attached schedule.**
- 5. The Table of Bulk Regulations, Section 211-15, shall be revised in accordance with the attached table.**

6. In the Schedule of Use Regulations, Section 211-10, “mobile home parks” shall be deleted from the list of Special Permit Uses in Item B pertaining to the C-2 General Commercial zoning district.

Section 4: Addition of C-1/C-2 Overlay Zoning District

The parcels listed below shall hereby retain their respective underlying zoning as shown in the table below and shall also be included in the C-1/C-2 Overlay Zoning District:

| Tax Parcel Number | Property Address | Owner’s Name | Underlying Zoning District |
|--------------------------|--------------------------------|------------------------------|-----------------------------------|
| 43.11-1-5 | Albany Post Road | Village of Buchanan | C-2 General Commercial |
| 43.11-1-6 | Albany Post Road | Village of Buchanan | C-2 General Commercial |
| 43.11-2-24 | 226 Bleakley Avenue | Tavano III, Salvatore | C-2 General Commercial |
| 43.11-2-25 | 224 Bleakley Avenue | 224 Bleakley Realty LLC | C-2 General Commercial |
| 43.11-2-26 | 222 Bleakley Avenue | Roberts Family Trust | C-2 General Commercial |
| 43.11-2-27 | 3220 Albany Post Road | Apollonio, Francesco and Kar | C-2 General Commercial |
| 43.11-2-28 | 3214-3216 Albany Post Road | Cook, Brian | C-2 General Commercial |
| 43.11-2-29 | 3212 Albany Post Road | Sarmiento, Raul | C-2 General Commercial |
| 43.15-3-2 | 3208 Albany Post Road | Sarmiento, Raul | C-2 General Commercial |
| part of 43.15-3-1 | Albany Post Road | Con Edison Co. of New York | C-2 General Commercial |
| 43.15-3-3 | 3190 Albany Post Road | NY Dealer Stations Mgmt LLC | C-2 General Commercial |
| 43.15-3-4.1 | Tate Avenue & Albany Post Road | Eller Media Co. L/E | C-2 General Commercial |
| 43.15-3-4 | Tate Avenue | Village of Buchanan | C-2 General Commercial |
| 43.15-3-5 | Tate Avenue | Village of Buchanan | C-1 Neighborhood Commercial |
| 43.15-3-6 | 264-266 Tate Avenue | Bosco, Frank | C-1 Neighborhood Commercial |
| 43.15-3-7 | 260-262 Tate Avenue | Haight, Timothy M | C-1 Neighborhood Commercial |
| 43.15-3-8 | 256-258 Tate Avenue | Zumba, Carlos V | C-1 Neighborhood Commercial |
| 43.15-3-9 | Tate Avenue | Village of Buchanan | C-1 Neighborhood Commercial |
| 43.15-3-10 | 252 Tate Avenue | Buchanan Management Corp | C-1 Neighborhood Commercial |
| 43.15-3-11 | 250 Tate Avenue | WG Holdings LLC | C-1 Neighborhood Commercial |
| 43.15-3-12 | Westchester Avenue | WG Holdings LLC | C-1 Neighborhood Commercial |
| 43.15-3-13 | 260 Westchester Avenue | 260 Westchester Ave Realty | C-1 Neighborhood Commercial |
| 43.16-2-1 | 3188 Albany Post Road | MAF Holdings #1 LLC | C-1 Neighborhood Commercial |
| 43.16-2-2 | 269 Tate Avenue | Di Silva, Carlos Roberto | C-1 Neighborhood Commercial |
| 43.16-2-3 | 263-265 Tate Avenue | 265 Tate Avenue Corp | C-1 Neighborhood Commercial |
| 43.16-2-4 | 261 Tate Avenue | Uzhca, Joel O | C-1 Neighborhood Commercial |
| 43.16-2-5 | 259 Tate Avenue | Teixeira, John | C-1 Neighborhood Commercial |
| 43.16-2-6 | 257 Tate Avenue | Neves, Emanuel F | C-1 Neighborhood Commercial |
| 43.16-2-7 | White Street & Tate Avenue | Village of Buchanan | C-1 Neighborhood Commercial |

| | | | |
|----------------------|---------------------------------|------------------------------|-----------------------------|
| 43.16-2-8 | 264 White Street | Villeda, Claudia | C-1 Neighborhood Commercial |
| 43.16-2-9 | 266 White Street | Travis, Hilda | C-1 Neighborhood Commercial |
| 43.16-2-10 | White Street & Albany Post Road | Eller Media Co. LLC | C-1 Neighborhood Commercial |
| 43.16-2-11 | 3176 Albany Post Road | Sellick, Reginald | C-1 Neighborhood Commercial |
| 43.16-2-38 | 179 Lindsay Avenue | F & A Realty Inc | C-1 Neighborhood Commercial |
| 43.16-2-37 | 177 Lindsay Avenue | Prada, David | C-1 Neighborhood Commercial |
| 43.16-2-36 | 175 Lindsay Avenue | Romero, Katherine | C-1 Neighborhood Commercial |
| 43.16-2-35 | 173 Lindsay Avenue | Curry, Ricky and Regina | C-1 Neighborhood Commercial |
| 43.15-2-19 | 244 Tate Avenue | Knickerbocker, Theresa & M | C-1 Neighborhood Commercial |
| 43.15-4-1 | 182 Lindsey Avenue | 2111 Albany Post Rd Corp | C-1 Neighborhood Commercial |
| 43.16-2-12 | 3172 Albany Post Road | Woodard, Donald S | C-2 General Commercial |
| 43.16-2-13 | 3170 Albany Post Road | Bleakley, Christopher | C-2 General Commercial |
| 43.16-2-14 | 3168 Albany Post Road | Rosen, Carl | C-2 General Commercial |
| 43.16-2-15 | 3166 Albany Post Road | Kendel, Matthew | C-2 General Commercial |
| 43.16-2-16 | 3164 Albany Post Road | Doyle, Patrick | C-2 General Commercial |
| 43.16-2-17 | 3162 Albany Post Road | Champion, Michael | C-2 General Commercial |
| 43.16-2-18 | 3160 Albany Post Road | C & C Mechanical Inc | C-2 General Commercial |
| 43.16-2-19 | 3150 Albany Post Road | Edwards, Paul C and Betty F | C-2 General Commercial |
| 43.16-2-20 | 3146 Albany Post Road | Polao OD, Michael | C-2 General Commercial |
| 43.16-2-21 | 3144 Albany Post Road | 144 Albany Post Rd Corp | C-2 General Commercial |
| 43.16-2-22 | 137 Lindsay Avenue | United Real Estate LLC | C-2 General Commercial |
| 43.16-2-23 | 139 Lindsay Avenue | Villa, Jose Ivan | C-2 General Commercial |
| 43.20-1-8 | 3114 Albany Post Road | Hair, Debra | C-2 General Commercial |
| 43.20-1-21 thru 21.4 | 245 Catherine Street | Keenan, John J and Carol A | C-2 General Commercial |
| 43.20-1-22 | 3106 Albany Post Road | 3106 Albany Post Inc | C-2 General Commercial |
| 43.20-1-37 | 3102 Albany Post Road | Albany Post Rd Properties | C-2 General Commercial |
| 43.20-1-38 | 3100 Albany Post Road | Albany Post Rd Properties | C-2 General Commercial |
| 43.20-1-39 | 3098 Albany Post Road | Albany Post Rd Properties | C-2 General Commercial |
| 43.20-2-5 | Lake Avenue | Board of Education | C-2 General Commercial |
| 43.20-2-6 | 3095 Albany Post Road | Roman Catholic Church | C-2 General Commercial |
| 43.20-2-7 | 3109 Albany Post Road | Chacon-Paul, Paola | C-2 General Commercial |
| 43.20-2-8 | 3113 Albany Post Road | Forest Hill Properties LLC | C-2 General Commercial |
| 43.20-2-1 | 3115 Albany Post Road | Mazzacone, Ralph and Linda | C-2 General Commercial |
| 43.16-3-17 | 3119 Albany Post Road | Albany Post Rd Realty LLC | C-2 General Commercial |
| part of 43.16-3-16A | Albany Post Road | Gusti Realty LLC | C-2 General Commercial |
| 43.16-3-18 | 274 Craft Lane | Rudy, Jean | C-2 General Commercial |
| 43.16-3-19 | 3149 Albany Post Road | Febres, Fabian R and Erika V | C-2 General Commercial |
| 43.16-3-20 | 3151 Albany Post Road | Preston, Jean | C-2 General Commercial |
| 43.16-3-21 | 3153 Albany Post Road | Buchanan Engine Co. No. 1 | C-2 General Commercial |
| 43.16-3-22 | 3159 Albany Post Road | Buchanan Engine Co. No. 1 | C-2 General Commercial |
| 43.16-3-23 | 3161 Albany Post Road | J AFC Realty Corp | C-2 General Commercial |
| 43.16-3-24 | 3167 Albany Post Road | Sellicks Auto Body Shop Inc | C-2 General Commercial |

Section 5: Rezoning from M-1 to C-2 and Addition of C-1/C-2 Overlay Zoning District

The parcels listed below shall hereby be rezoned from the Light Industrial (M-1) District to the General Commercial (C-2) District and shall also be included in the C-1/C-2 Overlay Zoning District:

| Tax Parcel Number | Property Address | Owner's Name | Existing Zoning District | Proposed Zoning District |
|--------------------------|-------------------------|-----------------------------|---------------------------------|---------------------------------|
| 43.16-3-26 | Albany Post Road | Con Edison Co of NY | M-1 | C-2 |
| 43.16-3-25 | White Street | Con Edison Co of NY | M-1 | C-2 |
| part of 43.16-3-1 | Albany Post Road | Con Edison Co of NY | M-1 | C-2 |
| part of 43.12-1-3 | 3199 Albany Post Road | Westchester Ind Complex LLC | M-1 | C-2 |
| 43.12-1-4 | 3201 Albany Post Road | Richardson Sanquintin | M-1 | C-2 |
| 43.12-1-5 | 3211 Albany Post Road | Michael P Bleakley | M-1 | C-2 |
| 43.12-1-6 | 3213 Albany Post Road | Jagg Group LLC | M-1 | C-2 |
| 43.12-1-7 | 3215 Albany Post Road | Wayne Chauvin | M-1 | C-2 |
| 43.12-1-8 | 3217 Albany Post Road | Gallo Development Corp | M-1 | C-2 |
| 43.12-1-9 | 3219 Albany Post Road | 3219 Albany Post Road LLC | M-1 | C-2 |
| 43.12-1-10 | Albany Post Road | Village of Buchanan | M-1 | C-2 |

Section 6. Amendment to Zoning Map in Chapter 211, Zoning

The Zoning Map of the Village of Buchanan is hereby amended to graphically show:

1. The parcels listed in Section 4 above as being in the C-1/C-2 Overlay Zoning District;
2. The rezoning of the parcels listed in Section 5 above from M-1 to C-2; and
3. The inclusion of the newly rezoned C-2 parcels in Section 5 above as also being in the C-1/C-2 Overlay District;

as shown on the map entitled, "Proposed Zoning" dated January 13, 2021 and attached hereto.

Section 7. Amendment to Chapter 171, Subdivision of Land

A new Section 171-5.L shall be added and shall read as follows:

- L. Where the subdivision consists of a lot consolidation by the means of eliminating one or more common lot lines, the applicant may proceed directly from acceptance by the Planning Board of the sketch layout to submission of a subdivision plat (§ 171-7 herein).

Section 8. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Code of the Village of Buchanan as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 9. Numbering for Codification

It is the intention of the Village of Buchanan and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Buchanan; that the sections and sub-sections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

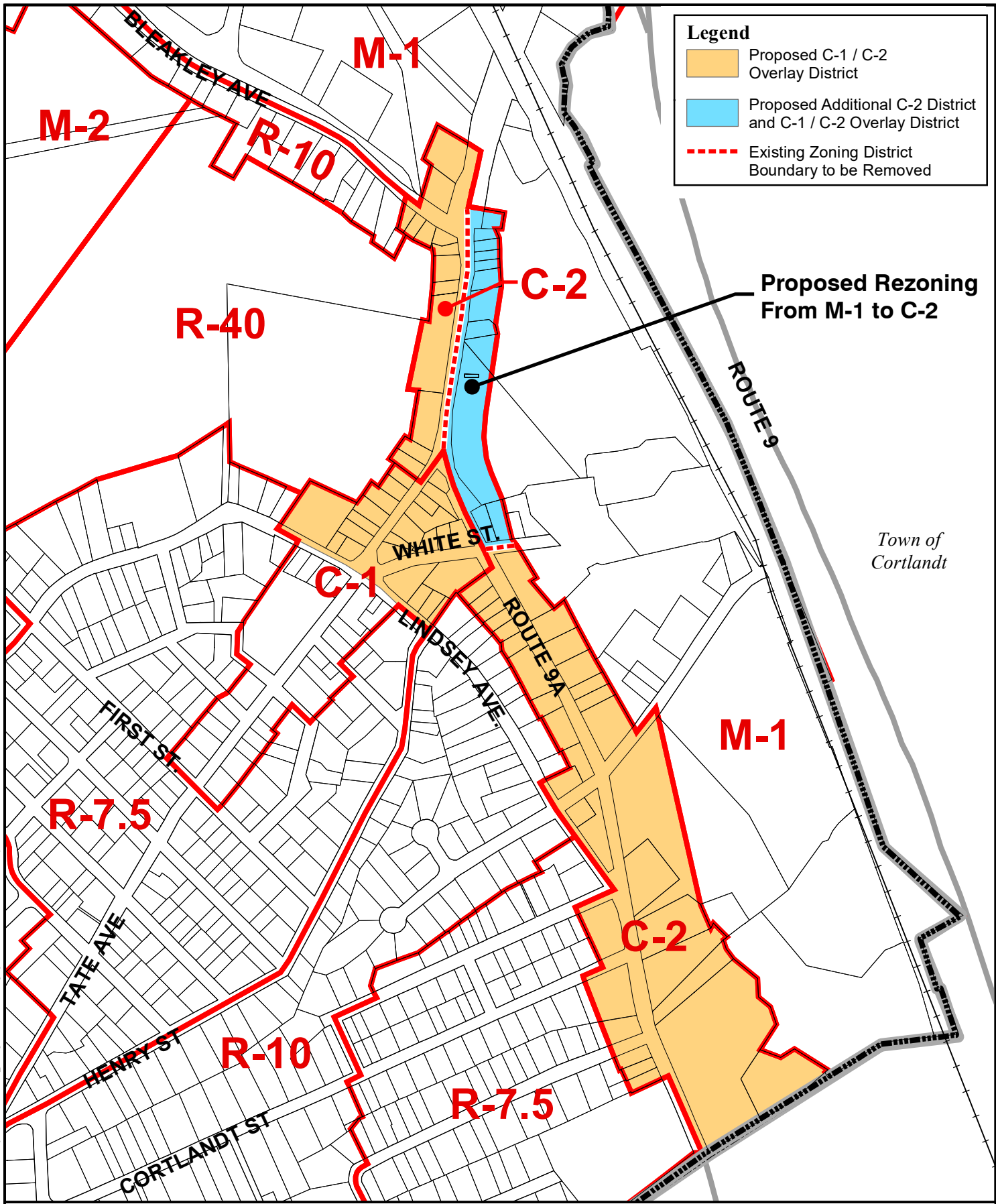
Section 10. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Village Board of the Village of Buchanan that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

Section 11. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by the Municipal Home Rule Law.

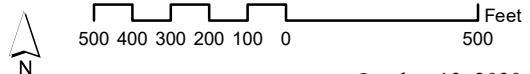
Attachment: Proposed Zoning Map, Schedule of Use Regulations, Table of Bulk Regulations



PROPOSED ZONING
 Village of Buchanan, Westchester County, New York

FREDERICK P. CLARK / **Hardesty & Hanover**
 ASSOCIATES

NOTE:
 Tax parcel data obtained from the Town of Cortlandt.
 Map compiled from multiple datasets with different scales and projections
 and is intended to be used for GENERAL PLANNING PURPOSES ONLY.



October 13, 2020

\\EgnyreDrive\hardesty\Shared\Offices\NTR\Data\GIS\Projects\100\Buchanan_Village\GIS\Production\projects\Possible Additional Overlay District.mxd

Village of Buchanan, New York
 Schedule of Use Regulations, § 211-10

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|--------------------------|--|--|--------------------------|-----------------------------------|----------------------------|------------------------|
| Districts | Uses Permitted by Right | Uses by Special Permit of the Planning Board or Board of Appeals | Permitted Accessory Uses | Minimum Off-Street Parking Spaces | Minimum Off-Street Loading | Additional Regulations |
| C-1/C-2 Overlay District | <p>One- and two-bedroom multifamily apartment dwellings on parcels of land not less than 20,000 square feet, in back of or over a commercial establishment, provided that each dwelling unit contains a minimum of 750 square feet, with a maximum of 8 dwelling units per 40,000 square feet (prorated), that building height does not exceed 40 feet and 3 stories, subject to compliance with § 211-24.1. No more than 50% of the total floor area may be utilized for residential purposes.</p> <p>Notwithstanding the above, at the sole discretion of the Planning Board, a number of the dwellings not exceeding 20% of the total may be three-bedroom units.</p> | <p>A. One- and two-bedroom multifamily apartment dwellings or two-family dwellings on parcels of land not less than 20,000 square feet, provided that each dwelling unit contains a minimum of 750 square feet, with a maximum of 12 dwelling units per 40,000 square feet (prorated), that building height does not exceed 40 feet and 3 stories, subject to compliance with § 211-24.1. Notwithstanding the above, at the sole discretion of the Planning Board, a number of the dwellings not exceeding 20% of the total may be three-bedroom units.</p> <p>B. Multifamily one- and two-bedroom townhouse dwellings or two-family dwellings on parcels of land not less than 20,000 square feet, provided that each dwelling unit contains a minimum of 750 square feet, with a maximum of 6 dwelling units per 40,000 square feet (prorated), that building height does not exceed 40 feet and 3 stories, subject to compliance with § 211-24.1. Notwithstanding the above, at the sole discretion of the Planning Board, a number of the dwellings not exceeding 20% of the total may be three-bedroom units.</p> | <p>A. Same as C-2.</p> | <p>A. Same as C-2.</p> | <p>A. Same as C-2.</p> | <p>A. Same as C-2.</p> |

Village of Buchanan, New York

Schedule of Bulk Regulations, § 211-15

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---------------------------------|--------------|--|---|------------------------------------|---|------------------------------------|---|---|------------------------------------|---|---|
| | | For Uses Listed Below (Uses herein refer in abbreviated form to the uses listed in detail in Use Table Columns 2 and 3) | The Following Bulk Regulations Apply | | | | | | | | |
| Districts | Group | | Minimum Lot Area (square feet) | Minimum Lot Width (feet) | Minimum Lot Frontage at Street Line (feet)¹ | Minimum Lot Depth (feet) | Minimum Front Yard (feet) | Minimum Side Yard (feet) 1 Yard/Total Both Yards | Minimum Rear Yard (feet) | Maximum Building Height (stories/feet)¹ | Maximum Lot Coverage (percent) |
| <u>C-1/C-2 Overlay District</u> | <u>O</u> | Same as underlying zoning district as qualified by §§ 211-24.1.C and 211-10 | Same as underlying zoning district as qualified by §§ 211-24.1.C and 211-10 | Same as underlying zoning district | Same as underlying zoning district | Same as underlying zoning district | Same as underlying zoning district as qualified by §§ 211-24.1.C and 211-10 | Same as underlying zoning district | Same as underlying zoning district | Same as underlying zoning district as qualified by §§ 211-24.1.C and 211-10 | Same as underlying zoning district as qualified by §§ 211-24.1.C and 211-10 |

NOTES:

¹ Amended 10-2-1989 by L.L. No. 9-1989.

² Whichever is less.

1-14-2021

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

| | | | |
|--|-----------------------------------|--|---|
| 1. <u>Impact on Land</u> Proposed action may involve construction on, or physical alteration of, <input type="checkbox"/> NO <input type="checkbox"/> YES the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> | | | |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may involve construction on land where depth to water table is less than 3 feet. | E2d | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may involve construction on slopes of 15% or greater. | E2f | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface. | E2a | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. | D2a | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may involve construction that continues for more than one year or in multiple phases. | D1e | <input type="checkbox"/> | <input type="checkbox"/> |
| f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). | D2e, D2q | <input type="checkbox"/> | <input type="checkbox"/> |
| g. The proposed action is, or may be, located within a Coastal Erosion hazard area. | B1i | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) NO YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|-----------------------------|-------------------------------|------------------------------------|
| a. Identify the specific land form(s) attached: _____ _____ | E2g | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____ | E3c | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) NO YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
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| a. The proposed action may create a new water body. | D2b, D1h | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water. | D2b | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body. | D2a | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body. | E2h | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments. | D2a, D2h | <input type="checkbox"/> | <input type="checkbox"/> |
| f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water. | D2c | <input type="checkbox"/> | <input type="checkbox"/> |
| g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s). | D2d | <input type="checkbox"/> | <input type="checkbox"/> |
| h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. | D2e | <input type="checkbox"/> | <input type="checkbox"/> |
| i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action. | E2h | <input type="checkbox"/> | <input type="checkbox"/> |
| j. The proposed action may involve the application of pesticides or herbicides in or around any water body. | D2q, E2h | <input type="checkbox"/> | <input type="checkbox"/> |
| k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities. | D1a, D2d | <input type="checkbox"/> | <input type="checkbox"/> |

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| I. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |
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| 4. <u>Impact on groundwater</u> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i> | | | |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells. | D2c | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____ | D2c | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may allow or result in residential uses in areas without water and sewer services. | D1a, D2c | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may include or require wastewater discharged to groundwater. | D2d, E2l | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated. | D2c, E1f, E1g, E1h | <input type="checkbox"/> | <input type="checkbox"/> |
| f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer. | D2p, E2l | <input type="checkbox"/> | <input type="checkbox"/> |
| g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources. | E2h, D2q, E2l, D2c | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

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| 5. <u>Impact on Flooding</u> The proposed action may result in development on lands subject to flooding. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i> | | | |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may result in development in a designated floodway. | E2i | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may result in development within a 100 year floodplain. | E2j | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may result in development within a 500 year floodplain. | E2k | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may result in, or require, modification of existing drainage patterns. | D2b, D2e | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may change flood water flows that contribute to flooding. | D2b, E2i, E2j, E2k | <input type="checkbox"/> | <input type="checkbox"/> |
| f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade? | E1e | <input type="checkbox"/> | <input type="checkbox"/> |

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| g. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |
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| 6. <u>Impacts on Air</u> | | | |
| The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i> | | <input type="checkbox"/> NO | <input type="checkbox"/> YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: | | | |
| i. More than 1000 tons/year of carbon dioxide (CO ₂) | D2g | <input type="checkbox"/> | <input type="checkbox"/> |
| ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) | D2g | <input type="checkbox"/> | <input type="checkbox"/> |
| iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) | D2g | <input type="checkbox"/> | <input type="checkbox"/> |
| iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) | D2g | <input type="checkbox"/> | <input type="checkbox"/> |
| v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions | D2g | <input type="checkbox"/> | <input type="checkbox"/> |
| vi. 43 tons/year or more of methane | D2h | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants. | D2g | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour. | D2f, D2g | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above. | D2g | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour. | D2s | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

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| 7. <u>Impact on Plants and Animals</u> | | | |
| The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i> | | <input type="checkbox"/> NO | <input type="checkbox"/> YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. | E2o | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government. | E2o | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. | E2p | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government. | E2p | <input type="checkbox"/> | <input type="checkbox"/> |

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| e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect. | E3c | <input type="checkbox"/> | <input type="checkbox"/> |
| f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____ | E2n | <input type="checkbox"/> | <input type="checkbox"/> |
| g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site. | E2m | <input type="checkbox"/> | <input type="checkbox"/> |
| h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ | E1b | <input type="checkbox"/> | <input type="checkbox"/> |
| i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides. | D2q | <input type="checkbox"/> | <input type="checkbox"/> |
| j. Other impacts: _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

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| 8. <u>Impact on Agricultural Resources</u> | | | |
| The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) | | <input type="checkbox"/> NO | <input type="checkbox"/> YES |
| <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i> | | | |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System. | E2c, E3b | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc). | E1a, E1b | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land. | E3b | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District. | E1b, E3a | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may disrupt or prevent installation of an agricultural land management system. | E1 a, E1b | <input type="checkbox"/> | <input type="checkbox"/> |
| f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland. | C2c, C3, D2c, D2d | <input type="checkbox"/> | <input type="checkbox"/> |
| g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan. | C2c | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Other impacts: _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

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| 9. <u>Impact on Aesthetic Resources</u> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i> | | | |
| | | <input type="checkbox"/> NO | <input type="checkbox"/> YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource. | E3h | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views. | E3h, C2b | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round | E3h | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> |
| d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities | E3h E2q, E1c | <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> |
| e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource. | E3h | <input type="checkbox"/> | <input type="checkbox"/> |
| f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile | D1a, E1a, D1f, D1g | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

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| 10. <u>Impact on Historic and Archeological Resources</u> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i> | | | |
| | | <input type="checkbox"/> NO | <input type="checkbox"/> YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places. | E3e | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. | E3f | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____ | E3g | <input type="checkbox"/> | <input type="checkbox"/> |

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| d. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |
| e. If any of the above (a-d) are answered “Yes”, continue with the following questions to help support conclusions in Part 3: | | | |
| i. The proposed action may result in the destruction or alteration of all or part of the site or property. | E3e, E3g, E3f | <input type="checkbox"/> | <input type="checkbox"/> |
| ii. The proposed action may result in the alteration of the property’s setting or integrity. | E3e, E3f, E3g, E1a, E1b | <input type="checkbox"/> | <input type="checkbox"/> |
| iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting. | E3e, E3f, E3g, E3h, C2, C3 | <input type="checkbox"/> | <input type="checkbox"/> |

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| 11. <u>Impact on Open Space and Recreation</u> | | | |
| The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i> | | <input type="checkbox"/> NO | <input type="checkbox"/> YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat. | D2e, E1b E2h, E2m, E2o, E2n, E2p | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may result in the loss of a current or future recreational resource. | C2a, E1c, C2c, E2q | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may eliminate open space or recreational resource in an area with few such resources. | C2a, C2c E1c, E2q | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may result in loss of an area now used informally by the community as an open space resource. | C2c, E1c | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

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| 12. <u>Impact on Critical Environmental Areas</u> | | | |
| The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i> | | <input type="checkbox"/> NO | <input type="checkbox"/> YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA. | E3d | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA. | E3d | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems. NO YES
 (See Part 1. D.2.j)
If "Yes", answer questions a - g. If "No", go to Section 14.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
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| a. Projected traffic increase may exceed capacity of existing road network. | D2j | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may result in the construction of paved parking area for 500 or more vehicles. | D2j | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action will degrade existing transit access. | D2j | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action will degrade existing pedestrian or bicycle accommodations. | D2j | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may alter the present pattern of movement of people or goods. | D2j | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy. NO YES
 (See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
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| a. The proposed action will require a new, or an upgrade to an existing, substation. | D2k | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use. | D1f, D1q, D2k | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may utilize more than 2,500 MWhrs per year of electricity. | D2k | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed. | D1g | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Other Impacts: _____ _____ | | | |

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting. NO YES
 (See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
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| a. The proposed action may produce sound above noise levels established by local regulation. | D2m | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home. | D2m, E1d | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may result in routine odors for more than one hour per day. | D2o | <input type="checkbox"/> | <input type="checkbox"/> |

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| d. The proposed action may result in light shining onto adjoining properties. | D2n | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions. | D2n, E1a | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

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| 16. <u>Impact on Human Health</u> | | | |
| The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i> | | <input type="checkbox"/> NO | <input type="checkbox"/> YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community. | E1d | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The site of the proposed action is currently undergoing remediation. | E1g, E1h | <input type="checkbox"/> | <input type="checkbox"/> |
| c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action. | E1g, E1h | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction). | E1g, E1h | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health. | E1g, E1h | <input type="checkbox"/> | <input type="checkbox"/> |
| f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health. | D2t | <input type="checkbox"/> | <input type="checkbox"/> |
| g. The proposed action involves construction or modification of a solid waste management facility. | D2q, E1f | <input type="checkbox"/> | <input type="checkbox"/> |
| h. The proposed action may result in the unearthing of solid or hazardous waste. | D2q, E1f | <input type="checkbox"/> | <input type="checkbox"/> |
| i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste. | D2r, D2s | <input type="checkbox"/> | <input type="checkbox"/> |
| j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste. | E1f, E1g E1h | <input type="checkbox"/> | <input type="checkbox"/> |
| k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures. | E1f, E1g | <input type="checkbox"/> | <input type="checkbox"/> |
| l. The proposed action may result in the release of contaminated leachate from the project site. | D2s, E1f, D2r | <input type="checkbox"/> | <input type="checkbox"/> |
| m. Other impacts: _____ _____ | | | |

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| 17. <u>Consistency with Community Plans</u> The proposed action is not consistent with adopted land use plans. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i> | | | |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s). | C2, C3, D1a E1a, E1b | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%. | C2 | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action is inconsistent with local land use plans or zoning regulations. | C2, C2, C3 | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action is inconsistent with any County plans, or other regional land use plans. | C2, C2 | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure. | C3, D1c, D1d, D1f, D1d, E1b | <input type="checkbox"/> | <input type="checkbox"/> |
| f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure. | C4, D2c, D2d D2j | <input type="checkbox"/> | <input type="checkbox"/> |
| g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action) | C2a | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Other: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

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| 18. <u>Consistency with Community Character</u> The proposed project is inconsistent with the existing community character. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i> | | | |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community. | E3e, E3f, E3g | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may create a demand for additional community services (e.g. schools, police and fire) | C4 | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing. | C2, C3, D1f D1g, E1a | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources. | C2, E3 | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action is inconsistent with the predominant architectural scale and character. | C2, C3 | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Proposed action is inconsistent with the character of the existing natural landscape. | C2, C3 E1a, E1b E2g, E2h | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Other impacts: _____ _____ | | <input type="checkbox"/> | <input type="checkbox"/> |

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)



Date:

For Further Information:

David H. Stolman
Hardesty & Hanover

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>