

**REGULAR MEETING OF THE ITHACA TOWN BOARD  
MONDAY, JULY 11, 2011**

**TB RESOLUTION NO. 2011- : Resolution Adopting “A LOCAL LAW AMENDING THE ZONING CHAPTER OF THE TOWN OF ITHACA CODE TO ADD DEFINITION FOR FOREST RESOURCE, CLARIFY DEFINITION OF MINING, AND CLARIFY PERMITTED PRINCIPAL USE IN LIGHT INDUSTRIAL ZONE REGARDING FABRICATION AND ASSEMBLY”**

WHEREAS, Chapter 270, Zoning, of the Town of Ithaca Code states in § 270-9, titled “Prohibition of uses”, that “All uses not specifically set forth as permitted uses in a zone are expressly prohibited as uses in that zone”; and

WHEREAS, the exploration for natural gas, the extraction of natural gas, the storage, transfer, treatment or disposal of natural gas exploration and production wastes, and related natural gas operations are not specifically set forth as permitted uses in any zoning district and are therefore prohibited in the Town of Ithaca; and

WHEREAS, the Town Board wishes to add one definition, clarify another definition, and clarify a provision in the Zoning Chapter to remove any possible interpretation of the Town of Ithaca Code as allowing the exploration for natural gas, the extraction of natural gas, the storage, transfer, treatment or disposal of natural gas exploration and production wastes, or related natural gas operations, even though such interpretation under the current Code would be implausible; and

WHEREAS, the Town’s Conservation Zone and Agricultural Zone permit, among other things, the following uses: “Forest management and other forest resource uses, including the harvesting of timber in conformance with environmentally sound forestry practices”; and

WHEREAS, § 270-10 of the Town of Ithaca Code states that the purposes of the Conservation Zone include preservation of the outstanding natural features in certain areas of the Town, provision of a regulatory framework through which development can occur with minimal environmental impact, preservation of existing areas of contiguous open space, prevention of unnecessary destruction of woodland areas, preservation of natural stormwater retention and water quality functions, preservation of existing and potential agricultural land, and preservation of the natural resources and scenic beauty of Unique Natural Areas, as designated by the Tompkins County Environmental Management Council, to promote tourism as an important economic benefit to the Town. Section 270-10 further states the natural values and ecological importance of lands in the Conservation Zone include their diversity as plant and wildlife habitats, their existence as biological corridors, their importance for natural drainage features, their scenic views and rural character, and their importance as educational and recreational resources. Section 270-10 further states that certain lands in the Conservation Zone contain large areas of steep slopes, wetlands, highly erodible or poorly drained soils, and, in one instance, the City of Ithaca water supply, which must be taken into consideration in planning for future development; and

WHEREAS, § 270-25 of the Town of Ithaca Code states that the purposes of the Agricultural Zone include assurance of a proper economic and physical environment for

continued agricultural use of land and other nonextractive natural resource land uses, maintenance of an open rural character to viable agricultural areas, assurance of compatible types and densities of development on lands that are usable for agricultural pursuits, and minimization of other land uses incompatible with farming; and

WHEREAS, it is clear from the purposes of these zones that the exploration for natural gas, the extraction of natural gas, the storage, transfer, treatment or disposal of natural gas exploration and production wastes, and related natural gas operations are inconsistent with the purposes of these zones and are not “forest resource uses”; the proposed local law simply removes any potential argument to the contrary by adding a definition for “forest resource” as “The various types of vegetation typically found in a forest, including trees, logs, saplings, brush, grass and other botanical forest products”; and

WHEREAS, § 270-5 of the Town of Ithaca Code defines “mining” as “The extraction of overburden and minerals from the earth”, plus various activities regarding minerals, and “the disposition of overburden, tailings and waste at the mine location.” “Minerals” is defined within the mining definition as “any naturally formed, usually inorganic, solid material located on or below the surface of the earth. ‘Minerals’ include, but are not limited to, peat, topsoil, gravel, and stone.” “Overburden” is defined within the mining definition as “all of the earth, vegetation and other materials which lie above or alongside a mineral deposit.” “Tailings” is defined as having the meaning given to it by Article 23 of the New York State Environmental Conservation Law; and

WHEREAS, this definition of mining, which is very similar to that in the Mined Land Reclamation Law in Article 23 of the New York State Environmental Conservation Law, clearly applies to the removal of solid materials. This conclusion is consistent with § 270-28 of the Town of Ithaca Code, which allows mining operations in Agricultural Zones (the only zone where it is permitted), but only if the operator obtains a reclamation plan approved by the New York State Department of Environmental Conservation and a fill permit from the Town. Both of these requirements apply to the mining or excavation of solid materials only. The clarification of the definition of “overburden” within the definition of “mining” by adding the word “solid” before the word “materials” removes any potential argument that overburden somehow includes non-solid materials such as natural gas; and

WHEREAS, § 270-144 of the Town of Ithaca Code permits the following use in Light Industrial Zones (and such use is permitted by reference in Industrial Zones as well): “Industrial uses employing electric power or other motor power, or utilizing hand labor for fabrication or assembly”; and

WHEREAS, the Town has interpreted this provision to limit it to fabrication and assembly uses, regardless of whether fabrication or assembly is accomplished with the aid of electric or other power or by hand labor (as opposed to an interpretation that would allow any industrial use whatsoever employing electric or other motor power; such an interpretation is inconsistent for a zone where only light industry is permitted and light industry is distinguished from the “more intensive industrial uses” allowed in Industrial Zones); and

WHEREAS, the clarification of this provision by adding a comma after the phrase “or utilizing hand labor”, is consistent with the purposes of the Light Industrial Zone and removes any possible ambiguity about whether this use is limited to fabrication and

assembly uses or could be interpreted to allow natural gas exploration, extraction and related operations; and

WHEREAS, the Town Board agrees it is important to make these clarifications to the Town of Ithaca Code because the exploration for natural gas, the extraction of natural gas, and related operations in the Town of Ithaca would pose a significant threat to its residents' health, safety, and welfare. Widespread negative environmental impacts have resulted from natural gas exploration, extraction and related operations in other areas, including negative impacts on groundwater quality, surface water quality, air quality, traffic, scenic resources, neighborhood and community character, vegetation and habitats. The absence of natural gas exploration, extraction and related operations from the list of permitted uses in the various zoning districts falls within the Town's powers to regulate land use through the zoning powers expressly delegated to towns in the New York State Statute of Local Governments § 10(6) and New York State Town Law § 261. In addition, this absence from the list of permitted uses is a reasonable exercise of the Town's police powers to prevent damage to the rights of citizens who would otherwise be negatively affected by such uses and to promote the interests of the community as a whole; and

WHEREAS, at its meeting on June 13, 2011, the Town Board of the Town of Ithaca reviewed and discussed the proposed local law and adopted a resolution for a public hearing to be held by said Town on July 11, 2011 at 6:15 p.m. to hear all interested parties on the proposed local law entitled "**A LOCAL LAW AMENDING THE ZONING CHAPTER OF THE TOWN OF ITHACA CODE TO ADD DEFINITION FOR FOREST RESOURCE, CLARIFY DEFINITION OF MINING, AND CLARIFY PERMITTED PRINCIPAL USE IN LIGHT INDUSTRIAL ZONE REGARDING FABRICATION AND ASSEMBLY**"; and

WHEREAS, notice of said public hearing was duly advertised in the Ithaca Journal; and

WHEREAS, said public hearing was duly held on said date and time at the Town Hall of the Town of Ithaca and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations at 6 NYCRR Part 617, adoption of said local law is an Unlisted action for which the Town Board of the Town of Ithaca, acting as lead agency in an environmental review with respect to adoption of this local law and utilizing Type I procedures, has on July 11, 2011 made a negative determination of environmental significance, after having reviewed and accepted as adequate the Long Environmental Assessment Form Parts I and II prepared by the Town's Planning staff;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Ithaca hereby adopts said local law entitled "**A LOCAL LAW AMENDING THE ZONING CHAPTER OF THE TOWN OF ITHACA CODE TO ADD DEFINITION FOR FOREST RESOURCE, CLARIFY DEFINITION OF MINING, AND CLARIFY PERMITTED PRINCIPAL USE IN LIGHT INDUSTRIAL ZONE REGARDING FABRICATION AND ASSEMBLY**", a copy of which is attached hereto and made a part of this resolution; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to file said local law with the Secretary of State as required by law.

MOVED:

SECONDED:

VOTE:

Supervisor Engman  
Councilman DePaolo  
Councilman Goodman  
Councilman Horwitz  
Councilwoman Hunter  
Councilwoman Leary  
Councilman Levine

**REGULAR MEETING OF THE ITHACA TOWN BOARD  
MONDAY, JULY 11, 2011**

**TB RESOLUTION NO. 2011-\_\_\_ : SEQR: Proposed Local Law Amending the Zoning Chapter of the Town of Ithaca Code to Add Definition for Forest Resource, Clarify Definition of Mining, and Clarify Permitted Principal Use in Light Industrial Zone Regarding Fabrication and Assembly**

WHEREAS, this action is the enactment of a local law amending Chapter 270 of the Town of Ithaca Code, Titled Zoning, to add a definition for forest resource, clarify the definition of mining, and clarify a permitted principal use in the Light Industrial and Industrial Zones regarding fabrication and assembly; and

WHEREAS, this is an Unlisted Action for which the Town of Ithaca Town Board is utilizing Type I procedures and acting as Lead Agency in an environmental review with respect to the enactment of this local law; and

WHEREAS, the Town Board, at a public hearing held on July 11, 2011, has reviewed and accepted as adequate the Long Environmental Assessment Form, Parts I and II for this action, prepared by Town Planning staff;

RESOLVED, that the Town of Ithaca Town Board hereby makes a negative determination of environmental significance in accordance with Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617 New York State Environmental Quality Review, for the above referenced action as proposed, based on the information in the EAF Part I and for the reasons set forth in the EAF Part II, and, therefore, a Draft Environmental Impact Statement will not be required.

**TOWN OF ITHACA**

**LOCAL LAW NO. \_\_\_\_ OF THE YEAR 2011**

**A LOCAL LAW AMENDING THE ZONING CHAPTER OF THE TOWN OF ITHACA CODE TO ADD DEFINITION FOR FOREST RESOURCE, CLARIFY DEFINITION OF MINING, AND CLARIFY PERMITTED PRINCIPAL USE IN LIGHT INDUSTRIAL ZONE REGARDING FABRICATION AND ASSEMBLY**

Be it enacted by the Town Board of the Town of Ithaca as follows:

**Section 1.** Chapter 270 (Zoning), Article III (Terminology) of the Town of Ithaca Code, Section 270-5, entitled “Definitions,” is amended as follows.

A. Add a definition for “forest resource” as follows:

“FOREST RESOURCE—The various types of vegetation typically found in a forest, including trees, logs, saplings, brush, grass and other botanical forest products.”

B. Revise the definition for “mining” as follows. In subsection B describing “overburden”, add the word “solid” before the word “materials” so that subsection B reads as follows:

“B. OVERBURDEN—Means all of the earth, vegetation and other solid materials which lie above or alongside a mineral deposit.”

**Section 2.** Chapter 270 (Zoning), Article XIX (Light Industrial Zones), Section 270-144, entitled “Permitted principal uses,” subsection B is amended by adding a comma after the words “hand labor,” so that this subsection reads as follows:

“B. Industrial uses employing electric power or other motor power, or utilizing hand labor, for fabrication or assembly.”

**Section 3.** In the event that any portion of this law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

**Section 4.** This local law shall take effect upon publication of the local law or an abstract of same in the official newspaper of the Town, or upon its filing with the New York Secretary of State, whichever is the last to occur.

**617.20**  
**Appendix A**  
**State Environmental Quality Review**  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

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**THIS AREA FOR LEAD AGENCY USE ONLY**

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

**Identify the Portions of EAF completed for this project:**

Part 1

Part 2

Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.\***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

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Name of Action

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Name of Lead Agency

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Print or Type Name of Responsible Officer in Lead Agency

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Title of Responsible Officer

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Signature of Responsible Officer in Lead Agency

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Signature of Preparer (If different from responsible officer)

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Date

## PART 1--PROJECT INFORMATION

### Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action

Location of Action (include Street Address, Municipality and County)

Name of Applicant/Sponsor

Address

City / PO

State

Zip Code

Business Telephone

Name of Owner (if different)

Address

City / PO

State

Zip Code

Business Telephone

Description of Action:

**Please Complete Each Question--Indicate N.A. if not applicable**

**A. SITE DESCRIPTION**

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use:      Urban                  Industrial                  Commercial                  Residential (suburban)                  Rural (non-farm)  
    Forest                  Agriculture                  Other

2. Total acreage of project area:                  acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	acres	acres
Forested	acres	acres
Agricultural (Includes orchards, cropland, pasture, etc.)	acres	acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	acres	acres
Water Surface Area	acres	acres
Unvegetated (Rock, earth or fill)	acres	acres
Roads, buildings and other paved surfaces	acres	acres
Other (Indicate type)	acres	acres

3. What is predominant soil type(s) on project site?

- a. Soil drainage:                  Well drained                  % of site                  Moderately well drained                  % of site.  
    Poorly drained                  % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System?                  acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site?                  Yes                  No

a. What is depth to bedrock                  (in feet)

5. Approximate percentage of proposed project site with slopes:

0-10%      %      10- 15%      %      15% or greater      %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?                  Yes                  No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?                  Yes                  No

8. What is the depth of the water table?                  (in feet)

9. Is site located over a primary, principal, or sole source aquifer?                  Yes                  No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?                  Yes                  No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? Yes No

15. Streams within or contiguous to project area:

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

b. Size (in acres):

17. Is the site served by existing public utilities?                      Yes                      No
- a. If **YES**, does sufficient capacity exist to allow connection?                      Yes                      No
- b. If **YES**, will improvements be necessary to allow connection?                      Yes                      No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?                      Yes                      No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?                      Yes                      No
20. Has the site ever been used for the disposal of solid or hazardous wastes?                      Yes                      No

**B. Project Description**

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor:                      acres.
- b. Project acreage to be developed:                      acres initially;                      acres ultimately.
- c. Project acreage to remain undeveloped:                      acres.
- d. Length of project, in miles:                      (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed.                      %
- f. Number of off-street parking spaces existing                      ;                      proposed
- g. Maximum vehicular trips generated per hour:                      (upon completion of project)?
- h. If residential: Number and type of housing units:
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  |            |            |                 |             |
| Ultimately |            |            |                 |             |
- i. Dimensions (in feet) of largest proposed structure:                      height;                      width;                      length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is?                      ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site?                      tons/cubic yards.
3. Will disturbed areas be reclaimed                      Yes                      No                      N/A
- a. If yes, for what intended purpose is the site being reclaimed?
- b. Will topsoil be stockpiled for reclamation?                      Yes                      No
- c. Will upper subsoil be stockpiled for reclamation?                      Yes                      No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site?                      acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated (number)

b. Anticipated date of commencement phase 1: month year, (including demolition)

c. Approximate completion date of final phase: month year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction ; after project is complete

10. Number of jobs eliminated by this project .

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount

b. Name of water body into which effluent will be discharged

13. Is subsurface liquid waste disposal involved? Yes No Type

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name ; location

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

17. Will the project involve the disposal of solid waste?      Yes      No

a. If yes, what is the anticipated rate of disposal?      tons/month.

b. If yes, what is the anticipated site life?      years.

18. Will project use herbicides or pesticides?      Yes      No

19. Will project routinely produce odors (more than one hour per day)?      Yes      No

20. Will project produce operating noise exceeding the local ambient noise levels?      Yes      No

21. Will project result in an increase in energy use?      Yes      No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity      gallons/minute.

23. Total anticipated water usage per day      gallons/day.

24. Does project involve Local, State or Federal funding?      Yes      No

If yes, explain:

**25. Approvals Required:**

Type

Submittal Date

City, Town, Village Board                      Yes              No

City, Town, Village Planning Board              Yes              No

City, Town Zoning Board                      Yes              No

City, County Health Department              Yes              No

Other Local Agencies                      Yes              No

Other Regional Agencies                      Yes              No

State Agencies                      Yes              No

Federal Agencies                      Yes              No

**C. Zoning and Planning Information**

1. Does proposed action involve a planning or zoning decision?      Yes              No

If Yes, indicate decision required:

Zoning amendment

Zoning variance

New/revision of master plan

Subdivision

Site plan

Special use permit

Resource management plan

Other

2. What is the zoning classification(s) of the site?

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

4. What is the proposed zoning of the site?

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?                      Yes                      No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?                      Yes                      No

9. If the proposed action is the subdivision of land, how many lots are proposed?

a. What is the minimum lot size proposed?

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?      Yes      No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection?)

Yes      No

a. If yes, is existing capacity sufficient to handle projected demand?      Yes      No

12. Will the proposed action result in the generation of traffic significantly above present levels?      Yes      No

a. If yes, is the existing road network adequate to handle the additional traffic.      Yes      No

**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name

Date

Signature

Title

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

## PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

### Responsibility of Lead Agency

**General Information** (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

**Instructions** (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

### Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO                      YES

**Examples** that would apply to column 2

		Yes	No
C	Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.	Yes	No
C	Construction on land where the depth to the water table is less than 3 feet.	Yes	No
C	Construction of paved parking area for 1,000 or more vehicles.	Yes	No
C	Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.	Yes	No
C	Construction that will continue for more than 1 year or involve more than one phase or stage.	Yes	No
C	Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.	Yes	No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

- |   |   |     |    |
|---|---|-----|----|
| C | Construction or expansion of a sanitary landfill. | Yes | No |
| C | Construction in a designated floodway.            | Yes | No |
| C | Other impacts:                                    | Yes | No |

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO                      YES

- |   |                      |     |    |
|---|----------------------|-----|----|
| C | Specific land forms: | Yes | No |
|---|----------------------|-----|----|

**Impact on Water**

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO                      YES

**Examples** that would apply to column 2

- |   |  |     |    |
|---|--|-----|----|
| C | Developable area of site contains a protected water body.                          | Yes | No |
| C | Dredging more than 100 cubic yards of material from channel of a protected stream. | Yes | No |
| C | Extension of utility distribution facilities through a protected water body.       | Yes | No |
| C | Construction in a designated freshwater or tidal wetland.                          | Yes | No |
| C | Other impacts:   | Yes | No |

4. Will Proposed Action affect any non-protected existing or new body of water?

NO                      YES

**Examples** that would apply to column 2

- |   |  |     |    |
|---|--|-----|----|
| C | A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease. | Yes | No |
| C | Construction of a body of water that exceeds 10 acres of surface area.   | Yes | No |
| C | Other impacts:   | Yes | No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

5. Will Proposed Action affect surface or groundwater quality or quantity?

NO YES

**Examples** that would apply to column 2

C	Proposed Action will require a discharge permit.	Yes	No
C	Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.	Yes	No
C	Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.	Yes	No
C	Construction or operation causing any contamination of a water supply system.	Yes	No
C	Proposed Action will adversely affect groundwater.	Yes	No
C	Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.	Yes	No
C	Proposed Action would use water in excess of 20,000 gallons per day.	Yes	No
C	Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.	Yes	No
C	Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.	Yes	No
C	Proposed Action will allow residential uses in areas without water and/or sewer services.	Yes	No
C	Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.	Yes	No
C	Other impacts:	Yes	No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO                      YES

**Examples** that would apply to column 2

- |  |     |    |
|--|-----|----|
| C Proposed Action would change flood water flows                   | Yes | No |
| C Proposed Action may cause substantial erosion.                   | Yes | No |
| C Proposed Action is incompatible with existing drainage patterns. | Yes | No |
| C Proposed Action will allow development in a designated floodway. | Yes | No |
| C Other impacts:   | Yes | No |

**IMPACT ON AIR**

7. Will Proposed Action affect air quality?

NO                      YES

**Examples** that would apply to column 2

- |   |     |    |
|---|-----|----|
| C Proposed Action will induce 1,000 or more vehicle trips in any given hour.  | Yes | No |
| C Proposed Action will result in the incineration of more than 1 ton of refuse per hour.  | Yes | No |
| C Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | Yes | No |
| C Proposed Action will allow an increase in the amount of land committed to industrial use.                                       | Yes | No |
| C Proposed Action will allow an increase in the density of industrial development within existing industrial areas.               | Yes | No |
| C Other impacts:  | Yes | No |

**IMPACT ON PLANTS AND ANIMALS**

8. Will Proposed Action affect any threatened or endangered species?

NO                      YES

**Examples** that would apply to column 2

- |   |     |    |
|---|-----|----|
| C Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | Yes | No |
|---|-----|----|

1	2	3	
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change	
		Yes	No

- |   |   |  |     |    |
|---|---|--|-----|----|
| C | Removal of any portion of a critical or significant wildlife habitat.                               |  | Yes | No |
| C | Application of pesticide or herbicide more than twice a year, other than for agricultural purposes. |  | Yes | No |
| C | Other impacts:  |  | Yes | No |

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO                      YES

**Examples** that would apply to column 2

- |   |  |  |     |    |
|---|--|--|-----|----|
| C | Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.                          |  | Yes | No |
| C | Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation. |  | Yes | No |
| C | Other impacts:   |  | Yes | No |

**IMPACT ON AGRICULTURAL LAND RESOURCES**

10. Will Proposed Action affect agricultural land resources?

NO                      YES

**Examples** that would apply to column 2

- |   |  |  |     |    |
|---|--|--|-----|----|
| C | The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)                                 |  | Yes | No |
| C | Construction activity would excavate or compact the soil profile of agricultural land.   |  | Yes | No |
| C | The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land. |  | Yes | No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change	
			Yes	No
C The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).			Yes	No
C Other impacts:			Yes	No

### IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)  
 NO YES

**Examples** that would apply to column 2

C Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.			Yes	No
C Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.			Yes	No
C Project components that will result in the elimination or significant screening of scenic views known to be important to the area.			Yes	No
C Other impacts:			Yes	No

### IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?  
 NO YES

**Examples** that would apply to column 2

C Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.			Yes	No
C Any impact to an archaeological site or fossil bed located within the project site.			Yes	No
C Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.			Yes	No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change	
			Yes	No

c Other impacts:

**IMPACT ON OPEN SPACE AND RECREATION**

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO YES

**Examples** that would apply to column 2

- |   |  |  |     |    |
|---|--|--|-----|----|
| c The permanent foreclosure of a future recreational opportunity. |  |  | Yes | No |
| c A major reduction of an open space important to the community.  |  |  | Yes | No |
| c Other impacts:  |  |  | Yes | No |

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO YES

List the environmental characteristics that caused the designation of the CEA.

**Examples** that would apply to column 2

- |   |  |  |     |    |
|---|--|--|-----|----|
| c Proposed Action to locate within the CEA?                                   |  |  | Yes | No |
| c Proposed Action will result in a reduction in the quantity of the resource? |  |  | Yes | No |
| c Proposed Action will result in a reduction in the quality of the resource?  |  |  | Yes | No |
| c Proposed Action will impact the use, function or enjoyment of the resource? |  |  | Yes | No |
| c Other impacts:  |  |  | Yes | No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

**IMPACT ON TRANSPORTATION**

15. Will there be an effect to existing transportation systems?  
 NO YES

**Examples** that would apply to column 2

- |   |  |     |    |
|---|--|-----|----|
| C | Alteration of present patterns of movement of people and/or goods. | Yes | No |
| C | Proposed Action will result in major traffic problems.             | Yes | No |
| C | Other impacts:   | Yes | No |

**IMPACT ON ENERGY**

16. Will Proposed Action affect the community's sources of fuel or energy supply?  
 NO YES

**Examples** that would apply to column 2

- |   |   |     |    |
|---|---|-----|----|
| C | Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.   | Yes | No |
| C | 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 major commercial or industrial use. | Yes | No |
| C | Other impacts:  | Yes | No |

**NOISE AND ODOR IMPACT**

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?  
 NO YES

**Examples** that would apply to column 2

- |   |  |     |    |
|---|--|-----|----|
| C | Blasting within 1,500 feet of a hospital, school or other sensitive facility.  | Yes | No |
| C | Odors will occur routinely (more than one hour per day).   | Yes | No |
| C | Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | Yes | No |
| C | Proposed Action will remove natural barriers that would act as a noise screen.   | Yes | No |
| C | Other impacts:   | Yes | No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

**IMPACT ON PUBLIC HEALTH**

18. Will Proposed Action affect public health and safety?  
                   NO                  YES

- |   |     |    |
|---|-----|----|
| <p>C Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.</p> | Yes | No |
| <p>C Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)</p>   | Yes | No |
| <p>C Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.</p>  | Yes | No |
| <p>C Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.</p>   | Yes | No |
| <p>C Other impacts:</p>   | Yes | No |

**IMPACT ON GROWTH AND CHARACTER  
OF COMMUNITY OR NEIGHBORHOOD**

19. Will Proposed Action affect the character of the existing community?  
                   NO                  YES

**Examples** that would apply to column 2

- |  |     |    |
|--|-----|----|
| <p>C The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.</p>                | Yes | No |
| <p>C The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.</p> | Yes | No |
| <p>C Proposed Action will conflict with officially adopted plans or goals.</p>   | Yes | No |
| <p>C Proposed Action will cause a change in the density of land use.</p>   | Yes | No |
| <p>C Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.</p>             | Yes | No |
| <p>C Development will create a demand for additional community services (e.g. schools, police and fire, etc.)</p>                                | Yes | No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

- |   |  |     |    |
|---|--|-----|----|
| C | Proposed Action will set an important precedent for future projects. | Yes | No |
| C | Proposed Action will create or eliminate employment.                 | Yes | No |
| C | Other impacts:   | Yes | No |

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?  
 NO                      YES

**If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3**