

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> <li data-bbox="121 829 1485 861">i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li data-bbox="121 892 1485 924">ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li data-bbox="121 924 1485 955">iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul>		

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?  Yes  No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

\_\_\_\_\_

\_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? \_\_\_\_\_

b. What police or other public protection forces serve the project site?  
\_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site?  
\_\_\_\_\_

d. What parks serve the project site?  
\_\_\_\_\_  
\_\_\_\_\_

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?  
\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres  
b. Total acreage to be physically disturbed? \_\_\_\_\_ acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
\_\_\_\_\_

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

*i.* Total number of structures \_\_\_\_\_

*ii.* Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

*iii.* Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

*i.* Purpose of the impoundment: \_\_\_\_\_

*ii.* If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

*iii.* If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

*iv.* Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

*v.* Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

*vi.* Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

*i.* What is the purpose of the excavation or dredging? \_\_\_\_\_

*ii.* How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

*iii.* Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

*iv.* Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_

*v.* What is the total area to be dredged or excavated? \_\_\_\_\_ acres

*vi.* What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

*vii.* What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

*viii.* Will the excavation require blasting?  Yes  No

*ix.* Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

*i.* Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

• Do existing sewer lines serve the project site?  Yes  No  
 • Will a line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
     \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
     \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

*i.* Estimate methane generation in tons/year (metric): \_\_\_\_\_

*ii.* Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

*i.* When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

*ii.* For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

*iii.* Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

*iv.* Does the proposed action include any shared use parking? Yes No

*v.* If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

*vi.* Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

*vii.* Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

*viii.* Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

*i.* Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

*ii.* Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

*iii.* Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

<p><i>i.</i> During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p><i>ii.</i> During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

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n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

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o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_  
 \_\_\_\_\_

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q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

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r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_



s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

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d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities:  
\_\_\_\_\_

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e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  

- Dam height: \_\_\_\_\_ feet
- Dam length: \_\_\_\_\_ feet
- Surface area: \_\_\_\_\_ acres
- Volume impounded: \_\_\_\_\_ gallons OR acre-feet

ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection:  
\_\_\_\_\_

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f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  

- If yes, cite sources/documentation: \_\_\_\_\_

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
\_\_\_\_\_

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g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
\_\_\_\_\_

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h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_

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iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
\_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_%

c. Predominant soil type(s) present on project site: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_  
 \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 \_\_\_\_\_

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i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, give a brief description of how the proposed action may affect that use: _____ _____	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

<p>e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site      <input type="checkbox"/> Historic Building or District</p> <p style="margin-left: 20px;">ii. Name: _____</p> <p style="margin-left: 20px;">iii. Brief description of attributes on which listing is based: _____</p>
<p>f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe possible resource(s): _____</p> <p style="margin-left: 20px;">ii. Basis for identification: _____</p>
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Identify resource: _____</p> <p style="margin-left: 20px;">ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</p> <p style="margin-left: 20px;">iii. Distance between project and resource: _____ miles.</p>
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Identify the name of the river and its designation: _____</p> <p style="margin-left: 20px;">ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

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

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_

**DRAFT**  
**Village of Upper Nyack**  
**Local Law #\_\_\_ of 2023**

Be it enacted by the Board of Trustees of the Village of Upper Nyack as follows:

**SECTION 1. TITLE.**

A Local Law amending the 2022 Zoning Law of the Village of Upper Nyack.

**SECTION 2. ZONING LAW AMENDMENT.**

The 2022 Zoning Law of the Village of Upper Nyack (the “Zoning Law”) shall be amended and modified as follows:

1. **GENERAL AMENDMENTS.** The Table of Contents and internal section references throughout the Zoning Law shall be updated to align with the substantive changes as provided in this Local Law.
2. **AMENDMENTS TO SECTION 2: DEFINITIONS.**
  - a. Section 2.1 shall be modified to:
    - i. Add the following definitions:
      1. “CUSTOMARY PET: The keeping of the following domesticated animals on a Lot: dogs; cats; fish; birds; rabbits, hamsters, gerbils, Guinea pigs, and other similar small mammals; and reptiles for companionship, pleasure or other similar purposes and not for commercial purposes. Animals included within the definitions of “Prohibited Animal,” “Small Animal” or “Livestock Animal” as set forth in Section 9.6.20 shall not be classified as Customary Pets.”
      2. “SWIMMING POOL: Any receptacle for water having a depth of 2 feet or more at any point and which can hold 500 gallons of water or greater and is intended to be used for swimming or other similar purposes. Swimming pools include, but are not limited to, inground swimming pools, above ground swimming pools, outdoor spas, and hot tubs and other similar structures which meet or exceed the size requirements set forth in this definition.”
      3. “WAREHOUSE: A building in which raw materials or manufactured goods may be stored before their export or distribution for sale.”

ii. Delete and replace the following definitions:

1. Floor Area. Delete the current definition and replace it with the following definition:

“FLOOR AREA: The sum of the gross horizontal area of each floor of a Building from the exterior face of exterior walls or from the center line of a wall separating 2 buildings, but excluding any space where no portion of the floor-to-ceiling height, or, in the case of a Basement, the distance between the Basement floor and the underside of the floor on the level above, is greater than 7 feet. This definition shall include garages, sunrooms and any other area covered by a roof. Mezzanines, lofts and attic spaces where any portion of such spaces is greater than 7 feet in height shall be included in the calculation of Floor Area.”

2. Grade Plane: Delete the current definition and replace it with the following definition:

“GRADE PLANE: A horizontal reference plane that is the average of the maximum elevation along all exterior walls of a Building and the minimum elevations along all exterior walls or within 6 feet of all exterior walls of a Building.”

iii. Delete the definition for the following term: “IN-GROUND SWIMMING POOL”.

iv. Renumber the subparagraphs in the definition of “LOT AREA, NET” so that all subparagraphs are consecutively numbered.

v. Arrange all definitions in alphabetical order and consecutively number such definitions.

3. **AMENDMENTS TO SECTION 3: ESTABLISHMENT OF ZONING DISTRICTS; ZONING MAP.**

a. The text of Section 3.3.6 shall be deleted and shall be replaced with the following text:

3.6.6. Lots Divided by Zoning District Lines.

3.6.6.1. Where a Lot is divided by one or more zoning district lines and all portions of the Lot are located in a residential district, then the Use and dimensional regulations of the most restrictive district in which the Lot is located shall control and shall apply to the entire Lot.

3.6.6.2. Where a Lot is divided by one or more zoning district lines and one or more district is a residential zoning district and the other zoning district is a commercial zoning district, then the applicant may elect to use the Lot for Uses permitted in the residential district or in the commercial district. All Principal Buildings and Structures, accessory parking and loading facilities, and principal means of vehicular access shall be located in the selected district (i.e. commercial buildings and related parking, loading and access must be located on the portion of the Lot within the commercial district and residential uses and related parking and access must be located on the portion of the Lot in the residential district); however, the Bulk regulations in the most restrictive residential district in which the Lot is located shall apply to the Lot as a whole.

3.6.6.3. Where a Lot is divided by one or more zoning district lines and one or more district is a residential zoning district and the other zoning district is a commercial zoning district, but the proposed Use is a Use that is permitted in the residential district and the commercial district, then the Use may be located on any portion of the Lot and the Bulk regulations applicable in the most restrictive residential district in which the Lot is located shall control.

- b. The Zoning Map shall be amended to include a visual indication of the location of approved Cluster Subdivisions and to add the following note: “For areas developed pursuant to the Cluster Subdivision authority of NYS Village Law 7-738, please consult with the Zoning Inspector and the Cluster Subdivision Plat for applicable bulk requirements.” A copy of the revised Zoning Map is annexed hereto as Schedule A.

#### **4. AMENDMENTS TO SECTION 4: GENERAL REGULATIONS.**

- a. The text of Section 4.5.6.1 shall be deleted and shall be replaced with the following text:

“No Building, Structure or Use may encroach into any Required Yard unless specifically permitted in this Zoning Law. Building and Structures that may not encroach into Required Yards include, but are not limited to, Principal Buildings, Decks, Porches, Patios, chicken coops, Swimming Pools, playsets, pergolas, and gazebos. Playsets and Swimming Pools shall be prohibited in all Required Yards and in the Front Building Setback.”

- b. Section 4.5.6.2.4 shall be modified to replace the words “In-Ground Swimming Pools” with “Swimming Pools” in the beginning of such section.

- c. The text of Section 4.5.7 shall be deleted and replaced with the following text:

“The maximum Building or Structure Height limitations of this Zoning Law shall not apply to chimneys, skylights, Solar Energy Collectors, necessary mechanical



equipment, code mandated railings or guards, and other similar features provided that such features shall not extend more than the minimum dimension required by the Uniform Code or 2 feet above the roof for One or Two Family Dwellings, whichever is greater, or 8 feet above the roof for all other uses.”

- d. The following use shall be added to Section 4.6 as a prohibited use: “Keeping of any Prohibited Animal as defined in Section 9.6.20.1.3 on a Lot.”

**5. AMENDMENTS TO SECTION 5: DISTRICT REGULATIONS.**

- a. The text of Section 5.3.3.2 shall be deleted and replaced with the following text:

“Planting Strip Along 9W. For those areas of a Lot abutting Route 9W, a planting strip of at least 10 feet in width as measured from the Front Lot Line shall be maintained along the entire length of the Lot’s 9W Frontage and fully enclosed within the Lot (excepting areas used for access driveways and areas designated to preserve sight lines from such driveways) with the following minimum requirements: (a) For each 100 lineal feet or major fraction thereof, there shall be 4 deciduous shade trees with a DBH of at least 2 inches each, and at least 2 evergreen trees of at least 4 feet in height when initially planted. Trees should be informally dispersed with informal plantings of shrubs, hedges, ground covers and flowers in a layout and with species as depicted on a landscape plan to be approved by the Planning Board pursuant to Section 10 (Site Plan Review) hereof. The Planning Board shall have the authority to waive the requirements of this Section 5.3.3.2 for good cause shown provided that landscaping is adequate to buffer the view of improvements from Route 9W.”

**6. AMENDMENTS TO SECTION 6: SUPPLEMENTARY REGULATIONS.**

- a. Section 6.1.3.7.2(d) shall be revised to delete the words “Building Front Yard” and replace them with the words “Front Building Setback”.
- b. Section 6.3 Walls and Fences shall be deleted and replaced with the following:

6.3. Walls and Fences. Except as otherwise provided herein, Fences and walls, including Retaining Walls and Deer Fences are permitted in Required Yards, provided that such Fences and walls are not located in such a manner as to obstruct traffic movement or visibility from any Street and further provided that all Fences and walls comply with the following height limitations regardless of where they are located on a Lot:

6.3.1. Fences, other than Deer Fences and walls, other than Retaining Walls, may be a maximum of 6 feet in height as measured from the approved Finished Grade immediately adjacent to such Fence or wall (or if there is no approved Finished Grade to the Finished Grade existing prior to the installation of the subject Fence or wall) to the highest point of such Fence or wall. Ornamental features, including but not limited to, arbors, gates,

pillars, or other similar features at any opening in a Fence or wall to allow for pedestrian or vehicular access to a Lot may be a maximum of 9 feet in height as measured from the approved Finished Grade immediately adjacent to such Fence or wall (or if there is no approved Finished Grade to the Finished Grade existing prior to the installation of the subject Fence or Wall) to the highest point of the ornamental feature. Such ornamental features, in the aggregate, shall measure no more than 10 percent of the length of the Fence on the frontage on which they are located.

6.3.2. Retaining Walls may be a maximum of 6 feet in height as measured vertically at any point along the wall from the lowest point of the exposed face of the wall to the highest point of such Retaining Wall. Retaining Walls shall be setback from any Lot Line to the extent necessary to allow adequate space for access to the Retaining Wall for maintenance purposes and adequate screening on the Lot on which the Retaining Wall is located.

6.3.3. Deer Fences may be a maximum of 8 feet in height as measured in the same manner as for other Fences, unless such Fence is located within any Required Front Yard, in which case it may be a maximum of 6 feet in height

6.3.4. Prior to the construction, relocation, change of material, or extension in height or length of any Fence or wall including Retaining Walls, the property owner shall obtain a permit from the Village of Upper Nyack Building Department. Application for such permit shall be made on forms and supported by documentation as required by the Village's Code Enforcement Official and shall demonstrate compliance with the requirements of this Section 6.3. Note: See Section 10.1.3.2 regarding Site Plan approval requirements for certain walls.

c. The text of Section 6.7 shall be deleted and replaced with the following text:

## 6.7 Steep Slopes.

### 6.7.1 Limitations on Permanent Alterations of Steep Slopes.

6.7.1.1 All Steep Slopes. The Planning Board may permit the permanent alteration of any Steep Slope if it finds that the alteration of the slope will improve the stability of the slope and will improve environmental conditions on the Lot on which the slope is located and in the surrounding area.

6.7.1.2 Slopes of 15% - 24%. Except as otherwise provided in Section 6.7.1.1, Slopes of 15% to 24% shall not be permanently altered unless the Planning Board finds that: (i) such alterations are reasonably necessary to facilitate the proposed development of the Lot; (ii) such alterations will not cause significant negative impacts

to the surrounding area, particularly related to stormwater management; (iii) the slope will be stabilized and restored to a safe condition following the alteration; and (iv) that such alterations have been minimized to the maximum extent practicable.

6.7.1.3 Slopes of 25% - 39%. Except as otherwise provided in Section 6.7.1.1, Slopes of 25% to 39% shall not be permanently altered unless the Planning Board finds that: (i) there are no reasonable alternatives that do not require the permanent alteration to slopes of 25% to 39% or greater for the applicant to pursue to allow for the reasonable development of the Lot; (ii) such alterations will not cause significant negative impacts to surrounding areas, particularly related to stormwater management; (iii) the slopes will be stabilized and restored to a safe condition following the alteration; and (iv) that such alterations have been minimized to the maximum extent practicable.

6.7.1.4 Slopes of 40% and Greater. Except as otherwise provided in Section 6.7.1.1, Slopes of 40% or greater shall not be permanently altered unless the Planning Board finds that : (i) there are no reasonable alternatives that do not require permanent alteration to slopes of 40% or greater for the applicant to pursue to allow for the reasonable development of the Lot; (ii) such alterations will not cause significant negative impacts to surrounding areas, particularly related to stormwater management; (iii) the slopes will be stabilized and restored to a safe condition following the alteration; and (iv) that such alterations have been minimized to the maximum extent practicable.

6.7.2 Site Plan Approval Required. Site Plan Approval from the Planning Board shall be required prior to the permanent alteration of any Steep Slope on a Lot. In addition to the Site Plan requirements set forth in Section 10.5 of this Local Law, all applications for Site Plan Approval that include the permanent alteration to Steep Slopes shall include a slope disturbance and stabilization plan. Such plan shall show, at a minimum: (i) the extent of Steep Slopes on the Lot (including a clear identification of the slopes category (i.e. 15-24% slopes, 24-39% slopes or 40%+ slopes)) for all Steep Slopes on the Lot; (ii) the extent of any disturbance; and (iii) restoration and mitigation measures associated with the proposed alteration.

- d. The text of Section 6.9 shall be deleted and replaced with the following text:

6.9. Swimming Pools.

- 6.9.1. All Swimming Pools must have the required enclosure as specified in the Uniform Code, and such enclosures shall be maintained in a safe and operable condition as long as the pool exists.
- 6.9.2. All Swimming Pools shall be maintained in a manner sufficient to meet all applicable bacterial standards established by the provisions of the New York State Sanitary Code or other applicable public health and safety codes.
- 6.9.3. Swimming Pools and pool equipment shall not be located in the Front Building Setback, and shall be Setback from all Side or Rear Lot Lines a minimum of 30 feet. Setbacks shall be measured from the edge of the coping or pool structure.
- 6.9.4. Swimming Pools and all pool equipment and related Structures shall be adequately screened from view from surrounding properties using fencing, landscaping or a combination thereof.
- 6.9.5. Site Plan approval from the Planning Board shall be required before any Swimming Pool with a footprint of 40 square feet or greater is installed, relocated, or Altered in a manner that increases its footprint. For the purposes of this Section 6.9.5 the Swimming Pool footprint shall include the footprint of the Swimming Pool Structure and the Swimming Pool equipment (or the pad on which the Swimming Pool equipment is located) but shall exclude any patio surrounding the Swimming Pool.

**7. AMENDMENTS TO SECTION 9: SPECIAL USE PERMITS.**

- a. The text of Section 9.3.4.1 shall be deleted and replaced with the following text:
- “The Planning Board may refer copies of any Special Use Permit application that it receives to the Village Engineer and to such other governmental agencies or officials as it deems appropriate. Such governmental agencies or officials shall report their findings to the Planning Board in writing within 30 days of the date the referral is transmitted to such agency. If such agencies fail to report their findings to the Planning Board within such 30-day period the Planning Board may conclude that such agencies do not have any comment on the application.”
- b. The following text shall be added to Section 9.4.2.1.1 following the words “Village Clerk’s office”: “unless the Planning Board, as a condition of the grant of any Special Use Permit, sets a shorter duration for such approval.”

c. The following text shall be added at the end of Section 9.4.2.2.4: “Site Plan approval is required in connection with all Special Use Permit Renewal applications unless a waiver of Site Plan approval pursuant to Section 10.4.3.2 of this Local Law is granted by the Planning Board.”

d. A new Section 9.6.19.7 shall be added which shall provide as follows:

“A copy of the Short Term Rental Certificate of Compliance shall be posted in a conspicuous location in the Dwelling.”

e. A new Section 9.6.20 shall be added which shall provide as follows:

9.6.20. Keeping of Animals other than Customary Pets.

9.6.20.1. Definitions.

9.6.20.1.1. Customary Pet: Shall have the meaning ascribed to it in Section 2.1.24.

9.6.20.1.2. Livestock Animals: Sheep, pigs, goats, horses, alpacas and llamas, but excluding Customary Pets, Small Animals, and Prohibited Animals.

9.6.20.1.3. Prohibited Animals. Canines other than domesticated canines (for example, wolf, coyote, fox, etc.), felines, other than domesticated felines (for example tigers, lions, jaguars, bobcat etc...), primates, hyena, skunk, raccoon, rats, venomous or large reptile (alligator, crocodile, venomous snakes, etc...), bear, marsupials, roosters, geese, turkeys, donkeys, cattle, ratites such as ostriches and emus, endangered species designated pursuant to section 11-0535 of the New York State Environmental Conservation Law, species named in section 11-0536 of the New York State Environmental Conservation Law or other species of native or non-native live wildlife or fish where the New York State Department of Environmental Conservation finds that possession, transportation, importation or exportation of such species of wildlife or fish would present a danger to the health or welfare of the people of the state, an individual resident or indigenous fish or wildlife population.

9.6.20.1.4. Small Animals: Chickens, pigeons, or other similar animals other than Livestock Animals, Customary Pets, and Prohibited Animals.

9.6.20.2. Keeping of Small Animals:

9.6.20.2.1. Minimum Lot Size: 20,000 square feet of Lot Area for the keeping of up to 6 Small Animals, plus an additional 3,000 square feet

of Lot Area for each additional Small Animal up to a maximum of 12 Small Animals in total per Lot.

9.6.20.3. Keeping of Livestock Animals.

9.6.20.3.1. Minimum Lot Size: 40,000 square feet of Lot Area for the keeping of 2 Livestock Animals, plus an additional 20,000 square feet for each additional Livestock Animal up to a maximum of 5 Livestock Animals in total on each Lot.

9.6.20.4. Keeping of Small and Livestock Animals.

9.6.20.4.1. Minimum Lot Size: 40,000 square feet of Lot Area for the keeping of 2 Livestock Animals and up to 6 Small Animals, plus an additional 20,000 square feet for each additional Livestock Animal up to a maximum of 3 Livestock Animals in total and 3,000 square feet for each Small Animal for a maximum of 12 Small Animals in total on each Lot.

9.6.20.5. Accessory Buildings and Structures.

9.6.20.5.1. Chicken coops, hutches, barns, stables, shelters, paddocks, or other similar Buildings and Structures used for the keeping of animals shall be prohibited in the Front Building Setback and shall be prohibited in any Required Yard.

9.6.20.5.2. The portion of the Lot on which the Animals are kept shall be enclosed with a Fence meeting the requirements of Section 6.3 using materials suitable to keep the Animals within the confines of the Lot. Such Fencing shall be installed before the animals are located on the Lot and shall be maintained in good repair for the duration of the Special Use Permit.

9.6.20.6. Uniform Permit Conditions. The following conditions shall be conditions of all Special Use Permits granted pursuant to this Section 9.6.20:

9.6.20.6.1. The animals shall be kept within a fenced yard or pen at all times or kept on a leash or otherwise properly physically restrained when taken off the Lot.

9.6.20.6.2. Breeding, commercial boarding of animals, or other commercial use is prohibited.

9.6.20.6.3. The Applicant shall maintain a clean and sanitary condition on the Lot so as not to attract vermin to the Lot or neighborhood.

9.6.20.6.4. The applicant shall comply with all municipal, county, state and federal rules and regulations applicable to such animals.

f. A new Section 9.6.21 shall be added which shall provide as follows:

9.6.21. Warehouses and Self-Storage Facilities.

9.6.21.1. The minimum Net Lot Area shall be 50,000 square feet.

9.6.21.2. Outdoor storage of shipping containers, goods, or other materials shall be prohibited.

9.6.21.3. All applications shall include a traffic study and a parking utilization study prepared by a qualified professional unless the Planning Board finds, based on good cause shown, that such study is not required.

9.6.21.4. Vehicular Access to Warehouses and Self-Storage Facilities shall be from Route 9W.

9.6.21.5. Buildings used for Warehouse or Self-Storage Facility purposes shall be set back a minimum of 50 feet from any Lot located within a residential zoning district.

9.6.21.6. The parking of commercial vehicles shall be as provided in Section 6.1.3.7.1.

9.6.21.7 The keeping or storing of any hazardous, toxic or highly flammable material within a Warehouse or Self-Storage Facility is prohibited.

**8. AMENDMENTS TO SECTION 10: SITE PLAN APPROVAL.**

- a. Section 10.1.1.1 shall be amended to delete the words “Impervious Surface Coverage” and to replace such words with “Development Coverage”.
- b. The text of Section 10.1.1.2.1 shall be deleted and replaced with the following text:

“Prior to the permanent alteration of any area of Steep Slopes, regardless of whether a building permit is required in connection with such disturbance (*see* Section 6.7.2).”
- c. The text of Section 10.1.1.2.4 shall be deleted and replaced with the following text:

“Prior to installing or Altering a Swimming Pool or tennis court or other sport court if required pursuant to Section 6.9.5 or 6.10.3, respectively.”
- d. The text of Section 10.1.3 shall be deleted and replaced with the following text:

10.1.3. Exceptions. Site Plan approval is not required for the following:

  - 10.1.3.1. Colocation of Wireless Telecommunication Facilities as provided in Section 15.
  - 10.1.3.2. Construction of a Shed meeting the requirements of Section 6.5 or a Fence or wall (including a Retaining Wall) meeting the requirements of Section 6.3, provided that the construction of or substantial alteration to a wall (including a Retaining Wall) exceeding 3 feet in height or higher in a Required Front Yard, or 4 feet in height or higher in any Required Side or Rear Yard shall require Site Plan approval from the Planning Board.
  - 10.1.3.3. Construction or alteration of a Deck, playset, or other non-Building structural improvement (other than walls exceeding the thresholds provided in Section 10.1.3.2), including, but not limited to patios and walkways that are 200 square feet in area or less, unless the addition of such Structure or Deck would increase Development Coverage beyond the maximum permitted Development Coverage for the Lot in which case Site Plan approval from the Planning Board and a variance from the ZBA shall be required prior to the issuance of a building permit for such work.
  - 10.1.3.4. The addition of an Accessory Use to a Lot unless the Use Table indicates that Site Plan approval is required before the Accessory Use can be established.



- e. The text of Section 10.2.10 shall be deleted and replaced with the following text:

“Endorsement of Final Site Plan. Within 90 days of the date that a resolution of approval or approval with modifications is adopted by the Planning Board, the applicant shall present to the Zoning Inspector a corrected final Site Plan including any modifications required by the Planning Board as a condition of its approval. Upon verification by the Planning Board Chairman that the Site Plan complies with the requirements of the Board’s approval, the Site Plan shall be endorsed by the Planning Board Chairman.”

- f. The text of Section 10.4 Expiration; Amendment shall be deleted and replaced with the following text:

10.4 Expiration; Amendment; Waiver.

10.4.1 Expiration. A Site Plan approval shall expire if:

10.4.1.1 The applicant fails to present to the Zoning Inspector a corrected Site Plan including any modifications required by the Planning Board as a condition of its approval and obtain the Planning Board Chairman’s signature on the Site Plan as required pursuant to 10.2.10 (Planning Board Chairman signature within 90 days of the date of approval). The Site Plan approval may be extended by the Planning Board upon written request of the applicant submitted to the Planning Board prior to the expiration pursuant to this Section 10.4.1.1 for up to 2 additional 30-day periods. No public hearing shall be required in connection with such request.

10.4.1.2 A building permit has not been issued for construction in accordance with an approved Site Plan within 18 months of the date that the Site Plan was signed by the Planning Board Chairman or if all improvements permitted or required by the Site Plan approval are not completed and a certificate of occupancy and/or certificate of compliance has not been issued within 2 years of the date that the building permit is issued. The Site Plan approval may be extended by the Planning Board upon written request of the applicant submitted to the Planning Board prior to the expiration pursuant to this Section 10.4.1.2 for up to 2 additional 6-month periods. No public hearing shall be required in connection with such request.

10.4.1.3 For all principal permitted commercial, industrial or marine uses, the Use for which Site Plan approval was granted has substantially ceased for a period of 12 consecutive months. For Uses permitted pursuant to Special Use Permit approval, the Site Plan approval for such use shall expire upon the expiration of the Special Use Permit pursuant to Section 9.4 of this Zoning Law.

10.4.1.4 If a court of competent jurisdiction determines that the Lot for which the Site Plan approval was granted has been changed or altered in a manner that is not permitted by such approval or any conditions or standards that have been made a part of the Site Plan approval are violated.

#### 10.4.2 Amendment.

10.4.2.1 Minor Changes. Minor changes in an approved Site Plan may be approved administratively by the Village Engineer, Code Enforcement Official or Zoning Inspector, provided that the Village Engineer, Code Enforcement Official or Zoning Inspector finds that such Minor Change is consistent with the intent of the approved Site Plan and will not cause any additional adverse impacts to the surrounding community compared with the approved Site Plan. Minor changes which are approved by the Village Engineer, Code Enforcement Official or Zoning Inspector shall be reported in writing to the Planning Board at its next meeting. The report shall describe the changes and the justification for making the same and shall be made part of the formal record on file in the Building Department. Notwithstanding the above, the Village Engineer, Code Enforcement Official or Zoning Inspector is not required to approve any Minor Change to a Site Plan, but rather may refer any proposed change to a Site Plan to the Planning Board for review pursuant to Section 10.4.2.2 of this Zoning Law. For the purposes of this Section 10.4.2.1 a “Minor Change” to an approved Site Plan shall mean modifications of striping of Parking Spaces (provided that such striping does not affect the total number of spaces), relocation of handicap Parking Spaces, adjustment to curbing, modification of sidewalks and walkways, construction/modification of bollards, minor adjustments in the location of utilities, generators, and propane tanks, and minor modifications to site grading. A Minor Change is not anything that would change: (i) the approved stormwater management plan, (ii) the location of any Structure or Building, (iii) the architectural design or materials approved by the ARB, or (iv) increase Development Coverage to an extent greater than 5%.

10.4.2.2 Amendment. All Amendments to previously approved Site Plans that are not approved as a Minor Change pursuant to Section 10.4.2.1 of this Zoning Law shall follow the same procedure, rules and regulations as those that apply for applications for new Site Plan applications.

10.4.3 Waiver of requirement for Site Plan approval. The Planning Board may grant a waiver of the requirement to obtain Site Plan approval in the circumstances described below. No public hearing shall be required on an application for a waiver of the requirement for Site Plan approval.

10.4.3.1 For any application for the construction, modification or alteration of a Building or Structure where such construction, modification or alteration

does not exceed 500 square feet of Floor Area or Development Coverage in the OB, R-160, R-80, R-40 and R-30 Zoning Districts or 350 square feet of Floor Area or Development Coverage in all other districts, provided that the Planning Board finds that the proposed change will not cause any negative impacts to the surrounding community and that the improvements are consistent in design and scale with the existing improvements on the Lot.

10.4.3.2 For any application for Site Plan approval submitted in connection with a Special Use Permit Renewal application in which the applicant can demonstrate that the Use and configuration of the Lot are in substantial compliance with the Site Plan previously approved by the Planning Board.

10.4.3.3 For any application to reissue a Site Plan approval that has lapsed in the preceding 3 months provided that there have not been any changes to the previously approved plan or surrounding neighborhood conditions.

10.4.3.4 For any application to modify a Site Plan that has been approved by the Planning Board in the preceding 12 months if the Planning Board finds that the proposed modification: (i) is minor in nature; (ii) does not increase the Floor Area of the Principal Building by more than 5 percent or the Development Coverage on the Lot by more than 5 percent; (iii) does not require the grant of new variances; (iv) will not cause any negative impacts to the surrounding community; and (v) is consistent in design and scale with the previously approved Site Plan.

10.4.3.5 In the granting of any Site Plan waiver, the Planning Board may impose Conditions as provided in Section 10.2.9.

g. The text of Section 10.5.17 shall be deleted and replaced with the following text:

“A zoning compliance table listing, at a minimum, the proposed Use of the Lot and the permitted/required and proposed: Lot Area, Net Lot Area, Required Yards, Setbacks of Buildings and Structures, Building Height, Grade Plane, Building Coverage, Development Coverage, Floor Area of all Buildings, Floor Area Ratio, number of Parking Spaces and Loading Spaces and any other dimensional or Bulk requirements that apply to the subject Lot. If variances from the Bulk requirements were previously granted by the ZBA the date, case number and extent of such variances shall be included in the zoning compliance table”

h. Section 10.6.14.7 shall be amended to delete the words “Within any required landscaping buffer area”.

- i. A new Section 10.6.15 shall be added which shall provide as follows:

“Where the permanent alteration of any Steep Slope is proposed, the Planning Board shall consider the appropriate factors provided in Section 6.7.1 in determining whether and to what extent such alteration is permitted.”

**9. AMENDMENTS TO SECTION 15: WIRELESS TELECOMMUNICATION FACILITIES.**

- a. Section 15.7.1 shall be amended to include the following text after the word “following”: “in the number of sets to be determined by the Code Enforcement Official on the application form:”
- b. Section 15.7.1.1 shall be amended to delete the following text: “(at least 2 copies)”
- c. Section 15.7.1.2 shall be amended to delete the following text: “(at least 2 copies)”
- d. Section 15.7.1.4 shall be amended to delete the following text: “(at least 11 copies)”
- e. Section 15.7.1.5 shall be amended to delete the following text: “(at least 11 copies, signed and sealed; one copy submitted in an electronic format)”
- f. Section 15.7.1.6 shall be amended to delete the following text: “(at least 11 copies, signed and sealed; one copy submitted in an electronic format)”
- g. Section 15.7.1.7 shall be amended to delete the following text: “(at least 2 copies)”
- h. Section 15.7.1.8 shall be amended to delete the following text: “(at least 6 copies)”
- i. Section 15.7.1.9 shall be amended to delete the following text: “(at least 11 copies)”
- j. Section 15.7.1.10 shall be amended to delete the following text: “(at least 2 copies)”

**10. AMENDMENTS TO USE TABLE.**

- a. The text of Column 4 (Permitted Accessory Uses), Row 1 (R-160 Residential-Conservation District) shall be deleted and replaced with the following text:

“Sheds that meet the requirement of Section 6.5.

Private Accessory Buildings or Structures not over 15 feet in height and limited to 800 square feet in area. Dwelling Units are prohibited in Accessory Structures or Accessory Buildings.\*

Private tennis courts, sports courts, or Swimming Pools subject to Sections 6.9 or 6.10 as appropriate.\*

Parking for 1 commercial vehicle or Recreational Vehicle, or storage of 1 boat subject to the requirements and limitations of Section 6.1.2.2.

Off-street parking subject to Section 6.1.

The keeping of a reasonable number of Customary Pets.

Keeping of Animals, subject to the issuance of a Special Use Permit (*see* Section 9, and Section 9.6.20)\*

Roof-mounted Solar Energy Collectors installed for the primary purpose of providing electricity to the Lot on which they are installed subject to review and approval by the ARB.

Ground-mounted Solar Energy Collectors installed for the primary purpose of providing electricity to the Lot on which they are installed provided that they may not be installed in the Front Building Setback or in any Required Side or Rear Yard and shall comply with all other applicable Bulk restrictions.\*

Signs subject to section 6.2.”

- b. Add the following text to Column 4 (Permitted Accessory Uses), Row 9 (VC Village Center District): “The keeping of Customary Pets.”
- c. Delete the following text from Column 1 (Permitted Principal Uses), Row 10 (OB Office Business District): ““Self-Storage Facilities” and Warehouses”
- d. Add the following text to Column 2 (Special Permit Uses), Row 10 (OB Office Business District): ““Self-Storage Facilities” subject to Section 9.6.21” and “Warehouses” subject to Section 9.6.21”.

## **11. AMENDMENTS TO PARKING TABLE.**

- a. The following text shall be added after the existing text in Column 2 in the row for “Self-Storage Facility”: “A parking utilization study must be submitted to the Planning Board in support of all applications for a Self-Storage Facility. The minimum number of parking spaces to be required on the site may be increased by the Planning Board if such study shows a demand for parking that exceeds 0.5 spaces per 1,000 sf of Floor Area.”
- b. The following text shall be added after the existing text in Column 2 in the row for “Warehouse”: “A parking utilization study must be submitted to the Planning Board in support of all applications for a Warehouse. The minimum number of parking spaces to be required on the site may be increased by the Planning Board if such study shows a demand for parking that exceeds 0.5 spaces per 1,000 sf of Floor Area.”
- c. The definition of “Floor Area” in Note 2 shall be deleted and the revised definition of “Floor Area” shall be added in its place.

**12. AMENDMENT TO BULK TABLE.**

- a. Internal section references in the Bulk Table shall be updated to reflect revisions affecting section numbering.

**SECTION 3. SEVERABILITY.**

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

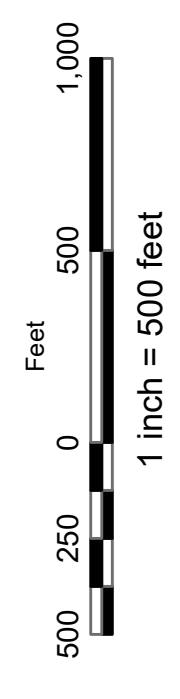
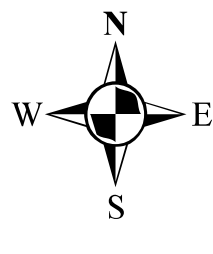
**SECTION 4. WHEN EFFECTIVE.**

This Local Law shall take effect immediately upon the filing with the Secretary of State.


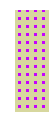

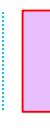









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**SCHEDULE A- AMENDED ZONING MAP**

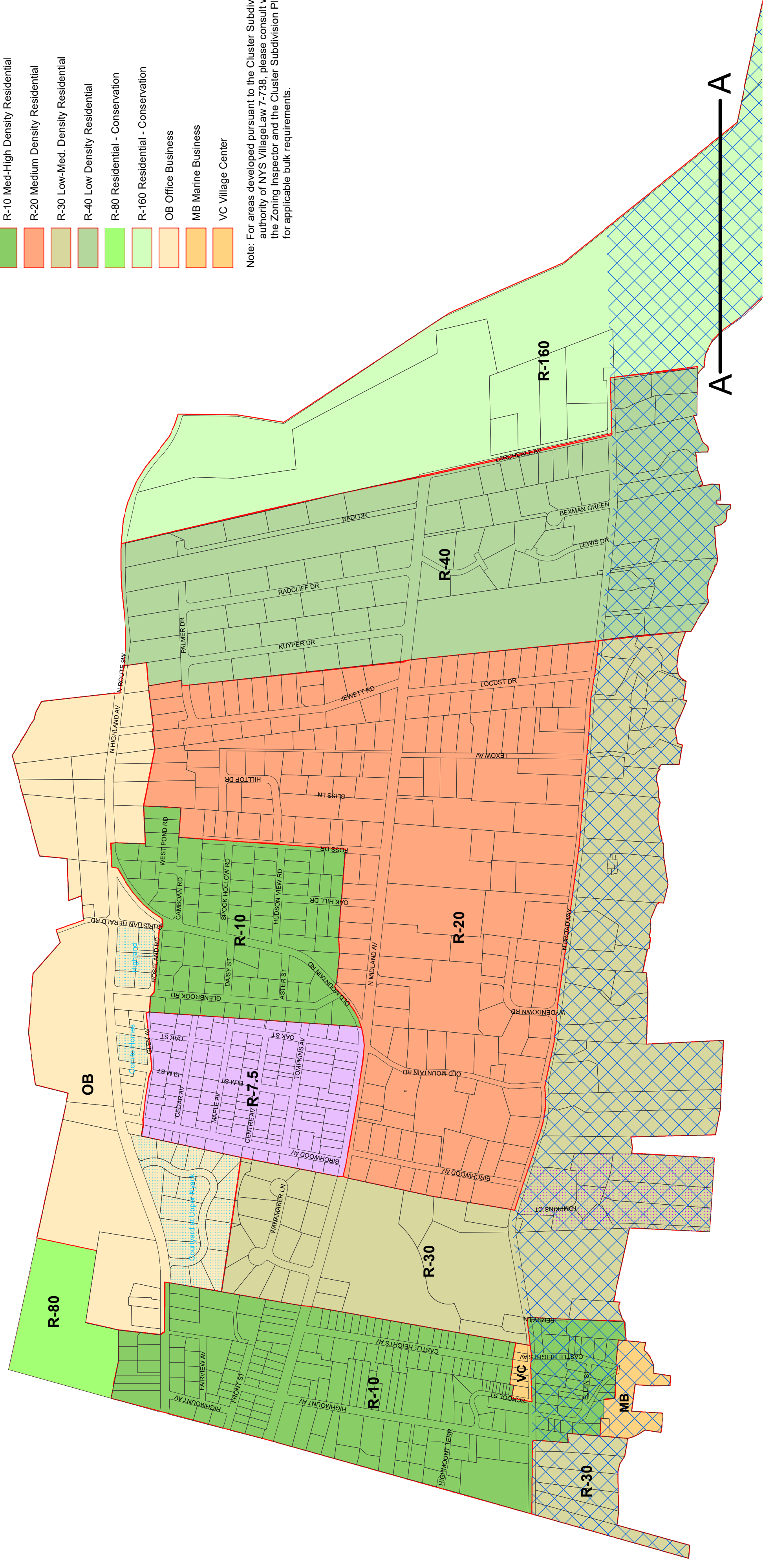
A—A



**Legend**

-  Hudson Riverfront Overlay
-  Cluster Subdivision
-  OB Residential Overlay
-  R-7.5 High-Density Residential
-  R-10 Med-High Density Residential
-  R-20 Medium Density Residential
-  R-30 Low-Med. Density Residential
-  R-40 Low Density Residential
-  R-80 Residential - Conservation
-  R-160 Residential - Conservation
-  OB Office Business
-  MB Marine Business
-  VC Village Center

Note: For areas developed pursuant to the Cluster Subdivision authority of NYS Village Law 7-738, please consult with the Zoning Inspector and the Cluster Subdivision Plat for applicable bulk requirements.



A—A

**OFFICIAL ZONING MAP**  
 Village of Upper Nyack, New York  
 Upper Nyack Zoning Local Law 5-2022, Section 3.2  
 Adopted: February 10, 2022

REVISIONS DATE	DESCRIPTION	BY
05/19/2022	ADDED TAX PARCEL	DML
01/12/2023	ADDED CLUSTER SUBDIVISION	DML



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

Project :

Date :

**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.

<b>1. Impact on Land</b>			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<input type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> <b>proposed as a part of this Action.</b>			
	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"/>

<b>2. Impact on Geological Features</b> 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) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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"/>

<b>3. Impacts on Surface Water</b> 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) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> 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. <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> (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>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b>			
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 <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <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"/>

<b>7. Impact on Plants and Animals</b>			
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"/>

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"/>

<b>8. Impact on Agricultural Resources</b>			
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"/>

<b>9. Impact on Aesthetic Resources</b> 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
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
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"/>		

<b>10. Impact on Historic and Archeological Resources</b> 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
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	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"/>		

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	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"/>

<b>11. Impact on Open Space and Recreation</b>			
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
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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"/>

<b>12. Impact on Critical Environmental Areas</b>			
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> <b>There are no CEAs within the Village.</b>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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"/>

<b>13. Impact on Transportation</b> The proposed action may result in a change to existing transportation systems. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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"/>

<b>14. Impact on Energy</b> The proposed action may cause an increase in the use of any form of energy. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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: _____ _____			

<b>15. Impact on Noise, Odor, and Light</b> The proposed action may result in an increase in noise, odors, or outdoor lighting. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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"/>



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"/>

<b>16. Impact on Human Health</b>			
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: _____ _____			

<b>17. Consistency with Community Plans</b>			
The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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"/>

<b>18. Consistency with Community Character</b>			
The proposed project is inconsistent with the existing community character. (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>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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"/>

Project :

Date :

***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 617.7(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:**

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>

**VILLAGE OF UPPER NYACK**  
**ZONING LAW AMENDMENT AND REPEAL OF GENERAL ORDINANCE 5.13**  
**FEAF PART 3 SUPPORTING NEGATIVE DECLARATION**

The Action currently being reviewed is the adoption of local laws amending the Village's Zoning Law and repealing Village General Ordinance 5.13 (special permits for the keeping or harboring of certain animals).

As reflected in Part 2 of the EAF, no significant negative impacts are expected to flow from the adoption of the proposed local laws.

Many of the proposed amendments to the Zoning Law are minor in nature. Examples of such amendments include: additions and modifications to the Definitions section (Section 2); modifications to the building height exceptions to allow for projections required by the Uniform Fire Prevention and Building Code (Section 4.5.7); allowing for minor ornamental portions of fencing to exceed the maximum fence height requirements (Section 6.3); modifying and clarifying planning board approvals timeframes and other procedural aspects of site plan and special use permit applications (Sections 9 and 10); and changes to wireless telecommunication application submission materials (Section 15.7.1).

Other modifications are designed to clarify the original intent of the Zoning Law or to correct typographical errors in the Zoning Law. Changes in this category include the clarification of how use and bulk restrictions apply to lots bisected by a zoning district boundary line (Section 3.6.6), the addition of the cluster subdivision notation to the zoning map; the clarification that landscaping in the planted strip along 9W must be on the applicant's property (Section 5.3.3.2); and correcting incorrect word usage (Section 6.1.3.7.2(d) and 10.1.1.1).

The most substantive changes to the Village's Zoning Law proposed as a part of these amendments are: modifications to the steep slopes regulations (Section 6.7); the addition of a site plan review waiver provision (Section 10.4.3); and the reclassification of warehouse and self-storage uses in the Office Business District from permitted uses to special permit uses and the addition of the keeping of animals special use permit as a special permit use in the Zoning Law (use table and Section 9).

**Steep Slopes Regulations**

The Village's Comprehensive Plan recommends a three-tier slopes regulation program, whereby any disturbance on slopes ranging from 15%-39% is limited and regulated to varying degrees, and any disturbance on slopes of 40% or greater is generally prohibited (although as required by law, variances issued by the Zoning Board of Appeals are available to permit disturbance to such slopes). The intent of this provision of the Comprehensive Plan is to limit permanent disturbance to steep slopes that will cause a detrimental effect to surrounding properties and the Village as a whole.

Over the course of the past year of implementing the Zoning Law, several applications necessitating slopes disturbance variances have come before the Planning Board and Zoning Board of Appeals. Having the slopes disturbance reviewed by both boards has lengthened the review process for applicants with the land use boards generally considering the same evidence and standards to determine whether to allow slopes disturbance that exceed the level of disturbance permitted by the Zoning Law.

The proposed revision to the steep slopes provision would eliminate this administrative redundancy without being any less protective of slopes within the Village. As proposed, the steep slopes provision would require an applicant wishing to disturb slopes of 15%-24% percent to show that the alterations are reasonably necessary to facilitate the proposed development, that such disturbance will not cause any significant negative impacts to surrounding areas, that the slopes will be stabilized and restored to a safe condition, and that the slope alterations have been minimized to the maximum extent practicable. The standard for slopes exceeding 24% (slopes categories 25%-39% and 40% or greater) would be more exacting and would require the applicant to show that there is no opportunity for reasonable development of the property without the alteration of the slopes, that the alteration will not cause significant negative impacts, that the slopes will be stabilized and restored to a safe condition and that the alterations will be minimized to the maximum extent practicable.

Given these stringent standards, which are similar to the area variance standards that are currently applied by the Zoning Board of Appeals, slopes disturbance will continue to be minimized and disallowed by the Planning Board when other options are available for the reasonable development of a property.

### **Site Plan Waiver Provision**

The Village's Zoning Law has a low threshold for requiring site plan approval from the Planning Board. This is a valuable aspect of the Village's Zoning Law because it provides the Planning Board with an opportunity to carefully review development proposals and evaluate whether there is the potential for impacts resulting from the proposal and how those impacts could be mitigated. This low threshold for approval is designed to be retained within the Zoning Law as a part of these amendments.

However, in certain limited instances, when very minor site amendments are proposed, a more limited review by the Planning Board may be appropriate and mutually beneficial to the Planning Board (in terms of reduced application review) and applicants (in terms of reduced cost). Accordingly, the proposed amendments include a site plan waiver provision to permit the Planning Board to waive the requirement for site plan approval for minor applications. However, it is important to note that the Planning Board is not required to waive the requirement for site plan review in any particular circumstance and therefore if the Planning Board finds that there is the potential for environmental impacts to flow from a project, even if it is minor in nature, full site plan review can be required.

### **Use Modifications**

#### Keeping of Animals other than Customary Pets

For more than 40 years, the Village has required property owners to obtain a special use permit to keep or harbor animals other than customary pets on their property. However, rather than providing for this use in the Zoning Law, it was incorporated into the General Ordinances, with a reference to the special use permit standards in the Zoning Law as the review criteria, with the approval authority assigned to the Zoning Board of Appeals. However, it is inefficient to have this special use permit provision codified outside of the Zoning Law, particularly since it references the Zoning Law for the standards that should be applied to the application. Accordingly, by the proposed local laws subject to this review, the keeping of animals special permit is proposed to be deleted from the Village's General Ordinances and incorporated into the Zoning Law. Although the Zoning Board of Appeals has been very

capable and comprehensive about processing these applications, the Zoning Law designates the Planning Board as the land use board that is authorized to review and decide special permit applications. It is administratively more efficient at this time to have a uniform process before the same board for all special use permit applications, which is why the approval authority for this permit is proposed to be changed from the Zoning Board of Appeals to the Planning Board. In preparing the standards for the special use permit in the new Section 9.6.20, recent resolutions of the Zoning Board of Appeals granting keeping of animals permits were reviewed and the criteria were designed to be generally consistent with those standards such that there is a limit on the density of animals on a given lot, there is a requirement for the keeping of clean and sanitary conditions, noise impacts must be minimized and animals must be kept within the limits of the property or leashed or otherwise properly restrained.

#### Warehouse and Self-Storage Facilities

Currently warehouses and self-storage facilities are classified as principal permitted uses in the Office Business District. However, such uses have many different varieties, and the impacts of the use can vary depending upon the nature of the facility. Accordingly, the proposed amendments would reclassify these uses as special permit uses in the Office Business District rather than principal permitted uses. This classification would give the Planning Board additional authority to review the nature of the proposed facility and ensure that impacts that may result from it are appropriately mitigated.