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**RECEIVED**

December 3, 2010

Yates County Planning Board  
c/o Yates County Planning Department  
417 Liberty Street  
Penn Yan, New York 14527

**DEC - 6 2010**

**REAL PROPERTY TAX SERVICE  
PLANNING DEPARTMENT**

**Re: General Municipal Law §239-m Referral:**

To Whom This May Concern:

2010-69 Pursuant to the direction of the Village Clerk of the Village of Penn Yan and in accordance with a Resolution duly adopted by the Board of Trustees of the Village of Penn Yan at a duly scheduled meeting thereof on November 16, 2010, we enclose herewith the proposed local law to amend the Waterfront Development and Conservation District (WDC) of the Zoning Chapter of the Village Code, for review by the Yates County Planning Board. This referral is made pursuant to §239-m of the General Municipal Law of the State of New York.

The Board of Trustees of the Village of Penn Yan has determined for SEQRA purposes that the proposed local law is a "Type 1" action. A draft FEAF is enclosed. The Board of Trustees has scheduled a public hearing on the proposed local law for December 21, 2010.

In the event that you request further information or documentation please advise us accordingly.

Sincerely,

  
Edward J. Brockman

EJB/lcb  
Enclosure  
Robert Church, Mayor  
Shawna Wilber, Clerk/Treasurer

G.M.L. §239 REFERRAL TO THE YATES COUNTY PLANNING BOARD

RECEIVED

YCPD Office Log # 2010-69

Date Received DEC - 6 2010

From: Board of Trustees of the Village of Penn Yan REAL PROPERTY TAX SERVICE  
PLANNING DEPARTMENT

To: Yates County Planning Board, 417 Liberty St., Penn Yan, NY 14527

Applicant: Board of Trustees

1. Location: Waterfront Development Conservation District

2. Tax Map #: multiple parcels 2a. Zoning District: WDC

3. Type of Application or Proposal:

- Use Variance
- Area Variance
- Special Use Permit
- Subdivision Review
- Site Plan Review
- Zoning Text Amendment
- Zoning Map Amendment (Rezoning)
- Other \_\_\_\_\_

3b. Date of meeting at which the local board expects to take final action: \_\_\_\_\_

4. Applicable Sections of Zoning Code: §§202.6, 202.17, 202.17.1, 202.17.2 & 202.17.3

5. Description: The Board of Trustees proposes to amend the provisions of the Waterfront Development Conservation District (WDC)

6. Reason Referred: 500' from \_\_\_\_\_

7. Enclose the **complete** application including the following:

- SEQR Documentation**
- Detailed Description**
  - Type of Business
  - Hours of Operation
  - Number of Employees
  - Anticipated Traffic
- Site Plan**
  - Title, Scale, North Arrow, Dimensions
  - Portion of the Property to be Developed
  - Streets, Easements, Utilities
  - Driveways, Parking (Existing & Proposed)
  - Structures (Existing & Proposed)
  - Landscape Features (i.e., streams, ponds, hedges) (Existing & Proposed)
  - Lighting & Signage (Location and content)
  - Grading Plan, Drainage & Erosion Control (During & After Construction)

*As declared in G.M.L. §239-l, m, and n, it is in the public interest to have the Yates County Planning Board review certain actions that may have inter-community and countywide impacts. Within thirty days of a complete submittal of the referred matter (or at least two days before the referring board's final action), the County Planning Board shall report its recommendations thereon to the referring agency. If the County Planning Board fails to report within 30 days, the body having jurisdiction to act may do so without such report.*

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

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

VILLAGE OF PENN YAN

Proposed LOCAL LAW II OF THE YEAR 2010

Proposed LOCAL LAW AMENDING THE ZONING CHAPTER OF THE CODE OF THE VILLAGE OF PENN Yan relating to Waterfront Development and Conservation District (WDC) regulations.

Be it enacted by the Board of Trustees of the Village of Penn Yan as follows:

Section 1: Short Title.

This local law shall hereafter be known as "The Waterfront Development and Conservation District" (WDC) regulations amendment of 2011.

Section 2: Legislative Intent.

The purpose of this local law is to amend the Zoning Chapter of the Code of the Village of Penn Yan providing for definition changes and modification of district regulations.

Section 3: Legislative Authority.

This local law is enacted pursuant to the provisions of the Municipal Home Rule Law of the State of New York, Municipal Home Rule Law and Article 7 of the Village Law of the State of New York, with the procedural provisions of the Municipal Home Rule Law being applicable to the adoption hereof.

Section 4 Provisions.

The following sections of Chapter 202, "Zoning" of the Code of the Village of Penn Yan are amended or added as hereinafter provided.

ARTICLE I  
Definitions

~ 202.6. Word usage and definitions.

The following words and definitions are added alphabetically or amended accordingly.

ARTIST - An individual who practices one of the fine, design, graphic, musical, literary, computer or performing arts or an individual whose profession relies on the application of the above-mentioned skills to produce creative product; i.e. architect, craftsperson, photographer, etc.

ARTIST LOFT - The work space of an artist that includes an accessory residential space intended only for the artist utilizing the work space.

ARTIST STUDIO - The workspace of an artist in which art is produced. Artwork that is produced within an artist studio may be sold at that artist studio.

DOCK - Any water-dependent structure, or fixed platform built on floats, columns, open timbers, metal, piles or similarly openwork supports or cantilevered structures extending to the shore, including piers and wharfs, whose purpose is providing riparian access and/or securing of watercraft. All such structures, as above described which are placed waterside of the mean high water mark shall be defined as a dock.

KEUKA LAKE AND KEUKA LAKE OUTLET - Are deemed to be separated by a straight line connecting points situated by the following coordinates pursuant to the 1983 New York State Plan Central plotting system:

1 - Ice House point (southeast point of mouth of Keuka Lake Outlet) - North 966,392+/-East 690,588+/-.

2 - Indian Pines Park (southwest point of mouth of Keuka Lake Outlet) - North 966,509+/-East 690,588+/-.

MOORING - A waterside structure where vessels can be stored, including, but not limit to, dockage, boat slips, boat stations, boathouses, boat hoists, marine rail systems and buoys.

WATER-RELATED - Uses which are not directly dependent upon access to a water body but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered and prevent the business's economic viability.

WHARF - Any structure extending to the shoreline which is out into, over, or along the immediate edge of water, whose purpose is providing riparian access, and which is built parallel with the shoreline.

YARD,FRONT - An open area extending the full width of the lot between the street right-of-way and the building line projected to the side lot lines.

YARD,REAR - An open area extending the full width of the rear lot line situated between the rear lot line and the building line projected to the side lot lines.

YARD WDC, FRONT - An open area extending the full width of the lot between the mean high water line or public walking trail and the building line projected to the side lot lines.

YARD WDC, REAR - An open area extending the full width of the rear lot between the rear lot line and the building line projected to the side lot lines.

## **~§202.17 Waterfront Development and Conservation (WDC) District**

### **A. Purpose of the District:**

1. To preserve and enhance the waterfront areas in the Village of Penn Yan through architectural and site design that is representative in scale and character of the goals and reflects the vision of the community as set forth in the Waterfront Revitalization Plan (January 2008);
2. To encourage land development activities that while creating economic growth in the community, provides opportunity for permanent public access through pedestrian connections and permanent open space;
3. To provide for a compatible mixture of waterfront-related uses, such as marine and boating uses, and waterfront-enhanced uses, such as waterfront-related commercial, industrial and residential uses;
4. To encourage appropriate land development, including the utilization of vacant land and buildings and the adaptive reuse of existing structures, which is in harmony with the maintenance of the district's recreational and open space areas and the conservation of the historic environmental areas adjacent to the Keuka Outlet and Keuka Lakefront;
5. To recognize the sensitivity of the unique waterfront environment in this area and to institute appropriate safeguards to protect the area from periodic flooding, soil erosion, sedimentation and slope failure due to unregulated construction, removal of vegetation, dredging, filling, damming or channelization;
6. To preserve valuable wetlands;
7. To protect scenic views and the natural character of the outlet and lakefront areas;
8. To provide for a mix of land uses and developments as well as active and passive recreational areas and opportunities that take advantage of the unique location and characteristics of the waterfront area;
9. To encourage the maintenance and/or development of public access to the waterfront wherever feasible and where such access is compatible with the character of the proposed development;
10. To provide for a variety of activities in a planned, controlled environment in a manner blending all uses into a functionally and aesthetically complementary whole; and

- B. District Boundary-** The boundary for the WDC district is detailed on the Zoning Map for the Village of Penn Yan (dated & approved May 15, 2007)

C. **Permitted Uses**- Permitted uses shall be specified in 202-19 of this Article. Use Regulation Table subject to site plan approval.

D. **Bulk Regulations**- Dimensional requirements as set forth in 202-22, Density Control Schedule (are bulk schedule), shall be observed for all uses permitted in this district. In addition, the following standards shall apply to site plan review within this use district:

1. A maximum of forty percent (40%) of the gross land area in the proposed development parcel may be devoted to a specific use or combination of uses permitted. Said maximum shall include all principal and accessory structures but shall exclude any required yards and open space and recreation uses, as defined in the regulations for this district, and the space devoted to streets and required off-street parking lots within the parcel.
2. A minimum of thirty percent (30%) of the gross land area shall be devoted to open space, as defined in this chapter. This open space area shall not include area devoted to streets, roads, or required parking spaces within the development parcel.
3. Setbacks from Shoreline:
  - a. Twenty (20) foot setback on both sides of the Outlet from; the Main Street Bridge to Monell Street.
  - b. Thirty (30) foot setback on both sides of the Outlet from: Monell Street to a point 884' west. (the end of Village of Penn Yan parcel).
  - c. Fifty (50) foot setback from the point 884' west of Monell Street to the far end of Red Jacket Park.
  - d. Thirty (30) foot setback on the North side of Indian Pines Park from the wetlands to the lake.
4. Height Limitations: No buildings shall exceed a maximum height of forty (40) feet in this district.
5. All construction shall conform with the provisions of Chapter 98, Flood Damage Prevention, of the Code of the Village of Penn Yan.
6. The Village of Penn Yan Planning Board may consider alternatives to the requirements set forth in D. 1 through 5 based on review of a plan submitted by the Applicant that meets the Purpose of the WDC District, detailed in A. 1 through 10 If it is determined by the Planning Board that alternatives will be considered, a Public Hearing will be required.

E. **Design Standards**- The following standards shall comply with all construction in the WDC District:

**1. Permanent Pedestrian Pathways**- All properties shall provide a pedestrian easement for a walking trail that connects existing trails or provides the ability to connect to future trails on adjacent properties:

- a. Pathways shall be at least four feet wide and constructed of a permeable surface.
- b. Pathways shall be sited to as close to the waterfront as the site development permits.
- c. Upon completion of the pathway it must be dedicated to the Village of Penn Yan with a minimum twenty foot (20') easement for the purpose of construction, repair or maintenance.

d. The Applicant/Developer is responsible for the maintenance of all permanent pedestrian pathways until the pathways are dedicated to the Village of Penn Yan.

2. **Lighting-** A lighting plan will be submitted as part of the site development application:

a. All free standing light fixtures as well as those attached to the building shall be architecturally compatible with the style, materials, colors and details of the building.

b. Locations of all proposed outdoor luminaires shall be shown on the lighting plan (including site, parking lot, walkways/sidewalks, building mounted, landscape, external signage lighting, and so on).

c. Luminaires shall be sited to prevent spill-over onto adjacent properties or to the waterfront.

3. **Utilities**

a. Utility lines shall be located underground, where possible, to minimize visual impacts.

b. Air-conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receive devices shall be thoroughly screen from view from a public right-of-way and from adjacent properties.

4. **Buffering**

a. Trash and/or dumpster areas shall be screened.

b. Buffer plantings or landscaping or opaque fences (preferably wood), shall be provided between commercial businesses and adjoining residential uses.

c. Screening shall be architecturally compatible with the style, materials, colors and details of the building.

5. **Parking**

a. Off-street parking shall not be permitted in the front yard. Parking facilities shall be sited to the rear or side of structures, away from street frontage(s) when possible, with appropriate landscaping, attractive fencing no greater than five feet in height or stone/brick wall no greater than three feet in height.

b. The number of required parking spaces shall be consistent with the Parking Standards set forth in the Section 202-43. Where credible evidence is provided by traffic counts or data by a licensed traffic engineer, up to a twenty-percent reduction, in off-street parking may be permitted for shared parking, where the peak parking in two or more uses occurs at different times.

c. In order to soften the appearance of parking areas, they shall be designed with landscaping and vegetative islands separating parking isles. Ten (10) percent of the parking area shall be landscaped per Section 202-43(H).

d. Shared parking agreements for cross-access between property owners are encouraged.

e. In order to provide groundwater recharge and minimized runoff into the Lake, at least one of the following stormwater management techniques shall be used in parking lots where underlying soils support infiltration of precipitation to the groundwater:

i. Comply with the Department of Environmental Conservation's State Pollutant Discharge Elimination System (DEC SPDES) General Permit for Stormwater Discharges.

ii. Landscaped areas of the parking lot shall be sites, planted, and graded in a manner to provide infiltration and detention of runoff from paved areas.

6. **Landscaping-** A landscape plan will be submitted as part of the site development application:

- a. The landscape plan shall be prepared by a landscape architect. The plan shall be submitted with a list of vegetative species to be planted.
- b. Landscaping shall be in keeping with community character and be free from noxious plant materials. Emphasis shall be placed on retaining and enhancing existing vegetation.
- c. The landowner/developer shall be responsible for maintaining all landscaped areas and replacing any damaged or dead materials in-kind with the originally approved list of materials within a reasonable timeframe.

7. **Architectural Review-** In order to preserve and enhance the unique aesthetic character of Keuka Lake and the Outlet, the developer is required to submit the following for review and approval:

- a. All proposed elevations with material selection at ¼" +1.0'
- b. Architectural details of elements of the building.
- c. A complete demolition plan, when the project includes new construction or addition to an existing structure.

\*Architectural Review will be completed by a registered architect selected by the Village of Penn Yan. Fees for services to be paid by the Developer.

~ 202.17.1 Special Uses in Waterfront Development and Conservation (WDC) District

The following shall be special uses within the WDC subject to the criteria hereinafter provided:

A. Amusement Game Center - Accessory Use only.

B. Artist's Loft - Each must be less than 800 square feet. Each shall have separate and independent entrance for the living quarters and artist studio. When a proposed site plan results in one building contain three or more artist lofts, a common fire-rated entrance for living spaces may be used. Living space shall not contain any production or manufacturing activities. Living spaces in artist lofts shall only be occupied by artist and their direct family. Units cannot be independently rented as apartments.

C. Cultural Facility - Must have a relation to waterfront. A library is not permitted.

D. Day-care center - Accessory use only.

E. Manufacture, fabrication, extraction, assembly - and other handling of materials including offices and showrooms. Showrooms may be included as an accessory use to a primary



manufacturing use provided that site plan requirements for off-street parking and signage are met.

Such Facility shall not exceed 800 square feet. The use shall be subject to architectural review and shall be water-related.

F. Parking lot, Private

The aggregate number shall not to exceed two parking spaces per dwelling unit. Driveways, roads and parking areas are prohibited between structures and the shoreline. Boats, motor homes, trailers recreational vehicles are prohibited.

G. Parking Structure - Accessory use only.

H. Research Laboratories - Business function must be associated with waterfront.

I. Retail Businesses and commercial uses otherwise provided for in this section. -

All commercial uses, other than listed above, shall be subject to a case by case review by the Planning Board, including a public hearing, to weigh the public benefit and need against the impact and effects as follows:

1. General conformance with the Comprehensive Master Plan of the Village of Penn Yan;

2. Harmony with other uses in the zoning district in which it would be located to ensure that the proposed use is to be conducted in a manner compatible with the surrounding neighborhood and will not constitute a threat to the public health, safety, welfare or convenience;

3. Does not tend to depreciate the fair market value of the adjacent properties and takes into account any possible need for screening or other protective measures;

4. Will not create a hazard to health, safety or the general welfare;

5. Will not be detrimental to the flow of traffic in the vicinity;

6. Will be served adequately by essential public facilities and services, such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such additional services as the Planning Board deems appropriate.

J. Solar Collector or Reflector -

Shall be attached to structure. Shall not exceed square footage of roof, nor overhang the roof in any direction.

K. Vehicle Sales - Only watercraft sales and repair shall be permitted in the WDC district storage of watercrafts is prohibited between May 1 and November 1 of each year.

~ 202.17.2 Keuka Lake Outlet Structures

The following shall apply to any structures placed, built, constructed or otherwise located in, on or over the Keuka Lake Outlet:

A. construction shall not impact water quality, cause harm to fish spawning grounds, destroy the natural beauty of the shoreline, reduce the stability of steep slope areas, cause erosion or sedimentation problems along the shoreline, create hazards for navigation, interfere with the public use and enjoyment of the water surface or shoreline, infringe upon the riparian rights of other littoral parcels or threaten the public health and safety.

B. The amount of grading, dredging, earthmoving and disturbance of land above water during the construction of such structures shall be minimized as much as possible and shall be consistent with the permit requirements of the New York State DEC or Army corps of Engineers regulating such activities.

C. The structure shall not impinge upon free circulation of water in such a way as to reduce the effects of fluctuating water levels or create adverse modifications of the shoreline.

D. All docked/moored watercraft shall have a minimum of 18" of water depth beneath the vessel's bow, and 36" of water depth beneath the vessel's stern.

E. The minimum width for a docking structure join to land shall be 36".

F. The length of all dock, piers, wharfs, or any other permanent, temporary mooring, are limited by the depth of the water (see #4) and are not permitted in the navigable channel, as marked by buoys or at a distance of 20 feet from the mean high water line, whichever is less.

G. In the event that the water depth at the end of a proposed pier, dock, wharf is less than 5 feet when the Outlet is at Mean High Water Level, the Code Enforcement Officer may issue a building permit to extend the proposed structure no longer than an additional 10 feet. Such permit shall be issued for the minimum additional length necessary, in the judgment of the code enforcement officer, to reach the depth of 5 feet but in no case shall exceed the additional 10 feet.

H. Construction shall have a minimum setback of 20 feet from the adjacent property lines, as extended from the shoreline, to allow adequate vessel access to neighboring waterfront parcels. In the event parcels are too narrow for such waterfront structures to meet this setback requirements, such structures shall be centered between the adjacent property lines.

I. The minimum distance between adjacent docking structures shall be 12 feet.

J. Dual boat slips are prohibited.

K. Any lighting which produces an offensive glare when viewed from any direction is prohibited.

L. Docks shall not be rented independently from the primary use unless approved by the Planning Board at site plan review and, accommodations have been made for parking, access, trash and any other requirements deemed necessary by the Planning Board.

M. Where site plan approval is required for a development or activity these proposed structures shall be reviewed for adequacy, location, arrangement, size, design and general site compatibility.

N. Permanent dock, pier, or similar protuberance shall be permitted from Liberty Street to the lake and prohibited from Liberty Street downstream.

O. Non-permanent dock, pier or similar protuberance must be removed in its entirety between the months of December 1<sup>st</sup> and March 31<sup>st</sup>.

P. No property owner shall claim ownership of any portion of waterway.

Q. No dock, pier or similar protuberance shall be permitted where the channel is routinely dredged.

R. Wharves only are permitted from a line 100' westerly from the Keuka Lake Dam system at Main Street to the pedestrian bridge which sits immediately to the west of Liberty Street.

S. Docks are permitted on the south side of the outlet from the Liberty Street pedestrian bridge west to a point 450 feet upstream.

T. Docks or other moorings are prohibited on the south side of the outlet from a point 450 feet west of the Liberty Street pedestrian bridge to a straight line extension of Monell Street across the Keuka Lake Outlet.

U. Wharves are the only structures permitted on the south side of the outlet from a straight line extension of Monell Street, across the Keuka Lake Outlet, west to a point 950 feet upstream.

V. No docks are permitted from a point situate 950 feet upstream from a straight line extension of the centerline Monell Street across Keuka Lake outlet to a point 100 feet south of Kimball's Gully.

W. Wharves are the only structure permitted from the point 100 feet South of Kimball's Gully to the centerline of Mace Street, as extended in a straight line across Keuka Lake Outlet .

X. Moorings of any kind are prohibited on the south side of the Keuka Lake Outlet from Mace Street to the Keuka Lake.

Y. Any structure along the North side of the outlet from the public boat launch to the lake, shall be Special Use.

Z. All structures in, on or over the Keuka Lake Outlet are prohibited between the Main Street Dam system to a line parallel to such dam and a distance of 100 feet westerly thereon.

~ 202.17.3 Lakeshore Development

Chapter 120 "Keuka Lake Uniform Docking and Mooring" of this code, shall be applicable to development of any portion of the Keuka Lake shoreline contained within the Waterfront Development and Conservation District (WDC).

#### §202-19 Use of Regulation Table.

The Use Regulations Table of the Zoning Chapter is hereby amended as prescribed in the schedule attached hereto as Addendum "A".

#### Section 6. Effective Date

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Village Board of the Village of Penn Yan.

# Village of Penn Yan RECOMMENDED Use Regulation Table

Chapter 202, Zoning

Key to Abbreviations:

Changes to existing code book in blocks

P = Permitted

S = Special use permit required

No Letter = Not permitted

**Districts:**

Abbreviation	District Name	Abbreviation	District Name
R-1	Single-family residential	WDC	Waterfront Development and Conservation
R-2	General Residential	I	Industrial
RT	Residential Transition	PR	Planned Residential
VC	Village Center	PB	Planned Business
GC	General Commercial		

Type of Use	District								
	R-1	R-2	RT	VC	GC	WDC	I	PR	PB
<b>Residential uses</b>									
Clustered project		P	P	P	P	P		P	
Detached 1-family dwelling	P	P	P			P		P	
Semi-detached 1-family dwellings	P	P	P			P		P	
2-family dwelling		P	P			P		P	
Multifamily dwelling		P	P	P	P	P		P	
Bed-and-breakfast	P	P	P	P	P	P		P	
Inn			P	P		P			
<span style="border: 2px solid black;">Boardinghouse</span>			P	P		<span style="border: 2px solid black;"></span>			
Dwelling unit above first floor business			P	P	P	P			
Townhouse		P	P	P		P			
Senior citizen housing	P	P	P	P	P	P		P	
Manufactured housing		S	S						
Manufactured home park		S							
<b>Resid. Accessory Uses</b>									
Accessory use and structure use customarily incident to any of the uses mentioned herein, and on the same lot – e.g., garages, garden sheds	P	P	P	P	P	P		P	P
Accessory use and structure use customarily incident to any of the uses mentioned herein, and not on the same lot	P	P	P	P	P	P		P	P
Antennas less than 3 feet in diameter	P	P	P	P	P	P		P	P
<span style="border: 2px solid black;">Antennas more than 3 feet in diameter</span>	P	P	P	P	P	<span style="border: 2px solid black;"></span>		P	P
Home occupation	P	P	P		P	P			
<span style="border: 2px solid black;">Parking lot, private</span>			P	P	P	<span style="border: 2px solid black;">S</span>		P	P
<span style="border: 2px solid black;">Solar collector or reflector</span>	P	P	P	P	P	<span style="border: 2px solid black;">S</span>		P	P
<span style="border: 2px solid black;">Wind energy/conversion system</span>	P	P	P	P	P	<span style="border: 2px solid black;"></span>		P	P

Type of Use	District								
	R-1	R-2	RT	VC	GC	WDC	I	PR	PB
<b>General uses</b>									
Cemetery	P	P					P		
Church or place of worship	P	P	P	P	P			P	
Cultural facility (library, museum, tourist attractions)	P	P	P	P	P	S		P	P
Day-care center	P	P	P	P	P	S		P	P
Nursery School		P	P	P	P			P	
Government Uses	P	P	P	P	P				P
Group home	P	P	P	P	P				
Hospital	P								
Nonprofit club, membership		P	P	P	P				
Nursing and convalescent home	P	P	P						
Private/Public Schools	P	P	P	P	P			P	
Public parks and recreational uses	P	P	P	P	P	P	P	P	P
Public utilities or transportation uses			P	P	P	P	P		P
Veterinary hospital	P	P	P	P	P		P	P	P
<b>Industrial Uses</b>									
Contractor yard (and equipment)								P	
Manufacture, fabrication, extraction, assembly and other handling of material, including offices and showrooms. Showrooms may be included as an accessory use to a primary manufacturing use provided that site plan requirements for off-street parking and signage are met					P	S	P		P
Research laboratories				P	P	S	P		P
Trucking terminals					P		P		
Warehousing and wholesale and retail distribution centers, including offices and showrooms				P	P		P		P
<b>Business uses</b>									
Adult use					S		S		S
Amusement game center				P	P	S			
Antique and craft shops				P	P	P	P		
Art gallery				P	P	P			
Artist Loft						S			
Artist Studio						P			
Bank, financial institution and automatic teller machine (ATM)				P	P	P	P		P
Bar/nightclub				P	P	P	P		

Type of Use	District								
	R-1	R-2	RT	VC	GC	WDC	I	PR	PB
Barber and beauty shops			P	P	P	P			
Bowling alley				P	P		P		
Building supply									P <sup>1</sup>
Business and electronic equipment repair service			P	P	P		P		P
Car wash				P	P		P		
Commercial printing and photography									P
Drive-in uses				P	P		P		
Dry-cleaning business				P	P		P		
Funeral home	P	P	P	P	P				
Garage service/repair				P	P		P		
Gasoline filling station				P	P		P		
Gasoline/grocery service mart				P	P		P		
Grocery store			P		P				P <sup>1</sup>
General business office			P	P	P	P	P		P
Hotel and motel				P	P	P	P		P <sup>1</sup>
Newspaper and publishing facilities				P	P		P		P
Parking structure				P	P		P		P
Parking lot, commercial				P	P		P		P
Personal service establishment			P	P	P		P		
Photographic processing and printing			P	P	P		P		P
Photographic studio			P	P	P	P			
Professional offices			P	P	P	P			P
Professional office building; medical clinic			P	P	P	P			P
Repair shops, personal service				P	P		P		
Restaurant, standard				P	P	P	P		P <sup>1</sup>
Retail businesses and other commercial uses other than listed above.				P	P	S	P		
Self-service laundry				P	P		P		
Theater				P	P		P		
Vehicle sales (automobile, boat, recreational) and/or repair				P	P	S	P		

<sup>1</sup> Permitted within a PB zone only with the condition that use be located on a lot, the boundary of which is within 500 feet of a state or county highway.

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

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

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

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

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

**THIS AREA FOR LEAD AGENCY USE ONLY**

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

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

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

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

AMENDMENTS TO THE CODE BOOK - WATERFRONT DEV & CONSERV DISTR

\_\_\_\_\_  
 Name of Action

VILLAGE BOARD  
 \_\_\_\_\_  
 Name of Lead Agency

ROBERT CHURCH  
 \_\_\_\_\_  
 Print or Type Name of Responsible Officer in Lead Agency

MAYOR OF PENN YAN  
 \_\_\_\_\_  
 Title of Responsible Officer

*Robert J. Church*  
 \_\_\_\_\_  
 Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Signature of Preparer (if different from responsible officer)

*Robert J. Church*  
 \_\_\_\_\_

*9/21/10 10/19/10*  
 \_\_\_\_\_  
 Date



**PART 1--PROJECT INFORMATION**  
**Prepared by Project Sponsor**

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

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

Name of Action Amendments to Village Code Book -WDC District

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

Penn Yan, Yates County, New York

Name of Applicant/Sponsor Village of Penn Yan Planning Board

Address \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

City / PO \_\_\_\_\_

Business Telephone \_\_\_\_\_

Name of Owner (if different) \_\_\_\_\_

Address \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

City / PO \_\_\_\_\_

Business Telephone \_\_\_\_\_

Description of Action:

**AMENDMENTS TO THE ZONING CHAPTER OF THE VILLAGE OF PENN YAN CODE BOOK FOR THE WATERFRONT DEVELOPMENT AND CONSERVATION (WDC) DISTRICT.**  
**AMENDMENTS TO THE UNIFORM DOCKING AND MOORING CHAPTER OF THE VILLAGE OF PENN YAN CODE BOOK.**

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

**A. SITE DESCRIPTION**

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

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

2. Total acreage of project area: ~~100~~ Entire village acres.

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

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

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

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

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

a. What is depth to bedrock \_\_\_\_\_ (in feet)

5. Approximate percentage of proposed project site with slopes: N/A  
 0-10% \_\_\_\_\_%  10-15% \_\_\_\_\_%  15% or greater \_\_\_\_\_%

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

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

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

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

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

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

According to:

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)  
 Yes  No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?  
 Yes  No

If yes, explain:

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

15. Streams within or contiguous to project area: *Nb*

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

16. Lakes, ponds, wetland areas within or contiguous to project area: *No*

b. Size (in acres):

*Entire village (code 01m nact mat)*

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

**B. Project Description** *Village Code Amendment*

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

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

Yes  No

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

7. If multi-phased:

a. Total number of phases anticipated N/A (number)

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

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

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

8. Will blasting occur during construction?  Yes  No

9. Number of jobs generated: during construction N/A; after project is complete \_\_\_\_\_

10. Number of jobs eliminated by this project N/A.

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

If yes, explain:

12. Is surface liquid waste disposal involved?  Yes  No

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

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

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

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

If yes, explain:

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

16. Will the project generate solid waste?  Yes  No

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

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

c. If yes, give name \_\_\_\_\_; location \_\_\_\_\_

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

e. If yes, explain:

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

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

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

18. Will project use herbicides or pesticides?  Yes  No

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

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

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

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity no gallons/minute.

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

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

If yes, explain:

**25. Approvals Required:**

	Yes	No	Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VILLAGE BOARD	9-14-10
City, Town, Village Planning Board	<input type="checkbox"/>	<input type="checkbox"/>		
City, Town Zoning Board	<input type="checkbox"/>	<input type="checkbox"/>		
City, County Health Department	<input type="checkbox"/>	<input type="checkbox"/>		
Other Local Agencies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YC PLANNG BOARD	9-14-10
Other Regional Agencies	<input type="checkbox"/>	<input type="checkbox"/>		
State Agencies	<input type="checkbox"/>	<input type="checkbox"/>		
Federal Agencies	<input type="checkbox"/>	<input type="checkbox"/>		

**C. Zoning and Planning Information**

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

If Yes, indicate decision required:

- Zoning amendment
- Zoning variance
- New/revision of master plan
- Subdivision
- Site plan
- Special use permit
- Resource management plan
- Other

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

Waterfront Development + Conservation District

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

N/A

4. What is the proposed zoning of the site?

Waterfront Development + Conservation District

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

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?

Yes  No

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

N/A

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?

Yes  No N/A

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

N/A

a. What is the minimum lot size proposed?



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

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?  Yes  No

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

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

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

**D. Informational Details**

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

**E. Verification**

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

Applicant/Sponsor Name PENN YAN PLANNING BOARD Date 9-13-10

Signature X 

Title CLIFF ORR, PLANNING BOARD CHAIRMAN

*Amendment 202-17 ~~attached~~ Decision ~~making~~ + Chapter + 202-6*

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

## PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

### Responsibility of Lead Agency

**General Information** (Read Carefully)

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

**Instructions** (Read carefully)

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

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

### Impact on Land

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

NO  YES

**Examples** that would apply to column 2

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

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

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

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)
- NO  YES  Yes  No
- Specific land forms:
- 

**Impact on Water**

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)
- NO  YES
- Examples** that would apply to column 2
- Developable area of site contains a protected water body.  Yes  No
  - Dredging more than 100 cubic yards of material from channel of a protected stream.  Yes  No
  - Extension of utility distribution facilities through a protected water body.  Yes  No
  - Construction in a designated freshwater or tidal wetland.  Yes  No
  - Other impacts:  Yes  No
- 

4. Will Proposed Action affect any non-protected existing or new body of water?
- NO  YES
- Examples** that would apply to column 2
- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.  Yes  No
  - Construction of a body of water that exceeds 10 acres of surface area.  Yes  No
  - Other impacts:  Yes  No
-

1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

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

NO     YES

Examples that would apply to column 2

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

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

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?  
 NO  YES

Examples that would apply to column 2

- Proposed Action would change flood water flows
- Proposed Action may cause substantial erosion.
- Proposed Action is incompatible with existing drainage patterns.
- Proposed Action will allow development in a designated floodway.
- Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON AIR**

7. Will Proposed Action affect air quality?  
 NO  YES

Examples that would apply to column 2

- Proposed Action will induce 1,000 or more vehicle trips in any given hour.
- Proposed Action will result in the incineration of more than 1 ton of refuse per hour.
- Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.
- Proposed Action will allow an increase in the amount of land committed to industrial use.
- Proposed Action will allow an increase in the density of industrial development within existing industrial areas.
- Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON PLANTS AND ANIMALS**

8. Will Proposed Action affect any threatened or endangered species?  
 NO  YES

Examples that would apply to column 2

- Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

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

NO  YES

**Examples** that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON AGRICULTURAL LAND RESOURCES**

10. Will Proposed Action affect agricultural land resources?

NO  YES

**Examples** that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

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

**IMPACT ON AESTHETIC RESOURCES**

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO  YES

**Examples** that would apply to column 2

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

**IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO  YES

**Examples** that would apply to column 2

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

1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

 Yes  No

Other impacts:

**IMPACT ON OPEN SPACE AND RECREATION**

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

NO  YES

Examples that would apply to column 2

• The permanent foreclosure of a future recreational opportunity.

 Yes  No

• A major reduction of an open space important to the community.

 Yes  No

Other impacts:

 Yes  No

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

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

NO  YES

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

Examples that would apply to column 2

• Proposed Action to locate within the CEA?

 Yes  No

• Proposed Action will result in a reduction in the quantity of the resource?

 Yes  No

• Proposed Action will result in a reduction in the quality of the resource?

 Yes  No

• Proposed Action will impact the use, function or enjoyment of the resource?

 Yes  No

Other impacts:

 Yes  No



1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

### IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO  YES

**Examples** that would apply to column 2

• Alteration of present patterns of movement of people and/or goods.

Yes  No

• Proposed Action will result in major traffic problems.

Yes  No

• Other impacts:

Yes  No

### IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO  YES

**Examples** that would apply to column 2

• Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.

Yes  No

• Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.

Yes  No

• Other impacts:

Yes  No

### NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO  YES

**Examples** that would apply to column 2

• Blasting within 1,500 feet of a hospital, school or other sensitive facility.

Yes  No

• Odors will occur routinely (more than one hour per day).

Yes  No

• Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.

Yes  No

• Proposed Action will remove natural barriers that would act as a noise screen.

Yes  No

• Other impacts:

Yes  No

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

**IMPACT ON PUBLIC HEALTH**

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

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

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

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

**Examples** that would apply to column 2

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

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

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

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