

**SENECA FALLS TOWN BOARD RESOLUTION
AMENDING THE TOWN OF SENECA FALLS TOWN
BOARD'S DETERMINATION OF SIGNIFICANCE AND
REAFFIRMING THE TOWN OF SENECA FALLS TOWN
BOARD'S DETERMINATION AS LEAD AGENCY THAT
ACTION TO CONSTRUCT THE SANITARY SEWER
SYSTEM IMPROVEMENTS PROJECT WILL HAVE NO
SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT**

WHEREAS, the Town of Seneca Falls (the "Town") is proposing to complete the Sanitary Sewer System Improvements Project to address various deficiencies throughout its collection system utilizing one of two alternative alignments generally described as follows: (1) running from Kingdom Road along the north side of New River Road to the Frank J. Ludovico Sculpture Trail (SBL# 19-1-01) on the south side of the Seneca and Cayuga Canal to the Ovid Street Bridge ("Option A" a/k/a Option 1); and (2) running along the north side of New River Road and Bayard Street between Kingdom Road and the Ovid Street Bridge ("Option B" a/k/a Option 2) (the "Project"); and

WHEREAS, the Project is largely located within the boundary of the former Village of Seneca Falls; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations at 6 NYCRR Part 617 (the "Regulations"), the Town desires to comply with SEQRA and the Regulations with respect to the Project; and

WHEREAS, on October 6, 2015, the Town caused a letter and Part 1 of a Full Environmental Assessment Form (FEAF) to be sent to other potentially "Involved Agencies" (as this term is defined in the SEQRA Regulations found at 6 NYCRR Part 617), indicating the Town's desire to serve as the "Lead Agency" (as this quoted term is defined in the SEQRA Regulations) and to complete a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6); and

WHEREAS, a minimum of 30 calendar days were provided, and each of the potentially Involved Agencies has agreed to, or raised no objections to, the Town of Seneca Falls Town Board serving as Lead Agency for the Project; and

WHEREAS, by letter dated November 19, 2015, the New York State Department of Environmental Conservation ("DEC") provided its comments with respect to the Project, including a recommendation that Option B was preferable as the route alignment (based upon preliminary environmental considerations which have since been addressed and resolved), which recommendation was purely advisory under law, and consistent with oral representations made by the DEC to the Town; and

WHEREAS, on February 2, 2016, the Town, consistent with its obligations under SEQRA, established itself as the SEQRA Lead Agency for the Project and adopted a resolution ("**2016 Resolution**") determining that the Project will not result in any significant adverse environmental impact, which resolution is incorporated herein by reference; and

WHEREAS, the 2016 Resolution directed the Town Supervisor to sign the FEAFF Part 3 indicating that a Negative Declaration has been issued for the Project (the "**Negative Declaration**"); and

WHEREAS, the FEAFF Part 3 contained a detailed discussion thoroughly analyzing all the potential impacts identified in Part 2 of the FEAFF that were listed as moderate to large and setting forth a reasoned elaboration in support of the Negative Declaration; and

WHEREAS, the Negative Declaration was duly published in the New York State Department of Environmental Conservation Environmental Notice Bulletin pursuant to 6 NYCRR Part 617.12 on June 15, 2016; and

WHEREAS, after adoption of the 2016 Resolution, the Town received additional information in the form of a Phase I Cultural Resource Investigation Report for the Project prepared by Archaeological Consulting Experts, LLC, dated February 17, 2016 (the "**Phase I Report**"), which memorialized the results of a Phase IA and Phase IB cultural resource investigation and concluded there are no historical properties or archaeological resources within the Project area which will be negatively affected by the proposed Project; and

WHEREAS, the Town received letters from the New York State Office of Parks, Recreation and Historic Preservation dated March 15, 2016 and March 28, 2018, which concurred with the Phase I Report recommendations and concluded that no further archeological work is warranted for the Project ("**OPRHP Concurrence**"); and

WHEREAS, pursuant to the SEQRA Regulations, the Town has reconsidered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, (b) examining the FEAFF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAFF and Part 3 Evaluation Document, together with other available supporting information including the Phase I Report and OPRHP Concurrence and all DEC communications, to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the identified areas of environmental concern; and

WHEREAS, the Town desires to amend the Negative Declaration pursuant to Section 617.7(e) of the SEQRA Regulations to include the new information received, including the Phase I Report and OPRHP Concurrence as well as subsequent discussions with the DEC; and

NOW, THEREFORE, BE IT

RESOLVED, that the Negative Declaration is amended to include consideration of the Phase I Report, OPRHP Concurrence and DEC communications as additional supporting information; and

BE IT FURTHER RESOLVED, that based upon an examination of the Phase I Report and OPRHP Concurrence, as well as the information contained within the FEAF and Negative Declaration, the Town of Seneca Falls Town Board has identified the potential impacts of the Project on cultural resources within the Project area, taken a hard look at those impacts and set forth a reasoned elaboration in support of its determination that the Project will have no significant adverse environmental impact on cultural resources; and

BE IT FURTHER RESOLVED, that based upon the information contained within the FEAF and Negative Declaration, as well as subsequent discussions with the DEC, the Town of Seneca Falls Town Board has identified the potential impacts of the Project on freshwater wetlands within the Project area, taken a hard look at those impacts and set forth a reasoned elaboration in support of its determination that the Project will have no significant adverse environmental impact on freshwater wetlands; and

BE IT FURTHER RESOLVED, the Town of Seneca Falls Town Board as the SEQRA Lead Agency for the Project determines that the Project has not changed in scope or effect since the issuance of the 2016 Resolution, and reaffirms the findings and determinations as set forth in the 2016 Resolution that the Project will not have a significant adverse environmental impact, and the Board will not require the preparation of a Draft Environmental Impact Statement with respect to the Project; and

BE IT FURTHER RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the Town of Seneca Falls Town Board, as Lead Agency, hereby directs the Town Supervisor to sign the FEAF Part 3 indicating that an Amended Negative Declaration has been issued for the Project; and

BE IT FURTHER RESOLVED, that the Town of Seneca Falls Town Board directs the Town Supervisor, special counsel and project engineer to publish notice of, and file a copy of, the Amended Negative Declaration for the Project in accordance with the Regulations; and

BE IT FURTHER RESOLVED, that the Town Supervisor, special counsel and project engineer are hereby authorized and directed to take all actions, serve all notices, and complete all documents in order to give full force and effect of this determination; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

Gregory Lazzaro, Supervisor	Voted	<input checked="" type="radio"/> Yes <input type="radio"/> No
Doug Avery, Board Member	Voted	<input type="radio"/> Yes <input checked="" type="radio"/> No
Lou Ferrara, Board Member	Voted	<input checked="" type="radio"/> Yes <input type="radio"/> No
Dave DeLelys, Board Member	Voted	<input checked="" type="radio"/> Yes <input type="radio"/> No
Vittorio Porrèta, Board Member	Voted	<input checked="" type="radio"/> Yes <input type="radio"/> No

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) SS.:
 COUNTY OF SENECA)

I, the undersigned Town Clerk of the Town of Seneca Falls (the "Town"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the Town of Seneca Falls Town Board ("Town Board"), including the Resolution contained therein, held on May 1, 2018 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Town Board had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Town Board present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 10th day of May, 2018.

Nicaletta J. Greer

 Nicaletta Greer
 Town Clerk

