

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.

SEE ATTACHED SHEETS

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

See Attached Sheets

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

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

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

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

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

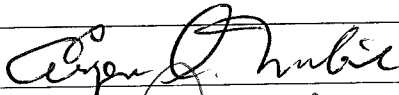
Name of Action: A Local Law Adopting a New Town-Wide Zoning Law and Zoning Map

Name of Lead Agency: Town Board of the Town of Schoharie

Name of Responsible Officer in Lead Agency: Eugene Milone


Title of Responsible Officer: Supervisor

Signature of Responsible Officer in Lead Agency:



Date: 12/28/15

Signature of Preparer (if different from Responsible Officer):



Date: 12/28/15

For Further Information:

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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>

PRINT FULL FORM

NEGATIVE DECLARATION

- Introduction: This Document, along with the Full Environmental Assessment Form ("FEAF") Parts 1, 2 and 3, constitutes a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law. The Town Board of the Town of Schoharie, for the reasons that follow, has determined that the adoption of a Town-Wide Zoning Law and Map will not result in any adverse environmental impacts or that the identified environmental impacts will not be significant.
- Name of Action: A Local Law Adopting a New Town-Wide Zoning Law and Zoning Map
- Lead Agency: Town Board of the Town of Schoharie
300 Main Street, Suite 300
P.O. Box 544
Schoharie, New York, 12157
- Contact: David C. Brennan, Esq.
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- SEQRA Status: Type I
- Description of Action: The action is consideration and adoption of the proposed Introductory Local Law No. 3 of 2015 entitled "A Local Law Adopting a New Town-Wide Zoning Law and Zoning Map" (Introductory Version #2). In 2005 the Town adopted a comprehensive land use law to regulate structures and land uses in the Town. The 2005 law was designed to further the policies of the Town as set forth in the Town & Village of Schoharie Comprehensive Plan that was adopted in 1997. However on February 19, 2014, the 2005 land use law was annulled and set aside as a result of a procedural error. As a result, the Town's 1975 Zoning Ordinance is now in effect. The 1975 Zoning Ordinance does not contemplate, address or regulate many new technologies and land uses that have become prevalent in the upstate New York. In general, the 1975 Zoning Ordinance is out of date, does not provide adequate safeguards to ensure orderly growth in the Town, and does not implement the goals and objectives of the 1997 Comprehensive Plan. The Town Board now desires to effectuate its Comprehensive Plan and address, in a careful manner, the undertaking, establishment, siting, placement, construction, and implementation of land uses and activities in the Town (outside of the Village) through the adoption of a new comprehensive land use law.

Background of Action:

In 2005, after a lengthy period of drafting, review and deliberation, the Town adopted a comprehensive land use law (the “2005 Land Use Law”) to regulate the location, design, construction, alteration, occupancy, and use of structures and the use of all land located within the municipal boundaries of the Town (outside of the Village of Schoharie). The 2005 Land Use Law repealed the 1975 Zoning Ordinance. The 2005 Land Use Law was designed to further the policies of the Town as set forth in the Town and Village of Schoharie Comprehensive Plan which was adopted in or about 1997.

By Decision and Order dated February 19, 2014, the Hon. Eugene P. Devine, J.S.C., annulled and set aside the 2005 Land Use Law, after finding the Town did not strictly adhere to the procedural requirements of the New York State Environmental Quality Review Act (SEQRA) when the law was adopted. As a result, the 2005 Land Use Law, and the post-adoption amendments thereto, including Local Law No. 2 of 2009 relating to Wind Energy Facilities and Local Law No. 3 of 2012 relating to Land Application Facilities, Natural Gas and/or Petroleum Extraction Activities, Natural Gas and/or Petroleum Exploration, Extraction or Production Wastes Disposal/Storage Facility, Natural Gas and/or Petroleum Exploration, Extraction or Production Wastes Dump, Natural Gas Compression Facility, Natural Gas Processing Facility, Underground Injection, or Underground Natural Gas Storage, are null and void.

Through the annulment of the 2005 Land Use Law, the Town’s Amended Zoning Ordinance of 1975 (the “1975 Zoning Ordinance”) is now in effect. The 1975 Zoning Ordinance was adopted forty (40) years ago and does not contemplate, address or regulate many new technologies and land uses that have become feasible in the region and the State. In the same respect, use regulations included in the 1975 Zoning Ordinance are out of date and do not provide adequate safeguards to ensure certain non-residential uses are located and undertaken in a manner that will not result in a material adverse impact on the Town’s built and natural environment.

The Town Board desires to effectuate its Comprehensive Plan and address, in a careful manner, the undertaking, establishment, siting, placement, construction, enlargement and erection of the non-residential land uses and activities within the scope of the new Zoning Law on a comprehensive Town-wide basis, rather than on an ad hoc basis, and to adopt a new land use law that includes provisions to specifically regulate the same.

Proposed Introductory Local Law No. 3 of 2015:

The proposed local law builds on the 2005 Land Use Law that had been in effect in the Town from 2005 through 2014. Through a series of workshop meetings, the Town Board reviewed the 2005 Land Use Law and its subsequent amendments and developed proposed revisions and new regulations that have been incorporated into the proposed local law. The intent is to regulate land uses in a manner that appropriately balances the preservation of the unique character and beauty of the Town while at the same time fostering economic opportunities.

The proposed land use law divides the Town into four main districts where new uses, not contemplated or specifically addressed under the 1975 Zoning Ordinance, would be allowed subject to a varying level of regulation that would take into account the nature and intensity of a particular use. The new districts include a Commercial District, Hamlet District and Rural-Agricultural District (which largely combined the

areas that had previously been zoned “Residential”¹ and “Agricultural” under the 1975 Zoning Ordinance). In addition, the Land Use Law creates an industrial district which is located on the lands in the Town currently used for mining. A description of the purpose of each district is included in the proposed local law. A proposed zoning map is appended to the local law and is referred to as Schedule C. The zoning districts in the proposed local law were first adopted as part of the 2005 Land Use Law and were in effect from 2005 through 2014. A review of the approvals and applications made during this 10 year period indicates that there has not been a single large or substantial project submitted (other than the proposal to expand the Schoharie Quarry adjacent to the Village of Schoharie).

The land use law creates a review process of varying levels of scrutiny depending on the proposed use, its size, intensity and proposed location. Special use permit review and approval is required for uses that may create issues of compatibility with the surrounding area so as to warrant case by case evaluation necessary in order to adequately protect the environment and nearby properties. In the same respect, certain uses or development will require a site plan review and approval in order to minimize impacts on nearby areas and properties by ensuring that the proposal is arranged and designed appropriately.

In addition to the supplemental regulations that would be applied to specified uses, the proposed local law re-introduces the concept of “Overlay Districts” to provide extra protections in designated areas identified as containing environmentally sensitive conditions. For example, the Proposed Land Use Law re-established the “Barton Hill Overlay District” to protect the public water sources that supply the Village. More specifically, it was determined that ground water in this area was highly influenced by activities on the surface due to the porous nature of the underlying limestone rock. The proposed local law re-established an added layer of regulations and design standards in this designated area (appended to the proposed local law as Schedule B) so that water quality and quantity will not be adversely affected. The regulations incorporated in the proposed local law were first developed in partnership with the Schoharie County Planning Department and were in effect from 2005 through 2014.

In the same respect, a Floodplain overlay district was created to manage development in federally designated floodplains and floodways. In this overlay, additional review by the Town’s Floodplain Administrator is required. In addition, compliance with the Town’s adopted Floodplain regulations, and compliance with additional design and performance standards established by the Town’s Floodplain Administrator.

The proposed land use law is also limiting development on Terrace Mountain by imposing restrictions on construction of elevated structures above an elevation of 800-ft. above mean sea level. This recommendation arose in the Comprehensive plan, “disallowing structures including communication towers on their faces and summits (of Terrace Mountain)”.

The proposed land use law also adopts a “floating zone” procedure for the review and approval of Planned Development Districts (“PDD”) to properly accommodate a higher density of residential uses, mixed residential and commercial uses, specialty uses such as senior housing, large scale uses or Heavy Manufacturing uses. The creation of a PDD requires the adoption of a separate local law following a site-specific environmental review and establishment of a set of standards, guidelines and procedures that would be specifically applicable to the proposed PDD. Site plan review is also required for the entire PDD, and individual uses proposed within the PDD. Each use that is proposed for the PDD subsequent to

¹ The 1975 Zoning Ordinance included three different “Residential” districts: “Seasonal Residential” (RS), “Single-Family Residential” (R-1), and “Multi-Family Residential” R-2.

its establishment may be subject to additional review pursuant to the standards, guidelines and procedures established for such PDD.

Performance standards for non-residential uses applicable in all districts were developed regulating building design, lighting, landscaping, parking, utilities, signs, setbacks, and erosion and sediment control. Specific performance standards applicable to enumerated uses were also incorporated into the proposed land use law. These regulations further regulate where certain uses can be located. For example, the performance standards for telecommunications towers and antennas includes a “special geographic restriction on commercial towers and antennas” prohibiting towers at or above the 800 ft. contour line on Terrace Mountain (identified as a “significant scenic resource”) and within the area on the south side of the mountain bounded by Schoharie Hill Road and Wetzell Hollow Road.

The Town Board and its consultants have developed appropriate standards and criteria for special use permit and site plan approval, and supplemental regulations that would be applicable to development occurring in environmentally “sensitive areas” including the Barton Hill Overlay District and established Floodplain. The availability of procedural safeguards, performance standards and overlay districts incorporated in the proposed local law provide adequate safeguards to ensure future development will not result in significant adverse impacts for the environment.

With respect to significant types of development, the proposed Land Use Law prohibits or significantly regulates such uses. Specifically, the proposed Land Use Law prohibits natural gas extraction in the community. That and related uses are defined terms in the zoning law and are not permitted to be developed in any zoning district (see Schedule A - Use Table at page 2 of 3). Similarly, the Town Board has made a determination that large (also referred to as industrial scale) wind energy facilities are not permitted in any district within the Town (see Schedule A - Use Table at page 2 of 3)(note that small wind turbines are allowed to serve on-site needs). Likewise, large scale solar farms are not permitted in any district in the Town (see Schedule A - Use Table at page 2 of 3)(note that small scale solar to provide energy for essentially on-site consumption is allowed). From the Town Board’s perspective, the three land uses that, if allowed to proceed, would have the largest potential impact on the character of the community and the largest impact on the greatest number of residents owing to the amount of land required and/or the size of the facilities. As a result, they have been prohibited in the Town.

Similarly, other uses that have (or have the potential to have) impacts associated with them are limited to the industrial zones. The industrial zones overlay the land that is presently permitted by New York State for mining. In the industrial district, additional uses are available under a special use permit/site plan review to allow the property owner other uses of the land should mining cease. Additional mining has been proposed as an expansion to the south of the existing Schoharie Quarry (adjacent to the Village). That use has been the focus of litigation since 2005, including the litigation that resulted in the annulment of the 2005 land use law. The expansion area is still in litigation with a trial scheduled for March 2015 on the claim of a vested right to mine the expansion area. It is anticipated that the use of the expansion area will be determined or resolved in the context of the litigation and is therefore not addressed herein other than to state that the expansion area is not presently zoned to allow mining. To the extent that mining is proposed there (or in any non-industrial zoned location), under the Land Use Law it would have to be considered in a request for a Planned Development District or a zoning amendment, both of which are considered by the Town Board.

Proposed Introductory Local Law No. 3 of 2015 (Introductory Version 2):

As the result of the public participation process and the input received from the County Planning Board and the Town Planning Board, the Town Board determined to revise the proposed land use law to address certain comments that were made. A summary of the proposed changes and a redline version of the land use law identifying the changes were prepared and are incorporated herein by reference. The changes addressed minor modifications and adjustments, but also addressed more substantive matters. By way of background, the substantive changes that were incorporated relate to the following:

- The Special Use Permit jurisdiction was changed from the ZBA to the Planning Board in response to comments that requiring an applicant to go before two different boards for a project was onerous, time-consuming and burdensome. In an effort to streamline the review process, the Planning Board will consider site plans and special use permit applications (when required). The ZBA remains vested with the jurisdiction to consider variances, interpretations and other appeals from determinations of the Code Enforcement Officer.
- A provision was added that allows the Town Board to consider a Special Use Permit for a use that is not otherwise listed or regulated in the zoning law. This will provide additional flexibility in the event that unforeseen uses are proposed. Without this provision, a use variance or a zoning amendment would be required for those uses that do not fall within the numerous categories of uses in the land use law. However, if a use is already listed in the land use law, the provision has no applicability.
- In an effort to encourage and facilitate agriculture in the community, changes were made to the land use law to reduce regulation of agricultural uses, including: allowing clearcutting for agricultural uses; allowing a roadside stand via a zoning permit only rather than requiring planning board approval; allowing agricultural use and structure via a zoning permit only rather than requiring planning board approval.
- In response to public comment that the Special Use Permit standards were vague and ambiguous, a revised list of criteria was added. The revised list of criteria is detailed and inclusive in its scope. The list is located in the Land Use Law at Section 6.3-8.
- To clarify and focus on the type of development that was preferred, at the request of the Town Board, the use entitled “manufacturing” was divided this use into two separate uses “Manufacturing – Heavy” and “Manufacturing – Light”. The uses were added to the use table and a definition of each prepared. Manufacturing – Heavy is limited to the Industrial District.
- In response to public comment that the size limits on solar were insufficient to permit enough electricity to heat a standard home, the definition of small scale solar was changed to permit systems of a sufficient size to also provide electricity to heat a building.
- The Town Board split the category of Kennel/Stable-Commercial/Veterinarian found in the use table into three separate lines on the use table to allow for more appropriate regulation of these uses. The regulation of each use is now separately listed in the Use Table.
- The Town Board added nursing/convalescent home to the Use Table as it is a defined term in the land use law. This use is allowed via special use permit and site plan review in the Rural-Agricultural, Commercial and Hamlet Zones and in the Barton Hill Overlay.
- The Town Board modified the use table to allow telecommunications facilities in the industrial district, which is a typically allowed use in that zone.

ADDITIONAL REASONS SUPPORTING DETERMINATION

Development Patterns

The Town of the Schoharie is a largely rural community that is composed of residential and agricultural uses with some minor commercial and industrial development. The Schoharie Creek traverses the community and the Town surrounds the Village of Schoharie which contains the County seat. In addition, the Town has direct access to the I-88 Interstate via an exit/entrance interchange. Despite the location of an interchange to the highway system and the County Offices/Courts/Jail, the Town of Schoharie has experienced no notable growth in the years since the Comprehensive Plan was adopted in 1997. This is, in some part, due to the significant flooding event that significantly affected the Village and low-lying areas of the Town in 2011. However, from the Town's perspective, the large flood does not fully explain the lack of significant development in the Town. Notably, aside from some development in the existing business/commercial park located right off interstate and some minor development, there has been no commercial or industrial development in the Town in the past ten years, since the 2005 Zoning Law was adopted. In fact, the commercial park was approved in the 1990's via a planned development district (PDD) and despite its proximity to the Interstate; it is largely vacant and is underdeveloped despite enjoying easy access to and visibility from the interstate system. While the Town desires additional development to provide good jobs for local residents, additional tax base to reduce the tax levy on residential properties, and additional shopping or services for residents, it is difficult to ignore that such development has not materialized. As described in detail below, a majority of the uses in the Proposed Land Use Law were available under the 1975 Zoning Law or under the 2005 Land Use Law. Nevertheless, there has been little to no development (other than residential development), even on the most desirable lands around the highway interchange. For this reason, it is not expected that the proposed Land Use Law will result in any wholesale or large changes in development patterns. While the Town desires additional development, it is located in a difficult economic location (upstate New York/outside of the large population centers) and lacks a large population center necessary to drive most large retail and commercial development.

Additional Land Uses under the Proposed Land Use Law

The proposed local law regulates several land uses that were not permitted under the 1975 Zoning Ordinance, including, tech/R&D, airport, community center, telecommunications², and bar-nightclub. Although these uses are prohibited under the 1975 Zoning Ordinance, they were permitted in designated zoning districts from 2005 through 2014 (the years the 2005 Land Use Law was in effect), subject to specified procedural safeguards, performance and design standards. These safeguards and standards have been incorporated into the proposed land use law to minimize impacts on nearby areas, neighboring properties and environmental resources. The definitions of these and other land uses regulated under the land use law have also been redefined to provide more clarity to the public and Town officials who must administer and enforce the law. A discussion of individual uses is located below in this Negative Declaration.

² Telecommunications was regulated by Local Law 4 of 1998 which was a stand-alone local law (i.e. the 1975 Zoning Ordinance was not amended). The telecommunications local law was incorporated into the 2005 Land use Law in an effort to place all of the Town's land use regulations in one place. The telecommunications regulations remain in the proposed land use law.

Compliance with the Comprehensive Plan

A joint Village-Town Comprehensive Plan Committee was formed in 1995 to develop a new comprehensive plan. The process took approximately 18-months to complete and included many public meetings, written surveys and a visual preference study. A final Joint Comprehensive Plan was adopted in 1997. At that time, the single dominant land use in the Town was agriculture, followed by vacant and residential uses. The majority of assessed land in the Town and Village came from residential properties.

The Comprehensive Plan noted the “look” of new development was an “intense concern” and focus for many residents. The results of a visual image survey concluded that participants preferred the country scenes consistent with what presently exists in the Schoharie area: open space, traditional style architecture, tree-lined streets, narrow rural roads, wooded hills, and ponds.

In 2014, the Town Board reviewed the Comprehensive Plan pursuant to N.Y. Town Law § 272-a. As part of this review, the Town Board collected and reviewed recent data about the Town, its current land uses and development trends. This information, summarized in a report prepared by the Town’s planning consultant, Barton & Loguidice, P.C., dated December 2, 2014, demonstrated that there has not been a substantial change in conditions in the Town since the Comprehensive Plan was adopted in 1997.

With regard to land use specifically, recent data provided by the Schoharie County Planning Department shows agricultural land uses currently account for about 36.2% of the land acreage, residential uses account for about 33.1%, vacant land accounts for 26.4% of the acreage, and commercial, industrial, community and public service uses account for 3.2% of the total acreage. Comparatively speaking the data reveals that there is almost no tangible change in the current land use profiles across the Town since the 1997 Comprehensive Plan was adopted.

Agricultural uses are still by far the most dominant forms of land use in Schoharie. Followed closely by residential (single-family, multiple-family & mobile homes), and vacant lands. The only land use sector that experienced a minor (1.2+/-%) increase was commercial/retail/industrial/public institutions. These current land use profiles indicate no net change or major shift in land use patterns across the community and therefore indicate no impetus for altering or revising the Comprehensive Plan’s land use goals, objectives or strategies.

In addition, a review of past (2005-present) and current Use Variances, Area Variances, Site Plan Review applications and Special Use Permit applications was conducted to see if new or emerging trends in land use conflicts were occurring across the community. What the data revealed was 29 Area Variances, 3 Use Variances and 12 Special Use Permits being granted in the last 9+ years. There were also 39 Site Plan review applications approved during this same time period, with the vast majority of those applications for subdivisions. This relatively low number of variances and special permits as well as minimal site plan applications for commercial projects for a municipality the size of Schoharie is indicative of a community that is not experiencing major conflicts between its land use policies and codes, or significant growth or development pressures.

As part of the Town Board’s review of the Comprehensive Plan, public workshops were also held to receive comment from members of the community. In general, speakers emphasized the importance of preserving the rural character of the community, the livable nature of the Town’s neighborhoods, and the need to preserve the quality of life currently enjoyed by residents. Many speakers noted that the Comprehensive Plan is still very valid and continues to reflect the Town’s vision for future development.

Speakers also noted that the Comprehensive Plan envisioned promoting agri-based businesses and industries such as agritourism that could be a source of employment for the Town. The majority of the comments received by the Town Board indicated residents were very satisfied with the Comprehensive Plan's goals and objectives.

The proposed local law is consistent with, and will further the specific goals and recommendations set forth in the Comprehensive Plan. Specifically, the proposed local law regulates land uses in a manner that appropriately balances the preservation of the unique character and beauty of the Town while at the same time fostering economic opportunities. The local law (like the 1975 Zoning Ordinance and 2005 land use law) permits a wide variety of uses but subjects many of these uses to performance standards and special permitting requirements to ensure they have minimal impact on the surrounding area and environmentally sensitive lands and that new development is appropriate in scale and design with existing structures and community character. The local law provides for the protection of important natural resources by creating the Barton Hill Overlay and prohibiting communication towers and wind turbines on the face and summit of Terrace Mountain. A Floodplain overlay is also established to minimize the potential for damage in flood prone areas.

The local law does not propose any significant new land uses that will detract from the community character. In fact, the local law provides for the protection of farmland by prohibiting uses such as large scale solar and wind energy generation facilities, natural gas extraction and related activities, land uses which, if allowed to proceed, would have the largest potential impact on the character of the community and the largest impact on the greatest number of residents owing to the amount of land required and/or the size of the facilities. The local law also encourages a variety of high quality housing types to meet the needs of all residents, and will ensure economic development activities are consistent with the other goals and objectives in this plan. Opportunities for new development, are focused in and around the areas of transportation hubs (I-88 and the major state roads) and areas of having public infrastructure (Central Bridge Hamlet). And, as stated previously, the local law will focus and control economic growth in a responsible manner by requiring that most non-residential/non-agricultural are subject to performance standards and special permit requirements to ensure that a proposed use is acceptable with respect to its surroundings.

EVALUATION OF ENVIRONMENTAL CONSIDERATIONS AND FULL ENVIRONMENTAL ASSESSMENT FORM PART 2 MATTERS:

1. Physical Features

Topography/Geology/Soils/Water Resources

Because the action under consideration is the adoption of a land use law there is no direct action for which direct impacts on physical features can be measured. That is, there is no proposal for a land use development that depends on the adoption of the zoning law. At the same time, the Town Board is aware that there could be an argument that the adoption of the land use law causes an adverse environmental impact on physical features. For that reason, the Town Board has crafted a land use law that mitigates the potential for such impacts. More specifically, the Town Board has created the Barton Hill Overlay, which regulates an area of the Town which serves as the Village's watershed. Here, the Town has taken affirmative steps to regulate land uses in an area where the geology facilitates the introduction of contaminants from the surface into the groundwater. In so doing the Town is protecting the immediate as well as downgradient users of the groundwater.

Similarly, the Town has studied and acknowledged that the Terrace Mountain area of the Town is a valuable resource and imposed development limitations above elevation 800-feet in an effort to protect this resource and views of it from other areas of the community. This recommendation arose in the Comprehensive plan, “disallowing structures including communication towers on their faces and summits (of Terrace Mountain)”.

The Town has acted to protect the significant water resources in the Town by including provisions to discourage construction on steep slopes and placing added restrictions on allowed uses in the Village’s Barton Hill watershed.

2. Traffic and Transportation

The adoption of the land use law will not have any direct impact on traffic or transportation. To the extent that there is development of any significance that occurs (and which would have not been permitted under the 1975 Zoning Ordinance), it is anticipated that such development would be located on or along the major transportation corridors of I-88, NY 30, NY 30A, NY 7 or NY 443. These roads are designed to handle high volumes of traffic and none of them are experiencing any significant traffic issues related to volume. The Town expects that, in the unlikely event that there is a major producer of traffic proposed, it would be located near the I-88 interchange to facilitate the movement of people or goods. Other possible options would be along the other major state roads. As one moves away from the I-88 interchange, it is exceedingly less likely that new development that would result in the production of significant trips would be proposed. Moreover, to protect the community from such a circumstance, the Town Board has limited the main uses that are a potential source of large volumes of traffic to the commercial zone (subject to the SEQRA process and site plan review) which is centered around the I-88 interchange. Other uses which may result in some traffic generation are permitted in the Rural-Agricultural or other zones but are subject to the protections of the special use permit process. For example, the Town Board has limited warehouses and truck terminals to the commercial and industrial zones where they are best suited with respect to traffic or compatibility with existing uses (subject to a special use permit).

3. Public Services

The information provided in the Comprehensive Plan and in the Full Environmental Assessment Form (FEAF) indicates that the public services that are provided in the community have been level and stable for a period of many years. Due to the longstanding allowed uses in the community under the 1975 zoning law along with the Commercial Park PDD that permits significant development at the I-88 interchange, the Town Board has not identified any potential adverse impact to public services. That is, this proposed land use law does not drastically modify the zoning landscape in a manner significantly different than the 2005 Land Use Law or the 1975 Land Use Law with respect to potential uses. In each case, those iterations of the zoning for the Town of Schoharie permitted significant development. For example, in both the 1975 Zoning Ordinance and the 2005 Land Use Law, an applicant could request a Planned Development District for large scale development (and this is what occurred in 1990’s under the 1975 Zoning Ordinance for the Commercial Park at I-88). Despite the availability of this zoning mechanism, other than the Commercial Park at I-88, there has been no major development in the Town since the adoption of the 1975 Zoning Ordinance some 40 years ago. Moreover, the Commercial Park is largely undeveloped, although it was approved approximately 20 years ago. As a result, there is not a significant risk that new commercial development will somehow overwhelm the public services. To the

extent that there is new development, it is expected to be much like it has been over the last 40 years, very limited and occasional.

4. Land Use

As noted in the FEAF, a review of past (2005-present) and current Use Variances, Area Variances, Site Plan Review applications and Special Use Permit applications was conducted to see if new or emerging trends in land use conflicts were occurring across the community. What the data revealed was 29 Area Variances, 3 Use Variances and 12 Special Use Permits being granted in the last 9+ years. There were also 39 Site Plan review applications approved during this same time period, with the vast majority of those applications for subdivisions. This relatively low number of variances and special permits as well as minimal site plan applications for commercial projects for a municipality the size of Schoharie is indicative of a community that is not experiencing major land-use conflicts, or significant growth or development pressures.

Based upon this trend, and the lack of any large or major projects during this time period, it is anticipated that growth, if any, will primarily be residential in nature with minimal commercial development. The proposed land use law is well equipped to handle any proposed residential or non-residential growth by the implementation of the special use permit process on those uses that have the potential for any impacts.

5. Public Utilities

Growth within the Town of Schoharie is somewhat constrained by the lack of public water supply and lack of public sewers. That is, any large development needs to have access to an adequate source of potable water and an adequate method of waste water disposal. While waste water disposal can be accomplished by the engineering and construction of a waste water treatment facility, this is at a significant cost (both in capital and O&M) to any development and puts the Town of Schoharie at a significant disadvantage when compared to other locations with a developed sewage system with adequate capacity. In addition to the cost of the plant, any such facility would require an adequate location to discharge the treated effluent. In most cases, the only two options would be a subsurface discharge or a surface discharge to a receiving waterbody. As a result, it is considered unlikely that any industrial users that create significant amounts of effluent will find Schoharie to be an attractive location due to the cost and difficulty of providing treatment and the permitting difficulties in obtaining an approvable discharge of the treated effluent.

Similarly, it is anticipated that any major industrial user will find the lack of a public water supply (or the available capacity of the public water supply) to be a limiting feature and a significant detriment to locating any large industrial or commercial development in most areas of the Town.

While the Central Bridge hamlet and Business Park have water distribution systems, all water supplies for the remainder of the Town are from private wells or springs. Similarly, while the Central Bridge hamlet has a public sewer system, it is designed to handle predominantly domestic sanitary flows. As a result, the situation is similar to the remainder of the Town, any large commercial or industrial user would be required to expend significant capital to upgrade the facilities to accommodate any large water use or sewage producer. This is considered an unlikely scenario. Rather, the Town has drafted the land use law to encourage low impact uses such as light industrial facilities where products are assembled from components and shipped to end users. Such uses have little or no process water and

have minimal domestic water use and sewage production from the workers at the facility. Such uses work well in areas like Schoharie where there are not adequate water and sewer facilities but where there is abundant raw land for a facility, easy access to a major transportation corridor and an available workforce.

6. Recreational Areas

No impacts are expected to existing recreational areas. These areas and facilities already exist. To the extent that development is proposed in the immediate vicinity, a review will occur under SEQRA or, if applicable, under the special use permit process. In most instances, the type of development, if any, that occurs will be such that it is compatible with existing recreation areas (for example light industry in an enclosed building or office space could be compatible near a ball field or similar area.

While the land use law provides for certain indoor recreational uses such as “indoor recreation” or “indoor other (theater, music hall, etc.)” it is expected that there is not enough population density to support such a facility. Such a facility could be a bowling alley or an indoor soccer/multi use facility or could be a movie theater. The existing demographics of the Town and Village make it unlikely that there are enough patrons or athletes to provide a revenue stream to adequately offset the large capital cost to construct such a facility. However, to the extent that such a facility could be constructed, there are appropriate large parcels along the major travel routes to provide a location that permits easy access and visibility while keeping such a facility out of the more residential areas of the Town. Notably, all of these uses are subject to review under a Special Use Permit procedure to ensure their compatibility with the surrounding area.

7. Visual Resources

An adverse environmental impact is not expected to visual resources in the community. As is noted elsewhere in this document, the major types of development that would cause this type of impact have been eliminated and are not allowed in the community (specifically natural gas extraction, large scale wind projects and large scale solar projects). Restrictions on construction of elevated structures on Terrace Mountain are included specifically to protect visual resources.

8. Significant Natural Communities

According to the NYSDEC Environmental Resource Mapper, there are no designated significant natural communities in the Town of Schoharie. As a result, there is no potential for a significant adverse impact to these resources.

9. Endangered or Threatened Species

The environmental source listings identify that Schoharie County is the potential location of certain plants and animals that are endangered or threatened. Notably, the available information does not present the definitive location of specific communities of such species. Rather, the sources identify the possible presence of such species, which is then subject to a site specific investigation to determine whether such species to occupy a particular location.

The adoption of the Town Land Use Law does not present a potential for a significant adverse impact to these creatures and plants any more than the 2005 Land Use Law or the 1975 Zoning Ordinance does.

In fact the presence of land use regulations provides a layer of oversight and protection that does not exist in its absence. By way of example, in the absence of any zoning, a person or entity could conduct any land use activity by simply obtaining a building permit (if one is even required for the use (for example, in a town with no zoning, a dirt race course with no building would not require even a BP)) and beginning construction. Certainly, different uses may require additional approvals or permits from other agencies (such as a septic system approval, a SPDES discharge permit or an air emissions permit). But absent the need for these other permits, many projects could proceed with no environmental review. With the implementation of a zoning law or ordinance, the various land uses are regulated and subject to consideration by an administrative board and also required to undergo a SEQRA review. The inclusion of the SEQRA process for land uses provides a layer of protection for threatened and endangered species that would not otherwise exist.

To the extent that, in the future, there is a project proposed, it will be required to consult with State and Federal agencies as to the presence of endangered or threatened species, and if they are potentially present, conduct site-specific studies or implement mitigation measures.

10. Opportunities for hunting, trapping, fishing or shell fishing

As noted the FEAF, the Town contains abundant agricultural and undeveloped land that provide opportunities for hunting and trapping consistent with other similar rural communities. However, most of the land available for hunting and trapping is in private ownership and subject to permission by the landowner. Fishing opportunities exist in the various streams. The adoption of the Land Use Law will not have a significant adverse impact on these opportunities. To the extent that at some point in the future there is a large project that transitions a parcel of land from undeveloped to developed, it will be a nominal change in the overall land use patterns and amount of open space. To the extent that the property owner decides to allow that transition, either through sale or lease, it is a determination of the property owner to put the property to a different use. Moreover, and most importantly, the areas within the Town which are appropriate for any large scale development (keeping in mind that none has occurred in nearly two decades) are generally inappropriate for hunting. That is, the areas for potential large development are in the vicinity of the I-88 interchange, the existing state road travel corridors and near existing development.

11. Presence of Registered National Natural Landmarks

As noted in the FEAF, there are no registered National Natural Landmarks in Schoharie County. As a result, there is no potential for a significant adverse impact to these resources.

12. Presence of Critical Environmental Areas

As noted in the FEAF, there are no designated Critical Environmental Areas in the Town of Schoharie. As a result, there is no potential for a significant adverse impact to these resources.

13. Presence of Designated River Corridors

As noted in the FEAF, there are no designated river corridors under the Wild, Scenic and Recreational Rivers Program (6 NYCRR 666) in the Town of Schoharie. As a result, there is no potential for a significant adverse impact to these resources.

14. Presence of Locations on the State or National Register of Historic Places

In addition to the listings identified in the FEAF, during the review process it was noted that there are numerous additional historic resources in the Village of Schoharie including the Stone Fort, Lasell Hall, the Lutheran Parsonage and other sites.

The Town Board has considered the presence of Historic Places in crafting the Land Use Law. Notably, none of the locations are within the Commercial District which would be the likely location of any non-residential development of any size (although as noted throughout this document, despite a business/commercial park that was approved in the 1990s next to the I-88 interchange there has been no development of significance in nearly 20 years). The historic structures are generally located in and around the Village in areas that are already developed. To the extent that development is proposed near a listed historic structure, it would be subject to a site specific SEQRA review and, typically, a special use permit proceeding would determine if the proposal was compatible with the location.

15. Presence of Officially Designated Scenic or Aesthetic Resource

As noted in the FEAF, there are no officially designated scenic or aesthetic resources in the Town of Schoharie. As a result, there is no potential for a significant adverse impact to these resources.

16. Unique Geological Features

As noted in the FEAF, according to the NYSDEC Environmental Resource Mapper, the following unique geological features are identified in the Town of Schoharie:

Terrace Mountain	Shows fine exposures of the gently dipping carbonate rocks. They look like typical Manlius & Coeymans, but are actually the Rondout & Cobleskill Formation.
Rickard Hill Road	Multiple Outcrops; Helderberg Group; Fossiliferous: bryozoan, brachiopod, crinoid, echinoderm, sponges, tabulate coral, pelecypod, rare stromatoporoid; cephalopod

Both Terrace Mountain and Rickard Hill Road are well removed from the areas of any potential non-residential development (except for the proposed expansion of the Schoharie Quarry). As noted throughout this document, the areas of potential non-residential development are around the I-88 interchange, the state road infrastructure and in the commercially zoned district. Accordingly, the Land Use Law will not serve to promote development in these areas and will actually limit development on Terrace Mountain.

ADDITIONAL CONSIDERATIONS / CRITERIA FOR DETERMINING SIGNIFICANCE

The following criteria for determining significance are listed in 6 NYCRR 617.7(c)(1). Part 617.7(c)(1) states in relevant part that “to determine whether a proposed Type I or Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in this subdivision.” Notably, this subdivision states that the list is illustrative, not exhaustive and that the criteria are considered

indicators of significant adverse impacts on the environment. Because the list is not exhaustive, this Negative Declaration has also considered and discussed in detail the FEAF considerations and discussed extensively the history, need, development patterns and the probability of potential impacts arising from the land use law. The 6 NYCRR 617.7(c)(1) criteria are:

- i. a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

Discussion: The Town Board does not find that the adoption of the Land Use Law will result in any of these listed impacts. The Land Use Law seeks to provide a reasonable range of land use alternatives besides residential and agricultural so as to provide services and jobs for residents of the community. In so doing, the Town has focused the non-residential development options in the area of the I-88 interchange via site plan review and in other areas of the Town made such development subject to a special use permit (see Land Use Law Article 6) which contains significant requirements to ensure compatibility with the selected location.

With respect to the particular environmental indicia listed in this subsection, the Town Board notes that the land use chart does not contemplate any uses that would result in a *substantial* change in existing air quality. More specifically, the uses that could result in significant air impacts, “natural gas exploration and extraction” and “motor sports facility”, are not allowed in any area or district in the Town. Other uses that could potentially have some impact on air quality are minor in nature and would not have a substantial impact. These uses include “Manufacturing – Light”, “R&D/Tech” which by their very nature are to be self-contained operations without visible or discernable emissions. Heavy manufacturing is only allowed in the industrial districts which is where the two existing rock quarries operate (one of which also has an asphalt plant). In placing the Heavy Manufacturing at the location of the existing quarries, to the extent that such a use is proposed to replace mining or supplement mining, the concept is to keep such uses in a defined, already operating location (i.e. where heavy manufacturing is already occurring) rather than opening other areas of the Town to any potential concerns. Moreover, given the stringent air quality regulations set forth under the Clean Air Act as implemented by New York State, it is not expected that there would be an opportunity for a substantial adverse change in existing air quality.

With respect to ground and surface water quality or quantity, the one area of the Town that is particularly susceptible to groundwater impacts, the Barton Hill area, has an overlay on it which regulates uses to protect the groundwater regime. Moreover, the Land Use Chart allows very few uses other than residential and agricultural uses in this area. A review of the use table in Schedule A identifies that any potential large use or use that could even remotely have an impact is not permitted in this area (e.g. not permitted – motor vehicle service station, manufacturing – heavy).

The Town Board finds that the Proposed Land Use Law will not have a significant adverse impact on the environment with respect to traffic or traffic generation. As is noted below, almost without exception the uses that are allowed or contemplated under the Land Use Law are the same or substantially similar to those allowed under the 1975 Ordinance. As a result, the adoption of the Land Use Law is not expected to permit or allow any amount of traffic that would not have been (or could not have been) allowed under the existing law. Notwithstanding that circumstance (i.e. that there is no hypothetical change), the Town has considered the development patterns to date and determined that there has been very little non-residential development and certainly no development of any significance. Given

that circumstance, when considering the analysis of impacts, the SEQRA guidance suggests consideration of the magnitude and importance of the potential impact. In terms of magnitude, the guidance suggests considering the severity, size and extent of the impact. With respect to importance, the guidance suggests an analysis of how many people will be impacted, the geographic scope, duration, probability and social or environmental consequence. First and foremost, based on the Town's development history and the lack of development in the business/commercial park at the I-88 interchange, the Town Board finds that the probability of significant adverse impacts caused by traffic to be remote. To the extent that a project is proposed and traffic is a result, it is expected that any such project that is a large generator of traffic will be sited at or adjacent to the I-88 interchange to take advantage of the existing infrastructure. Finally, the Town Board is of the opinion that the social or environmental consequence of a project that generates traffic is positive. That is, the movement of goods or people into and out of the community will have a positive economic result. Additional workers or job opportunities in the Town will create spin-off economic development in the Town.

The Town Board finds that the proposed Land Use Law will not result in a significant adverse impact on the environment due to the production of solid waste. The Land Use Law does not permit or contemplate the siting of a solid waste disposal facility. While each of the uses in the Land Use table of necessity will cause the creation of some amount of solid waste, the Town Board has determined that adequate landfill capacity and disposal options exist in the upstate area. As a result, there are locations and options for disposal of solid waste.

The Town Board finds that the proposed Land Use Law will not result in a significant adverse impact on the environment due to the creation of erosion. While the Land Use Law (like the 1975 Ordinance before it) may result in the advancement of projects, there is not a land form or specific area in the Town that is particularly vulnerable or sensitive to erosion. As with all projects, the various environmental laws regulating erosion and stormwater require, at a minimum, that standard erosion control measures be implemented during construction.

The Town Board finds that the proposed Land Use Law will not result in a significant adverse impact on the environment due to potential flooding. While the Town has had significant and catastrophic issues with flooding in the last approximately five years, these issues were not a result of land use matters. Rather, these natural events were significant outsized events. The Land Use Law has a floodplain overlay and the Town has a floodplain ordinance to appropriately regulate and control proposed development in the floodplain. At the same time the Land Use Law is designed to focus development in areas outside of the floodplain. The Land Use Law itself has nothing in it that would contribute to or exacerbate flooding. If anything, it is expected that there will be very limited development in the floodplain.

The Town Board finds that the proposed Land Use Law will not result in a significant adverse impact on the environment due to leaching. The Land Use Law does not propose any use, such as a landfill or other disposal facility, that would typically be associated with leaching.

The Town Board finds that the proposed Land Use Law will not result in a significant adverse impact on the environment due to drainage issues. The Land Use Law does not encourage or advance any particular use that would have an impact on drainage issues. The regulation of the floodplain seeks to prevent drainage issues by ensuring that the limited development that may occur in the floodplain is done in a manner that does not impede the drainage and flow of the natural water ways. As to the potential for residential and non-residential development, any such development of any significance is

required under the storm water pollution prevention regulations to handle all drainage on-site in a manner that does not affect the down-stream environment.

- ii. the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

Discussion: The Town Board finds that the proposed Land Use Law will not result in a significant adverse impact on the environment with respect to these concerns. As noted throughout, this Land Use Law does not contemplate a significant change to the built environment of the Town. It has been nearly two decades since the last projects of any consequence were constructed in the Town and they were not large or significant (i.e. a gas station/convenience store, a Dunkin Donuts, some office space and a hotel – all in the business/commercial park near I-88). This Land Use Law will not compel development any more than the 1975 Ordinance. The information available indicates that the Town (and County) is the home of endangered species. To the extent that there is a specific project proposed in the future it would undergo a review to determine if there would be any impact to endangered species. To the extent that endangered species are identified, the regulators would determine if the project could proceed with or without mitigation.

- iii. the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part;

Discussion: As noted above, the Town of Schoharie does not contain any critical environmental areas designated pursuant to 6 NYCRR 617.14(g). As a result, there is no potential for a significant adverse impact to these resources.

- iv. the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

Discussion: As discussed in detail above, the Land Use Law is consistent with the Town's adopted Comprehensive Plan.

- v. the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

Discussion: The Town Board finds that the proposed Land Use Law will not result in a significant adverse impact on the environment due to impacts on historic or archeologic resources or community/neighborhood character. The Town has a limited number of historic resources while the nearby Village contains the majority of these resources. The Land Use Law has been set up to focus non-residential development around the I-88 Interchange which is an area of the Town that is removed from historic resources. In addition, the Land use Law requires a special use permit for the uses that would have the potential to impact these resources. During that review, the Planning Board can evaluate whether the proposal will have an impact on a historic resource and deny a project, if appropriate. The Town, due to the presence of good water resources, and fertile, gently sloping ground (in some areas) has been the location of archeologic resources. As with any project in the state, the presence of these resources is evaluated on a site specific basis and mitigation by way of investigation and cataloging is undertaken to mitigate any potential impact.

As to community or neighborhood character, the Land Use Law and the Comprehensive Plan that preceded it have been an exercise in obtaining and maintaining the rural character of the Town of Schoharie while at the same time providing some opportunity for economic development, jobs and services for the residents. Like the 1975 Zoning Ordinance before it, the Land Use Law seeks to maintain strict control on the type, location and manner of non-residential development so as to maintain the small town, rural character. The Land Use Law does not propose any significant new land uses that will detract from the community character.

- vi. a major change in the use of either the quantity or type of energy;

Discussion: While certain types of development (and in fact all development) will require the use of energy and fuel for the construction and operational phases, nothing in the Land Use Law contemplates a major change in the use or type of energy. As is already present and utilized in the community, to the extent that additional non-residential development materializes, it will utilize the already existing electrical power grid and availability of propane fuel or heating oil. The Town of Schoharie is not served by natural gas distribution facilities. This is another impediment to any large scale growth. That is, for a large facility to be built and operate in the Town it must rely on electricity, propane or heating oil. These are traditionally more expensive and less desirable to use than natural gas and the lack of natural gas becomes an impediment to some forms of non-residential development.

- vii. the creation of a hazard to human health;

Discussion: There is nothing in the Land Use Law to suggest that any additional development in the Town (if it occurs) will cause the creation of a hazard to human health. To suggest otherwise would be to engage in speculation or conjecture. Clearly, the uses that could be allowed under the use table are not uses that would be equated with creating a hazard to human health. At the extremes, there are those that argue that any addition of traffic, an emission of any substance or the like increases the risk of death or illness. However, the Town Board finds that the listed uses are not inherently a hazard to human health. For example, none of the listed uses are inherently dangerous, ultrahazardous or noxious. Such uses typically consist of activities such as: fireworks manufacturing, explosives manufacturing, rendering plants and the like. In this situation, those types of uses have not been listed as allowed.

- viii. a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

Discussion: The Town Board finds that the proposed Land Use Law will not result in a significant adverse impact on the environment with respect to these considerations. The Land Use Law has been crafted to keep the same types of uses as previously allowed under the 1975 Zoning Ordinance. However, certain uses that were not contemplated in 1975 are now specifically addressed and prohibited, including commercial wind energy projects, commercial solar projects, natural gas extraction and motor sports facilities. These are the types of uses that, if allowed to proceed, could have the effect of rendering a substantial change in the use or intensity of use of land. By prohibiting these uses, the Town Board has acted to prevent this potential harm, including the loss of recreational land and open space. In addition, the Land Use Law is set up to encourage, facilitate and make the continuation (or commencement) of agricultural pursuits as easy as possible which has the collateral effect of maintaining the community character.

- ix. the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

Discussion: As to this parameter, the Land Use Law will not encourage or attract a large number of people to a place for more than a few days. This parameter suggests a large gathering such as a concert or festival, which are not contemplated under the land use law. Stretching the breath of this parameter to cover land use activities such as a store, hotel or campground arguably is not contemplated. However, in such a case, the Town Board does not consider the gathering of people at a typical campground, hotel, store or commercial building to be a large number or to be an adverse impact on the environment. In some measure, the Town Board does seek to encourage or attract people to the Town as an economic engine, whether by providing shopping or other services or locations for employment options. However, the Town Board does not consider it to be a significant adverse environmental impact because, for the most part, the people that will primarily utilize any such locations will be residents of the community. To the extent that there is a service provider or shopping opportunity that intends to draw from a significant distance, such an entity would necessarily locate at the I-88 interchange or immediately adjacent thereto to take advantage of the existing transportation infrastructure. To the extent that there is a concern that a large entity would locate outside of the commercial district (in the AR district) along a Town of County Road, the Town Board finds that such a concern is mis-placed. The Town Board finds that any significant producer of traffic will necessarily be limited to the main transportation corridors. To the extent that the Town Board's thoughtful consideration of this (or similar matters) is mis-placed, then the Planning Board (or Town Board) could appropriately reject the application for a special use permit due to the lack of infrastructure or impacts on the existing infrastructure.

- x. the creation of a material demand for other actions that would result in one of the above consequences;

Discussion: The Town Board has determined that the Land Use Law will not result in the creation of a material demand for other actions that would result in one of the above consequences. That is, the adoption of the Land Use Law is not expected to spur or encourage development in any material fashion. Relevant to this consideration is the probability of such an occurrence. Based upon the historical trends in the Town of Schoharie, dating back to before the 1975 Zoning Ordinance, during the 1975 Zoning Ordinance time period, during the time period of the 2005 Land Use Law and to the present, there simply has not been any significant growth. That is prior to the implementation of zoning there were no large non-residential projects in the Town. Once zoning was adopted and through to the present, there has very little non-residential growth. Throughout this time period, the Town has had zoning that permitted planned development districts for large scale projects. Over the past 40 plus years there has been one planned development district, which is located adjacent to the I-88 interchange. Permitted and approved in the 1990s, it is largely vacant, containing a hotel and several small office buildings. Based upon this established history, the Town Board finds that it is entirely remote and speculative that the proposed Land Use Law will have any appreciable effect by driving any significant new development. That is, the same opportunities for development have always been available in the Town's regulations and the same physical locations have historically been available. They have not been utilized or when utilized they did not result in any appreciable new development, even when sited in the location of the best area for non-residential development, immediately next to the I-88 interchange. Beyond the planned development opportunities, the 2005 Land Use Law and the proposed Land Use Law are nearly identical in terms of the allowed uses. Despite the fact that the 2005 land use law was on the books for nearly 10 years, no commercial or industrial development of any

significance was proposed. The 2015 Land Use Law proposal focuses on continuing to regulate or exclude undesirable uses and to provide appropriate standards to regulate the location, operation and effects of any proposed new use.

- xi. changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

Discussion: The Town Board has considered whether there would be cumulative impacts as a result of the adoption of the Land Use Law. This consideration, from a land use perspective, is principally related to the concern that there would be a change to the community character as a result of a series of projects which alone do not change the community character, but over time aggregate to cause such a change. This concern is primarily addressed through the adoption of a Comprehensive Plan which sets out the vision of the community for the future, which is then implemented in a Land Use Law such as this one. The Land Use Law drives development in a manner which is consistent with the Comprehensive Plan to maintain or change a community in the manner that is desired. Consistency with the Comprehensive Plan is discussed in detail above. But, in general, the concepts include:

- Providing every opportunity to agricultural uses to thrive and succeed. This is accomplished by a land use law that makes most every agricultural use allowed by a zoning permit only and also permits adjunct uses, such as farms stands, in a reasonable manner (zoning permit) so that farmers do not have to undergo costly and time consuming reviews.
- Maintaining the rural character of the community is also accomplished by providing sound opportunities for economic growth. The rural character of the community does not exist in a vacuum. For farms to exist and thrive, there must be consumers for the products, workers available to man the farms, and the infrastructure of a community to support agriculture. That is, for farms to exist and thrive, there still needs to be a community around them...schools, roads, service providers, a bank, a gas station, fire and emergency services, and the like. These services exist and can be maintained because there is a critical mass of people to patronize the stores and service providers, volunteer in the fire department or ambulance squad, hold jobs in the community or nearby and be able to pay property taxes to maintain the roads, have a highway department and keep a school filled with enough children that it is not shuttered. These all exist when there are other opportunities beyond agriculture to provide a tax base, other employment opportunities, and locations to shop or obtain personal services.
- The proposed Land Use Law provides this balance by providing a range of alternative uses to round out the community and provide places to shop, places to work and places that will pay taxes. However, the Town Board, as is discussed elsewhere in this Negative Declaration, has not thrown open the flood gates. Opportunities for new development, are focused in and around the areas of transportation hubs (I-88 interchange and the major state roads) and areas of having public infrastructure (Central Bridge Hamlet). The type of development contemplated by the Land Use Law is low impact with little to no discernable outward impact. To further control and focus growth in a responsible manner, the Land Use Law places most non-residential/non-agricultural uses in the category of requiring individualized scrutiny via a special use permit procedure to ensure that a proposed use is acceptable with respect to its surroundings.

- As detailed above, those uses which are a detriment to the community by virtue of their potential impacts on the environment or on community character are either excluded completely or significantly limited in their location. For example, large scale wind energy facilities, large scale solar and natural gas extraction are all prohibited uses. Mining is limited to its existing locations.
- xii. two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

Discussion: There are no related actions under consideration by the Town Board or other Town agencies that trigger this inquiry. To the extent that there are more than one land use application/proposal that occurs after the adoption of this law for which a reviewing body considers to be related by virtue of the fact that they are both applications for land use approval, please refer to the discussion above in “xi”.

In addition, 6 NYCRR 617.7(c)(2) directs that, in determining whether an action may cause one of the consequences listed in 6 NYCRR 617.7(c)(1) (listed directly above this discussion), the Lead Agency must consider reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions which are:

- i. Included in any long-range plan of which the action under consideration is a part;
- ii. Likely to be undertaken as a result thereof; or
- iii. Dependent thereon.

Discussion: There is a discussion above at “xi” above regarding indirect/cumulative/long-term impacts. As noted elsewhere in this document, the Town Board, based upon the historical development patterns in the Town, considers that most of the types of development available under the Land Use Law will likely not occur in the foreseeable future. Stated differently, when evaluating an action for potential impacts, the SEQRA guidance published by the NYSDEC speaks to evaluating both the magnitude and the importance of a potential impact. With respect to the magnitude, the guidance suggests looking to the severity, size and extent of a potential impact. With respect to importance, the guidance suggests looking at the number of people affected, the geographic scope, duration, probability and social or environmental consequence. As noted above, there are no other simultaneous or subsequent actions: included in any long-range plan; likely to be undertaken as a result of the Land Use Law; or dependent thereon. That is, this question focuses on segmentation under SEQRA which is the division of an action into small (or smaller parts) which, when taken alone, are not considered important from an environmental standpoint. But, when taken as a whole, may be problematic. The traditional SEQRA segmentation in the land use/rezoning arena is the approval of a zone change made to permit a specific project (which needs the zone change) to proceed. Courts have been critical where communities have proceeded with a zone change without, at the time of the zone change, looking at the specific project that will move forward as a result of the zone change. Here, in the Town of Schoharie, the development patterns and trends are well established and known to the Town Board. Development, with much of what is allowed under the proposed local law also having been allowed under the 1975 zoning ordinance, is extremely limited. There are no contemplated or proposed projects to trigger the typical segmentation claim. History has shown that there is unlikely to be any project of significance for an extremely long time. Any claim that the Town is evading its responsibilities of conducting an environmental review to directly or indirectly facilitate any development of any significance need only look to the nearly empty 20 year old commercial park/PDD at the I-88 interchange to understand that

the key concern in the SEQRA considerations in this analysis is the *probability* of the impact. Here that probability is demonstrably low.

REVIEW OF SPECIFIC USES AND COMPARISON WITH 1975 ZONING ORDINANCE

As is noted throughout this process, the rationale behind updating the 1975 Zoning Ordinance was to provide a zoning law that implemented and was consistent with the 1997 Comprehensive Plan. The 2005 Land Use Law, along with subsequent amendments to address natural gas extraction and wind energy, accomplished that objective. The 2005 Zoning Law was not challenged or criticized in any real fashion except by the local mining company that wants to expand its quarry adjacent to the Village. The Town found the expansion in the manner proposed to be inappropriate for the community. The 2005 Land Use Law limited mining to the land area that was permitted by the NYSDEC (the “Life of Mine”) rather than allowed by special use permit in the entire Agricultural zone as set forth in the 1975 Zoning Ordinance. But for this litigation, the 2005 Land Use Law would be in effect. Because the 2005 Land Use Law and its amendments were annulled, the Town Board determined that the 1975 Zoning Ordinance lacked the ability to regulate significant land uses which left the Town open to inappropriate development. The significant land uses that were not in existence when the 1975 Zoning Ordinance was adopted, and thus are not appropriately addressed, are large scale wind energy, natural gas extraction and large scale solar.³ As will be discussed below, for the most part, the remaining general land uses were regulated in one form or another in both the 1975 Zoning Ordinance and the 2005 and 2015 Land Use Laws.

USE CATEGORY	ALLOWED UNDER 1975 ZONING ORDINANCE	ALLOWED UNDER 2015 LAND USE LAW	NOTES & COMMENTS
1 OR 2 Family Dwelling	Yes. See Use Schedule at p. 10.	Yes	
Mobile Home	Yes. See Use Schedule at p. 11.	Yes	
Accessory Structure	Yes. See Use Schedule at pp. 11 and 12.	Yes	The 1975 Zoning Ordinance lists “Residential Garage and Shed” and “Private Swimming Pool.”.
Apartments	Yes. See Use Schedule at p. 10.	Yes	The 1975 Zoning Ordinance lists “Row House” “Multiple Dwelling” and “Cluster Housing” in the Use Schedule.
Multi-Family Dwelling	Yes. See Use Schedule at p. 10.	Yes	
Boarding House	Yes. See Use Schedule at p. 11.	Yes	The 1975 Zoning Ordinance lists “Rooming House”.

³ Telecommunications facilities continued to be regulated after the 2005 Land Use Law was annulled because the stand alone telecommunications local law (Local Law 4 of 1998) continued to be effective. As a result, the Town at all times had land use controls for telecommunications.

Mobile Home Park	Yes. See Use Schedule at p. 11. Allowed in the A District via SUP.	Yes	
Townhouse/Condominium	Yes. See Use Schedule at p. 10.	Yes	The 1975 Zoning Ordinance lists "Multiple Dwelling" which would encompass this use.
Accessory Apartment	Not Listed	Yes	
Bar/Nightclub	Not listed	Yes	
Country Inn/Bed & Breakfast	Yes. See Use Schedule at p. 11.	Yes	The 1975 Zoning Ordinance lists "Tourist Home".
Day Care	Not listed	Yes	The 1975 Zoning Ordinance lists "Personal Service Outlet", "Home Occupation" and "Office" which would likely encompass this use which was not prevalent in 1975.
Drive Up Window	Yes. See Use Schedule at p. 12.	Yes	The 1975 Zoning Ordinance Lists "Drive-in Restaurant" which is generally comparable for the times.
Junkyard	No	Yes	Allowed in the Industrial District in the 2015 Land Use Law. As was typical for the times, junkyards were not regulated in the 1975 Zoning Ordinance. Rather, the Town regulated junkyards under Local Law 1 of 1974.
Home Based Business	Yes. See Use Schedule at p. 11.	Yes	The 1975 Zoning Ordinance lists "Home Occupation".
Hotel/Motel	Yes. See Use Schedule at p. 11.	Yes	The 1975 Zoning Ordinance lists Hotel or Motel.
Kennel	Yes. See Use Schedule at p. 12.	Yes	
Stable	Yes. See Use Schedule	Yes	The 1975 Zoning

	at p. 10.		Ordinance lists "Farm Building" and "Hobby" which would encompass this use.
Veterinarian	Yes. See Use Schedule at p. 12.	Yes	The 1975 Zoning Ordinance lists "Animal Hospital".
Nursery/Garden Shop	Yes. See Use Schedule at p. 10.	Yes	
Nursing/Convalescent Home	Yes. See Use Schedule at p. 11.	Yes	The 1975 Zoning Ordinance lists "Hospital, Clinic, Nursing Home".
Motor Vehicle Service Station	Yes. See Use Schedule at pp. 12 and 13	Yes	The 1975 Zoning Ordinance lists "Public Garage" and "Gasoline Station".
Office Building	Yes. See Use Schedule at p. 12.	Yes	In addition to "Office", the 1975 Zoning Ordinance lists "Newspaper or Radio Station".
Personal Service	Yes. See Use Schedule at pp. 11 and 12.	Yes	The 1975 Zoning Ordinance lists "Funeral Home", "Personal Service Outlet", "Bank"
Restaurant	Yes. See Use Schedule at p. 12.	Yes	
Retail Building (Small Product)	Yes. See Use Schedule at p. 11.	Yes	Although the 1975 Zoning Ordinance does not generally distinguish between Small Product and Large Product, the 1975 Zoning Ordinance lists "Retail Sales Outlet" which covers both uses.
Retail Building (Large Product)	Yes. See Use Schedule at p. 11.	Yes	Although the 1975 Zoning Ordinance does not generally distinguish between Small Product and Large Product, the 1975 Zoning Ordinance lists "Retail Sales

			Outlet” which covers both uses. In addition, the 1975 Zoning Ordinance also lists “Sale and Display of Farm Equipment, Snowmobiles, Motorcycles” and “Building Materials Outlet”.
Mixed Use	Yes. See Use Schedule at p. 10.	Yes	The 1975 Zoning Ordinance lists “Residence above Commercial.”
Indoor Recreation	Yes. See Use Schedule at p. 12.	Yes	The 1975 Zoning Ordinance lists “Bowling Alley”.
Indoor Other (theater, music hall, etc.)	Yes. See Use Schedule at p. 12.	Yes	The 1975 Zoning Ordinance lists “Theater”.
Motor Sports Facility	No	No	
Outdoor Recreation	Yes. See Use Schedule at p. 11.	Yes	The 1975 Zoning Ordinance lists “Park”
Campground	Yes. See Use Schedule at p. 10.	Yes	
Outdoor Other	Not Listed	Yes	
RV Park	Yes. See Use Schedule at p. 10.	Yes	Not specifically listed in the 1975 Use Schedule but analogous to the listed use of “Travel Trailer Park”
Forestry Use & Structure	Yes. See Use Schedule at p. 10.	Yes	
Manufacturing – Heavy	Yes. See Use Schedule at p. 12.	Yes	The 1975 Zoning Ordinance lists “Any Industrial Use”.
Manufacturing – Light	Yes. See Use Schedule at p. 12.	Yes	The 1975 Zoning Ordinance lists “Any Industrial Use”.
Mining/Resource Extraction	Yes. See Use Schedule at p. 13.	Yes	
Natural Gas Exploration and Extraction and Related Uses and Facilities	No	No	While not explicitly listed in the 1975 Zoning Ordinance, a potential argument could exist that the use is allowed under “Any

			Industrial Use” or under “Commercial Excavation or Mining”.
Solar Farms	No	No	
R&D/Tech	No	Yes	The use of R&D/Tech was not common in 1975. Under the 1975 Zoning Ordinance, it would likely be considered “
Truck Terminal/Heavy Equipment Storage	Yes. See Use Schedule at p. 13.	Yes	The 1975 Zoning Ordinance lists “Truck Terminal”.
Warehouse	Yes. See Use Schedule at p. 12.	Yes	The 1975 Zoning Ordinance lists “Warehouse and Wholesale Outlet”.
Wind Energy Facilities (excluding small wind turbines)	No	No	
Airport	Not Listed	Yes	
Agriculture Use & Structure	Yes. See Use Schedule at p. 10.	Yes	The 1975 Zoning Ordinance also lists “Wholesaling of Farm Produce” and “Food Processing”.
Cemetery	Yes. See Use Schedule at p. 11.	Yes	
Community Center		Yes	
Hospital	Yes. See Use Schedule at p. 11.	Yes	The 1975 Zoning Ordinance lists “Hospital, Clinic, Nursing Home”.
Public/Semi-Public Facilities	Yes. See Use Schedule at pp. 11 and 12.	Yes	The 1975 Zoning Ordinance Lists “School”, “Place of Worship”, “Public or Quasi-public Building”, “Veterans Organization”, “Fraternal Organization”. The 1975 Ordinance does not restrict the construction of governmental buildings or public utilities. See

			sec 4.41 (1)&(2).
Roadside Stand	Not listed	Yes	This likely would be allowed as an agricultural use under the 1975 Zoning Ordinance.
Telecommunications	Yes	Yes	
Outdoor Advertising Sign	Yes. See Use Schedule at p. 13.	No.	A traditional billboard type sign is not permitted under the 2015 Land Use Law.
Large-Scale Planned Industrial, etc.	Yes. See Use Schedule at p. 13.	No	This type of use is not listed in the 2015 Land Use Law.

The 1975 Zoning Ordinance divided the Town into eight different zones:

- A Agriculture
- RS Seasonal Residence
- R-1 Single-Family Residential
- R-2 Multi-Family Residential
- C Commercial
- I Industrial
- PD Planned Development
- PDI Planned Industrial Development

The various uses were allowed to be established in the various zones as permitted uses, uses requiring a Special Permit or uses for which special conditions apply. The 1975 Zoning Law also made clear that “all land use activities not so set forth are not permitted in the Town of Schoharie. The lists of the various uses in both the 1975 Zoning Ordinance and the 2015 Land Use Law are nearly identical. A comment has been made that the 2015 Land Use Law “permits” a number of land uses in the Rural-Agricultural District (generally speaking the former Agriculture District under the 1975 Ordinance) that were not previously allowed under the 1975 Zoning Ordinance. On the one hand the commenter (the current mine operator) decries the over-regulation of uses and the purported limitations on opportunities for needed development. Then in the same letter, in arguing for the need to prepare an environmental impact statement, the author complains that additional land area is available for uses to serve the community. The Town Board is aware of this complaint and rejects the claim that the uses will result in an adverse impact to the environment to thereby require an EIS. While the commenter complains that many of the uses, generally except for single and two family residential and agricultural uses, require a special use permit thereby making development onerous, this is by design. That is, the Town Board desired to provide more area within the Town for these uses that provide jobs, services and recreational opportunities to the residents. At the same time, the Town Board is aware that these uses while completely appropriate in one location may be inappropriate in another. As a result, the Town Board used the zoning mechanisms of requiring special use permit review and performance standards to ensure that these land uses, to the extent they are ever proposed (recall that most uses, even though

allowed since 1975 have *never* been undertaken in the Town) are sited in appropriate locations. The uses that the commenter complains about (all of which generally require a special use permit) in the RA zone include (re-ordered to group similar uses (although some could be listed in more than one group)):

Residential Uses:

- Apartments (SUP and Site Plan)
- Multi-Family (SUP and Site Plan)
- Town Houses and Condominiums (SUP and Site Plan)
- Mixed Uses (SUP and Site Plan)

Employment Opportunities:

- Manufacturing (now broken into Manufacturing-Light – allowed in the RA District by SUP and Site Plan and Manufacturing-Heavy – not allowed in the RA District).
- Technology and Research& Development (SUP and Site Plan)
- Office Building – (Site Plan only)
- Hotel/Motel - (SUP and Site Plan)
- Product and Business Service - (SUP and Site Plan)
- Retail Buildings (large and small product) - (SUP and Site Plan)

Recreational Opportunities/Amenities for Residents:

- Community Center - (SUP and Site Plan)
- Indoor Recreation - (SUP and Site Plan)
- Theater - (SUP and Site Plan)
- Music Hall - (SUP and Site Plan)
- Bar-Nightclub - (SUP and Site Plan)
- Outdoor Recreation - (SUP and Site Plan)
- Restaurant - (SUP and Site Plan)
- Personal Service Uses - (SUP and Site Plan)
- Daycare – (Site Plan only)

Other:

- Airport - (SUP and Site Plan)
- Telecommunications - (SUP and Site Plan). Has always been allowed in the Agriculture District under the telecommunications ordinance.

First and foremost, many of the non-residential uses are allowed via site plan review only in the Commercial District. Specifically, Manufacturing – Light; Office Building; Hotel/Motel; Product and Business Service (renamed Service Business in Version 2); Retail Buildings (Small Product); Theater; Music Hall; Bar-Nightclub; Restaurant; Personal Service Uses; Daycare.

Others are allowed in the Commercial District via a Special Use Permit to ensure that potential uses are properly examined. Specifically, Technology and Research& Development; Retail Buildings (Large Product); Community Center; Indoor Recreation; Outdoor Recreation.

As a result, the concept is to focus this type of development in the Commercial District where it is permitted by site plan only. However, to expand opportunities in the Town, the Town Board acknowledges that there may be other locations in the RA district that may be appropriate for non-

residential uses. The Town Board did not make a carte blanche determination. Rather, on a case by case basis such development may fit with the community and be appropriate under the special use permit standards.

The Town Board acknowledges that one difference that exists between the 1975 Zoning Ordinance and the proposed 2015 Land Use Law is the inclusion of a land use entitled “airport” as permitted subject to the issuance of a special use permit and site plan review in the RA zone. Notably, for the period of 2005 to 2014 when the 2005 Land Use Law was in effect, the availability of the airport land use did not result in any such proposed use within the Town. When considering the magnitude and importance of the potential impact, the Town Board acted to restrict this use in the proposed Land Use Law. More specifically, the Town Board created a definition that limits the ambit of this term. An “airport” is defined as “an aviation facility owned by a private individual solely for the purpose of providing landing and takeoff capability for privately owned general aviation aircraft. The landing area shall not be equipped with facilities for the supplying, servicing, and/or repairing aircraft or the receiving or discharging of passengers or cargo by air for hire.” The definition was carefully crafted to exclude any commercial operations and to limit the facility to one owned by an individual. The intent of the Town Board is to permit, subject to a special use permit review and site plan approval, an individual with sufficient land in private ownership to have a small landing strip to allow for travel by aircraft to or from Schoharie by private plane. The Town Board envisions that, however remote and speculative, that this availability may encourage an individual to establish a second home or vacation home in Schoharie by making it reachable from a greater distance. The Town Board acknowledges that this is a highly unlikely occurrence. It would also involve the parcel being appropriately located to ensure compatibility. By virtue of the definition, the Town Board is not allowing and does not contemplate commercial operations or private operations that would result in multiple flights per day. Rather, the use and the concept are to allow for occasional travel to and from the Town from a distance. In considering the magnitude and importance, the Town Board finds that the probability of this use being implemented is low. In terms of magnitude the severity, size and extent of any impact would be low as the use is designed to be limited and occasional. In terms of importance, the number of people that would be impacted would be low as this use is only appropriate for the very rural areas of the Town. The duration of any impact is designed to be limited. The social or environmental consequence is considered neutral. That is, while the use may be of some utility to one or two individual land owners, if it does or does not occur will not significantly impact the community to the positive or to the negative. As a result, on balance the Town Board determines that the inclusion of the potential use may result in a small to moderate, temporary impact if it ever comes to fruition but that it does not rise to the level of being a potential significant adverse impact on the environment.

In one sense, the proposed Land Use Law is a logical extension and updating of the 1975 Zoning Ordinance. This becomes apparent when the 1975 Zoning Ordinance Appendix A entitled “Development Policy” is reviewed. A copy of this Appendix A is incorporated herein by reference. When the policy declarations are reviewed (numbers 1 through 12) it is apparent that there is a significant consistency between what the Town government was trying to accomplish and preserve in 1975, the conclusions of the 1997 Comprehensive Plan and what the Town Board is attempting to address through the proposed Land Use Law. While some of the land uses considered today did not exist in 1975 and some of the methods of regulation proposed today were not contemplated in 1975, the overall theme for the community is strikingly similar. Without repeating the entire 1975 Policy, many of its main points are exactly what the Town Board in 2015 seeks to accomplish:

- 1) Growth: In general it is desired to preserve the open, rural character of the Town of Schoharie. Within this overall objective, growth in the Town will be encouraged but the extent and location of development will be related to the availability of public utilities or the soil's capacity to effectively accommodate sewage disposal systems, and to good planning practices.
- 2) Housing: The Town recognizes the value of providing a variety of housing types to meet a range of social and economic requirements. Multi-family, townhouse and one and two family detached homes will be permitted in appropriate locations but densities will be kept low...
- 3) Mobile Homes: Mobile home development is an increasingly popular form of housing in rural areas. The Town considers the mobile home as a special form of single family residence and will support mobile home development, on individual lots or in parks, in agricultural districts when health and safety precautions have been satisfied.
- 4) Agriculture: The Town recognizes the value of preserving good agricultural land from nonfarm development pressures....
- 5) Floodplain Development: The Town recognizes that extensive development of floodplain areas is often the cause of serious property damage and loss of life...Within the limits of reason the Town intends to prevent flood prone areas from being developed in a manner that could result in property damage and loss of life....
- 6) Traffic: The present system of roads in Schoharie is generally adequate for the traffic it carries. The Town intends to upgrade roads as this becomes necessary and to attempt to preserve the traffic carrying capacity of existing major roads by such land development controls and increased frontage and deeper setbacks.
- 7) Natural Features: Unique natural areas in the Town have economic as well as physical value in the long-range development picture. The Town feels that new growth will not adversely affect natural areas and that no special preservation measures will be required.
- 8) Commercial Development: Commercial Development in the Town should be limited primarily to the types of services and goods needed by a limited market. The Town intends to concentrate such land use activity in areas where a commercial nucleus presently exists and where the surrounding environment is conducive to commercial rather than residential development.
- 9) Industrial Development: The Town of Schoharie is primarily a supplier of labor force for the work centers in the Albany-Schenectady area. Local industrial activity provides a valuable supplement to regional employment, however, and the Town will make every effort to keep the industry it now has...
- 10) Highway Interchange: It is recognized that the I-88 interchange, to be built in Central Bridge, will have a major impact on land uses and traffic patterns in this part of the Town. The Town intends to encourage development which will occur in response to the interchange but will also initiate land use regulations aimed specifically at controlling development in the interchange area and along the major roads leading to it.

- 11) Environmental Considerations: The Town is concerned about the preservation and enhancement of environmental quality. It intends to encourage and support land development control measures aimed at maintaining the quality of residential areas, rehabilitating excavation sites, reducing the negative visual impact of signs, discouraging the random collection and storage of junk material, preserving views, and preventing pollution of water and air.
- 12) Tourism: It is recognized that tourism activity in this part of the state can be of considerable economic value to the Town of Schoharie. The Town intends to strongly support actions which will help in the development of the tourist industry when such actions do not conflict with other development policy which has been established.

Accordingly, given the significant overlap and consistency between the 1975 Zoning Ordinance Development Policies, the 1997 Comprehensive Plan and the 2015 Land Use Law, the implementation of the proposed Land Use law is not expected to result in a significant adverse impact on the environment as compared to the existing 1975 Zoning Ordinance which is currently in place and regulating development with essentially the very same considerations and concerns.