

Minutes

Zoning Board of Appeals

December 10, 2014

A meeting of the Village of Horseheads Zoning Board of Appeals was held on the above date at 3:00 p.m. in Village Hall. Present were:

Board Members

Chairman Dave Radin
Louise McIntosh
Tony van Dinther
Hank Corp
Lew VanDuzer

Village Staff

Village Manager Herbst
Village Atty. John Groff
Trustee Ron Swartz
Code Enf. Bob Young
Manager's Asst. Rachel Baer
PB Chair Mike Stenpeck
PB Member Dave Helsing

Others

VIA Speaker Phone:

Ashley Champion, Nixon Peabody
John Engelbert, Verizon
Brett Morgan, Verizon

Debbie Hicks, Gardner Road
Arthur Sullivan, Miller Street

NYNEX, Verizon - Cell Tower Application - 130 N. Main Street

Ashley Champion, Nixon Peabody - We have answered all questions and have no additional comments to add. The Planning Board did recommend approval of our application. We'd be happy to take questions.

Debbie Hicks, 325 Gardner Rd. - I read minutes from PB meetings. Didn't understand all information but I do think I have gist. I seem to be in minority. Most people are in favor. I care about the Village and Hanover Square. I'm a little uncomfortable with this. I appreciate all time that went into investigating this issue. I read all positive comments, but I sat in meetings about Hanover Square that Village officials wanted to preserve. Village employees are proud of historical nature of Hanover Square. Can't be both ways. Pride in historical nature of Hanover Square can't only be made when it's convenient. My opinion is cell towers belong out - not in a residential area, out near the interstate, not in the heart of the Village. I read comments stating that the Do It Center is not historic. But I don't believe compounding this makes it ok. I read about how it will be tucked away and unnoticed. It would be an aberration for Hanover Square. What if they want to increase height later. The eyesore that may be approved today could get

worse. Verizon says this is optimal location, there can't be just one choice. An alternate may not be the ideal, but it may just need to be. Verizon's job should be flexible. Village garage and ball fields are not alternatives. Hard to believe that a 104' cell tower would go on Market Street in Corning. Hanover Square should get the same respect. Verizon needs a workable solution.

Chairman Radin - all of us have considered everything you said at one point. Our knee jerk reaction to this was no. For those reasons. I still haven't completely let go of that. But the other arguments are persuasive in many ways. We have several things to consider - do we agree with the necessity. Do we agree with Verizon on this being only site. Why would they go through the expense of building this just for the heck of it. That says that it is a business necessity. Every cell company wants to say they offer comprehensive coverage. There are many towers all around us - some we don't even notice. Does that usurp your argument - no.

Arthur Sullivan, Miller St. - I am the owner of the property. I have learned a lot on this in the last few months. As a personal and family decision, and a Village decision. I've been a resident here all my life. I've had doubts back and forth. I am now completely certain of the safety of this, and the integrity of the Village. Through the balloon photos I feel integrity of Village will not be displaced. I'm very proud of this Village and I did think of this.

Hank Corp - what will it be made of.

John Engelbert - galvanized steel. Won't rust.

Full SEQR Review - Part 2

The Board Members read, discussed and completed all the questions on Part 2 of the Long Form SEQR. Same is attached to and made a part of these minutes.

Discussion on questions where "Yes" was the answer, or where discussion occurred, was as follows:

Item #1 - Impact on Land

Answer would be Yes, but No to sub questions.

Item #5 - Impact on Flooding

Yes, it is located in a 100 and 500 yr flood plain.

Item #9 - Impact on Aesthetic Resources

Yes and Yes to subquestion a.

Item #10 - Impact on Historic and Archeological Resources

Yes....discussion ensued regarding 10.a. Several boardmembers felt the answer to 10.a should be No, or small impact. Mr. van Dinther disagreed, felt it should be Moderate. Ashley Champion stated that its kind of like any other utility installations that are visible - electrical poles, telephone wires. The majority agreed to say it is No, or small impact.

Item #14 - Impact on Energy

Yes, but No to subquestions.

Item #15 - Impact on Noise, Odor, and Light

Discussion....Mr. Engelbert said there will be a generator in case of a power outage to the site, which is tested once a week. No noise greater than any other background noise as the generator is going to be housed inside a structure.

Answer is No.

Item #17 - Consistency with Community Plans

Yes.....Discussion....it is located in an M1 zone, but visible from Hanover Square District. Comp Plan doesn't address cell towers. The answer would be yes, it is not consistent with the plan, regarding height.

17.a. Yes

17.c.....discussion on whether it is small or moderate impact. Atty. Groff said your not applying traditional methods in granting of area variance. But you still have burden of determining magnitude of deviation. Answer is Yes.

Item #18 - Consistency with Community Character

Discussion.....this Village has many different and unique characteristics. Answer to 18 is No.

Full SEQR Review - Part 3 - Determination of Significance

The Board Members read, discussed and completed Part 3 of the Long Form SEQR, identifying any impacts listed on Part 2. Same is attached to and made a part of these minutes.

Item #1 - Impact on Land - The proposal will cause construction of a tower, fence, concrete pad and one outbuilding.

Item #5 - Impact on Flooding - The proposed site is within a designated flood plain; however the impact is mitigated with the use of standard foundation and building procedures applicable to this situation.

Item #9 - Impact on Aesthetic Resources - The project is within several hundred feet of a designated NYS Historical District and is aesthetically incompatible with the surrounding architecture of the Village's center. It is visible from several vantage points in the historic district. Because of court rulings in the matter of cell tower construction, the ZBA concludes that objections based purely on aesthetic impact is an inadequate course of action, and subordinate to the technological advantage that the tower brings to the community.

Item #10 - Impact on Historic and Archeological Resources - see comments for #9 above.

Item #17 - Consistency with Community Plans - The proposed tower is two times the allowable height according to the building code.

Item #18 - Consistency with Community Character - see comments for #17 above.

Board Discussion:

Hank Corp - I feel it is necessary for the Village to progress. Progress sometimes leaves scars.

Lew Vanduzer - I don't think any of us knew much about cell towers. We did suggest alternate sites. They came back with reports on those. I think they did a good job with information we requested. I have lived here all my life and I can see its probably not the best spot, but it will likely help us. I had a problem at first, but after reading everything it's the spot to be. Now there is so much data going back and forth.

Louise McIntosh - I don't want it in the middle of Hanover Sq. The location should be minimal visibility. But my concern was if we don't do this, in the future our fire and ems people will be using data to find and help people and victims, etc. It will come to that and we have to be ready. I worked with Market Street restoration agency. I don't see this as being anything as blatant as some things I can see that are already here. I do feel this is important for safety.

Chairman Radin - ditto those comments. My first reaction was no, but as I read all the information I came to understand. We do have good cell coverage here., but one comment from Verizon was as 4G becomes the standard what is this going to mean to electronic capacity. It

came out that those types of communications to get jammed up. I don't want my community to be the place where people have dropped calls. Tech advantage trumps what we don't like about it.

Tony van Dinther- is it normal to ask them to pay for our consultant.

Atty. Groff - The Village has a local law that provides for that. When an application is presented outside our normal expertise and requires outside study then you have the ability to charge back to the applicant the cost of that expert services.

Chairman Radin - if we approve this we do say that we agree with where it has to be.

Tony van Dinther - is there another tower application going to come out and they will say we just approved this one.

Ashley Champion - in our showing of need, we don't have anything else planned at this time.

Atty. Groff - yes it does create precedent but requiring applicant to convince you of proof of need for a particular location.

Chairman Radin - will it be constructed so that it can entertain someone elses antenna on your tower.

Ashley Champion - yes, its designed for collocations.

Atty. Groff - I asked for a removal bond provision - 75K - I asked bob Bergdorf for estimate of removal - their engineers estimated 100K.

Ashley Champion - I just emailed you that we have a stamped certified letter from our engineers that its \$35K.

Atty. Groff - so we'll keep it at 75k. Costs of demo will not be the same years down the road.

Lew van Duzer- Planning Board suggested liability insurance.

Atty. Groff - many communities require the applicant to provide general public liability insurance. Many communities require the applicant to name the community as additional insured. I believe its Verizon's practice to provide its own coverage either through self insurance, etc. In terms of the imposition of this condition, the point has been raised that you've hadn't required this from other applicants. You do have liability ins already. Every lawyer will tell you to get more insurance. So its really a judgment call as to whether you want to ask this applicant to do it.

Ashley Champion - we have no problem providing certif. of ins. Only issue is naming you as additional insured. We would only do that if this was on Village property.

Proposed Resolution offered by John Groff:

WHEREAS, on or about July 28, 2014 NYNEX Mobile of NY L.P., d/b/a Verizon Wireless, applied to the Village of Horseheads Zoning Board of Appeals for a building permit, area variance, use variance, and special permit for the construction and installation of a 104 ft. mono pole telecommunications facility, 12 x 30 equipment building, and associated improvements ("facility") to be installed on premises near 130 N. Main Street, Village of Horseheads (59.06-1-2.1). Said application consisting of materials at lettered tabs A-M, and

WHEREAS, in response to various requests from Village of Horseheads and queries the applicant has submitted the following additional materials:

- Dated October 6, 2014: Materials at lettered tabs N-P,
- Dated October 8, 2014: Materials at lettered tab Q
- Dated November 11, 2014: Materials at lettered tabs R-T
- Dated November 12, 2014: Various materials
- Dated November 17, 2014: Materials at lettered tab U, and

WHEREAS, the Village retained the services of the Center for Municipal Solutions to review the application and provide the Village with analytical services associated with the application and review of same by various Boards, and

WHEREAS, the foregoing materials were presented to and reviewed by the Village of Horseheads Planning Board which conducted a number of public meetings at which it reviewed the application and materials supplied by the applicant and also materials submitted by the Village's consultant, and

WHEREAS, the application was referred to the Chemung County Planning Board for review pursuant to GML Section 239m, which Board adopted a motion on September 24, 2014 recommending that the matter be left to local determination, and

WHEREAS, the application was referred to the Town of Horseheads Planning Board which determined on October 1 2014 that the matter should be returned to the Village of Horseheads for local determination, and

WHEREAS, on November 18, 2014 the Village Planning Board adopted a resolution recommending approval of the application with conditions, and

WHEREAS, the application is an Unlisted Action under SEQR and this Board has heretofore conducted an environmental review of the application, as Lead Agency, and has found that there were no significant adverse environmental impacts associated with the application, and has rendered a Determination of Significance finding no significant adverse impacts on the environment and that a Negative Declaration was issued, and

WHEREAS, a public hearing notice was published and posted, said hearing being held on this matter on this date, December 10, 2014, at which time all interested parties were afforded an opportunity to be heard, and

WHEREAS, the facility would, if approved, be located on lands of Arthur F. Sullivan, Mary Helen Hall, Carol G. Sullivan, Kevin R. Sullivan, Bridget K. Sullivan and Patrick M. Sullivan ("owner") who have consented to the application, but do not have an ownership interest in the facility.

NOW THEREFORE BE IT RESOLVED, by the Village of Horseheads Zoning Board of Appeals as follows:

The Zoning Board of Appeals makes the following findings and determinations:

1. The above recitals are incorporated herein as findings of this Board.
2. The applicant has established to this Board's satisfaction proof of need for the facility to service the Village of Horseheads and portions of the Town of Horseheads.
3. Authorizes the issuance to the applicant of the requested building permit, area variance, use variance and special permit, subject to the following conditions which shall apply to the applicant and/or owner, as the case may be, and shall run with the land. The applicant and/or owner shall comply with conditions "f", "h" and "p" before any building permit shall be issued:
 - a) All future colocations and modifications of this permitted facility shall be reviewed and approved by the Zoning Board of Appeals, in advance.
 - b) Repairs and maintenance consistent with this permitted facility do not require approval from the Code Enforcement Officer or Zoning Board of Appeals.
 - c) The permitted facility shall not be artificially illuminated or marked, except as required by law and should be galvanized and/or painted with a rust preventative paint of a neutral color to harmonize with surroundings so as to reduce visual obtrusiveness, and shall be so maintained.
 - d) The permitted facility and antennas shall be located in a fenced enclosure and secured in a manner that prevents unauthorized access.
 - e) No signage shall be permitted on the tower, antennas or facility other than that which was requested or provided for in the application, or is required for public safety purposes or by the FCC or FAA, or by law except that the facility shall have a plaque mounted at eye level identifying the carrier, frequency and date of permit approval.
 - f) The applicant has deposited with the Village Clerk funds and shall further deposit such additional funds so as to have sufficient funds with the Village Clerk to reimburse the Village for all costs for the Village's consultant in providing

evaluation and consultation to the Village and its Boards in connection with review of the application.

- g) Under the following circumstances the Code Enforcement Officer may determine that the health, safety and welfare of the Village warrant and require the removal of the facility:
1. The facility has been abandoned, i.e. not used as a wireless telecommunications facility for a period exceeding 90 consecutive days, or a total of 180 days in any 365 day period, except for periods caused by force majeure or acts of God, in which case repair or removal shall be commenced within 90 days.
 2. The facility falls into such a state of disrepair as to cause a health or safety hazard.
 3. The facility has been located, constructed or modified without first obtaining a permit or in a manner not authorized by permit or law.

If the Code Enforcement Officer makes a determination under this provision then the Village shall notify the holder of the permit within 48 hours that said telecommunications facilities are to be removed on such reasonable terms and time frames as the Code Enforcement Officer may direct within not less than 90 days of receipt of written notice from the Code Enforcement Officer.

In such case the holder of the permit, its successors or assigns shall dismantle or remove said telecommunications facility and all associated structures and facilities from the site and restore the site as close to its original condition as is possible within 90 days of receipt of written notice from the Code Enforcement Officer.

If the facilities ordered to be removed are not removed or substantial progress has not been made to remove same within the 90 day period then the Village may remove the facilities at the sole expense of the owner or holder of the permit, dispose of such facilities as it sees fit, and charge a tax lien against the property on which the facilities are situate to cover the Village's costs, and draw upon any bond or performance security available to the Village for the costs of such action.

- h) Prior to the issuance of any building permit the applicant and the owner shall, at their cost and expense, be jointly required to execute and file with the Village a bond or other form of security, acceptable to the Village Attorney as to the type of security and the form and manner of execution, in an amount not less than \$75,000, and with such sureties as are deemed sufficient by the Village Attorney to assure the faithful performance of the terms and conditions of this permit including payment of costs of future demolition of an abandoned or dilapidated telecommunications tower or other facility. The full amount of the bond or

security shall remain in full force and effect while the facility is in existence and until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the permit or other approval.

- i) The owner or applicant shall provide for and conduct an inspection of the tower, antenna, and facilities at least once every five years to insure that its structural integrity is maintained in compliance with standards contained in applicable state and local building codes and applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. A report shall be provided to the Village Code Enforcement Officer verifying compliance with this approval and conditions contained herein. If upon inspection the Village concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner or the applicant then the owner or applicant shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for removal of such tower or antenna.
- j) All towers and supporting facilities shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with authority to regulate towers, antennas, and such facilities. If such standards and regulations are changed, then the owners of the towers, antennas and facilities subject to this approval shall bring such towers, antennas and facilities into compliance with such revised standards and regulations within 6 months of the effective date of same unless a different compliance schedule has been mandated by the controlling state or federal agency. Failure to bring the towers, antennas and facilities into compliance with such revised standards and regulations shall constitute grounds for removal of the tower or antenna at the owners expense.
- k) Towers, antennas and facilities shall not be regulated or permitted as essential services, public utilities or private utilities.
- l) Emergency or backup generators shall be suitably soundproof so that the noise volumes measured at all property lines shall not exceed ambient levels. A night time restriction of 50 decibels at all lot lines is imposed.
- m) All wireless communications towers and antennas must permit repeaters for use by Village of Horseheads emergency services including but not limited to fire, police, and emergency medical services without charge to the Village unless it is shown that a specific facility is not technically able to provide proper and adequate service.

- n) Use of any portion of the telecommunications facility for signs for promotion or advertising purposes including but not limited to company name, phone numbers, banners, streamers, and balloons is prohibited except as is otherwise specifically requested in the application.
- o) The facility shall be constructed in substantial conformity with the drawings, plans and specifications for the facility submitted to this Board by the applicant, except as provided in this approval or by law, code, rule or regulation.
- p) The applicant shall cause its application, drawings, plans and specifications to be revised to design the tower in such a manner that if same shall fall, it will remain within the property boundaries of the leased premises and avoid habitable structures, public streets, utility lines and other facilities.

Motion made by Lew VanDuzer, seconded by Hank Corp.

Roll Call Vote:

Chairman Radin	Aye
Lew VanDuzer	Aye
Hank Corp	Aye
Louise McIntosh	Aye
Tony van Dinther	Aye

As there was nothing further to come before the Zoning Board of Appeals, the meeting was adjourned at 4:27 p.m.

/rmb

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

Agency Use Only [If applicable]

Project :

Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

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

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) NO YES
If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) NO YES
If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. NO YES

(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) NO YES

If "Yes", answer questions a - c. If "No", go to Section 13.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems. NO YES
 (See Part I. D.2.j)
If "Yes", answer questions a - g. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy. NO YES
 (See Part I. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting. NO YES
 (See Part I. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans
 The proposed action is not consistent with adopted land use plans.
 (See Part 1. C.1, C.2. and C.3.)
If "Yes", answer questions a - h. If "No", go to Section 18.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character
 The proposed project is inconsistent with the existing community character.
 (See Part 1. C.2, C.3, D.2, E.3)
If "Yes", answer questions a - g. If "No", proceed to Part 3.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Project :

Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Item #1 – Impact on Land – The proposal will cause construction of a tower, fence, concrete pad and one outbuilding.

Item #5 – Impact on Flooding – The proposed site is within a designated flood plain; however the impact is mitigated with the use of standard foundation and building procedures applicable to this situation.

Item #9 – Impact on Aesthetic Resources – The project is within several hundred feet of a designated NYS Historical District and is aesthetically incompatible with the surrounding architecture of the Village's center. It is visible from several vantage points in the historic district. Because of court rulings in the matter of cell tower construction, the ZBA concludes that objections based purely on aesthetic impact is an inadequate course of action, and subordinate to the technological advantage that the tower brings to the community.

Item #10 – Impact on Historic and Archeological Resources – see comments for #9 above.

Item #17 – Consistency with Community Plans – The proposed tower is two times the allowable height according to the building code.

Item #18 – Consistency with Community Character – see comments for #17 above.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Village of Horseheads Zoning Board of Appeals _____ 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: NYNEX Mobile of NY L.P., d.b.a Verizon Wireless, 104' Telecomm. Tower, Village of Horseheads

Name of Lead Agency: Village of Horseheads Zoning Board of Appeals

Name of Responsible Officer in Lead Agency: David Radin

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Walter Herbst, Village Manager

Address: 202 S. Main Street, Horseheads, NY 14845

Telephone Number: 607-739-5666

E-mail: wherbst@horseheads.org

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>