

Reasons Supporting This Determination (con't):

Similarly, because there is no physical construction as a part of this action, there is no direct impact on open space, recreation, critical environmental areas, transportation, energy, noise, odor, public health, or growth or character of the neighborhood. On the contrary, the proposed zoning offers amendments which will provide positive impact on the environment, character of the community, and public health of its citizens.

A number of amendments control the density of development, and therefore limit the direct impact of development on land, air, water, plant, animal, and other environmental factors, as well as to limit the impact on related factors such as traffic, noise, and energy use.

The proposed zoning amendment limits the number of principal buildings per lot, and maintains relatively large lot size requirements, controlling the density of development throughout the town. The proposed zoning amendment also places restrictions on existing parcels which do not meet the area requirements set out in the current land use ordinance. This further controls the density of development throughout the town. Pre-existing undersized lots are particularly evident in desirable, but environmentally sensitive, areas such as the Hinckley Reservoir, so additional control of density in these areas is especially positive for the environment.

The proposed zoning amendment does provide for some additional commercial activity in the form of commercial and mixed-use districts. However, these districts were limited in size, and placed along state highways in areas already experiencing commercial traffic. The commercial district, for example, was placed in the short length of highway between the villages of Poland and Cold Brook. The mixed-use districts were placed along State Routes 365 on the north side of Hinckley Reservoir and along State Route 8 north of the Village of Cold Brook. The impacts of this limited additional commercial activity is therefore expected to be small.

The proposed zoning also allows two-family residences throughout the Town. Theoretically, this could result in a doubling of the residential population and density. However, the proposed zoning maintains relatively large lot size requirements, and the percentage of residences which actually convert to two-family structures is expected to be small. Therefore, it is expected that the resulting impact on environmental factors will be small.

The proposed zoning would also not have an adverse impact on water resources. On the contrary, the proposed zoning provides for a shoreline protection overlay to preserve sensitive habitats, minimize erosion, and control stormwater quantity and

quality. The proposed zoning also provides a wellhead protection overlay to control development in the recharge area of the Village of Poland water supply, thereby protecting water quality.

The proposed zoning would also not have any adverse impact on aesthetic resources. The proposed zoning provides scenic corridor overlays to preserve important views and vistas. The proposed action also includes control of signs, and also controls outdoor lighting, which is intended to minimize the effects of light pollution, as well as to impact demands on energy consumption.

Finally, the amendment provides more effective control over the expansion of potentially destructive land uses, such as extractive industries. This will have direct positive impact on the physical alteration of land, water, air, and aesthetic resources.

In eliminating extractive industries as a permitted use, but allowing current operations to continue as a pre-existing non-conforming use, the Town has taken into consideration the economic and material needs of the local and regional communities. An analysis of New York State Department of Conservation data shows that the Town of Russia hosts eight active mines, providing a permitted mining area of nearly 444 acres. In addition, the life-of-mine area for these mines totals nearly 835 acres. That is, the current life-of-mine area offers the potential to nearly double the acreage already permitted for mining. On the other hand, only 27 acres of the active mines have been reclaimed to date. Therefore, it is reasonable to conclude that the proposed zoning offers the region decades of availability for building construction raw materials. In addition, the analysis shows that the Town of Russia is not the only regional supplier of extractive materials. The eight Oneida and Herkimer County towns which adjoin the Town of Russia host a total of eighteen active mines, providing an additional 243 permitted acres for mining and an additional 470 acres total life-of-mine. Only 17 of those acres have been reclaimed to date. Therefore, it is reasonable to conclude that the proposed zoning is fully supportive of regional needs regarding extractive industries, and that those needs are being balanced by other plan goals.

Regarding open space and recreation, the proposed zoning maintains relatively large lot sizes and implements measures to reduce density of development and protect open space and recreation, such as shoreline protection overlays and scenic overlays. Therefore, the proposed zoning will have a positive impact on open space and recreation.

The proposed zoning will not have an adverse impact on transportation. Relatively large lot sizes, more detailed site plan review standards, and provisions to limit density of development will minimize the impact of development of transportation. A new commercial district and mixed-use districts have been created to provide greater economic opportunity, but these have been limited in size and placed along state highways to minimize the impact on traffic volume and density.

The proposed zoning will not have an adverse impact on the growth and character of the community or neighborhoods. The proposed zoning is fully consistent with the Comprehensive Plan, and makes the land use ordinance more in conformity with that plan, thereby protecting community character and growth, as well as the physical environmental resources. The proposed zoning reinforces the goals stated in the Plan, foremost of which is to preserve the Town of Russia as an uncrowded, rural, residential area. Some provisions are made for affordable housing, such as individually sited mobile homes and the establishment of two-family housing as a permitted use. In addition to provisions to limit the density of development, the proposed action also places additional restrictions on pre-existing non-conforming uses and structures. The intent of these regulations is to recognize and allow for lawfully existing non-conforming uses and structures to continue until they are removed, but not to encourage their survival. This promotes the gradual conformity of uses and structures to the stated requirements of the land use regulation, ensuring greater consistency with the community.

Specific findings are as follows:

1. Based upon a thorough examination of the Zoning Ordinance and proposed amendments thereto, Part 1 and Part 2 of the FEA, the SEQRA regulations at 6 NYCRR 617.7, and based further on comments received from the public, the Town Board's knowledge of the Town of Russia, and such further investigation as the Town Board has deemed appropriate, the Town Board has identified the following relevant areas of environmental concern in connection with the proposed amendments to the Zoning Ordinance and makes the following findings:
2. The proposed amendments to the Zoning Ordinance are intended to clarify the existing purpose of the Zoning Ordinance and to bring the existing Zoning Ordinance more in agreement with the Comprehensive Plan of the Town of Russia.
3. The proposed amendments to the Zoning Ordinance do not involve any construction or excavation, nor do the proposed amendments encourage additional construction or excavation activity beyond that currently allowed by the existing Zoning Ordinance. The proposed zoning amendment includes a number of provisions to limit the potential for development, including maintaining relatively large lot size requirements, limiting parcels to a single principal building per lot, and placing restrictions on existing parcels which do not meet the area requirements set out in the current land use ordinance. To

the extent that the proposed amendments to the Zoning Ordinance eliminate extractive industries as a permitted use, the proposed amendments also serve to better protect land resources. Therefore, the proposed amendments to the Zoning Ordinance would not cause a substantial adverse change in land resources.

4. In eliminating extractive industries as a permitted use, but allowing current operations to continue as a pre-existing non-conforming use, the Town has taken into consideration the economic and material needs of the local and regional communities. An analysis of New York State Department of Conservation data shows that the Town of Russia hosts eight active mines, providing a permitted mining area of nearly 444 acres. In addition, the life-of-mine area for these mines totals nearly 835 acres. That is, the current life-of mine area offers the potential to nearly double the acreage already permitted for mining. On the other hand, only 27 acres of the active mines have been reclaimed to date. Therefore, it is reasonable to conclude that the proposed zoning offers the region decades of availability for building construction raw materials. In addition, the analysis shows that the Town of Russia is not the only regional supplier of extractive materials. The eight Oneida and Herkimer County towns which adjoin the Town of Russia host a total of eighteen active mines, providing an additional 243 permitted acres for mining and an additional 470 acres total life-of-mine. Only 17 of those acres have been reclaimed to date. Therefore, it is reasonable to conclude that the proposed zoning is fully supportive of regional needs regarding extractive industries, and that those needs are being balanced by other plan goals.

5. The proposed amendments to the Zoning Ordinance would not cause a substantial adverse change in wetlands or existing ground or surface water quality. Abundant supplies of clean, pure fresh water in the Town of Russia, including Hinckley Reservoir, West Canada Creek, and Black Creek, are absolutely necessary for the health, safety and prosperity of residents of the Town of Russia. The proposed amendments to the Zoning Ordinance do not involve any construction or encourage significant additional construction activity above current levels. Therefore, the proposed amendments do not cause any significant adverse impacts to protected or non-protected water bodies, surface or groundwater quality or quantity, or drainage flow or patterns. To the extent that the proposed amendments to the Zoning Ordinance would continue to maintain the Town of Russia as an uncrowded, rural, residential area, control existing under-sized lots, which are especially numerous in the vicinity of shorelines, and limit the expansion of non-conforming uses, the proposed

amendments would serve to protect and maintain the existing high quality of wetlands, surface water bodies, and groundwater supplies in and around the Town of Russia. The proposed zoning ordinance does allow residential uses in areas without public water and sewer services, but the proposed ordinance requires relatively large lot sizes and the town has abundant supply of ground water, so there will not be a significant impact on the ground water quality or quantity. Specific provisions to create Shoreline Protection Overlays and a Wellhead Protection Overlay further serve to protect and maintain ground and surface water quality.

6. The proposed amendments to the Zoning Ordinance would not cause a substantial adverse change in existing air quality in the Town of Russia. The first goal of the Zoning Ordinance is to maintain the Town of Russia as an uncrowded, rural, residential community with large areas of undeveloped open space. To the extent that the proposed amendments to the Zoning Ordinance limit parcels to a single principal structure, control under-sized lots and the expansion of non-conforming uses, and eliminate extractive industries as a permitted use, the proposed amendments to the Zoning Ordinance would serve to maintain the excellent air quality presently enjoyed by the residents of the Town of Russia by controlling emissions from dense development and truck traffic.
7. The Zoning Ordinance regulates the intensity of the use of land within the Town of Russia and the proposed amendments to the Zoning Ordinance would not cause the removal or destruction of large quantities of vegetation or fauna, a substantial interference with the movement of any resident or migratory fish or wildlife species, substantial adverse impacts on any significant habitat area, or other significant adverse impacts to natural resources. The proposed amendments to the Zoning Ordinance would allow maintenance of critical water and land habitats, prevent the fragmentation of forests, and prevent the introduction of pollution to the habitats. The proposed amendments to the Zoning Ordinance do not involve any construction, nor do the proposed amendments encourage additional construction or excavation activity beyond that currently allowed by the existing Zoning Ordinance. To the contrary, the proposed amendments limit parcels to a single principal structure, control density of development, and better control destructive and non-conforming uses. Residents have reported the presence of threatened, endangered, and sensitive species and habitats, but the proposed amendments to the Zoning Ordinance are intended to preserve existing habitat and would not cause any

- substantial adverse impact to any threatened or endangered species, or non-threatened or non-endangered species.
8. The proposed amendments to the Zoning Ordinance would not cause a substantial adverse change in agricultural land resources. The proposed amendments to the Zoning Ordinance do not involve any construction or encourage additional construction activity. The proposed amendments do not convert agricultural land into non-agricultural uses. By contrast, the proposed amendments to the Zoning Ordinance clarify that one of the goals of the Zoning Ordinance is to provide for the continuation and development of agriculture wherever suitable. The Zoning Ordinance seeks to preserve open space and the sustainability of farmland, and to the extent the proposed amendments to the Zoning Ordinance clarify the existing intent of the Zoning Ordinance, the Zoning Ordinance and the proposed amendments thereto serve to protect agricultural lands from encroachment by rapid population growth and heavy industrial uses, and the proposed amendments to the Zoning Ordinance would not cause a substantial change in the use of land, including agricultural, open space, or recreational resources, or in the land's capacity to support existing uses. The proposed amendments to the Zoning Ordinance would maintain open spaces for future recreational use and would not reduce important open spaces which exist throughout the Town of Russia.
 9. The proposed amendments to the Zoning Ordinance would not cause a substantial adverse change in aesthetic resources. The proposed amendments would clarify one of the goals of the Zoning Ordinance to protect scenic areas. A specific provision for creating Scenic Overlays furthers this goal. The proposed amendments also include regulations on signage, and also outdoor lighting to better control light pollution.
 10. The Zoning Ordinance regulates the use of land within the Town of Russia so as to preserve the existing character of the community and important historical characteristics of lands and structures in the Town of Russia, and the proposed amendments to the Zoning Ordinance would not cause the substantial adverse impairment of the character or quality of important historical archeological, architectural or aesthetic resources. The proposed amendments to the Zoning Ordinance would limit any further industrial scale impacts to the Hamlet of Russia Historic District.
 11. The proposed amendments to the Zoning Ordinance would not cause any substantial adverse impacts to open space and recreation. The proposed

- amendments do not foreclose future recreational opportunities, and do not cause a significant reduction of an open space important to the community. The proposed amendments reaffirm a goal of the Zoning Ordinance to maintain the Town of Russia as an uncrowded, rural, residential community with large areas of undeveloped open space. The creation of Scenic Overlays protects vistas and views, and the creation of Shoreline Protection Overlays preserves vital water recreational areas.
12. There are no Critical Environmental Areas within the Town of Russia, and the proposed amendments to the Zoning Ordinance therefore would not cause the impairment of the environmental characteristics of any Critical Environmental Area as designated pursuant to 6 NYCRR 617.14.
 13. The proposed amendments to the Zoning Ordinance would not cause a substantial increase in traffic above existing levels. To the extent the Zoning Ordinance and the proposed amendments thereto seek to prevent rapid population growth and limit additional heavy industry in the Town of Russia, the Zoning Ordinance and the proposed amendments thereto would serve to maintain existing traffic patterns and limit any increase of truck traffic in and around the Town of Russia. Some additional commercial activities are permitted to balance environmental and economic needs, but these activities are limited in area and are restricted to state highways to lessen the impact on traffic density and volume.
 14. The proposed amendments to the Zoning Ordinance would not cause a substantial change in the use of either quantity or type of energy presently used in the Town of Russia. The proposed amendments to the Zoning Ordinance would clarify a goal of the Zoning Ordinance to maintain the Town of Russia as an uncrowded, rural, residential community with large areas of undeveloped open space. The proposed amendment would also clarify a goal of Zoning Ordinance to provide for gradual, modest residential development in ways not likely to encourage rapid population growth. The Zoning Ordinance of the Town of Russia maintains relatively large lot sizes, and the proposed amendments limit parcels to a single principal structure, limit the expansion of non-conforming uses, and control the extent of new commercial activity. Therefore, there would not be a substantial increase in the use of energy within the Town of Russia.
 15. The Zoning Ordinance regulates the intensity and types of allowable uses of land in part to avoid noise and odors which would be objectionable to other property owners, and the proposed amendments to the Zoning Ordinance would not

- cause a substantial adverse change in existing noise and odor levels in and around the Town of Russia. By limiting the expansion of non-conforming uses, and placing new commercial activity along state highways in areas already experiencing commercial activity, the proposed amendments would better control activities that would be incompatible with neighboring uses.
16. The Zoning Ordinance seeks to control the use of land so as to avoid the creation of hazards to human health or the environment, and the proposed amendments to the Zoning Ordinance would not cause the creation of any hazard to human health. The proposed amendments to the Zoning Ordinance would limit the risk of explosion, the release of hazardous substances, and the creation of hazardous wastes. The proposed amendments to the Zoning Ordinance would also not cause a substantial increase in the production of solid waste.
 17. The Zoning Ordinance controls the use of lands within the Town of Russia to minimize negative impacts from land uses on the character of the community, and the proposed amendments to the Zoning Ordinance are consistent and in accordance with the Town of Russia Comprehensive Plan which seeks, among other things, to preserve the environment, including the land, waters, air, open spaces, and woodlands, and to assure the sustainability of farmland within the Town of Russia.
 18. The Zoning Ordinance regulates the use of land within the Town of Russia so as to preserve the existing character of the community and important aesthetic and historical characteristics of lands and structures in the Town of Russia, and the proposed amendments to the Zoning Ordinance would not cause the substantial adverse impairment of the character or quality of important historical archeological, architectural or aesthetic resources, or of existing community character. The proposed amendments to the Zoning Ordinance would substantially maintain existing land use patterns, and would limit land uses visible to users of the Town of Russia's numerous and diverse scenic and aesthetic resources. The proposed amendments to the Zoning Ordinance would limit any further industrial scale impacts to the Hamlet of Russia Historic District.
 19. The proposed amendments to the Zoning Ordinance would not result in the encouraging or attracting of a large number of people to the Town of Russia for more than a few days, compared to the number of people who would come absent the proposed amendments to the Zoning Ordinance.

20. The proposed amendments to the Zoning Ordinance would not create a material demand for other actions that would result in one of the above-referenced consequences.
21. The proposed amendments to the Zoning Ordinance would not cause 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 impact on the environment.
22. The proposed amendments to the Zoning Ordinance are not part of two or more related actions undertaken, funded, or approved by the Town Board or other 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 referenced herein.
23. In making these findings, the Town Board has considered reasonably related long term, short term, direct, indirect, and cumulative impacts, and has considered the significance of any likely consequences of the proposed amendments to the Zoning Ordinance.
24. Based upon the Town Board's investigation and evaluation of the potential environmental impacts of the proposed amendments to the Zoning Ordinance, and considering both the magnitude and importance of each environmental impact therein indicated, the Town Board makes the following determinations with respect to the proposed amendments to the Zoning Ordinance:
 - a. The proposed amendments to the Zoning Ordinance constitute a Type I action as that term is defined at 6 NYCRR 617.2(ai).
 - b. Notwithstanding that the proposed adoption of and amendments to the Zoning Ordinance constitute a Type I action, the Town Board has determined that the proposed amendments to the Zoning Ordinance would result in only small to moderate impacts, and would result in no large and important adverse environmental impacts. In accordance with FEAF and the procedures established for determining significance set forth at 6 NYCRR 617.7, the Town Board hereby determines that the proposed amendments to the Zoning Ordinance will not have a significant effect on the environment, and the Town Board therefore will not require the preparation of an Environmental Impact Statement in connection with the proposed amendments to the Zoning Ordinance.

Negative Declaration Attachment
Zoning Amendment 23 July 2012

25. As a consequence of the foregoing, the Town Board has determined to issue a Negative Declaration for the proposed amendments to the Zoning Ordinance.