

# TOWN OF KENDALL, NEW YORK

## Local Law No. 1 of 2023

### **A Local Law Regulating the Use of Transient or Short-Term Rentals Within The Town of Kendall**

Be it hereby enacted by the Town Board of the Town of Kendall as follows:

#### **SECTION 1: Purpose, Intent, and Findings.**

**Background.** It is the legislative determination of the Town of Kendall Town Board ("Town Board") that the proliferation of short-term rentals of non-owner-occupied properties in the Waterfront Residential ("WR") and Waterfront Development ("WD") Districts (together, "Waterfront Districts") has presented negative impacts to the health, safety, and welfare of the Town of Kendall ("Town"), and as a result, new short-term rental uses shall be prohibited in the Waterfront Districts. However, this prohibition shall not apply to Bed-and-Breakfasts, as defined in the Town of Kendall Zoning Code ("Zoning Code"), that receive a special use permit from the Town of Kendall Planning Board ("Planning Board") pursuant to Section 265-69 of the Zoning Code. The fact that owner occupancy is required for this use mitigates many of the impacts from Transient or Short-Term Rentals. This prohibition shall also not apply to new or preexisting short-term rental uses in residential districts other than the Waterfront Districts.

The residential uses permitted as of right in the Town's Waterfront Districts are one- and two-family dwellings and the specially permitted residential uses in the Town's Waterfront Districts are multiple-family dwellings and Bed-and-Breakfasts. *See* Zoning Code §§ 265-28, 265-29. In adopting the Zoning Code, the Town Board intended residential uses in the Waterfront Districts to be owner-occupied.

**Findings.** New York State has long recognized the difference between transient rentals and longer-term rentals, specifically by classifying transient and non-transient uses differently in the Multiple Dwellings Law. *See* N.Y. MULT. DWELL. LAW §§ 4(8)(a) (McKinney 2012) ("A 'class A' multiple dwelling is a multiple dwelling that is occupied for *permanent* residence purposes."), 9 ("A 'class B' multiple dwelling is a multiple dwelling which is occupied, as a rule, *transiently*, as the more or less temporary abode of individuals or families who are lodged with or without meals.") (emphasis added). The Town Board finds that it is in the public interest that new Transient or Short-Term Rentals be prohibited in the Waterfront Districts due to certain safety concerns with utilizing non-owner-occupied residential structures for Transient or Short-Term Rentals. The non-owner-occupied Transient or Short-Term Rental use brings with it certain impacts that are best kept away from permanent residential and commercial uses, such as: noise, damage to personal and real property, poor upkeep of structures, large gatherings and/or parties, debris, late night

activities, and use of property in a manner that is not permitted by applicable law. The Town Board has seen evidence of these effects in the Waterfront Districts.

Further, the use of Transient or Short-Term Rentals in the Waterfront Districts has also presented parking and traffic impacts. Many roads in the Waterfront Districts are private, single lane roads that are not designed to handle excess vehicle traffic or street parking. There has also been increased speeding on these roads amplifying safety concerns. The Town Board also finds that water safety is a significant issue. Substantial flooding in 2017 and 2019 lead to installation of large stone protection barriers at the waterfront, creating potentially dangerous barriers to accessing the lake. A proliferation of Transient or Short-Term Rentals in the area will increase the number of people trying to access the waterfront, increasing the possibility of injury. Additionally, the Town Board finds that potential contamination to the lake and surrounding area is threatened due to overuse of septic systems in the Waterfront Districts, which were not designed to handle more than one- or two-family use. However, the use of Transient or Short-Term Rentals in residential districts other than the Waterfront Districts has not presented the same negative impacts to the health, safety, and welfare of the Town because of the nature and character of these other districts. For instance, the lot sizes in the other residential districts are typically larger and these districts tend to have a lower density. This creates more suitable space between the Transient or Short-Term rentals and traditional residential uses in these districts, leading to less impact on neighbors. The concerns regarding waterfront safety, flooding, and the health of the lake are also not present in the other districts.

Nevertheless, the Town Board notes the unique tourist opportunities that the Town's location provides. The Town Board also finds that current owners or operators of Transient or Short-Term Rental in the Waterfront Districts may contend that they are pre-existing, legal nonconforming uses and may continue regardless of any change to the local law to reaffirm the Town Board's intent as stated herein. For that reason, and because of the critical public interest involved with this issue, the Town Board determines that pre-existing Transient or Short-Term Rentals in the Waterfront Districts may continue operation as legal non-conforming uses. Such pre-existing Transient or Short-Term Rentals in the Waterfront Districts must obtain a license pursuant to Local Law No. 2 of 2023 (Chapter 235 of the Town Code) in order to continue operating.

Lastly, New York law permits the Town Board to put a definitive end to nonconforming uses, even if they existed lawfully at the time the Town Code was changed. The Town Board, however, determines to allow pre-existing Transient or Short-Term Rentals with a license, as stated herein, and to prohibit such use if it is discontinued for a period of one (1) year. This adequately balances protection of the Town from the concerns identified above, with the potential impacts to the property owner as a result of eliminating the use.

**SECTION 2:** Section 9, Definitions, of Chapter 265 of the Town Code of the Town of Kendall is hereby amended to include the following definitions:

**TOURISTS OR TRANSIENTS.** Individuals occupying a dwelling unit or sleeping unit for less than thirty (30) continuous days.

**TRANSIENT OCCUPANCY.** Living and/or sleeping accommodation provided for compensation for any period of less than thirty (30) consecutive calendar days. Bed-and-breakfasts, motels, and transient short-term rentals shall individually and collectively be considered types of transient occupancies.

**TRANSIENT or SHORT-TERM RENTAL.** A dwelling or dwelling unit, including associated appurtenant facilities, used for transient occupancy by one or more guests, boarders or tenants, where the record owner of the premises is not physically present upon the premises during the transient occupancy, and whether or not meals or cooking facilities are provided for the guests, boarders or tenants, but excluding motel and bed-and-breakfast uses.

**PREEXISTING TRANSIENT OR SHORT-TERM RENTAL.** A Transient or Short-Term Rental that was in operation before the effective date of this Local Law No. 1 of 2023.

**SECTION 3:** Article XII, Transient or Short-Term Rentals, is hereby added to Chapter 265 of the Town Code of the Town of Kendall, to read in its entirety as follows:

**Section 265-107: Regulation of Transient or Short-Term Rentals in the Waterfront Districts.**

- A. With the exception of Bed-and-Breakfasts, as defined in the Zoning Code, that have received a special use permit from the Planning Board pursuant to Section 265-69 of the Zoning Code, no new Transient or Short-Term Rental shall be permitted in the Waterfront Residential or Waterfront Development Districts within the Town.
- B. Notwithstanding any other law or provision of the Town Code to the contrary, Preexisting Transient or Short-Term Rentals shall be considered legal non-conforming uses, and may continue to operate as such. Such Preexisting Transient or Short-Term Rentals must apply for and obtain a license pursuant to Local Law No. 2 of 2023 (Chapter 235 of the Town Code).
- C. If a Preexisting Transient or Short-Term Rental operating pursuant to a valid license issued by the Town Clerk as required in Subsection B above ceases to be utilized for Transient or Short-Term Rental purposes for one (1) year, the use will no longer be deemed legal non-conforming and any resumed Transient or Short-Term Rental use shall be prohibited.

**Section 265-108: Regulation of Transient or Short-Term Rentals in All Other Districts.**

- A. New Transient or Short-Term Rentals are permitted in all residential districts other than the Waterfront Districts, subject to obtaining a special use permit and site plan approval from the Planning Board and obtaining a license to operate a Transient or Short-Term Rental pursuant to Local Law No. 2 of 2023 (Chapter 235 of the Town Code). Applicants for a special use permit and site plan approval to own/operate a Transient or Short-Term Rental must comply with Town Code Chapter 265, Article IX ("Special Permits") and Chapter 265, Article X ("Site Plan").

- B. Preexisting Transient or Short-Term Rentals are permitted to continue operating in all residential districts other than the Waterfront Districts, subject to obtaining a license to operate a Transient or Short-Term Rental pursuant to Law No. 4 of 2022 (Chapter 235 of the Town Code).

**SECTION 4: Severability.** If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Town Board hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

**SECTION 5: Effective Date.** This local law shall be effective immediately upon filing with the office of the New York Secretary of State.

## **TOWN OF KENDALL, NEW YORK**

### **Local Law No. 2 of 2023**

#### **A Local Law Regulating the Issuance of Licenses for Transient or Short-Term Rentals Within The Town Of Kendall**

Be it hereby enacted by the Town Board of the Town of Kendall as follows:

##### **SECTION 1: Purpose, Intent, and Findings.**

**Background.** It was legislatively determined by the Town of Kendall Town Board ("Town Board") via passage of Local Law No. 1 of 2023 that the proliferation of Transient or Short-Term Rentals in the Waterfront Residential ("WR") and Waterfront Development ("WD") Districts (together, "Waterfront Districts") has presented negative impacts to the health, safety, and welfare of the Town of Kendall ("Town"). As a result, the Town Board has prohibited such uses in the Waterfront Districts not in existence prior to the effective date of Local Law No. 1 of 2023 ("Effective Date") and has required all owners and/or operators of Transient or Short-Term Rentals in the Waterfront Districts operating before the Effective Date ("Preexisting Transient or Short-Term Rentals") to apply for and obtain a license pursuant to this Local Law within 120 days of the Effective Date. The Town Board has also required owners and/or operators of new Transient or Short-Term Rentals in all other residential districts in the Town to obtain a license pursuant to this Local Law as well as special use and site plan approval from the Town of Kendall Planning Board ("Planning Board") pursuant to Chapter 265 of the Town of Kendall Zoning Code ("Zoning Code"). Lastly, the Town Board has required owners and/or operators of Preexisting Transient or Short-Term Rentals in all other residential districts in the Town to obtain a license pursuant to this Local Law as well. These restrictions and requirements shall not apply to Bed-and-Breakfasts, as defined in the Zoning Code, that have received a special use permit from the Planning Board pursuant to Section 265-69 of the Zoning Code.

**Findings.** The Town Board finds that it is in the public interest that new Transient or Short-Term Rentals be prohibited in the Waterfront Districts due to certain impacts to the health, safety, and welfare of the Town's residents from utilizing typical residential structures for Transient or Short-Term Rentals. Transient or Short-Term Rental uses present certain impacts that are best kept away from permanent residential and commercial uses, such as: noise, damage to personal and real property, poor upkeep of structures, large gatherings and/or parties, debris, late night activities, and use of property in a manner that is not permitted by applicable law. These impacts are also experienced at unpredictable intervals given the intermittent nature of Transient or Short-Term Rental use. The Town Board has seen evidence of these effects. The Town Board has also found that proximity of these uses to the lake has presented additional concerns regarding water safety, flooding, and contamination that are not being observed in other districts.

However, the Town Board also finds that current owners of Preexisting Transient or Short-Term Rentals may contend that they are pre-existing, legal nonconforming uses and may continue regardless of any change to the local law. For that reason, and because of the critical public interest involved with this issue, the Town Board determines that owners of Preexisting Transient or Short-Term Rentals in the Waterfront Districts may continue operation upon receipt of a license issued pursuant to this Local Law. The Town Board determines to allow Preexisting Transient or Short-Term Rentals with a license, but to prohibit such use if it is discontinued for a period of one (1) year. This adequately balances protection of the Town from the concerns identified by the Town Board, with the potential impacts to owners of Preexisting Transient or Short-Term Rentals as a result of eliminating the use entirely.

The Town Board also determines that owners/operators of new and Preexisting Transient or Short-Term Rentals in all other residential districts must also obtain licenses issued pursuant to this Local Law in order to operate in the Town.

**SECTION 2.** Chapter 235, Transient or Short-Term Rentals, is hereby added to the Town Code of the Town of Kendall, to read in its entirety as follows:

**Article I: General Provisions**

**Section 235-1. Title.**

This chapter shall be referred to as the “Transient or Short-Term Rental Licensing Law.”

**Section 235-2. Authority.**

The Town Board has the power and authority pursuant to Municipal Home Rule Law § 10 and Town Law §§ 136 and 137 to require and issue licenses for the operation of Transient or Short-Term Rentals in the Town within the limits of this Local Law.

**Section 235-3. Purpose.**

The purpose of this chapter is to provide for the licensing of permitted Transient or Short-Term Rentals within the Town by establishing requirements for obtaining such licenses and creating a fee structure for such licenses.

**Section 235-4. Application.**

This chapter shall apply to property located within the Town and used for Transient or Short-Term Rental use.

## **Article II: Terminology**

### **Section 235-5. Definitions.**

**Preexisting Transient or Short-Term Rentals.** A Transient or Short-Term Rental that was in operation before the effective date of Local Law No. 1 of 2023 and which has received a license to continue operation from the Town Clerk pursuant to this chapter.

**Tourists or transients.** Individuals occupying a dwelling or dwelling unit for less than thirty (30) continuous calendar days.

**Transient occupancy.** Living and/or sleeping accommodation provided for compensation for any period of less than thirty (30) consecutive calendar days. Bed-and-breakfasts, motels, and transient or short-term rentals shall individually and collectively be considered types of transient occupancies.

**Transient or Short-Term Rental.** A dwelling or dwelling unit, including associated appurtenant facilities, used for transient occupancy by one or more guests, boarders or tenants, where the record owner of the premises is not physically present upon the premises during the transient occupancy, and whether or not meals or cooking facilities are provided for the guests, boarders or tenants, but excluding motel, hotel, and bed-and-breakfast uses.

### **Article III: General Procedures for Licensure of Transient or Short-Term Rentals.**

#### **Section 235-6: License Required.**

- A. A Transient or Short-Term Rental is classified as a use requiring a license because of the potentially unpredictable intensity of use and resulting conflicts with other adjoining and nearby uses.
- B. No person, firm, or entity shall own, operate, or manage a new or Preexisting Transient or Short-Term Rental in the Town and no person, firm, or entity shall permit the operation of a new or Preexisting Transient or Short-Term Rental on premises owned by him, her, or it, without a duly issued license from the Town Clerk to operate such a use ("Short-term Rental License" or "STR License"). All Transient or Short-Term Rentals shall be required to obtain an STR License biannually from the Town Clerk, the original or copy of which shall be prominently displayed in a front window of the subject residence in such manner so that it is clearly visible from the public sidewalk, or from the street if there is no sidewalk. STR Licenses issued for Transient or Short-Term Rentals shall be valid for two years and shall be renewed biannually.

#### **Section 235-7: License Application.**

##### **A. Application for an STR License.**

- (1) Procedure. All owners or operators of Preexisting Transient or Short-Term Rentals shall submit an application to the Town Code Enforcement Officer for an STR License no later than 120 days from the Effective Date. All owners or operators of new Transient or Short-Term Rentals proposed to be located in a residential district other than the Waterfront Districts shall also submit an application to the Town Code Enforcement Officer for an STR License before operation. Once the application for a license to operate a new or Preexisting Transient or Short-Term Rental is submitted, the applicant shall schedule with the Town Code Enforcement Officer the necessary inspection of the Transient or Short-Term Rental not less than 60 days prior to the effective date of the STR License.
  - (a) Following review of a timely application and inspection, and upon a finding of full and proper compliance with all provisions of this chapter, and all other relevant provisions of the Town Code, the Town Code Enforcement Officer shall recommend approval of the STR License application by the Town Clerk. The Town Clerk shall thereafter issue an STR License to the applicant.
  - (b) However, upon a finding of violation(s) of this chapter or other relevant provision of the Town Code, the Town Code Enforcement Officer shall recommend denial of the STR License application to the Town Clerk. Thereafter, the Town Clerk shall submit the application to the Town Board for a final determination on the application, which must be in writing, following notice to the applicant, and giving the applicant an opportunity to be heard.



**B. Application for an STR License renewal.**

- (1) An application for an STR License renewal shall be submitted to the Town Code Enforcement Officer not less than ninety (90) days prior to the expiration date of the STR License. Once submitted, the applicant shall also schedule with the Town Code Enforcement Officer the necessary inspection of the Transient or Short-Term Rental not less than 60 days prior to the effective date of the STR License. Failure to comply with this provision may result in a delay of operation of the use.
  - (a) Following review of a timely renewal application and inspection, and upon a finding of full and proper compliance with all provisions of this chapter, and all other relevant provisions of the Town Code, the Town Code Enforcement Officer shall recommend approval of the STR License renewal application by the Town Clerk. The Town Clerk shall thereafter issue an STR License renewal to the applicant.
  - (b) However, upon a finding of violation(s) of this chapter or other relevant provision of the Town Code, the Town Code Enforcement Officer shall recommend revocation of the STR License pursuant to Section 235-8(B), below.

**C. All applications for an STR License shall include the following information:**

- (1) Current and accurate site plan of the premises (as approved by the Town Board), showing all property lines, building lines, driveways, sidewalks, parking spaces, garbage and recycling storage areas, and any outbuildings and outdoor gathering areas such as patios and decks;
- (2) Floor plans, as determined adequate by the Town Board and which need not be prepared by a licensed design professional, for each building floor level containing space for Transient use, which specifically depict all room sizes and locations, common areas, exits and other facilities;
- (3) A copy of the recorded deed showing all current owners of the premises, and a list of the names, addresses, phone numbers, and e-mail addresses of all property owners and managers of the Transient or Short-Term Rental;
- (4) The number of permanent residents, if any, and the number of Transients proposed to reside on the premises (as authorized per the conditions of the license granted by the Town), including the number assigned to each bedroom shown on the building floor plans;
- (5) The number of available parking spaces for Transient use shown on the site plan as well as the number of vehicles belonging to the owners/permanent residents proposed to be parked on the premises during periods of Transient use;
- (6) If applicable, documentary proof of operation as a Preexisting Transient or Short-Term Rental dated before the Effective Date, which may include, but is not limited to, a copy of the Orleans County occupancy tax certificate for the premises, proof of website hosting of the property, proof of earnings from operation of the

Transient or Short-Term Rental on the property, the adequacy of which shall be subject to Town approval;

- (7) A copy of the house rules provided to all Transients at the time of rental and proof that such house rules are posted on the premises; and
- (8) Such other information as the Town Code Enforcement Officer may reasonably require for the premises in question.
- (9) All applications for an STR License or STR License renewal shall be signed by all record owners of the premises. The application shall include an accurate list of all property owners within 150 feet of the subject premises as indicated on the most recent real property tax assessment roll, including their addresses and phone numbers, and accompanied by a statement that all such owners have been provided a copy of the application.

- D. Each signatory to the application for an STR License or renewal shall swear or affirm to the truth and accuracy of the information contained in the application.
- E. Upon submission of an STR License application and or renewal application, the applicant shall be required to pay a license administration fee to the Town in the amount of \$500, which may be modified from time to time by resolution of the Town Board.
- F. Inspections. All Transient or Short-Term Rentals seeking an STR License or STR License renewal shall be physically inspected by the Town Code Enforcement Officer, or his or her designee, for proper maintenance of the premises, and for general code compliance prior to issuance of an STR License or STR License renewal, in accordance with this chapter.

#### **Section 235-8: License Denial or Revocation.**

- A. Grounds for denial or revocation of license. Any Transient or Short-Term Rental that is not in compliance with the requirements of this chapter, or any other applicable laws or standards, shall not be granted an STR License, and, in the event an STR License has been issued, such license shall be subject to revocation, as herein provided, and the owner(s)/operator(s) of the Transient or Short-Term Rental shall be subject to such other penalties and/or remedies as may be applicable. The existence of any of the following conditions and circumstances shall be deemed violations:
  - (1) Indications of improper maintenance or operation of the property and/or failure to maintain and keep the premises consistent with the character of the neighborhood and in a healthy, safe, and sanitary condition, which shall include, but not be limited to:
    - (a) Exposed garbage or litter on the premises, the placing of trash containers at curbside more than 18 hours prior to pickup, and/or failure to return emptied trash containers to their storage location on the day after pickup;

- (b) Failure to maintain the buildings and grounds in a neat and orderly fashion, including painting and maintenance of exterior surfaces and windows and maintaining and trimming of grass and other vegetation;
  - (c) Parking of vehicles on or about the premises in undesignated and/or unapproved parking areas, such as on the lawn;
  - (d) The occurrence of parties or other gatherings of individuals upon the premises wherein the number of persons gathered upon the premises exceeds the number of persons authorized to be at the premises under the terms of the license;
  - (e) Failure to adhere to quiet hour restrictions between 10:00 pm and 8:00 am;
  - (f) The occurrence of excessive noise and/or other nuisances at any time;
  - (g) Improper use of accessory structures for Transient or Short-Term Rental use;
  - (h) The occurrence of Transients trespassing on other properties. The owner of the Transient or Short-Term Rental shall provide clear definition of property boundaries and state the requirement that Transients are to not trespass on other properties; and
  - (i) Failure to adhere to any other provisions of the laws of the Town of Kendall.
- (2) The occurrence of any acts, incidents, or events upon the premises that constitute violations of any provision of this chapter, or any other provision of the Town Code and/or the New York State Penal Law.
- (3) The conviction upon any formal charges as described in Subsection A(2) shall be prima facie evidence of improper operation of a Transient or Short-Term Rental, and shall constitute grounds for immediate revocation of an STR License, as well as for automatic denial of an STR License renewal application.

B. Procedure for Revocation. Upon determining that the owner or operator of a Transient or Short-Term Rental has committed two or more of the above offending conditions at any time during operation of the Transient or Short-Term Rental, the Town Code Enforcement Officer shall recommend to the Town Board revocation of the STR License relating to the offending Transient or Short-Term Rental. Following such recommendation, the Town Board shall cause the holder of the STR License ("STR Licensee") to be served with written notice of the offending conditions identified by the Town Code Enforcement Officer and the date and time for a hearing which shall be held by the Town Board to consider revocation of the STR License. Following the public hearing, the Town Board shall issue its determination on revocation of the STR License by resolution.

#### **Article IV: Standards.**

##### **Section 235-9: General Standards for Transient or Short-Term Rentals.**

All new and Preexisting Transient or Short-Term Rentals operating under an STR License issued pursuant to this chapter shall abide by the following standards:

- A. The maximum number of persons permitted to occupy any Transient or Short-Term Rental shall be two persons per sleeping room, with an overall maximum of eight persons, subject to available parking, in compliance with all applicable provisions of the New York State Uniform Fire Prevention and Building Code ("Building Code"). The Town Code Enforcement Officer may determine a lower maximum occupancy limit is needed if he or she determines that the number of parking spaces appropriately devoted to the use is insufficient to support the number of intended occupants without adversely affecting adjoining property owners and/or the surrounding neighborhood.
- B. No recreational vehicles, campers, trailers, or motor vehicles larger than a one-ton pickup truck, other than trailers for boats or jet skis to be launched at nearby ramps, may be parked upon the premises during any Transient Occupancy. The number of automobiles, light duty (pickup) trucks, and/or boat and jet ski trailers that may be parked onsite in association with any Transient Occupancy shall be limited to the number of off-street parking spaces designated on the site plan approved by the Planning Board, if applicable. No vehicles may be parked on lawns or in other areas not specifically approved as parking spaces under the provisions of this chapter.
- C. No Transient or Short-Term Rental shall be located above the second floor of any building unless such floor has a fire sprinkler system or has been otherwise constructed in accordance with requirements of the Building Code for residential occupancy of such floors. All Transients must reside in the structure which received the STR License issued by the Town Clerk. Accessory structures and/or vehicles of any type shall not be used for Transient Occupancy.
- D. Each sleeping room within a Transient or Short-Term Rental shall have affixed to the occupied side of the entrance door to the sleeping room a written notice stating the means of egress from the room in case of fire or other emergency, the location of means for transmitting fire alarms, if any, and the evacuation procedures to be followed in the event of a fire or smoke condition, or upon activation of a fire or smoke-detecting or other alarm device.
- E. Dwellings and/or dwelling units used as a Transient or Short-Term Rental shall have no exterior commercial signage or other indication of such use. The dwelling and/or dwelling unit used as a Transient or Short-Term Rental shall, from all exterior indications, be indistinguishable from any conventional dwelling.

- F. All Transient or Short-Term Rental uses shall be limited to the temporary lodging of registered guests (*i.e.*, Transients), and no commercial activities or public or private parties, receptions, meetings, or similar social gatherings or events shall be permitted. Transient Occupancy shall be limited to the number of persons permitted under the STR License issued by the Town Clerk, and the operator of the Preexisting Transient or Short-Term Rental shall maintain a register of all Transients staying at the facility, their permanent addresses, and the dates of their stay. This register shall immediately be made available to the Town Code Enforcement Officer and/or Sheriff Department as part of any Town investigation of complaints regarding the behavior of any Transients or to determine compliance with requirements of an STR License issued for the premises.
- G. Owners/operators of Transient or Short-Term Rentals shall reside in such proximity to the subject premise so as to permit him or her at all days and times to physically be at the subject premise within a reasonable time, but not more than 30 minutes, of acknowledging receipt of a complaint relating to the premises. If the owner of the Transient or Short-Term Rental is unable to meet this requirement themselves, such owner shall have a designated property manager who resides in such proximity to the premises as required herein. If a property manager is so employed, the current contact information for this person(s) shall be kept on file with the Town Code Enforcement Officer and Town Clerk at all times.
- H. Owners/operators of Transient or Short-Term Rentals must at all times be current in the payment of all real property taxes and special assessments, and shall be responsible for complying with other applicable legal and regulatory requirements, including, but not limited to, compliance with New York State building, property maintenance, and safety codes and registration and collection of state and local sales taxes and county occupancy taxes. If available, applicants may register to have applicable taxes and fees collected and remitted by an online host platform.
- I. Owners/operators of Transient or Short-Term Rentals shall provide to the Town proof of general liability insurance against claims for personal injury, death, or property damage occurring on, in, or about the subject premises in an amount not less than \$1,000,000 with respect to personal injury or death, and in an amount of not less than \$300,000 with respect to property damage, which may be modified from time to time by resolution of the Town Board.
- J. Septic systems. If a Transient or Short-Term Rental is located on property that is not on a central sewer system, the applicant for an STR License or STR License renewal shall provide the location, approximate age, and capacity of the sewage system servicing the property at issue to the Town Clerk for approval by the Town Code Enforcement Officer. The applicant shall also submit satisfactory proof that the septic system is in good working order and has been pumped within the past three years, the adequacy of which shall be subject to Town approval. The owner of the Transient or Short-Term Rental, or the owner of the property if not the owner of the Transient or Short-Term Rental, shall maintain the

property's septic system on an inspection and pumping schedule of not more than once every three years, and the owner of the Transient or Short-Term Rental shall provide the Town Clerk with satisfactory proof of compliance with this provision upon its request, or at the time an application for an STR License renewal is submitted.

**Article V: Violations and enforcement.**

**Section 235-10:**

- A. The Town Code Enforcement Officer is hereby authorized to issue appearance tickets, summonses, or other similar notices of violations to STR Licensees in the event the Town Code Enforcement Officer determines the existence of violations of this chapter or any other provision of the Town Code relevant to the Transient or Short-Term Rental.
- B. As noted above in Section 235-8(B), if the Town Code Enforcement Officer recommends revocation of an STR License, the holder of the STR Licensee shall be served with written notice of the offending conditions identified by the Town Code Enforcement Officer and the date and time for a hearing to be held by the Town Board. Following a hearing, the Town Board shall issue its determination on revocation of the STR License by resolution.
- C. Any violation of the provisions of this chapter shall constitute a misdemeanor punishable by a maximum fine of \$3,000, or by imprisonment for not more than six months, or by both such fine and imprisonment. Each day of continued violation shall constitute a separate and additional offense.

## **TOWN OF KENDALL TOWN BOARD**

### **Resolution adopting Local Law No. 1 of 2023 and Local Law No. 2 of 2023**

**WHEREAS**, the Town Board of the Town of Kendall ("Town Board") has considered and evaluated two proposed local laws amending the Town of Kendall Zoning Code ("Zoning Code") to regulate the use of transient and short-term rentals in certain zoning districts in the Town of Kendall ("Local Law No. 1 of 2023") and amending the Kendall Town Code ("Town Code") to license transient or short-term rentals in the Town of Kendall ("Local Law No. 2 of 2023"); and

**WHEREAS**, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act ("SEQRA"), has performed the required environmental review and has issued a Negative Declaration for the proposed local laws; and

**WHEREAS**, the Town Board referred the proposed Local Law No. 1 of 2023 to the Town of Kendall Planning Board ("Planning Board"), which responded with a recommendation for approval; and

**WHEREAS**, the Town Board referred the proposed local laws to the Orleans County Planning Board, in accordance with General Municipal Law § 239-m, which responded with a recommendation to deny approval; and

**WHEREAS**, the Town Board called for a public hearing on the proposed local laws, which was properly noticed to the public; and

**WHEREAS**, in accordance with its public notice, the Town Board conducted the public hearing on January 10, 2023, where all interested parties were allowed to address the proposed local laws;

**NOW THEREFORE BE IT RESOLVED** by the Town Board of the Town of Kendall that:

1. The attached local laws are adopted in their entirety.
2. The attached local laws shall be effective upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

**PASSED AND ADOPTED** on this 21st day of February, 2023 by the Town Board of the Town of Kendall.



## **TOWN BOARD OF THE TOWN OF KENDALL**

### **Resolution Issuing Negative Declaration And Local Waterfront Revitalization Program Consistency Determination For Revision Of Proposed Local Law 1 of 2023 and Local Law 2 of 2023**

**WHEREAS**, before the Town of Kendall Town Board ("Board") are revisions to the proposed local laws amending the Town of Kendall Zoning Code ("Zoning Code") to regulate the use of transient and short-term rentals in certain zoning districts in the Town of Kendall ("Local Law No. 1 of 2023") and amending the Kendall Town Code ("Town Code") to license transient or short-term rentals in the Town of Kendall ("Local Law No. 2 of 2023") (the "Action"); and

**WHEREAS**, the Town Board of the Town of Kendall (the "Town Board") must comply with SEQRA and its implementing regulations at 6 N.Y.C.R.R. Part 617 in the review of the Project; and

**WHEREAS**, the Town Board is the Lead Agency pursuant to SEQRA; and

**WHEREAS**, the Town Board has duly considered the Action, the Full Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, the administrative record, public comments, and such other information deemed appropriate; and

**WHEREAS**, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

**WHEREAS**, the Town Board has completed a consistency review of the Action in light of the Town's Local Waterfront Redevelopment Program ("LWRP") and pursuant to Town of Kendall Local Law No. 1 of 1996;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Kendall that:

1. The Action will not result in any large and important impacts and, therefore, it will not have a significant adverse impact on the environment.
2. The negative declaration, attached as **Exhibit 1**, incorporated herein by reference, is issued and adopted for the reasons stated in the attached negative declaration.
3. The Action is consistent with the Town's LWRP.

4. The LWRP consistency determination, attached as **Exhibit 2**, incorporated herein by reference, is issued and adopted for the reasons stated in the attached consistency determination.

5. This resolution is effective immediately.

PASSED AND ADOPTED this 21st day of February 2023 by the Town Board of the Town of Kendall.

**Exhibit 1**

**SEQRA Negative Declaration**

**NEGATIVE DECLARATION**  
**Determination of Non-Significance**

**Lead Agency:**           **Town of Kendall Town Board**

**Date:**                   **February 21, 2023**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act ("SEQRA")).

The Town of Kendall Town Board ("Board"), as Lead Agency, has determined that adoption of Local Law No. 1 of 2023, amending the Town of Kendall Zoning Code ("Zoning Code") to regulate the use of transient and short-term rentals in certain zoning districts in the Town of Kendall ("Town"), as revised, and adoption of Local Law No. 2 of 2023, amending the Kendall Town Code ("Town Code") to license transient or short-term rentals in the Town, as revised, will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:**           Adoption of Local Law No. 1 of 2023 and Local Law No. 2 of 2023, as revised, to regulate and license transient or short-term rentals in the Town of Kendall (the "Action").

**Location of Action:**       The Town of Kendall, New York.

**SEORA Status:**           Type I Action.

**Description of Action:**   The Board has reviewed Local Law No. 1 of 2023 and Local Law No. 2 of 2023 to regulate and license transient or short-term rentals in the Town. It has come to the Board's attention that the unregulated use of transient or short-term rentals in the Town has presented impacts to the health, safety, and welfare of the community and its residents. These local laws were needed to address these concerns. The Board has made certain revisions to these proposed local laws following public comment received during the public hearing on January 10, 2023.

### **Reasons Supporting this Determination:**

The Board has identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by SEQRA. The Board compared the Action with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR §§ 617.7(c)(2) and (3). As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Action will not have a significant adverse impact on the environment.

**(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;**

The Action will not create a substantial change in existing air quality or ground or surface water quality or quantity, traffic or noise levels, nor will there be any significant increase in solid waste production. Similarly, the Action will not result in any increased potential for erosion, flooding, leaching, or drainage concerns. The Action will only involve amendment to the Zoning Code and Town Code through adoption of local laws. No specific developments are being proposed by the Board as a result of the modifications to the codes.

**(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;**

There will not be any removal or destruction of large quantities of vegetation or fauna, nor will there be substantial interference with any wildlife or habitat or other natural resources. The Action involves amendment to the Zoning Code and Town Code through adoption of local laws; there is no physical development component to the Action.

**(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;**

There are no Critical Environmental Areas as designated under 6 NYCRR § 617.14(g) within the Town of Kendall. Thus, there will be no such impacts.

**(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted; and**

The Action does not present a material conflict with the Town's plans or goals for development in the Town, but rather, the Action adheres fully to such goals. For instance, one of the main objectives of the Zoning Code is to "promote and protect the public health, safety and general welfare" and to promote further, specific goals such as "protect[ing] the open, rural and

natural character of the land.” Zoning Code § 265-2. Additionally, the Board has completed a Coastal Assessment Form and Consistency Determination pursuant to the Local Waterfront Revitalization Plan (“LWRP”) and Chapter 256 of the Town Code, finding the Action to be consistent with the LWRP.

**(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;**

There will be no impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of community or neighborhood character as no physical changes to any property within the Town are proposed.

**(vi) a major change in the use of either the quantity or type of energy;**

There will be no such impacts as the Action only proposes amendments to the Zoning Code and Town Code through adoption of local laws. There is no physical development component to the Action.

**(vii) the creation of a hazard to human health;**

The Action does not create a hazard to human health.

**(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;**

There will be no change in the use, or intensity of use, of land nor any impacts to recreational resources or open space as a result of the proposed amendments to the Zoning Code and Town Code through adoption of local laws. As stated, there is no physical development component to the Action.

**(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;**

There will be no such impacts.

**(x) the creation of a material demand for other actions that would result in one of the above consequences;**

There will be no such impacts.

**(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**

There will be no such impacts.

**(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.**

There will be no such impacts.

**For Further Information:**

Contact Person: Tony Cammarata, Supervisor

Address: Town of Kendall Town Hall  
1873 Kendall Road  
Kendall, NY 14476

Telephone: (585) 659-8721 ext. 7

**Exhibit 2**

**Local Waterfront Revitalization Program Consistency Review**



## **TOWN OF KENDALL TOWN BOARD**

### **Town of Kendall Town Board Local Waterfront Revitalization Program ("LWRP") Consistency Review of Proposed Local Law 1 of 2023 and Local Law 2 of 2023**

- Name of Action:** Review and adoption of local laws regulating and licensing transient or short-term rentals in the Town of Kendall ("Town").
- Location of Action:** The Action will be located in the Town of Kendall, Orleans County.
- Description of Project:** Proposed local laws amending the Town of Kendall Zoning Code ("Zoning Code") to regulate the use of transient and short-term rentals in certain zoning districts in the Town of Kendall ("Local Law No. 1 of 2023") and amending the Kendall Town Code ("Town Code") to license transient or short-term rentals in the Town of Kendall ("Local Law No. 2 of 2023") (the "Action").

#### **CONSISTENCY WITH THE LWRP'S WATERFRONT REVITALIZATION PROGRAM POLICIES**

- Policy 1.** Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.
- Policy 1A.** Revitalize areas of existing deterioration: Point Breeze, the Bridges, Lakeland, and Shadigee.
- Policy 1B.** Concentrate recreational development in underutilized areas such as Bennett Farm, Morrison Site, Green Harbor, Eagle Creek Marina and the Salvation Army Camp.
- Policy 1C.** Encourage renovation of public and private roads (route 18, fire lanes) in the WRA to serve waterfront uses.

**Consistency with Policy #1:** N/A

Policy #1 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town.

- Policy 2.** Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.
- Policy 2A.** Promote the siting of recreational uses along the waterfront including uses that provide for swimming, fishing, boating and facilities that enhance those uses.

**Policy 2B.** Encourage the development of water-dependent recreational uses not currently available in the waterfront (e.g., swimming and marine services) to diversify and reinforce coastal uses

**Policy 2C.** Promote the siting/targeting of water-dependent uses where existing investments in similar facilities have been made to expand the effect of those uses commensurate with demand (e.g. Point Breeze, Lakeland, Green Harbor, Eagle Creek Marina).

**Policy 2D.** Encourage the siting of water-enhanced uses in adjacent area upland from the waterfront and shore.

Consistency with Policy #2: N/A

Policy #2 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town.

**State coastal policies 3 and 4 do not apply to the Town of Kendall.**

**Policy 5.** Encourage the location of development in areas where public services and facilities essential to such development are adequate.

**Policy 5A.** Concentrate development around the point breeze area and Shadigee where transportation access, public water and public/private land investments have already been made.

Consistency with Policy #5: N/A

Policy #5 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town.

**Policy 6.** Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

Consistency with Policy #6: N/A

Policy #6 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town.

**Policy 7.** Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.

**Policy 7A.** Not applicable. This policy does not apply to coastal inventory within the Town of Kendall.

**Policy 7B.** Not applicable. This policy does not apply to coastal inventory within the Town of Kendall.

**Policy 7C.** Not applicable. This policy does not apply to coastal inventory within the Town of Kendall.

**Policy 7D.** Productive wetlands and marsh habitats of local significance will be maintained where important fish and wildlife production can be demonstrated.

**Policy 7E.** State coastal policy 7E does not apply to the Town of Kendall.

Consistency with Policy #7: N/A

Policy #7 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town. Nevertheless, some of the Town's concerns regarding the proliferation of transient and short-term rentals, as stated in the findings of the proposed local laws, include the impact on health of the lake and shoreline, flooding concerns, and water safety.

**Policy 8.** Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sub-lethal or lethal effect on those resources.

Consistency with Policy #8: N/A

Policy #8 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town. Nevertheless, some of the Town's concerns regarding the proliferation of transient and short-term rentals, as stated in the findings of the proposed local laws, include the impact on health of the lake and shoreline, flooding concerns, and water safety.

**Policy 9.** Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing stocks, and developing new resources.

**Policy 9A.** Promote the expansion of the fisheries of Lake Ontario and its tributaries.

**Policy 9B.** Encourage the siting and development of public access facilities in areas where, to varying degrees, these opportunities are already afforded. Avoid the

siting of new facilities and access points which will compromise significant habitats.

Consistency with Policy #9: N/A

Policy #9 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town.

**State coastal policy 10 does not apply to the Town of Kendall.**

**Policy 11.** Buildings and other structures will be sited in the coastal areas so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Consistency with Policy #11: N/A

Policy #11 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town. Moreover, Local Law 1 of 2023 prohibits new transient or short-term rentals in the Waterfront Residential ("WR") and Waterfront Development ("WD") Districts.

**Policy 12.** Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands, and bluffs.

Consistency with Policy #12: N/A

Policy #12 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town. Moreover, Local Law 1 of 2023 prohibits new transient or short-term rentals in the WR and WD Districts.

**Policy 13.** The construction or reconstruction of erosion protection structures shall be undertaken only if they have reasonable probability of controlling erosion for at least 30 years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

**Policy 13A.** The construction of erosion control devices and protective structures and their maintenance along the Lake Ontario shoreline, Oak Orchard River, and Johnson, Marsh, Sandy, and Bald Eagle Creeks shall be undertaken in a

manner which assures the effectiveness of public and private investment for structural erosion control techniques.

Consistency with Policy #13:     N/A

Policy #13 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town, nor does it contemplate construction or reconstruction of erosion protection structures.

- Policy 14.** Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measureable increase in erosion or flooding at the site of such activities or development, or at other locations.

Consistency with Policy #14:     N/A

Policy #14 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town, nor does it contemplate construction or reconstruction of erosion protection structures.

- Policy 15.** Mining, excavating or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.

**Policy 15A.** Excavation and dredging (including maintenance dredging) at Oak Orchard River, Johnson Creek, Bald Eagle Marsh and Sandy Creek, and for new major developments (Morrison, Bennett sites) shall be conducted in a manner that does not increase erosion or compromise fish and wildlife habitats.

Consistency with Policy #15:     N/A

Policy #15 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town, nor does it contemplate mining, excavation, or dredging.

- Policy 16.** Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features

Consistency with Policy #16:     N/A

Policy #16 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town, nor does it contemplate use of public funds.

**Policy 17.** Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

**Policy 17A.** Not applicable. This policy applies only to the Oak Orchard River Gorge.

Consistency with Policy #17:     N/A

Policy #17 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town.

**Policy 18.** To safeguard the vital economic, social and environmental interests of the state and its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resource areas.

**Policy 18A.** Not applicable. This policy applies to Lake Ontario water levels.

**Policy 18B.** Not applicable. This policy applies only to Oak Orchard River.

Consistency with Policy #18:     N/A

Policy #18 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town.

**Policy 19.** Protect, maintain, and increase the levels and types of access to public water-related recreation resources and facilities.

**Policy 19A.** Protect and maintain access to areas of existing public investment including Lakeside Beach State Park, Oak Orchard Marina Park, and Orleans County Marine Park.

**Policy 19B.** Increase pedestrian access to public fishing resources along Lake Ontario, Marsh Creek, Oak Orchard River (below The Bridges and at Waterport Dam), Johnson Creek, Sandy Creek, and Waterport Pond via public rights-of-way and private land easements.

**Policy 19C.** Not applicable. This policy does not apply to coastal inventory within the Town of Kendall.

**Policy 19D.** Not applicable. This policy applies to Lakeside Beach State Park only.

Consistency with Policy #19:      N/A

Policy #19 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town, nor does it regulate public access to the waterfront.

**Policy 20.** Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

**Policy 20A.** Promote increased/improved access to Lake Ontario along the Lake Ontario State Parkway.

**Policy 20B.** Encourage the development of access to the land around the Waterport Dam and Waterport Pond owned by the Niagara Mohawk Power Corporation.

**Policy 20C.** Encourage the use of public street ends for waterfront access compatible with adjacent uses and in conjunction with new multi-use projects in the coastal area.

Consistency with Policy #20:      N/A

Policy #20 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town.

**Policy 21.** Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.

**Policy 21A.** Not applicable. This policy does not apply to coastal inventory within the Town of Kendall.

Consistency with Policy #21:      N/A

Policy #20 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town, including water-dependent or water-enhanced recreation.

**Policy 22.** Development, when located adjacent to the shore, will provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.

Consistency with Policy #22: N/A

Policy #22 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town.

**Policy 23.** Protect, enhance, and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology, or culture of the state, its communities, or the nation.

Consistency with Policy #23: N/A

Policy #23 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town.

**State coastal policy 24 does not apply to the Town of Kendall.**

**Policy 25.** Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.

Consistency with Policy #25: N/A

Policy #25 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town.

**Policy 26.** Conserve and protect agricultural lands in the state's coastal area

Consistency with Policy #26: N/A

Policy #26 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town, nor does it authorize any specific use of agricultural lands.



- Policy 27.** Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shoreline location.

Consistency with Policy #27: N/A

Policy #27 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town, nor does it authorize any specific major energy facility.

- Policy 28.** Ice management practices shall not damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power.

Consistency with Policy #28: N/A

Policy #28 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town, nor does it authorize any specific ice management practices.

**State coastal policy 29 does not apply to the Town of Kendall.**

- Policy 30.** Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.

**Policy 30A.** Residential and commercial wastewater treatment system discharges from new/existing developments (on-site disposal, package plants) shall conform to national, state, and municipal water quality standards.

Consistency with Policy #30: N/A

Policy #30 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town. However, one of the Town's concerns regarding the proliferation of transient and short-term rentals, as stated in the findings of the proposed local laws, is the impact on the health of the lake due to overuse of septic systems in the WD and WR Districts.

- Policy 31.** State coastal area policies and purposes of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.

Consistency with Policy #31: N/A

Policy #31 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town, nor does it impact any specific water bodies.

- Policy 32.** Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.

**Policy 32A.** Promote and encourage innovative approaches and alternative systems for wastewater conveyance treatment in the coastal area in accordance with the County Sanitary Code

Consistency with Policy #32: N/A

Policy #32 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town. However, one of the Town's concerns regarding the proliferation of transient and short-term rentals, as stated in the findings of the proposed local laws, is the impact on the health of the lake due to overuse of septic systems in the WD and WR Districts.

- Policy 33.** Best management practices will be used to ensure the control of stormwater runoff and combines sewer overflows draining into coastal waters.

Consistency with Policy #33: N/A

Policy #33 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town that will implicate stormwater runoff.

- Policy 34.** Discharge of waste materials into coastal waters from vessels will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.

Consistency with Policy #34: N/A

Policy #34 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town, nor does it authorize or regulate use of vessels in coastal waters.

- Policy 35.** Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing state dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

Consistency with Policy #35: N/A

Policy #35 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town, nor does it contemplate dredging.

- Policy 36.** Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills in coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

Consistency with Policy #36: N/A

Policy #36 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town, nor does it contemplate any use, shipment, or storage of petroleum or other hazardous materials.

- Policy 37.** Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

**Policy 37A.** Encourage the application of best management practices to control stormwater run-off and discharges to the watersheds of Oak Orchard River, and Johnson, Bald Eagle, Sandy and Marsh Creeks.

Consistency with Policy #37: N/A

Policy #37 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The

Action does not authorize any specific project or development in the Town that will implicate nonpoint discharges or stormwater runoff.

- Policy 38.** The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Consistency with Policy #38: N/A

Policy #38 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town that will implicate use of surface water or groundwater.

- Policy 39.** The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.

**Policy 39A.** Not applicable. This policy does not apply to coastal inventory within the Town of Kendall.

Consistency with Policy #39: N/A

Policy #39 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town, nor does it authorize or regulate transport, storage, treatment, or disposal of solid or hazardous wastes.

- Policy 40.** Effluent discharge from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.

Consistency with Policy #40: N/A

Policy #40 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town, nor does it authorize or regulate major steam electric generating and industrial facilities.

- Policy 41.** Land use or development in the coastal area will not cause national or state air quality standards to be violated.

Consistency with Policy #41:     N/A

Policy #41 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town.

- Policy 42.** Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.

Consistency with Policy #42:     N/A

Policy #42 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town.

- Policy 43.** Land use or development in the coastal area must not cause the generation of significant amounts of the acid rain precursors: nitrates and sulfates.

Consistency with Policy #43:     N/A

Policy #43 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town.

- Policy 44.** Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

**Policy 44A.** Not applicable. This policy does not apply to coastal inventory within the Town of Kendall.

Consistency with Policy #44:     N/A

Policy #44 of the LWRP is not applicable to the proposed local laws, which seek to regulate and license certain residential properties for transient or short-term rental use. The Action does not authorize any specific project or development in the Town. Nevertheless, some of the Town's concerns regarding the proliferation of transient and short-term rentals, as stated in the findings of the proposed local laws, include the impact on health of the lake and shoreline.

**SECTION 3: Severability.** If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Town Board hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

**SECTION 4: Effective Date.** This local law shall be effective immediately upon filing with the office of the New York Secretary of State.

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

<b>Name of Action or Project:</b> Town of Kendall Town Board Adoption of Local Laws		
<b>Project Location (describe, and attach a general location map):</b> Town of Kendall		
The Town of Kendall ("Town") desired to modify the Town of Kendall Town Code to regulate and license the use of transient or short-term rentals within the Town. The Town has sought to prohibit new transient or short-term rentals in certain districts of the Town, and to regulate such use where allowed, by modifying the Zoning Code (Chapter 265 of the Town Code) to add definitions and to add a new Article XII. The Town has also sought to license transient or short-term rentals lawfully operating throughout the Town by modifying the Town Code to add a new Chapter 235.		
<b>Name of Applicant/Sponsor:</b> Town of Kendall	<b>Telephone:</b> <b>E-Mail:</b>	
<b>Address:</b>		
<b>City/PO:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>Project Contact (if not same as sponsor; give name and title/role):</b> Tony Cammarata, Town Supervisor	<b>Telephone:</b> (585) 659-8721 Ext. 7 <b>E-Mail:</b> supervisor@townofkendall.com	
<b>Address:</b>		
<b>City/PO:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>Property Owner (if not same as sponsor):</b>	<b>Telephone:</b> <b>E-Mail:</b>	
<b>Address:</b>		
<b>City/PO:</b>	<b>State:</b>	<b>Zip Code:</b>

## B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board (Resolutions)	Dec. 2022
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Board (referral)	Dec. 2022
c. City, Town or <input type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Towns of Carlton and Yates (LWRP referral)	Feb. 2023
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Orleans County Planning Board (GML 239-m referral)	Dec. 2022
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<ul style="list-style-type: none"> <li>If Yes, complete sections C, F and G.</li> <li>If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): <u>NYS Heritage Areas: West Erie Canal Corridor</u> <hr/> <hr/>	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s): <hr/> <hr/> <hr/>	



<b>C.3. Zoning</b>	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	<input type="checkbox"/> Yes <input type="checkbox"/> No
N/A	
c. Is a zoning change requested as part of the proposed action?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes,	
i. What is the proposed new zoning for the site? _____	
<b>C.4. Existing community services.</b> N/A	
a. In what school district is the project site located? _____	
b. What police or other public protection forces serve the project site? _____	
c. Which fire protection and emergency medical services serve the project site? _____	
d. What parks serve the project site? _____	

#### D. Project Details

<b>D.1. Proposed and Potential Development</b>	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Adoption of local laws	
b. a. Total acreage of the site of the proposed action?	_____ acres
b. Total acreage to be physically disturbed?	_____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	_____ acres
N/A	
c. Is the proposed action an expansion of an existing project or use? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)?    % _____    Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes,	
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____	
ii. Is a cluster/conservation layout proposed? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
i. If No, anticipated period of construction: _____ months	
ii. If Yes:	
• Total number of phases anticipated _____	
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year	
• Anticipated completion date of final phase _____ month _____ year	
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ _____ _____	

f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> <li>• Volume (specify tons or cubic yards): _____</li> <li>• Over what duration of time? _____</li> </ul>	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☒ No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a line extension within an existing district be necessary to serve the project? _____</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____</p> <p>N/A _____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>N/A _____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p>_____ Square feet or _____ acres (impervious surface)</p> <p>_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____</p> <p>_____</p> <p>• If to surface waters, identify receiving water bodies or wetlands: _____</p> <p>_____</p> <p>• Will stormwater runoff flow to adjacent properties? _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend  
☐ Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

---

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

---

vi. Are public/private transportation service(s) or facilities available within 1/4 mile of the proposed site? ☐ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☒ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No

---

l. Hours of operation. Answer all items which apply. N/A

i. During Construction:

- Monday - Friday: \_\_\_\_\_
- Saturday: \_\_\_\_\_
- Sunday: \_\_\_\_\_
- Holidays: \_\_\_\_\_

ii. During Operations:

- Monday - Friday: \_\_\_\_\_
- Saturday: \_\_\_\_\_
- Sunday: \_\_\_\_\_
- Holidays: \_\_\_\_\_

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☒ No

If yes:

i. Provide details including sources, time of day and duration: \_\_\_\_\_

---

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe: \_\_\_\_\_

---

n. Will the proposed action have outdoor lighting? ☐ Yes ☒ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: \_\_\_\_\_

---

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe: \_\_\_\_\_

---

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

---

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No

If Yes:

i. Product(s) to be stored \_\_\_\_\_

ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: \_\_\_\_\_

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No

If Yes:

i. Describe proposed treatment(s): \_\_\_\_\_

---

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☒ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)
- Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

#### E. Site and Setting of Proposed Action

**E.1. Land uses on and surrounding the project site** N/A

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and covertypes on the project site. N/A

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

<p>c. Is the project site presently used by members of the community for public recreation?  <i>i. If Yes: explain:</i> _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <p style="text-align: center;">N/A</p>
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  <i>If Yes,</i>  <i>i. Identify Facilities:</i> _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <p style="text-align: center;">N/A</p>
<p>e. Does the project site contain an existing dam?  <i>If Yes:</i>  <i>i. Dimensions of the dam and impoundment:</i>  <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> <i>ii. Dam's existing hazard classification:</i> _____  <i>iii. Provide date and summarize results of last inspection:</i> _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <p style="text-align: center;">N/A</p>
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  <i>If Yes:</i>  <i>i. Has the facility been formally closed?</i>  <ul style="list-style-type: none"> <li>• If yes, cite sources/documentation: _____</li> </ul> <i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i> _____  <i>iii. Describe any development constraints due to the prior solid waste activities:</i> _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <p style="text-align: center;">N/A</p>
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  <i>If Yes:</i>  <i>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i> _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <p style="text-align: center;">N/A</p>
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  <i>If Yes:</i>  <i>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i>  <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Yes – Spills Incidents database  <input type="checkbox"/> Yes – Environmental Site Remediation database  <input type="checkbox"/> Neither database </div> <div style="width: 45%;"> <i>Provide DEC ID number(s):</i> _____  <i>Provide DEC ID number(s):</i> _____ </div> </div> <i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i> _____  <i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s):</i> _____  <i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</i> _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <p style="text-align: center;">N/A</p>



v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
<ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____</li> </ul>	
<b>E.2. Natural Resources On or Near Project Site</b>	
a. What is the average depth to bedrock on the project site? <span style="margin-left: 20px;">N/A</span> <span style="float: right;">_____ feet</span>	
b. Are there bedrock outcroppings on the project site? <span style="margin-left: 20px;">N/A</span> <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: <span style="float: right;">_____ %</span>	
<span style="margin-left: 20px;">N/A</span> <span style="float: right;">_____ %</span>	
<span style="margin-left: 20px;">_____ %</span>	
d. What is the average depth to the water table on the project site? Average: <span style="margin-left: 20px;">_____ feet</span> <span style="float: right;">N/A</span>	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: <span style="margin-left: 20px;">_____ % of site</span>	
<span style="margin-left: 20px;">N/A</span> <input type="checkbox"/> Moderately Well Drained: <span style="margin-left: 20px;">_____ % of site</span>	
<input type="checkbox"/> Poorly Drained <span style="margin-left: 20px;">_____ % of site</span>	
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: <span style="margin-left: 20px;">_____ % of site</span>	
<span style="margin-left: 20px;">N/A</span> <input type="checkbox"/> 10-15%: <span style="margin-left: 20px;">_____ % of site</span>	
<input type="checkbox"/> 15% or greater: <span style="margin-left: 20px;">_____ % of site</span>	
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes, describe: <span style="margin-left: 20px;">N/A</span> _____	
h. Surface water features. <span style="margin-left: 20px;">N/A</span>	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name _____ Classification _____	
• Lakes or Ponds: Name _____ Classification _____	
• Wetlands: Name _____ Approximate Size _____	
• Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <span style="margin-left: 20px;">N/A</span> <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
j. Is the project site in the 100-year Floodplain? <span style="margin-left: 20px;">N/A</span> <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
k. Is the project site in the 500-year Floodplain? <span style="margin-left: 20px;">N/A</span> <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes:	
i. Name of aquifer: <span style="margin-left: 20px;">N/A</span> _____	

m. Identify the predominant wildlife species that occupy or use the project site:		_____
N/A		_____
_____		_____
n. Does the project site contain a designated significant natural community?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: N/A		
i. Describe the habitat/community (composition, function, and basis for designation): _____		
ii. Source(s) of description or evaluation: _____		
iii. Extent of community/habitat:		
<ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>		
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: N/A		
i. Species and listing (endangered or threatened): _____		
_____		
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: N/A		
i. Species and listing: _____		
_____		
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, give a brief description of how the proposed action may affect that use: N/A		
_____		
<b>E.3. Designated Public Resources On or Near Project Site</b>		
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, provide county plus district name/number: N/A		
b. Are agricultural lands consisting of highly productive soils present?		<input type="checkbox"/> Yes <input type="checkbox"/> No
i. If Yes: acreage(s) on project site: N/A		
ii. Source(s) of soil rating(s): _____		
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: N/A		
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature		
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____		
_____		
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: N/A		
i. CEA name: _____		
ii. Basis for designation: _____		
iii. Designating agency and date: _____		

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;">N/A <input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District</li> <li>ii. Name: _____</li> <li>iii. Brief description of attributes on which listing is based: _____</li> </ul>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
N/A	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;">N/A <input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Describe possible resource(s): _____</li> <li>ii. Basis for identification: _____</li> </ul>	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
N/A	
If Yes: <ul style="list-style-type: none"> <li>i. Identify resource: _____</li> <li>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</li> <li>iii. Distance between project and resource: _____ miles.</li> </ul>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
N/A	
If Yes: <ul style="list-style-type: none"> <li>i. Identify the name of the river and its designation: _____</li> <li>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul>	

#### F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

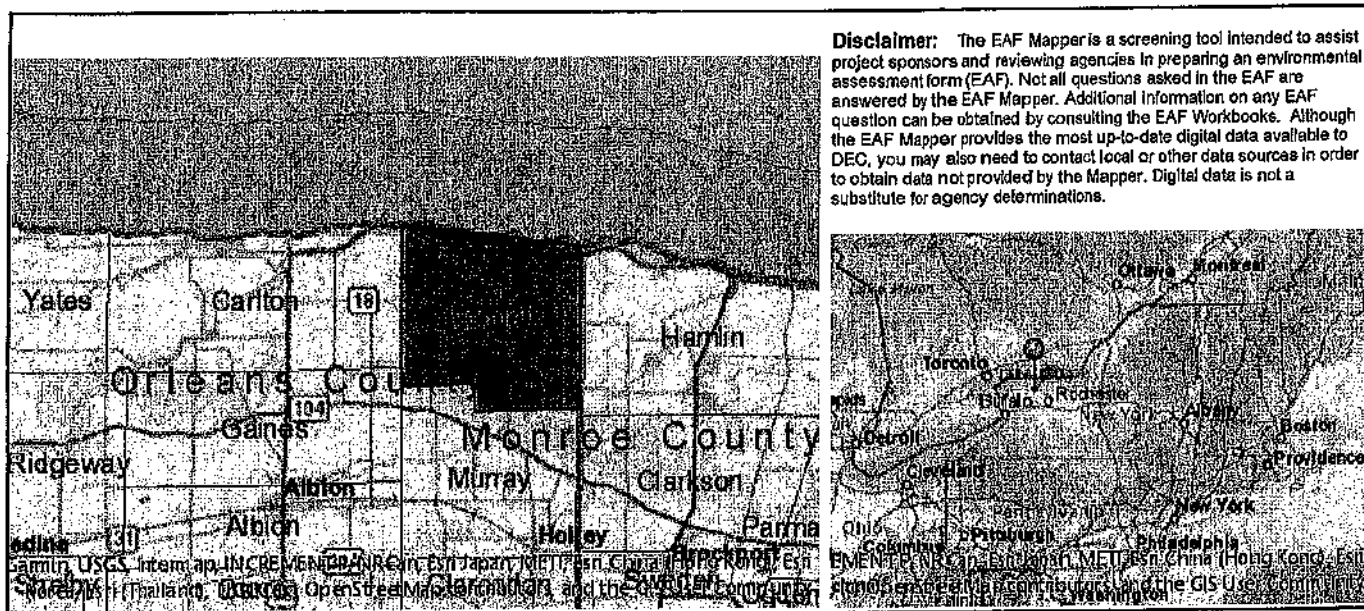
#### G. Verification

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

Applicant/Sponsor Name Tony Cammarata Date \_\_\_\_\_

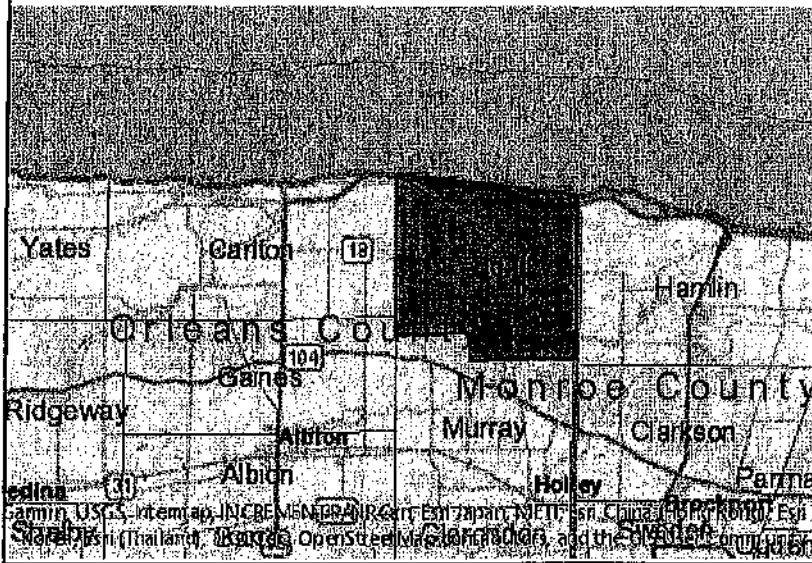
Signature \_\_\_\_\_ Title Town Supervisor

**PRINT FORM**

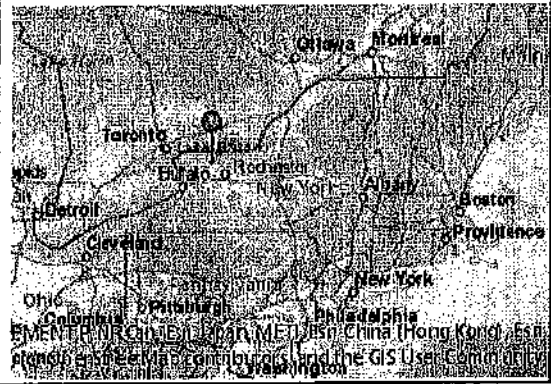


B.1.i [Coastal or Waterfront Area]	Yes
B.1.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	837011
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	847-655, 847-625, 847-626, 847-653
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Lake/Pond Name]	847-4, 847-653
E.2.h.iv [Surface Water Features - Lake/Pond Classification]	A, C

E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):23.6, NYS Wetland (in acres):90.6, NYS Wetland (in acres):21.2
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	KD-9, KD-5, KD-10
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Lake Ontario Shoreline, Western – Algal/Weed Growth;Priority Organics;Pesticides;Nutrients – Recreation;Fish Consumption;Public Bathing
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Lake Sturgeon, Henslow's Sparrow
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	ORLEcn1
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:Lake Ontario State Parkway, Eligible property:Kendall Elemetary School
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.1.i [Coastal or Waterfront Area]	Yes
B.1.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	837011
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	847-655, 847-625, 847-626, 847-653
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Lake/Pond Name]	847-4, 847-653
E.2.h.iv [Surface Water Features - Lake/Pond Classification]	A, C

E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):23.6, NYS Wetland (in acres):90.6, NYS Wetland (in acres):21.2
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	KD-9, KD-5, KD-10
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Lake Ontario Shoreline, Western – Algal/Weed Growth;Priority Organics;Pesticides;Nutrients – Recreation;Fish Consumption;Public Bathing
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Lake Sturgeon, Henslow's Sparrow
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	ORLEcn1
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:Lake Ontario State Parkway, Eligible property:Kendall Elementary School
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

**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.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) If "Yes", answer questions a - j. If "No", move on to Section 2.			
		<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 may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input 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 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 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 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).	D2a, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input 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.	D2a, 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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<b>4. Impact on groundwater</b> 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. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) If "Yes", answer questions a - h. If "No", move on to Section 5.			
		<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 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"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) If "Yes", answer questions a - g. If "No", move on to Section 6.			
		<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 may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input 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 type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.f, D.2.h, D.2.g) <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 <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (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"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <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"/>

<b>8. Impact on Agricultural Resources</b> 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"/>

<b>9. Impact on Aesthetic Resources</b> 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 checked="" type="checkbox"/> NO <input type="checkbox"/> YES	
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input 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 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 type="checkbox"/> <input 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 type="checkbox"/> <input 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 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 type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> 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 checked="" type="checkbox"/> NO <input type="checkbox"/> YES	
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input 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 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 type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", 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 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 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 type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> 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. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		<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 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"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		<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 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 - f. 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 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 type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input 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 type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____		<input 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 I.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

*If "Yes", answer questions a - m. If "No", go to Section 17.*

	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: _____		<input type="checkbox"/>	<input type="checkbox"/>



<b>17. Consistency with Community Plans</b> The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2, and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</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'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 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 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 type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

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

**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.

**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  
Town of Kendall Town Board 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 617.7(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: Adoption of local laws regulating and licensing transient or short-term rentals

Name of Lead Agency: Town of Kendall Town Board

Name of Responsible Officer in Lead Agency: Tony Cammarata

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency: Date:

Signature of Preparer (if different from Responsible Officer) Date:

**For Further Information:**

Contact Person: Tony Cammarata

Address: 1873 Kendall Road Kendall, NY 14476

Telephone Number: 585-659-8721 ext. 7

E-mail: supervisor@townofkendall.com

**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>

NEW YORK STATE DEPARTMENT OF STATE  
COASTAL MANAGEMENT PROGRAM

Coastal Assessment Form

A. INSTRUCTIONS (Please print or type all answers)

1. State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.
2. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certification of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQRA, 6 NYCRR, Section 617.11, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.
3. Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B. DESCRIPTION OF PROPOSED ACTION

1. Type of state agency action (check appropriate response):  
(a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) ☒  
(b) Financial assistance (e.g. grant, loan, subsidy) \_\_\_\_\_  
(c) Permit, license, certification \_\_\_\_\_
2. Describe nature and extent of action: Proposed local laws amending the Town of Kendall Zoning Code ("Zoning Code") to regulate the use of transient and short-term rentals in certain zoning districts in the Town of Kendall ("Local Law 1 of 2023") and amending the Kendall Town Code ("Town Code") to license transient or short-term rentals in the Town of Kendall ("Local Law 2 of 2023").
3. Location of action:  

<u>Orleans</u>	<u>Kendall</u>	
County	City, Town or Village	Street or Site Description
4. If an application for the proposed action has been filed with the state agency, the following information shall be provided:  
(a) Name of applicant: Town of Kendall  
(b) Mailing address: Kendall Town Hall 1873 Kendall Rd, Kendall, NY 14476  
(c) Telephone Number: Area Code (585) 659-8721 ext. 7 (Town Supervisor, Tony Cammarata)  
(d) State agency application number: N/A
5. Will the action be directly undertaken, require funding, or approval by a federal agency?  
Yes \_\_\_\_\_ No ☒ If yes, which federal agency? \_\_\_\_\_

C. COASTAL ASSESSMENT (Check either "YES" or "NO" for each of the following questions)

YES NO

1. Will the proposed activity be located in, or contiguous to, or have a significant effect upon any of the resource areas identified on the coastal area map:  
(a) Significant fish or wildlife habitats? ..... ☒  
(b) Scenic resources of statewide significance? ..... ☒  
(c) Important agricultural lands? ..... ☒
2. Will the proposed activity have a significant effect upon:  
(a) Commercial or recreational use of fish and wildlife resources? ..... ☒  
(b) Scenic quality of the coastal environment? ..... ☒  
(c) Development of future, or existing water dependent uses? ..... ☒  
(d) Operation of the State's major ports? ..... ☒  
(e) Land and water uses within the State's small harbors? ..... ☒  
(f) Existing or potential public recreation opportunities? ..... ☒  
(g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation? ..... ☒

3. Will the proposed activity involve or result in any of the following:

- (a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters? ..... — ✓
- (b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area? ..... — ✓
- (c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area? ..... — ✓
- (d) Energy facility not subject to Article VII or VIII of the Public Service Law? ..... — ✓
- (e) Mining, excavation, filling or dredging in coastal waters? ..... — ✓
- (f) Reduction of existing or potential public access to or along the shore? ..... — ✓
- (g) Sale or change in use of state-owned lands located on the shoreline or under water? ..... — ✓
- (h) Development within a designated flood or erosion hazard area? ..... — ✓
- (i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion? ..... — ✓

4. Will the proposed action be located in or have a significant effect upon an area included in an approved Local Waterfront Revitalization Program? ..... — ✓

**D. SUBMISSION REQUIREMENTS**

If any question in Section C is answered "Yes", AND either of the following two conditions is met:

Section B.1(a) or B.1(b) is checked; or  
Section B.1(c) is checked AND B.5 is answered "Yes",

THEN a copy of this completed Coastal Assessment Form shall be submitted to:

New York State Department of State  
Office of Coastal, Local Government and Community Sustainability  
One Commerce Plaza  
99 Washington Avenue, Suite 1010  
Albany, New York 12231-0001

If assistance or further information is needed to complete this form, please call the Department of State at (518) 474-6000.

**E. REMARKS OR ADDITIONAL INFORMATION**

Preparer's Name: Alicia Legland, Esq. (Please print)

Title: Attorney for the Town of Kendall Agency: Town of Kendall Town Board

Telephone Number: ( 518 ) 433-2416 Date: February 3, 2023