

**TOWN OF MAMAKATING TOWN BOARD
RESOLUTION OF SEQR NEGATIVE DECLARATION
ZONING AMENDMENTS**

BE IT RESOLVED that the Town Board of the Town of Mamakating adopts a SEQR Negative Declaration determining that this Action will not have a significant adverse impact on the environment, as follows:

This Resolution is adopted pursuant to 6 NYCRR 617 (the SEQR Regulations) and Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Mamakating, as lead agency and sole involved agency, determines that the proposed Action described below will not have a significant adverse effect on the environment and an environmental impact statement will not be prepared.

Name of Action: 2019 Zoning Amendments

SEQR Status: Type 1

Conditioned Negative Declaration: No

Description of Action: Zoning law amendments to implement the recently adopted Comprehensive Plan for the Town of Mamakating. All amendments are consistent with the recommendations of the Comprehensive Plan and with best management practices. Some of the amendments are administrative changes intended to clarify or interpret existing provisions, resulting in no impact on the environment. All substantive changes were reviewed prior to the adoption of the Comprehensive Plan and were addressed during that SEQR review process and are consistent with the SEQR Findings Statement adopted prior to adoption of the Comprehensive Plan.

Location: Town of Mamakating, Sullivan County, New York

Reasons Supporting This Determination:

The Board has considered the recently adopted 2019 Comprehensive Plan update, the Draft Generic Environmental Impact Statement, Final Generic Environmental Impact Statement and SEQR Findings Statement prepared for the Comprehensive Plan and subsequent Implementing Code Amendments, all SEQR review materials, including but not limited to public and agency comments, the criteria set forth in §617.7(c) of the SEQR Regulations, the proposed zoning amendments, and the Environmental Assessment Form Parts 1, 2 and 3 prepared for the zoning amendments.

The proposed Action will not result in any adverse environmental impacts, based on the following:

1. The proposed amendments are intended to implement the recommendations of the Comprehensive Plan, which were the subject of a Generic Environmental Impact Statement and SEQR Findings Statement adopted on July 16, 2019.

2. All proposed amendments are consistent with the Comprehensive Plan recommendations. Some of the amendments are purely administrative in nature, and are determined not to result in significant adverse impacts, or are intended to align procedures and standards with State laws, such as the New York State Agriculture and Markets Law.
3. The Town Board held a public hearing on the proposed amendments on December 3 and December 13, 2019 and referred the proposed amendments to the Town of Mamakating Planning Board and the County of Sullivan Department of Planning and Environmental Management, and the comments provided by those agencies and the public have been duly considered. The adoption of the zoning law amendments will not result in impacts not already considered in the SEQR Findings Statement for the adoption for the Town's Comprehensive Plan.
4. On or around December 17, 2019, the Town Board adopted a Part 2 EAF finding no potential large impacts from adoption of the Comprehensive Plan and consistent Code amendments, the proposed amendments, based on all prior and current SEQR review, including the following reasons:
 - a. **Zoning Map Amendments** - Implementation of the zoning map amendments as proposed is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments. With the exception of adoption of the two proposed overlay districts, all zoning map amendments rezone land from more intensive zoning districts to more restrictive zoning districts in terms of the types of uses permitted and in terms of the density, intensity, and scale of permissible development. These proposed economic overlay districts will allow more intensive development subject to several special requirements intended to mitigate water quality, stormwater and aesthetic impacts, in addition to special permit requirements applicable to certain particular uses. The proposed zoning map amendments are consistent with the recommendations of the Comprehensive Plan, and impacts of these zoning overlays were considered on pages 56-57 of the Comprehensive Plan/DEIS.
 - b. **Purposes Section** - Amending the purposes to reference purposes promoted in the adopted Comprehensive Plan will have no impact on the way land is developed in the Town of Mamakating.
 - c. **RVP Use and Residential Density Requirements** - Modifying the use and residential density requirements of the Ridge and Valley Protection Area District as recommended by the adopted Comprehensive Plan will be more protective of the environment and will not result in any adverse impacts. The proposed zoning is consistent with the recommendations of the Comprehensive Plan, and impacts of these changes were considered on pages 32-34 of the Comprehensive Plan/DEIS. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.

- d. **MG Use and Residential Density Requirements** - Modifying the use and residential density requirements of the Mountain Greenbelt District as recommended by the adopted Comprehensive Plan will be more protective of the environment and will not result in any adverse impacts. The proposed zoning is consistent with the recommendations of the Comprehensive Plan, and impacts of these changes were considered on pages 34-38 of the Comprehensive Plan/DEIS. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- e. **RA District Use and Residential Density Requirements** - Merging the Winterton and Mountain Residential Agricultural Districts and modifying the use and residential density requirements as recommended by the adopted Comprehensive Plan will be more protective of the environment and will not result in any adverse impacts. The proposed zoning is consistent with the recommendations of the Comprehensive Plan, and impacts of these changes were considered on pages 39-40 of the Comprehensive Plan/DEIS. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- f. **BR District Use and Residential Density Requirements** - Modifying the use and residential density requirements of the Burlingham Residential District as recommended by the adopted Comprehensive Plan will be more protective of the environment and will not result in any adverse impacts. The proposed zoning is consistent with the recommendations of the Comprehensive Plan, and impacts of these changes were considered on page 39 of the Comprehensive Plan/DEIS. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- g. **NR District Use and Residential Density Requirements** - Modifying the use and residential density requirements of the Neighborhood Residential District as recommended by the adopted Comprehensive Plan will be more protective of the environment and will not result in any adverse impacts. The proposed zoning is consistent with the recommendations of the Comprehensive Plan, and impacts of these changes were considered on pages 40-43 of the Comprehensive Plan/DEIS. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- h. **LN District Use and Residential Density Requirements** - Establishing a separate designation (Lake Neighborhoods) for formerly Neighborhood Residential parcels in the vicinity of the Town's lakes and modifying the use and residential density requirements as recommended by the adopted Comprehensive Plan will be more protective of the environment and will not result in any adverse impacts. The proposed zoning is consistent with the recommendations of the Comprehensive Plan, and impacts of these changes were considered on pages 41-43 of the Comprehensive Plan/DEIS. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.

- i. **HC District Use and Residential Density Requirements** - Modifying the use and residential density requirements of the Hamlet Center District as recommended by the adopted Comprehensive Plan was considered on pages 43-50 of the Comprehensive Plan/DEIS. The increases in density to the Hamlet Centers was found to be offset by decreases in density in more outlying areas of the Town, and the concentration of density around existing Villages and Hamlets was found to be a more sustainable and environmentally protective practice than the current zoning. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- j. **VA District Use and Residential Density Requirements** - Merging the Village Center and Town Center Districts into the new Village Adjacent District and modifying the use and residential density requirements as recommended by the adopted Comprehensive Plan will be more protective of the environment and will not result in any adverse environmental impacts. The proposed zoning is consistent with the recommendations of the Comprehensive Plan, and impacts of these changes were considered on pages 50-54 of the Comprehensive Plan/DEIS. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- k. **PRO District Use Requirements** - Modifying the use and residential density requirements of the Planned Resort-Office Development District as recommended by the adopted Comprehensive Plan will be more protective of the environment and will not result in any adverse impacts. The proposed zoning is consistent with the recommendations of the Comprehensive Plan, and impacts of these changes were considered on pages 54-55 of the Comprehensive Plan/DEIS. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- l. **IO Zoning Amendment to MG** - Changing the current Industrial/Office to Mountain Greenbelt as recommended by the adopted Comprehensive Plan will be more protective of the environment and will not result in any adverse impacts. The proposed zoning is consistent with the recommendations of the Comprehensive Plan, and impacts of these changes were considered on pages 60-61 of the Comprehensive Plan/DEIS. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- m. **AD District Use Requirements** - Renaming the Light Industrial/Office District to the Airport Development District and modifying the use and residential density requirements as recommended by the adopted Comprehensive Plan will be more protective of the environment and will not result in any adverse impacts. The proposed zoning is consistent with the recommendations of the Comprehensive Plan, and impacts of these changes were considered on pages 57-60 of the Comprehensive Plan/DEIS. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.

- n. **Agricultural Definition Changes** - Changing the definitions pertaining to agriculture uses to parallel definitions promulgated under the New York State Agriculture and Markets Law is an administrative change intended to reduce the potential for permitting delays and hurdles due to divergent terms and definitions. No significant physical changes are likely to result from changes to agricultural definitions.
- o. **Agritourism Changes** - Establishing Agritourism (including farm markets, public farm markets, farm stands, farm vacations, farm to table restaurants, and farm breweries, wineries, cideries and distilleries) as an accessory use to agricultural operation and specialty horticulture and promoting agritourism where those principal uses are permitted is an implementation of the adopted Comprehensive Plan/DEIS as considered on pages 80-86. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- p. **Motor Vehicle Term Change** - Changing the term "automobile" to "motor vehicle" and referencing the definition as promulgated by New York State is an administrative change intended to reduce the potential for permitting delays and hurdles due to divergent terms and definitions. No significant physical changes are likely to result from changes to term and definition.
- q. **Changing Terms and Wording** - Changing defined terms in several instances, to better match the terms utilized throughout the code is an administrative change intended to increase the understandability and interpretability of the code. No significant physical changes are likely to result from such changes.
- r. **Identifying Where Defined Uses Are Currently Prohibited in the Town** - For several instances of defined uses, clarifying that new uses are prohibited is an administrative change intended to increase the understandability and interpretability of the code. No significant physical changes are likely to result from such changes.
- s. **Clarifying Current Interpretations** - Clarifying several definitions in accordance with the past interpretation of the Building Inspector is an administrative change intended to increase the understandability and interpretability of the code. No significant physical changes are likely to result from such changes.
- t. **Removing Defined Terms not Permitted** - Removing several definitions for terms that are not referenced within the code is an administrative change intended to increase the understandability and interpretability of the code. No significant physical changes are likely to result from such changes.
- u. **Defining New Uses** - Defining new uses that are recommended by the adopted Comprehensive Plan is an administrative change that is necessary to implement the Comprehensive Plan. These new uses were discussed throughout the Plan from pages 29-93. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- v. **Redefining "Hobby Farms" as "Small Farms"** - Redefining "Hobby Farms" as "Small Farms" was recommended by the adopted Comprehensive Plan based on feedback from

Cornell Cooperative and Sullivan County Planning. The changes are intended to increase conformance with the Ag and Markets Law of New York State and are not likely to result in significant adverse environmental impacts. The changes are consistent with the Comprehensive Plan objectives and recommendations to encourage and promote agricultural uses within the Town. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.

- w. **Clarifying Industrial Use Is Not Mining** - Clarifying that Industrial Use does not include extraction of rock, stone or minerals is an implementation of the Comprehensive Plan recommendations as discussed on pages 60-61 of the Comprehensive Plan/DEIS. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- x. **Confirming That "Mineral Extraction Not in Existence" Is a Prohibited Use** - Clarifying that "Mineral Extraction not in existence" is a prohibited use is an implementation of the Comprehensive Plan recommendations as discussed on pages 60-61 of the Comprehensive Plan/DEIS. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- y. **Renaming Districts and Abbreviations** - Renaming several districts and changing references to those districts throughout the document is an administrative change intended to increase the understandability and interpretability of the code and to make it more relatable to the Comprehensive Plan. No significant physical changes are likely to result from such.
- z. **Changing Livestock Density Criteria** – Changing livestock density criteria applicable to farm operations not located within agricultural districts and to agricultural uses not meeting the definition of a farm operation was intended to bring the Mamakating livestock density requirements into closer conformance with density requirements promulgated by New York State Department of Ag and Markets is an administrative change intended to reduce the potential for permitting delays and hurdles due to divergent standards. No significant physical changes are likely to result from such nominal changes to livestock density requirements.
- aa. **RVP Mixed-Use Resort Changes** - Implementing Comprehensive Plan recommendations relevant to mixed-use resorts in the RVP district is an implementation of the adopted Comprehensive Plan/DEIS as considered on pages 32-34. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- bb. **Clarifying Resorts and Country Inns** – Clarifying differences between resorts and country inns, as recommended by the Comprehensive Plan in allowing country inns in areas where less intensive overnight accommodations are permitted is an implementation of the adopted Comprehensive Plan/DEIS as considered on pages 32-34. Adoption of these amendments is consistent with the adopted SEQR Findings

Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.

- cc. **Adding and Modifying Special Permit Criteria** - Modifying or adding particular special use permit criteria is necessary to implement the land use recommendations of the Comprehensive Plan. These new and changed uses were discussed throughout the Plan on pages 29-93. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- dd. **Redefining Steep Slopes** - Prohibiting development on slopes over 20% except for roads or driveways necessary to access flatter areas of a site is an implementation of the adopted Comprehensive Plan/DEIS as considered on pages 67-68. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- ee. **Soil-Based Density Calculations** - Implementing Comprehensive Plan recommendations with regards to the density calculations based on soils in the MG District is an implementation of the adopted Comprehensive Plan/DEIS as considered on pages 70-71. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- ff. **Limiting Livestock in Stream Buffers** - Limiting livestock within stream buffers as recommended by the Comprehensive Plan is an implementation of the adopted Comprehensive Plan/DEIS as considered on pages 84. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- gg. **TDR** - Implementing Comprehensive Plan recommendations regarding the transfer of development rights and the establishment of a development rights bank is an implementation of the adopted Comprehensive Plan/DEIS as considered on pages 34-38. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.
- hh. **Stormwater Section** - Removing the specifics of the Stormwater Control section of the Zoning Chapter and instead referring to the Town's separate Stormwater Control Chapter is an administrative change intended to increase the understandability and interpretability of the code. No significant physical changes are anticipated to result from and changes.
- ii. **Referencing Solar in Use Tables** - Noting in Schedule I where the existing code permits small-scale and large-scale solar uses is an administrative change intended to increase the understandability and interpretability of the code. No significant physical changes are likely to result from such changes.
- jj. **New Bulk Standards for New Uses** - Establishing other bulk standards in Schedule I for new uses in line with those of similar existing uses is necessary to implement the land use recommendations of the Comprehensive Plan. These new and changed uses were

discussed throughout the Plan on pages 29-93. Adoption of these amendments is consistent with the adopted SEQR Findings Statement for the Adoption of the Comprehensive Plan and Implementing Code Amendments.

5. Based on the foregoing, the adoption of the proposed zoning amendments is not anticipated to result in any of the following, or any other, impacts. All potential impacts were considered and evaluated in the GEISs SEQR Findings Statement for the Adoption for the Town's Comprehensive Plan and Implementing Code Amendments:

- a. 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;
- b. 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;
- c. the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part;
- d. the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
- e. the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- f. a major change in the use of either the quantity or type of energy;
- g. the creation of a hazard to human health;
- h. 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;
- i. 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;
- j. the creation of a material demand for other actions that would result in one of the above consequences;
- k. 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
- l. 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.

6. No other adverse impacts have been identified as a result of the action.

Contact Person: William E. Herrmann, Town Supervisor

Town of Mamakating
2948 State Route 209
Wurtsboro, New York 12790
Phone: 845-888-3049
Email: supervisor@mamakating.org

A copy of the Notice of SEQR Negative Declaration shall be sent to:

Town of Mamakating Town Board
Town of Mamakating
2948 State Route 209
Wurtsboro, New York 12790

Town Clerk
Town of Mamakating
2948 State Route 209
Wurtsboro, New York 12790

Environmental Notice Bulletin
Via email: enb@dec.ny.gov

On motion by Supervisor Herrmann, seconded by Councilperson Taylor, the foregoing Resolution was adopted on a vote of 6 Ayes, 0 Nays.

Dated: December 17, 2019