

**RESOLUTION NO. 11-16-1
OF THE PLANNING BOARD
OF THE TOWN OF FENNER**

**A RESOLUTION MAKING FINDINGS PURSUANT TO THE STATE
ENVIRONMENTAL QUALITY REVIEW ACT WITH RESPECT TO THE APPLICATION
FOR FINAL PLAT APPROVAL OF IRM DEVELOPMENT, LLC**

WHEREAS, IRM Development, LLC (“Applicant”) has submitted an application (“Application”) for approval of a four lot minor subdivision on approximately 12.036 acres owned by Applicant, fronting on the northerly side of Carry’s Hill Road and the westerly side of Irish Ridge Road, being also known as tax map parcel no. 68.-1-28.1 (the “Premises”), and

WHEREAS, the Premises lie in Zoning District B as defined by the Town of Fenner Land Use Regulations, and

WHEREAS, the following documents have been received by the Board with respect to the Application:

1. Subdivision Map, “Irish Ridge Meadow, prepared by David A. Vredenburgh dated 8/3/2016 and last revised 10/27/16.
2. Subdivision Application dated 8/2/16 signed by Donald P. Colella on behalf of the Applicant,
3. Short EAF dated 10/19/16 signed by Michael T. Decker
4. Letter dated 8/9/16 with attached information from the USDA Natural Resources Conservation Service, “Web Soil Survey” from Edward K. Reid, P.E., revised 11/15/16.
5. Letter from Amber Well Drilling, LLC dated 11/2/16 signed by Jay J. DeLine, Geologist.

WHEREAS, over the course of two prior public hearings, the Board has received extensive public comment, including remarks from Nadine C. Bell, Esq., attorney retained by concerned neighbors, and

WHEREAS, the Planning Board has reviewed the short environmental assessment form submitted by the Applicant and has reviewed all the criteria for determining environmental significance listed in section 617.7 of the regulations implementing the New York State Environmental Quality Review Act (“SEQR”).

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Application constitutes an unlisted action as defined by SEQR, that there are no other involved agencies for this action under SEQR, and that the review of this action under SEQR is the responsibility of this Planning Board, and it is hereby further,

RESOLVED, that the approval of this action will not have any significant adverse effects upon the environment, and as such this resolution shall constitute a negative declaration under SEQR. The reasons supporting this determination are as follows:

1. While the Premises consist of a vacant parcel currently devoted to agricultural crop use, the Premises are not located in a New York State certified agricultural district. The loss of approximately 12 acres of agricultural land will not significantly impact agricultural resources in the Town of Fenner.
2. The lot configurations shown on the most recently revised plat map meet the size and dimensional requirements applicable in Zoning District B under the Town's Land Use Regulations. Development of single family homes on these lots is consistent with the Town's overall land use plan.
3. The Premises are bounded by existing single family homes to the west and north, as well as single family homes across Irish Ridge Road to the east, and across the corner of Carry's Hill Road and Irish Ridge Road to the southeast. The development of four single family homes on lots ranging in size from 2.3 acres to 3.7 acres will be consistent with the existing mixed residential / agricultural character of the neighborhood and surrounding area.
4. In his revised letter of November 15, 2016, licensed professional engineer Edward K. Reid states that he has reviewed the soil and topography conditions of the Premises and states that it is his "professional opinion there will be negligible impacts on drainage as a result of single family homes being constructed on the proposed lots." Having received no information to the contrary from any other licensed design professional, the Board accepts and concurs with Mr. Reid's opinion with regard to potential runoff and drainage impacts and concludes there is not a likelihood for substantial erosion, flooding, leaching or drainage impacts. Post-development conditions, including the installation of grass lawns and landscaping typically associated with single family homes may help stabilize the currently bare ground that exists at certain times of the season during the crop cycle.
5. The homes to be constructed on the four lots upon the Premises will be served by private well and septic systems. In his letter, which includes the results of deep hole and perc tests that he conducted, professional engineer Edward K. Reid concludes that the lots are capable of supporting conventional septic systems.

6. In his letter dated November 2, 2016, geologist Jay J. DeLine, of Amber Well Drilling, LLC, states that he has conducted a review of the groundwater / water wells in the area of the Premises, and concludes that “there should not be a problem finding useable and sustainable groundwater supplies in the area.” While cognizant of concerns about groundwater supplies expressed by neighbors, the Board accepts Mr. DeLine’s un-contradicted professional opinion in this regard. In his letter, Edward K. Reid also points out that separation distances between wells, including distances from existing wells on neighboring properties, is governed by NYS Health Department regulations.
7. The amount of vehicular trips per day generated by four single family homes will not be enough to significantly impact traffic conditions on adjoining roads or the area in general.
8. There are no known sensitive historical, archeological or architectural resources, nor any threatened or endangered species of plants or animals on or near the Premises that would be disturbed or affected by this action.
9. The development of four single family home sites in this area will have no substantial impact on existing air quality or noise levels, or on public health generally.
10. Given the current use of the Premises as disturbed farm field, there will be no removal or destruction of vegetation or fauna, nor any substantial interference with the habitat or the movement of any wildlife species.
11. This action does not affect any critical environmental area (CEA).
12. There will be no significant increase in energy use as a result of this action.
13. The action will not attract a large number of people to the area, nor create a material increase in demand for public services.

Dated: November 16, 2016