

RESOLUTION PB 16-

SEQRA RESOLUTION MAKING NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS FOR PROPOSED MIRABITO ENERGY PRODUCTS LIQUID PROPANE PROJECT AND SITE PLAN IMPROVEMENTS

WHEREAS, an application was made by Wayne Davis of Mirabito Energy Products for site plan approval for the proposed construction of a 30,000 gallon Liquid Propane (LP) storage tank, distribution facility, and related site improvements, to be located at 15 Town Barn Road, Lansing, New York, TPN 30.-1-16.22, being 3.06± acres located in the B2 Commercial Zone; and

WHEREAS, the owner will construct a multi-phased project for a 30,000 gallon LP tank and petroleum distribution facility, with phase one to include the tank, a refueling station, a gravel access drive constructed of crusher-run stone, with related parking areas, fencing, landscaping and buffering improvements, creating in all approximately 2.3 acres of site disturbance and thus also including, as part of said phase one, certain stormwater improvements, grading plans, and drainage improvements; and

WHEREAS, the owner will complete a "Full SWPPP" for the entire site, to include the impacts on adjacent parcels and to portray a properly sized, designed, and approved stormwater retention practice site; and

WHEREAS, General Municipal Law Article 12-B, §§ 239-l and -m referrals were duly sent to the Tompkins County Planning Department and such Department, by letter dated February 8, 2016, "has determined that the proposed action has no negative inter-community or county-wide impacts"; and

WHEREAS, the Planning Board further finds that agricultural and farm operations will not be impacted by the project because there are no current or planned farm operations on the project site and it is within a business zone; and

WHEREAS, this proposed action is an Unlisted Action for only phase one of such project, and for which the Town of Lansing Planning Board is an involved agency for the purposes of a State Environmental Quality Review Act ("SEQRA") environmental review, and the Town will undertake as Lead Agency an uncoordinated review of the project and, in connection therewith, has reviewed a Short Environmental Assessment Form ("SEAF"); and

WHEREAS, the Town of Lansing Planning Board, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQRA"): (i) pursued its thorough review of the applicant's completed Environmental Assessment Form, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review; (ii) thoroughly analyzed the potential relevant areas of environmental concern of the project to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR § 617.7(c); and (iii) reviewed and completed the EAF, Part II on the record; and

WHEREAS, each identified potential environmental impact was analyzed and duly considered by the Planning Board in relation to the question of whether any potential environmental impacts were so probable of occurring or so significant as to require a positive declaration, and after weighing the above and all other potential impacts arising from or in connection with this project, and after also considering: (i) the probability of each potential impact occurring; (ii) the duration of each potential impact; (iii) the irreversibility of each potential impact, including permanently lost resources of value; (iv) whether each potential impact can or will be controlled or mitigated by

permitting or other processes; (v) the regional consequence of the potential impacts; (vi) the potential for each impact to be or become inconsistent with the Town's master plan or Comprehensive Plan and local needs and goals; and (vii) whether any known objections to the Project relate to any of the identified potential impacts, the Planning Board found that these factors did not cause any potential impact to be or be likely to become a moderate or significant impact such that a negative declaration will be issued.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. After consideration of the potential environmental impacts, including those reviewed in accord with 6 NYCRR § 617.7(c), the Planning Board finds that the proposed action of approving the site plan for the Mirabito facility on TPN 30.-1-16.22, and the development of the site for the LP distribution and storage facility, as submitted, will have no moderate or significant negative environmental consequences or impacts.

2. This declaration is made in accord with Article 8 of the New York State Environmental Conservation Law and SEQRA regulations promulgated thereunder, and accordingly, the Planning Board of the Town of Lansing, based upon: (i) its thorough review of the SEAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review; (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have any moderate or significant adverse impact on the environment, including, but not limited to, the criteria identified in 6 NYCRR § 617.7(c); and (iii) its completion of the SEAF, including the findings noted therein (if any, and which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("**Negative Declaration**") in accordance with SEQRA for the above referenced proposed actions, and determines that an Environmental Impact Statement is therefore not required.

3. A Responsible Officer of the Planning Board of the Town of Lansing is hereby authorized and directed to complete and sign, as required, the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed SEAF and determination of significance shall be incorporated by reference in this Resolution

Dated: May 9, 2016

VOTE AS FOLLOWS:

**Gerald Caward, Jr. -
Norman L. Davidson -
Al Fiorille -
Richard Prybyl -
Larry Sharpsteen -
Deborah Trumbull -
Thomas Ellis -**