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TOWN OF LLOYD ZONING BOARD OF APPEALS

SEQRA Determination that the Stewarts Shops Corp. Redevelopment Project will not have a Significant Adverse Impact on the Environment and that an Environmental Impact Statement will not be Prepared

August 12, 2021

WHEREAS, Stewarts Shops. Corp (the "Applicant") seeks area variances from the Town of Lloyd Zoning Board of Appeals ("ZBA") for variances to redevelop lands as a convenience store with self-service gasoline (the "Project") involving property designated SBL ##96.9-1-32.100, 96.9-1-32.200 and 96.9-1-33.100 located at 3733 NYS Route 9W in the Town of Lloyd, Ulster County, New York; and

WHEREAS, the Site is located in a Highway Business District zoning district designated by the Town of Lloyd Zoning Code (the "Zoning Code"); and

WHEREAS, the ZBA is empowered by NYS Town Law and the Town of Lloyd Zoning Code to review the requested variances and to determine whether to approve them; and

WHEREAS, the ZBA's determination on the Applicant's Project is an Unlisted action pursuant to the New York State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, "SEQRA"); and

WHEREAS, SEQRA requires that the ZBA undertake a thorough review of the Project's potentially significant adverse environmental impacts prior to making its determination with respect to the Project; and

WHEREAS, in conducting its SEQRA review, the ZBA must: (1) consider the action as defined in sections 617.2(b) and 617.3(g) of the SEQRA regulations; (2) review the EAF, the criteria for determining significance contained in SEQRA and any other supporting information to identify the relevant areas of environmental concern; (3) thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment; and (4) set forth its determination of significance in a written form containing a reasoned elaboration and providing reference to any supporting documentation; and

WHEREAS, the SEQRA regulations also provide that "[t]o determine whether a proposed....action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in [section 617.7(c)(1) of the SEQRA regulations]"; and

WHEREAS, after review of Part 1 and completion of Parts 2 and 3 of the SEQRA SEAF; after reviewing the application and all the other supporting information submitted to the ZBA by the Applicant; after closing the public hearing on the Applicant's variance requests for the Project at its August 12, 2021 regular meeting after hearing from the Applicant and the public; and after reviewing the criteria for determining significance set forth under Section 617.7(c)(1) of the SEQRA regulations and analyzing the

relevant areas of environmental concern, the ZBA has determined that the Project will not create any significant adverse environmental impacts.

NOW THEREFORE BE IT RESOLVED, that the ZBA approves the SEAF (Parts 1, 2 and 3) and the Chairman is authorized to sign Part 3 of the SEAF on behalf of the ZBA; and

BE IT FURTHER RESOLVED, that the ZBA issues a SEQRA Negative Declaration for the Project concluding that it will not create any significant adverse environmental impacts and that a draft environmental impact statement will not be prepared; and

BE IT FURTHER RESOLVED, that the ZBA directs the filing of this Negative Declaration as required by the SEQRA regulations, 6 NYCRR § 617.12; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Motion By: Paul

Seconded By: Russ

The foregoing resolution was voted upon with all members voting and signing as follows:

John Litts, Chairman	<u>Yes</u>	No	Abstain	Absent	
Paul Garguilo, Vice-Chair	<u>Yes</u>	No	Abstain	Absent	
William Brown	Yes	No	Abstain	Absent	X
Russ Gilmore	<u>Yes</u>	No	Abstain	Absent	
Alan Hartman	<u>Yes</u>	No	Abstain	Absent	
Shawn Zerasta	<u>Yes</u>				

VOTE IS CERTIFIED BY:

Sarah Van Nostrand
Sarah VanNostrand, Secretary

8/12/21
Date

THE RESOLUTION IS HEREBY APPROVED AND ORDERED TO THE RECORD BY:

John O. Litts
John Litts, Chair

8/12/21
Date

Project: Stewarts Shops

Date: August 12, 2021

Short Environmental Assessment Form

Part 2 - Impact Assessment

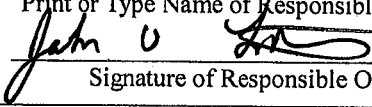
Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Town of Lloyd Zoning Board of Appeals	August 12, 2021
Name of Lead Agency	Date
John Litts	Chairman
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)