
**IN THE MATTER
Of
STATE ENVIRONMENTAL QUALITY REVIEW
ACT
DETERMINATION FOR
THE PROPOSED MILLS ROAD WATER
DISTRICT**

**Resolution No. 35 of 2023
DETERMINATION OF
ENVIRONMENTAL
SIGNIFICANCE**

The **TOWN OF LYSANDER BOARD**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Lysander, located at 8220 Loop Road, Baldwinsville, New York 13027, County of Onondaga, State of New York, on the 2nd day of February, 2023, at 6:30 p.m. The meeting was called to order by Robert A. Wicks, as Supervisor, and the following were present, namely:

Robert A. Wicks	Supervisor
Robert Geraci	Town Councilor
Peter Moore	Town Councilor
Jeffrey Kudarauskas	Town Councilor
Kevin Rode	Town Councilor

Absent: None

WHEREAS, The residents of the Mills Road/Biggs Grove neighborhood presented a petition requesting the formation of the Mills Road Water District. The petition was signed by owner of 20 of the 30 parcel owners included in the proposed district boundary.

WHEREAS, The Lysander Town Board authorized the preparation of the Map, Plan & Report Document required for district formation by the Town Engineering Consultant, CHA Consultants.

WHEREAS, the Town Board has reviewed the Map, Plan & Report required for the district formation and have considered it in relation to the SEQRA review and findings set forth herein;

WHEREAS, the existing zoning for the Project Site is Agricultural which allows the Project as set forth in the Map, Plan & Report;

WHEREAS, land uses in the adjacent surrounding area are single family homes and agricultural land.

WHEREAS, the Project is an extension of a utility distribution which qualifies as a Type II action under Article 8 of the New York State Environment Law and 6 NYCRR (“SEQRA”) not requiring SEQR review ;

WHEREAS, on February 2nd, 2023, pursuant to NYCRR Part 617.6(b), the Lysander Town Board declared itself the Lead Agency and classified the Project as a Type II action.

WHEREAS, due to the designation of the area as an archeological sensitive area by the New York State Historic Preservation Office the town elected to move forward with SEQR Review for the project even though the project is considered a Type II action.

WHEREAS, a Phase 1A & 1B Cultural Resource Investigation study was prepared by Powers Archeology, LLC dated December 19, 2022.

WHEREAS, on February 2nd, 2023, at its regular meeting, the Lysander Town Board reviewed & discussed Part 2 of the Short Environmental Assessment Form (the “SEAF”) and answered the 11 questions set forth therein based on the Project;

WHEREAS, the information on Part 1 of the SEAF, and the personal knowledge of the Town Board members of the Project site, the Town Board determined that the proposed action would be no material impact on Geological Features, Surface Water, Groundwater, Flooding, Air, Plants and Animals, Agricultural Resources, Historical and Archeological Resources, Open Space and Recreation, Critical Environmental Areas, Transportation, Energy, Noise/Oder/Light, Human Health, Consistency with Community Plans, and/or Consistency with Community Character;

WHEREAS, the Town Board did identify two potential environmental impacts as follows: (i) Impact Archeological Resource; (ii) Impacts on Wetlands; (iii) Impacts on Threatened or Endangered Animals;

WHEREAS, of the two potential environmental impacts set forth in the previous paragraph, the Planning Board determined that the standards set forth in the EAF sub-questions indicated “no, or small impact may occur”, except for mitigation measures that would be required related to Impacts on Land and Aesthetic Resources, as set forth in the next paragraph;

WHEREAS, based on the review of the Map, Plan & Report , Phase 1A & 1B Cultural Resource Investigation, Part 1 and Part 2 of the SEAF, the Town Board’s familiarity of the Project Site, the Town’s Comprehensive Plan, the zoning designation of the Property as Agricultural, and all of the Recitals stated above, the Town Board hereby makes the following **FINDINGS and DETERMINATIONS**, which will be added as a supplement to the EAF Part 2 and 3:

1. **FINDING and DETERMINATION**, a Phase 1A & 1B Cultural Resource Investigation study was prepared by Powers Archeology, LLC dated December 19, 2022. Phase I Cultural Resource Investigations were performed only for the 3,640 linear feet / 1,109 meters that were considered the Area of Potential Effect for the Proposed Mills Road Water District Project. All work was conducted in the Town of Lysander, Onondaga County, New York. While the physiographic context of the APE seems to suggest that Native American habitation was possible, Phase I investigations yielded no evidence of prehistoric occupation. Neither Native American sites nor Euro-American sites were identified within the APE. Therefore, no sites were designated. Consequently, Powers Archaeology LLC believe that no further archaeological work is warranted.
2. **FINDING and DETERMINATION**, wetland associated with the adjacent Seneca river located south of the homes on Mills Road and Biggs Grove were noted in the SEAF Part 1 form, the project will be constructed along the roadway which is greater than 100’ from the normal highwater level of the Seneca River. It is not anticipated that the project will have any wetland impacts.

3. **FINDING and DETERMINATION**, Lake Sturgeon and Indiana Bat which are threatened or endanger animals were identified as possibly being present in the project location. The project will not involve any disturbance to the Seneca River making it unlikely to disturb to the Lake Sturgeon. The project will not require any tree removal resulting in habitat loss for the Indiana Bat. It is not anticipated that the project will have any impacts on threatened or endangered animals.

NOW, THEREFORE BE IT RESOLVED, that having reviewed the SEAF and relating it to the criteria set forth in Section 617.8(c) of the SEQRA regulations, making the Findings and Determinations contained in this Resolution, the Town Board hereby issues a Negative Declaration under Article 8 of the Environmental Conservation Law;

BE IT FURTHER RESOLVED, that the Lead Agency is the Town Board of the Town of Lysander, with a mailing address of 8220 Loop Road, Baldwinsville, Town of Lysander, New York;

BE IT FURHTER RESOLVED, that the Project is a Type II Action under SEQRA;

BE IT FURTHER RESOLVED, that the proposed Action is located on Mills Road and Biggs Grove in the Town of Lysander;

BE IT FURTHER RESOLVED, that this Resolution be appended to the EAF Part 2 and Part 3 and made a part thereof;

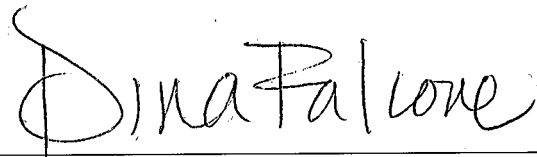
BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to file this Negative Declaration with the appropriate entities as set forth under 6 NYCRR Part 617.

I, **DINA FALCONE**, Town Clerk, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Lysander at a regular meeting of the Board duly called and held on the 2nd day of February, 2023 that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I HEREBY CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Lysander, this 2nd day of February, 2023.

DATED: February 2, 2023
Baldwinsville, New York



Dina Falcone
Lysander Town Clerk
Town of Lysander
Onondaga County, New York

