Town of Horicon Zoning Board of Appeals (ZBA)

Variance Instructions

Section 16 - Town of Horicon Zoning and Project Review

- 1. Attach your Zoning Compliance application Denied by the Town of Horizon Zoning Administrator. If this is variance application for a Subdivision, Conditional Use, Site plan or Special use permit a denial is **not** required.
- **2.** Fill out and return **Ten (10) copies** of the application and all <u>relevant materials</u> to the Town of Horicon Zoning & Planning Office. You need not copy these instructions or unrelated pages if they are not relevant to your proposal.
 - **A)** Deadline for applications is a **minimum of 14 days prior** to the regularly scheduled meeting. The ZBA meetings are held on the fourth Tuesday of each month at 7:00 PM. Schedule may change due to special circumstances, please check with the zoning office for details.
- 3. A plot plan of the lot, drawn to scale must be attached, indicating the location and size of the lot, size and location of the proposed improvement(s) thereon and any size and location of proposed improvement(s) to be erected thereon. Ten (10) copies. You MAY be asked to provide a recent survey of the property. (The board will determine if a recent survey is needed).
- **4.** If application is being represented by someone other than the owner of record, then the AUTHORITY TO ACT AS AGENT FOR PROPERTY OWNER must be completed, notarized and attached to this application, **Ten (10)** copies.
- 5. Include deed(s) or other proof of ownership. One (1) copy.
- **6.** Complete an Environmental Assessment form (if applicable) Short Form Part 1 ONLY, **Ten (10) copies.** (Download Form from <u>dec.state.ny.us</u> or <u>horizonny.gov</u> website if one is not attached).
- 7. Enclose a check for \$100.00 made payable to the Town of Horicon.
- 8. Place batter stakes (if applicable) at the site location for inspection by the Zoning Administrator.
- 9. Are there any additional documents presented as part of this application? YES NO

Applicant's Check List:

1) Zoning Compliance Certificate Denial (if applicable)	
2) Application	
3) Plot Plan	
4) Authorization Form (if applicable)	
5) Deed(s) or other proof of ownership	
6) Environmental Assessment Form (if applicable)	
7) Payment	
8) Batter Stakes (if applicable)	
9) Additional Documents (if applicable)	

Town of Horicon ZBA Application # PO Box 90 Brant Lake, NY 12815 (518) 494-4245 Decision: _____ Date: ____ Fax (518) 494-5240 E-Mail: zoninaplannina@horiconny.gov Variance Approval/Denial for: Website: horiconny.gov **Variance Application** 1. Property Owner's Name: Mailing Address: Contact Number(s) Phone/Email: 2. Applicant's Agent/Representative's Name (if Applicable): (You must complete the Authority to Act as Agent form) Address: Contact Number(s) Phone/Email: 3. Location of Property (911 address): 4. Tax Map Number or S/B/L: 5. Parcel Size (Acres or Sq. Ft.): 6. Zone Classification (District Symbol & Acres) (see list): CR-20,000 sq. ft, CR-3.2 acres, R1-20,000 sq. ft, R1-1.3 acres, R1-2 acres, R1-3.2 acres, R1-10 acres. R1A-3.2 acres. R1A-5 acres, R2-2 acres, R2-3.2 acres, R2-5 acres, R2-10 acres, LC-10 acres, LC-42.6 acres, RRD-5acres. RRD-3.2 acres, RRD-10 acres. If parcel is in multiple zones please indicate all zones. 7. APA Zoning Classification (see list): Hamlet Moderate Intensity Use Low Intensity Use Rural Use Resource Management Industrial

9. Indicate what	decision you received from the Zoning Administrator:
-	Denial of an application for a Zoning Compliance Certificate (Land Use Permit) (You must attach that decision to this application)
	Other explain (Subdivision, Conditional Use, etc):
10. What is/are	the Applicable Section(s) of the Zoning Code that applies to this project:
	Section(s):
11. What is the	current use of the property (residential, undeveloped, commercial):
12. List ALL st t	ructures that are present on this parcel today:
13. Describe (if	anything) that will be done with any and all structures that are currently present on this
parcel today:	

15. Indicate what type and size of variance you are requesting, (fill in all that apply):

If unknown, check with Zoning Administrator for appropriate minimum setback requirements for each zoning district. **** EXAMPLE: ****

Roadway Setback: 60' from CL of road (CL = center line)

	A	В	С
Type of	Minimum	Amt. of Variance	Variance Request
Variance	Requirement	Applied For	·
Requested		(i.e. where the proposed	(A minus B)
***************************************	regulations)	structure will sit on parcel	
		or acreage needed etc.)	
Density (Acreage)			
Shoreline frontage			
Shoreline setback			
Roadway frontage			
Roadway setback			
Front Yard setback			
Rear Yard setback			
Side Yard setback			
Dock Surface Area			
Other (please list)			

^{*} All variances will be reviewed by the Zoning Administrator for accuracy.

Zoning Administrator Review:
(Initialed if accurate)

15 a. If variance(s) are not listed above or you need additional space, state your variance request here:

1) Is this parcel within 500 feet of a Count	y or State Road, (see list below)
	YES NO
County and State Roads:	
State Rte. 8	Palisades Rd Co. Rd. #26
East Shore Dr Co. Rd #15	Valentine Pond Rd - Co. Rd. #55
Horicon Ave - Co. Rd. #31	Market St - Co. Rd. #33
East Schroon River Rd - Co. Rd.#64	Watering Tub Rd - Co. Rd. #53
-	unty Right of Way, County or State Park, County or State shed draining, or any County or State Facility? YES NO
Adirondack Park Agency (APA) qu	iestions:
1) Are there wetlands on the property? IF YES,Acres/Sq. Ft. IF UNKNOWN, have you contacted the A requested a site review to flag possible wetl	
2) Is an Adirondack Park Agency (APA) pe	ermit required? YES NO UNKNOWN
	ermit? YES NO attach correspondence you have had with the APA
IF UNKNOWN , have you applied for an A contact with the APA for determination?	APA Jurisdictional determination (JIF) or had YES NO
IF YES, please attach application IF NO, explain	for jurisdictional determination.

Warren County Planning Board questions:

Do NOT complete this page is you are applying for a Use Variance

The following information must be provided in detail (on separate sheets if necessary).

Area Variance

Applicant must demonstrate that the Ordinances imposes a practical difficulty on the property.

Board may grant minimum variances necessary and may impose reasonable conditions.

C. Will there be an adverse physical or environmental effect? YES NO Explain: D. Are there any feasible alternatives? YES NO Explain: Explain:	A. The strict application of the Zoning Ordinance would result in the following practical difficulty:
B. Will there be an undesirable change in neighborhood character or to nearby properties? YES NO Explain: C. Will there be an adverse physical or environmental effect? YES NO Explain: D. Are there any feasible alternatives? YES NO Explain: Explain: Explain: Explain: NO Ex	
C. Will there be an adverse physical or environmental effect? YES NO Explain: D. Are there any feasible alternatives? YES NO Explain: E. Is the variance requested the MINIMUM VARIANCE in which would alleviate the identified practical difficulty? YES NO	
C. Will there be an adverse physical or environmental effect? YES NO Explain: D. Are there any feasible alternatives? YES NO Explain: E. Is the variance requested the MINIMUM VARIANCE in which would alleviate the identified practical difficulty? YES NO	
D. Are there any feasible alternatives? YES NO Explain: Explain:	
D. Are there any feasible alternatives? YES NO Explain: E. Is the variance requested the MINIMUM VARIANCE in which would alleviate the identified practical difficulty? YES NO	
E. Is the variance requested the MINIMUM VARIANCE in which would alleviate the identified practical difficulty? YES NO	
difficulty? YES NO	Explain:
Explain:	
	Explain:
F. Other Comments:	E. Others Community

This page is for a Use Variance application only. Please provide the following information in detail.

Use Variance

To allow a use not otherwise allowed in zoning, an applicant must demonstrate to the Board unnecessary hardship. Such demonstration includes all the following for each and every permitted use:

- A. The applicant cannot realize a reasonable return substantial as shown by competent financial evidence.
- B. The alleged hardship is unique and does not apply to substantial portion of district or neighborhood.
- C. The requested variance will not alter the essential character of the neighborhood.
- D. The alleged hardship has not been self-created.

If approved shall grant the minimum variance necessary and may impose reasonable conditions.

Signature Page

Notice is hereby given that in the event the Town of Horicon determines that technical assistance is needed to review the project, the reasonable and necessary expenses associated with such review shall be borne by the project applicant.

Applicant's Signature I, We hereby authorize the Town of Horicon, agents access to the property for pu		4
Applicant's Signature 1, We hereby authorize the Town of Horicon, agents access to the property for pu		4
Official Use Only		
Date Received	Payment: Ck. #	Cash
Initial Office review completed w/ any comments:		
Date deemed complete		
Warren Co referral Date (if required)		
Warren Co decision – see attached form (if required))	
ZBA Decision (attach decision form)		te
APA referral Date		
APA determination received	_	
Board's Check List:		
1) Zoning Compliance Certificate Denial (if a	oplicable)	
2) Application		
3) Plot Plan		
4) Authorization Form (if applicable)		
5) Deed(s) or other proof of ownership		
6) Environmental Assessment Form (if applic	able)	
7) Payment		
8) Batter Stakes (if applicable)		
9) Additional Documents (if applicable)	_	

AUTHORITY TO ACT AS AGENT FOR PROPERTY OWNER

I,	, the owner of record of the
property described in this application hereby empo	ower,to
act as my agent and representative in conducting p	presentations to the necessary board(s) and in
deliberations with the board(s) and any necessary	permit(s) pertaining to my application(s).
As my agent, he/she is empowered to act on my be	ehalf in full. In so doing I, the owner applicant,
understand that I am bound by any conditions imp	osed on my project and agreed to by my agent or by
conditions or restrictions imposed by my agent as	part of the presentation.
Signature of Owner	Date

Town of Horicon

Fee Schedule Effective: December 21, 2018

PO Box 90 6604 State Route 8

Brant Lake, NY 12815 Phone: (518) 494-4245 Fax: (518) 494-5240

Email: zoningplanning@horiconny.gov

Website: horiconny.gov

All Fees may or may not be included on this schedule and are all subject to change without notification. Make checks payable to: TOWN OF HORICON

If a Warren County Building Permit is not required for your project, a Town of Horicon Land Use Permit (Zoning Compliance Certificate) may be required for Intensity Regulations. Re: Setbacks, minimum lot size and frontages. You may also need to obtain permits from other Agencies APA, DEC, etc.

Contact Town of Horicon Zoning Administrator with any and all questions.

Structure(s): Up to 600 Square Feet - \$36.00

Over 600 Square Feet - \$36.00 PLUS \$6.00 per 100 Square feet or portion thereof above 600 Square feet not to exceed \$500.00. - Including, but not limited to: Homes (including Modular and Mobile), Additions, Dormers, Commercial Building, Garages, Barns, Pole Barns, Sheds, Decks, Porches (covered, enclosed, screened, etc.), Carports, Boathouses, Ground Mounted Solar Panels, etc.

(A WARREN COUNTY BUILDING PERMIT MUST ALSO BE OBTAINED)

After the fact Zoning Compliance Certificate surcharge: \$150.00 (in addition to regular fee).

Dock: \$50.00 - See Section 8.08 of Zoning Law for Dock Regulations.

Sign, Fence, Roof Mounted Solar Panels, Swimming Pool (including required fence): \$15.00

Septic Permit: \$80.00 - Installation or Major Repair

ZA Site Review: \$35.00 (First visit free)

Boundary Line Adjustment, Conditional Use (Site Plan): \$100.00 (Planning Board)

Variance (Area or Use): \$100.00 (A ZCC must be applied for and denied) (Zoning Board of Appeals)

After the fact Variance surcharge: \$100.00 (in addition to regular fee).

Subdivisions:

Total number of parcels being created including remaining parcel, open space, roads, etc.:

Pre-Application for Minor or Major Subdivision: No fee

Preliminary Application for Major Subdivision: \$100.00

To be deducted from total fee if/when a Major Final Subdivision application is submitted.

Minor Final Plat: 2-4 Lots: 2 lots = \$100.003 lots = \$150.004 lots = \$200.00

Major Final Plat: 5 - 20 Lots: \$250.00 initial fee + \$25.00 Per Subdivision Lot being proposed 5 lots = \$375.006 lots = \$400.007 lots = \$425.008 lots =\$450.00 9 lots = \$475.00

10 lots = \$500.0011 lots = \$525.0012 lots = \$550.00 13 lots = \$575.00 14 lots =\$600.00 15 lots =\$625.00 16 lots = \$650.00

17 lots =\$675.00 18 lots =\$700.00 19 lots = \$725.0020 lots = \$750.00

21 + Lots: \$500.00 initial fee + \$25.00 Per Subdivision Lot being proposed.

 $21 \text{ lots} = \$1,025.00 \quad 22 \text{ lots} = \$1,050.00 \text{ etc.}$

ARTICLE 6 - INTENSITY AND DIMENSIONAL REQUIREMENTS

Section 6.10 - Schedule of Intensity and Dimensional Requirements.

The following intensity and dimensional requirements apply to all projects within the Town of Horicon except as authorized in Section 11 of the Subdivision Regulations (cluster development provision), and except those projects in the Industrial District, where no intensity is prescribed. See Schedule of Intensity and Dimensional Requirements below.

			Stru	cture S	Setbacks		
District Symbol	Intensity: Lot size per Principal Building	Road Frontage	Front Yard (measured From the centerline of the road)	Side Yard	Rear Yard	Shoreline from MHWM	Shoreline Lot Width
R1-20,000 CR-20,000	20,000 square feet.	100 feet	50 feet	10 feet	20 feet	50 feet	50 feet
R1-1.3	1.3 acres	100 feet	60 feet	15 feet	50 feet	50 feet	100 feet
R1-2 R2-2	2 acres	200 feet	60 feet	15 feet	50 feet	75 feet	100 feet
R1A-3.2 R1-3.2 R2-3.2 RRD-3.2 CR-3.2	3.2 acres	250 feet	60 feet	15 feet	50 feet	75 feet 150 feet in RRD	125 feet
R1A-5 R2-5 RRD-5	5 acres	300 feet	60 feet	15 feet	50 feet	75 feet 150 feet in RRD	125 feet
R1-10 R2-10 RRD-10 LC-10	10 acres	400 feet	60 feet	15 feet	50 feet	100 feet 150 feet in RRD	125 feet
LC-42	42 acres	500 feet	60 feet	15 feet	50 feet	100 feet	200 feet

I – Industrial none prescribed

All Subdivisions shall be in accordance with both the minimum lot size and intensity requirements.

Lots that include shoreline shall be subject to the additional restrictions in Article 9.

Maximum Lot Coverage – see Section 6.30

Minimum Road Frontage - see Section 6.50

Maximum Structure Height – see Section 6.40

617.20 Appendix B Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information					
Tare 1 - Project and Sponsor Information					
N. C. I.					
Name of Action or Project:					
Project Location (describe, and attach a location map):					•
Brief Description of Proposed Action:					
Name of Applicant or Sponsor:	Telepl	hone:			
	E-Mai	il;			***************************************
Address:	<u> </u>				
City/PO:		State:	Zip	Code:	
·			1		
1. Does the proposed action only involve the legislative adoption of a plan, l	ocal law	/. ordinance.	1	NO	YES
administrative rule, or regulation?			F		
If Yes, attach a narrative description of the intent of the proposed action and	the env	ironmental resources t	hat		
may be affected in the municipality and proceed to Part 2. If no, continue to	•				
2. Does the proposed action require a permit, approval or funding from any If Yes, list agency(s) name and permit or approval:	other go	overnmental Agency?	ļ.	NO	YES
if ites, list agency(s) name and permit or approvar:					
				ш	
3.a. Total acreage of the site of the proposed action?		acres			1
b. Total acreage to be physically disturbed?		acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		acres			
or controlled by the applicant or project sponsor:		acres			
4. Check all land uses that occur on, adjoining and near the proposed action					
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Comm		•	oan)		
☐Forest ☐Agriculture ☐Aquatic ☐Other ((specify)):			
☐ Parkland					

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?			
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural		NO	YES
landscape?			
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Ar	ea?	NO	YES
If Yes, identify:			
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
b. Are public transportation service(s) available at or near the site of the proposed action?			
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed act	ion?		
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies:		П	
		<u></u>	L
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			
			L
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:			
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO	YES
b. Is the proposed action located in an archeological sensitive area?			
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	1	NO	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	<u>. </u>		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check a Shoreline		apply:	
☐ Wetland ☐ Urban ☐ Suburban	Ox 		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed		NO	YES
by the State or Federal government as threatened or endangered?		П	
16. Is the project site located in the 100 year flood plain?		NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources?		NO	YES
If Yes, a. Will storm water discharges flow to adjacent properties? NO YES			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drain	s)?		
If Yes, briefly describe:	,		

18. Does the proposed action include construction or other activities that result in the impoundment	of	NO	YES
water or other liquids (e.g. retention pond, waste lagoon, dam)?	ļ .		
If Yes, explain purpose and size:			
		ш	
19. Has the site of the proposed action or an adjoining property been the location of an active or close	sed	NO	YES
solid waste management facility? If Yes, describe:			
Trus, dedoritor.			
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ong completed) for hazardous waste?	oing or	NO	YES
If Yes, describe:			
		hd	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE KNOWLEDGE	TO THE B	EST O	F MY
Applicant/sponsor name: Date:			
Signature:			

questions in Part 2 using the information contained in Part 1 and other materials submitted by the protherwise available to the reviewer. When answering the questions the reviewer should be guided by responses been reasonable considering the scale and context of the proposed action?"	y the concep	ot "Hav	
otherwise available to the reviewer. When answering the questions the reviewer should be guided b	No, or small impact may occur	Mod to im	derate large apact nay
otherwise available to the reviewer. When answering the questions the reviewer should be guided b	No, or small impact may	Mod to im	derate large apact nay
otherwise available to the reviewer. When answering the questions the reviewer should be guided by responses been reasonable considering the scale and context of the proposed action?" 1. Will the proposed action create a material conflict with an adopted land use plan or zoning	No, or small impact may	Mod to im	derate large apact nay
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otherwise available to the reviewer. When answering the questions the reviewer should be guided b responses been reasonable considering the scale and context of the proposed action?" 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? 2. Will the proposed action result in a change in the use or intensity of use of land? 3. Will the proposed action impair the character or quality of the existing community? 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? 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? 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? 7. Will the proposed action impact existing:	No, or small impact may	Mod to im	derate large apact nay
otherwise available to the reviewer. When answering the questions the reviewer should be guided be responses been reasonable considering the scale and context of the proposed action?" 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? 2. Will the proposed action result in a change in the use or intensity of use of land? 3. Will the proposed action impair the character or quality of the existing community? 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? 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? 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?	No, or small impact may	Mod to im	derate large apact nay
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otherwise available to the reviewer. When answering the questions the reviewer should be guided be responses been reasonable considering the scale and context of the proposed action?" 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? 2. Will the proposed action result in a change in the use or intensity of use of land? 3. Will the proposed action impair the character or quality of the existing community? 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? 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? 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? 7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	No, or small impact may	Mod to im	derate large apact nay

		No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential problems?	al for erosion, flooding or drainage		
11. Will the proposed action create a hazard to environmental res	sources or human health?		
Part 3 - Determination of significance. The Lead Agency is requestion in Part 2 that was answered "moderate to large impact nelement of the proposed action may or will not result in a significant 3 should, in sufficient detail, identify the impact, including a the project sponsor to avoid or reduce impacts. Part 3 should also may or will not be significant. Each potential impact should be as duration, irreversibility, geographic scope and magnitude. Also cumulative impacts.	hay occur", or if there is a need to expeant adverse environmental impact, p my measures or design elements that to explain how the lead agency determined t	plain why a lease comp have been nined that the bility of occ	particular lete Part 3. included by ne impact curring,
Check this box if you have determined, based on the inform that the proposed action may result in one or more potent environmental impact statement is required. Check this box if you have determined, based on the information that the proposed action will not result in any significant action.	tially large or significant adverse impartion and analysis above, and any su	pacts and ar	l
Name of Lead Agency	Date		
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible O	fficer	

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)