

# Chapter 300. Zoning

## Article XVI. Anaerobic Digester Facilities

### § 300-152. Title.

[Added Date by L.L. No. # - 2022]

This article shall be known as the "Town of Seneca Falls Anaerobic Digester Local Law."

### § 300-153. Legislative authority.

This article is enacted pursuant to the authority conferred upon the Town Board by Article IX of the New York State Constitution, Municipal Home Rule Law § 10, New York Town Law § 130, and the zoning powers conferred by Article 16 of the Town Law.

### § 300-154. Definitions.

As used in this article, the following terms shall have the meanings indicated:

#### **ANAEROBIC DIGESTER FACILITY**

A facility the main purpose of which is to use anaerobic digestion to convert livestock and poultry manure (primary catalyst) and feedstock into biogas, as to manage livestock and poultry manure. Anaerobic digesters may include codigestion in which the livestock and poultry manure may be mixed with other organic materials (secondary catalysts).

#### **ANAEROBIC DIGESTION**

A series of processes in which microorganisms break down biodegradable material in the absence of oxygen, used for industrial or domestic purposes to manage waste and release energy.

#### **APPLICANT**

The person or entity filing application under this article.

#### **BIOGAS**

A fuel consisting of methane, carbon dioxide and small amounts of water and other compounds produced as a result of anaerobic digestion.

#### **CODIGESTION**

Anaerobic digestion of multiple biodegradable materials.

#### **FEEDSTOCK**

Any material which may be converted to methane gas by the process of anaerobic digestion. Nothing contained in this definition shall be construed to permit the use of any material generated off site in small anaerobic digesters as defined and regulated herein.

#### **LARGE ANAEROBIC DIGESTER**

An anaerobic digester which accepts animal waste, feedstock, and/or other organic waste generated off site or from more than one farm. It is noted that any system with a nameplate generating capacity of 25 megawatts or more is subject to the requirements, terms and conditions of Article 10 of the New York State Public Service Law.

#### **SMALL ANAEROBIC DIGESTER**

An anaerobic digester primarily intended to reduce on-site consumption of utility power. A system is considered a small anaerobic digester only if it supplies electricity or thermal power for on-site use, except that when a property upon which the facility is installed also receives electrical power

from a utility company, excess electrical power not presently needed for on-site use may be used by the utility company. Small anaerobic digesters use livestock and poultry manure and other feedstock generated on site by one farm and are designed and intended solely to generate power to offset utility costs. Small anaerobic digesters may include codigestion.

## § 300-155. Small anaerobic digesters.

Small anaerobic digester systems are permitted as an accessory use to farming operations in any zone where agricultural uses are permitted subject to the definition of "small anaerobic digester" as set forth above and also to the following:

- A. Setbacks and lot requirements.
  - (1) Small anaerobic digesters are permitted only on lots of 10 acres or more.
  - (2) Small anaerobic digesters shall not be located within 100 feet of any side property line, 100 feet of any rear property line, 500 feet from any residential structure other than that of the property owner and 150 feet from any public road right-of-way. For purposes of this subsection, the term "property owner" shall include any person or persons who own such residential structure and who also have an ownership interest in any corporation, limited liability company, partnership or other entity which owns the farm property and/or operation. There shall be no discharge of any kind on any such road right-of-way.
- B. Small anaerobic digester permit. The installation of a small anaerobic digester shall require a small anaerobic digester permit and building permit from the Code Enforcement Officer.
- C. Design and installation. The permit applicant shall address and document performance standards for siting to minimize impacts on neighboring properties which shall include considerations of:
  - (1) Prevailing wind patterns.
  - (2) Proximity to residential and other nonagricultural properties regardless of how they are zoned.
  - (3) Operational noise.
  - (4) Specific hours of operation with regard to truck traffic.
- D. The application shall be accompanied by documentation from a person qualified to design and install the proposed system, explaining all details of construction, operation, maintenance and necessary controls related to the system.
- E. Anaerobic digester systems shall be designed and constructed in compliance with the regulations and guidelines of the New York State Department of Environmental Conservation and any amendments, revisions, supplements, and successors thereto.
- F. Anaerobic digester systems shall be designed and constructed in compliance with all applicable local, state, and federal laws, codes and regulations. Evidence of such compliance and of all federal and state agencies' required approvals shall be included with the application.
- G. Utility notification. No anaerobic digester system shall be installed until evidence has been provided that the electric utility company has been informed of the applicant's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

## § 300-156. Large anaerobic digesters.

- A. Statement of legislative findings.
  - (1) The Town Board finds that there are a number of concerns and negative factors concerning the operation of large anaerobic digesters. While small anaerobic digesters as defined above are an accessory use to and a normal part of handling animal and other organic waste incidental to farming, large anaerobic digesters involve factors which concern the Town Board

on a much larger scale.

- (2) These factors include the presence of pathogens and the difficulty of monitoring the source of such pathogens when waste is brought in from off site. They also include odor and noise from operation of the facility, truck traffic and the potential that waste material would be hauled through residential areas or spilled on public highways, and the emission of greenhouse gases, nitrogen, sulfur oxides, carbon monoxide, ammonia and particulate matter on a much larger scale than with small anaerobic digesters.
- (3) The Town Board finds that these concerns and factors render large anaerobic digesters to be an unsuitable use within the Town of Seneca Falls.

B. Large anaerobic digesters not permitted within the Town of Seneca Falls.

- (1) Large anaerobic digesters as defined above shall not be permitted anywhere within the Town of Seneca Falls.
- (2) The expansion or modification of an existing small anaerobic digester to receive organic material of any kind from off site or to supply electrical power off site except as provided in the definition of "small anaerobic digester" in § 300-154 above shall constitute a prohibited use.

### § 300-157. Complaints; enforcement; penalties for offenses.

Complaints, the enforcement of this article, penalties, and remedies with regard to violations of this article shall be governed by the provisions of § 300-110 of Chapter 300, Zoning, of the Code of the Town of Seneca Falls.

### § 300-158. Fees.

The Town Board may by resolution establish a fee or fee structure for the receipt and review of any application filed under this article.

**TOWN OF SENECA FALLS**  
**ARTICLE XVI – ANEROBIC DIGESTER FACILITIES**

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**SEQR RESOLUTION**  
**DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE**

**WHEREAS**, the Seneca Falls Town Board (hereinafter referred to as “Town Board”) has determined the above-referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Town Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 on the Action prepared by the MRB Group; and

**WHEREAS**, the Town Board has completed the public comment period provided for under the SEQR Regulations; and

**WHEREAS**, the Town Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action; and

**WHEREAS**, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

**NOW THEREFORE BE IT RESOLVED**, that said Action **WILL NOT** result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

**BE IT FINALLY RESOLVED** that the Town Board does hereby make a Determination of Non-Significance on said Action, and the Town Supervisor is hereby directed issue the Negative Declaration as evidence of the Town Board determination of environmental non-significance.

Motion made by Member: \_\_\_\_\_ Seconded by Member: \_\_\_\_\_

Michael J. Ferrara -  
Steve Churchill -  
Dawn Dyson -  
Kaitlyn Laskoski -  
Frank Sinicropi -

Dated: November 1, 2022

The above Resolution was duly adopted on November 1, 2022 by the Town of Seneca Falls Town Board.

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Nicaletta Greer, Seneca Falls Town Clerk  
Town of Seneca Falls

**TOWN OF SENECA FALLS**  
**ARTICLE XVI – ANAEROBIC DIGESTER FACILITIES**

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**RESOLUTION ADOPTING ARTICLE XVI – ANAEROBIC DIGESTER FACILITIES LOCAL LAW**  
**NOVEMBER 1, 2022**

**WHEREAS**, the Seneca Falls Town Board (hereinafter referred to as “Town Board”) did, on October 28, 2022 last amend the proposed Town of Seneca Falls Anaerobic Digester Facilities local law (hereinafter referred to as “Action”), prepared by MRB Group, D.P.C., the Town engineering firm; and

**WHEREAS**, the Town Board believes that it would be advantageous to the Town to amend the Town Code to include regulations for short-term rentals within the Town of Seneca Falls; and

**WHEREAS**, that the aforesaid proposed local law was referred to the Seneca County and Town Planning Boards for review and recommendation; and

**WHEREAS**, that Seneca County Planning Board at their October 13, 2022 Board Meeting made a favorable recommendation for adoption of the proposed Anaerobic Digester Facilities Regulations; and

**WHEREAS**, the Town Board reviewed and accepted the completed Full Environmental Assessment Forms Parts 1, 2 and 3 on the Action prepared by MRB Group; and

**WHEREAS**, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

**WHEREAS**, that the Town Board made a Determination of Non-Significance on said Action at the November 1, 2022 Town board public hearing; and

**WHEREAS**, the Town Board held a public hearing on said Action at 7:00 p.m. on November 1, 2022; and

**NOW THEREFORE BE IT FINALLY RESOLVED**, that the Town Board hereby adopts the local law entitled “Article XVI: Anaerobic Digester Facilities; and

Motion made by Member: \_\_\_\_\_ Seconded by Member: \_\_\_\_\_

Michael J. Ferrara -  
Steve Churchill -  
Dawn Dyson -  
Kaitlyn Laskoski -  
Frank Sinicropi -

Dated: November 1, 2022

The above Resolution was duly adopted on November 1, 2022 by the Town of Seneca Falls Town Board.

***TOWN OF SENECA FALLS***  
***ARTICLE XVI – ANAEROBIC DIGESTER FACILITIES***

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**RESOLUTION ADOPTING ARTICLE XVI – ANAEROBIC DIGESTER FACILITIES LOCAL LAW**  
**NOVEMBER 1, 2022**

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Nicaletta Greer, Seneca Falls Town Clerk  
Town of Seneca Falls

**TOWN OF SENECA FALLS**  
**ARTICLE XVI – ANAEROBIC DIGESTER FACILITIES**

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**SENECA COUNTY, NEW YORK 13148**

**STATE ENVIRONMENTAL QUALITY REVIEW  
(SEQR)  
FULL ENVIRONMENTAL ASSESSMENT FORMS  
(EAF) PARTS 2 & 3**

**NOVEMBER 2022**

Prepared by

**MRB** | *group*

Engineering, Architecture & Surveying, D.P.C.

**THE CULVER ROAD ARMORY**  
**145 CULVER ROAD, SUITE 160, ROCHESTER, NEW YORK 14620**  
**TELEPHONE: (585) 381-9250 FACSIMILE: (585) 381-1008**

**2. Impact on Geological Features**  
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)  NO  YES  
*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**  
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  NO  YES  
*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>



g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f, D,2,h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

**9. Impact on Aesthetic Resources**  
 The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)  
 NO  YES  
*If "Yes", answer questions a - g. If "No", go to Section 10.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**10. Impact on Historic and Archeological Resources**  
 The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f, and g.)  
 NO  YES  
*If "Yes", answer questions a - e. If "No", go to Section 11.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.  
(See Part 1. D.2.j)

 NO YES

*If "Yes", answer questions a - g. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.  
(See Part 1. D.2.k)

 NO YES

*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____			

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.  
(See Part 1. D.2.m., n., and o.)

 NO YES

*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

**17. Consistency with Community Plans**  
 The proposed action is not consistent with adopted land use plans.  
 (See Part 1. C.1, C.2. and C.3.)  NO  YES  
*If "Yes", answer questions a - h. If "No", go to Section 18.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**  
 The proposed project is inconsistent with the existing community character.  
 (See Part 1. C.2, C.3, D.2, E.3)  NO  YES  
*If "Yes", answer questions a - g. If "No", proceed to Part 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FULL FORM**

Upon review of the information recorded on this EAF, as noted, plus this additional support information  
Environmental Assessment Form (EAF) Part 3.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Seneca Falls Town Board as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Town of Seneca Falls - Article XVI: Anaerobic Digester Facilities

Name of Lead Agency: Town of Seneca Falls - Town Board

Name of Responsible Officer in Lead Agency: Michael J. Ferrara

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency:

Date: November 1, 2022

Signature of Preparer (if different from Responsible Officer)

Shaun R. Logue, MRB Group

Date: November 1, 2022

**For Further Information:**

Contact Person: Michael J. Ferrara

Address: Town of Seneca Falls, 130 Ovld Street, Seneca Falls, New York 13148

Telephone Number: 315-568-0940

E-mail: mferrara@senecafalls.com

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**