

**TOWN OF OLIVE
RESOLUTION NO. 16 of 2023**

RESOLUTION TO ADOPT A DETERMINATION OF SIGNIFICANCE AND TO DESIGNATE THE BEAVERDAM CREEK AND ROCHESTER CREEK AREAS AS A CRITICAL ENVIRONMENTAL AREA

WHEREAS, the Town of Olive Conservation Advisory Council has recommended that the Beaverdam and Rochester Creek areas be designated as a Critical Environmental Area due to the exceptional and unique environmental characteristics; and

WHEREAS, pursuant to 6 NYCRR 617.14G, the Town Board may designate a “specific geographic area having exception or unique environmental characteristics” as a Critical Environmental Area; and

WHEREAS, the proposed Beaverdam and Rochester Creek Critical Environmental Area is set forth on a map entitled, “Beaverdam Creek/Rochester Creek, Proposed Critical Environmental Area Boundary” (the “CEA Map”); and

WHEREAS, to be designated as a Critical Environmental Area, an area must have an exceptional or unique character covering one or more of the following: 1) a benefit or threat to human health; 2) a natural setting (e.g., fish and wildlife habitat, forest and vegetation, open space and areas of important aesthetic or scenic quality); 3) agricultural, social, cultural, historic, archaeological, recreational, or educational values; or 4) an inherent ecological, geological or hydrological sensitivity to change that may be adversely affected by any change; and

WHEREAS, a narrative statement dated September 22, 2023 has been prepared on behalf of the Town which provides justification for the Beaverdam and Rochester Creek Critical Environmental Area, including providing important habitat for several NY species of special concern, contributing to habitat connectivity and including a, among other attributes (the “Narrative Statement”); and

WHEREAS, the Town Planning Board has reviewed and commented on the proposal; and,

WHEREAS, a duly noticed public hearing was held on November 14, 2023, during which all those who wished to speak were heard and their testimony recorded; and

WHEREAS, notice of the public hearing was published on the Town Website, Facebook page and in the Daily Freeman on November 8, 2023, describing the proposed Beaverdam and Rochester Creek Critical Environmental Area; and

WHEREAS, a map of the proposed Beaverdam and Rochester Creek Critical Environmental Area was available for public review at Town office and posted on the Town website; and

WHEREAS, a Full Environmental Assessment Form (“EAF”) dated November 14, 2023 has been prepared on behalf of the Town Board; and

WHEREAS, the Town Board has thoroughly analyzed the information concerning relevant areas of environmental concern raised by members of the public and gathered by the Board through its consultants and considered the criteria contained in 6 NYCRR § 617.7.

NOW THEREFORE BE IT RESOLVED that the Town Board hereby:

1. Authorizes the Supervisor to sign the EAF
2. Classifies the designation of the Beaverdam and Rochester Creek Critical Environmental Area as a: Type I action for which there are no other involved agencies.
3. Adopts a negative declaration, determining that the designation of the Beaverdam and Rochester Creek Critical Environmental Area will not result in any significant adverse impacts and that a Draft Environmental Impact Statement will not be prepared.
4. Designates the Beaverdam and Rochester Creek Critical Environmental Area pursuant to 6 NYCRR § 617.14(g), as set forth in the CEA attached hereto and including the list of attached parcels.
5. Directs the Town Clerk to file copies of this Resolution, the Narrative Statement, the CEA Map and the list of tax parcels in her office, with the Commissioner of the DEC, with DEC Region 3 and the Planning Board.

AND MOVES ITS ADOPTION

Motion made by:

Seconded By:

A Vote was Duly Taken:

	Aye	Nay	Absent
Jim Sofranko, Supervisor	_____	_____	_____
Andrew Boggess, Board Member	_____	_____	_____
Scott Kelder, Board Member	_____	_____	_____
David Edinger, Board Member	_____	_____	_____
Victoria Read, Board Member	_____	_____	_____

Dated this 14th day of November 2023

Dawn Giuditta, Town Clerk