

**RESOLUTION ADOPTING AMENDED FINDINGS STATEMENT AND AFFIRMING
SEQRA NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE
PURSUANT TO STATE ENVIRONMENTAL QUALITY REVIEW 6 NYCRR PART
617.7 FOR MYERS PARK PROJECT**

RESOLUTION 23-XX

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6 NYCRR PART 617.7 FOR MYERS PARK PROJECT**

The following Resolution was duly presented for consideration by the Town Board:

WHEREAS, consistent with the Cayuga Lake Watershed Restoration and Protection Plan and the Cayuga Lake Blueway Trail Plan (approved under the NYSDOS Local Waterfront Revitalization Plan), and to help protect the Cayuga Lake watershed and enhance access to its water resources, the Town has been examining needed updates to local waterfront plans and facilities; and

WHEREAS, on May 20, 2020, the Town Board of the Town of Lansing passed Motion M20-15 Authorizing the Issuance of Parks, Recreation, Trails Master Plan Request for Proposal (RFP); and

WHEREAS, the Town of Lansing Parks and Recreation and Trails Advisory Committee along with consultants M.J. Engineering and Land Surveying, P.C. with PLACE Alliance conducted broad community engagement efforts on February 25, 2021; June 5, 2021; and June 22, 2021 to gather community feedback on concept plans for Town parks, including Myers Park; and

WHEREAS, proposed improvements consist of several projects at Myers Park for revitalization of recreational facilities adjacent to Cayuga Lake, including upgrading the restroom facilities and pavilions for ADA accessibility and as private unisex facilities; expanding opportunities for walkable public spaces for recreation and fitness; restoration of the natural communities where land meets Cayuga Lake; and implementation of Cayuga Lake Blueway Plan with ADA-accessible improvements to the kayak launch to allow people who use non-motorized paddle craft (kayaks, canoes, standup paddleboards) to access local business, recreation areas and to enjoy the beauty of the Finger Lakes region by providing enhanced access for launching and docking paddle craft; and

WHEREAS, 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) requires that a Lead Agency be established for conducting environmental review of projects in accordance with local and state environmental law; and

WHEREAS, State Law specifies that for actions governed by local environmental review, the Lead Agency shall be that local agency which has primary responsibility for approving and carrying out the action; and

WHEREAS, the Action is subject to review and approvals from other involved agencies that include the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP); and

WHEREAS, the Town Board, by Resolution 21-112, dated July 21, 2021, declared itself lead agency for the project, pursuant to State Environmental Quality Review Act (“SEQRA”) regulations, and accepted a Part 1 of a Short Environmental Assessment Form as prepared by the Town’s Director of Planning; and

WHEREAS, in connection therewith and in consideration of the adoption and approval of such Park Master Plan, as updated, the Town undertook a coordinated SEQRA review and deemed the matter an Unlisted Action, as the Town Board recognizes that SEQRA encourages an early look at environmental issues and thus a look at the lakefront impacts was deemed appropriate; and

WHEREAS, during the course of the Town Board’s review, it was noted that the physical disturbance associated with the proposed project exceeds the Type I Action threshold under the SEQRA §617.4(b)(6)(i) defined as “activities, other than the construction of residential facilities, which meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50% of any of the following thresholds: (i) a project or action that involves the physical alteration of 10 acres”; and

WHEREAS, the statement of Previous Ground Disturbance indicated “all of the below-grade improvements proposed would take place on previously disturbed areas,” as included with the Town’s 2021 New York State Consolidated Funding Application (CFA) for funding from New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") under the Title 9 of the Environmental Protection Act of 1993, for the purpose of funding and implementing the Town of Lansing Parks, Recreation, and Trails Master Plan improvements for Myers Park; and

WHEREAS, the Town of Lansing applied for financial assistance from OPRHP under the Title 9 of the Environmental Protection Act of 1993, for the purpose of funding and implementing the Myers Park Project; and

WHEREAS, the Town of Lansing authorized and accepted these grant funds in an amount not to exceed \$750,000 for the project described in the grant application and agreed to the terms and conditions of the Master Contract with OPRHP for such development of the Myers Park Project (Grant #219659) via Resolution 22-72 on February 16, 2022; and

WHEREAS, the town then undertook a coordinated Type I review and duly declared its intent to act as lead agency, serving a notice of intent on all involved agencies, and either more than 30 days has passed since service of such notice or each involved agency has replied and concurred in the lead agency designation or otherwise not objected to the same; and

WHEREAS, the Town Board, at its January 18, 2023 meeting, carefully reviewed and considered Part 1, 2, and 3 of the Full Environmental Assessment Form with the assistance of the Attorney to the Town; and

WHEREAS, the Town Board has determined that any impacts which could result from this project will be positive rather than negative impacts to the environment; and therefore be it

RESOLVED, that the Town Board hereby accepts the Part 2 Full Environmental Assessment Form which indicates that no, or only small, impacts may occur as a result of this project; and be it further

RESOLVED, that the Town Board finds that the Previous Ground Disturbance will not result in any new potential significant adverse impacts to the environment that were not previously studied during the prior SEQRA reviews of the Myers Park Project; and be it further

RESOLVED, that the Town Board finds that no additional or supplemental environmental review is required under SEQRA for the Myers Park Project pursuant to SEQRA §617.9(a)(7); and be it further

RESOLVED, that the Town Board adopts the annexed amended Findings Statement with the statement of Previous Ground Disturbance for the Myers Park Project as the Town Board's official written findings statement pursuant to SEQRA §617.11; and be it further

RESOLVED, that the Town Board, as Lead Agency for the SEQRA review of the Proposed Action, hereby determines that all procedural steps of SEQRA and its implementing regulations have been fully satisfied in connection with the Myers Park Project; and after consideration of potential environmental impacts per ECL Article 8 and 6 NYCRR § 617.7(c), the Lead Agency has found and determined that: (i) this declaration is made in accord with SEQRA, based upon a thorough review of the EAF as completed on the record, its supporting documents and maps, and a thorough review of relevant areas of environmental concern; (ii) the Project will have no moderate or significant negative environmental consequences or impacts, a negative determination is hereby issued, and an environmental impact statement is therefore not required; and (iii) a responsible officer of the Town is hereby authorized to complete and sign the determination of significance confirming the foregoing Negative Declaration, which fully completed and signed EAF is incorporated herein by reference; and it is further

RESOLVED, that the Town Clerk is directed to file the amended Findings Statement with the Town Supervisor and all Involved Agencies pursuant to SEQRA §617.12(b); and be it further

RESOLVED, that except as superseded by this Resolution, all other terms, provisions, requirements, conditions, and mitigation measures set forth in the Town Board's SEQRA Findings Statement issued by Resolution 22-101, dated June 15, 2022, are incorporated herein by reference and shall remain in full force and effect; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to sign the Part 3 of the Full Environmental Assessment Form constituting the Town's SEQRA Negative Declaration.

The question of the adoption of such proposed Resolution was duly motioned by Councilperson _____, duly seconded by Councilperson _____, and put to a roll call vote with the following results:

Councilperson Andra Benson –
Councilperson Bronwyn Losey –
Supervisor Edward LaVigne –

Councilperson Ruth Groff –
Councilperson Joseph Wetmore –

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on January 18, 2023.