

State of New York  
County of Fulton  
Town of Caroga

Minutes of the Caroga Town Board Work Session held on June 21, 2017 at Caroga Town Hall 1840 State Highway 10 Caroga Lake NY 12032. Supervisor Morris called the meeting to order at 7:00 pm. The roll was called with the results as follows. The salute to the flag followed.

Supervisor Beth Morris – Here  
Council Member John Glenn – Here  
Council Member Anthony Sturchio – Here  
Council Member Jeremy Manning – Here

Others in attendance were Steve Putman Highway Superintendent, Salvatore Ferlazzo – Town Attorney, and four members of the public.

Attorney Ferlazzo stated the purpose for the meeting was to consider the SEQR and the Eminent Domain resolution to amend the Morey Road Extension Trail Project formerly the Amended Morey Road Project. He has been in discussion with the Caroga Highway Superintendent. At one time the project was to widen the road for the whole width (length?) to the state part. At this time it really not a road it is more of a trail with an access to the state park to be more precise that language will be used. The board will look at the options and the alternatives and listen to the public speak. First the SEQR will be reviewed and then the highway Superintendent will be asked some questions. Attorney Ayres on behalf of his clients has submitted a post hearing - May 22, 2017 submission, that the determination by the highway superintendent that there is no viable alternate or alternative locations is suitable to provide public access to the state land is inaccurate. He cites Fulton Road and South Shore Road and in his submission he states there cannot be stated that there are no suitable or viable alternatives to provide public access to state land for recreational purposes without taking the land by eminent domain.

Attorney Ayres submitted a series of exhibits of maps #'s 2, 3, 4, 5, 6, 7, & 8. Between now and then Mr. Ferlazzo met with the Highway Superintendent and they looked at each of maps. Mr. Putman explained his analysis of whether Fulton and South Shore Road are viable alternatives to the long lasting use of Morey Road extension. Mr. Putman was asked if he had an opinion of the viability of Fulton Road and South Shore Road to provide access to the state park land corridor 8,

Mr. Putman assumed they were talking about South Shore Road of Canada Lake off Fulton Road. That is not feasible due to the fact that you have to go over the mountain probably ½ mile from the existing Morey Road Trail that was used and cut already. Whereas if you went up Fulton Road and South Shore Road the state is not going to let you cut anything. As far as snowmobiles, and cross country skiing are total out and you have the back of Canada Lake which goes over toward Lilly Lake and No Name Lake (South Lake) those lakes never freeze properly so that is a totally unsafe corridor. You have to be very careful. He continued taking about South Shore Road on West Caroga Lake. When you go to the end of Caroga Lake there is residential private property if you want fuel it borders state land you could probably walk it but

the terrain is pretty rough. Once again the state is not going to allow you to cut anything. He noted the other trail is already cut and active and has been. Mr. Putman noted you are also traveling a lot of roadway whether it be County Hwy 111, Fulton S. Shore Road or South Shore Road West Caroga that is a lot more roadway you will be covering on a vehicle not licensed and registered for the road – snowmobiles for one. So as far as he is concerned those are not feasible turnovers.

Attorney Ferlazzo noted Morey Road has been used by the public for this very purpose for decades. Mr. Putman stated the trail's already cut so the state won't have a complaint about it – they are not going to allow you to cut anymore trails. You all know how the Adirondack Park is. Mr. Ferlazzo asked if he disagreed with Attorney Ayres allegations of Fulton Road and S., shore Road are equally viable. Mr. Putman stated he did disagree with that entirely. Attorney Ferlazzo stated conceivable but not preferable or safe.

The other question Attorney Ferlazzo had for Mr. Putman was about the improvements on the trail. They are only done as needed and as necessary correct. Mr. Putman stated they would be very little if any. No major cutting or culvert work would be done. There would be no interference with water rights that any of the residents have to cross underneath the area or go over. Mr. Putman stated he would not. At this point Attorney Ferlazzo would like to submit the part 1 SEQR. He filled it out on behalf of the town. It is the short form. Each question was reviewed with the board. It was noted that the town is going to amend this to make it a trail project instead of a road project.

Attorney Ferlazzo asked if he was going to withdraw the discussions at the last meeting about using his Superintendent of Highway powers to put a road in there. Mr. Putman confirmed that he was withdrawing definitely.

Attorney Ferlazzo noted the description was to acquire a fee interest under the Eminent Domain Law in and to a 10 to 15 foot wide strip of land that runs from the western most terminus of Morey Road to the eastern boundary of the lands owned by the state of New York Department of Environmental Conservation the course of which will coincide with the area historically used to access the Morey Road Snowmobile Trail which will provide the public with safe access to said trails which provide the public with the opportunity to engage in recreational activities in the Town of Caroga and will provide an economic benefit to the town and the County of Fulton.

Questions 1 through 20 of the Shore Environmental Assessment Form Part 1 – Project Information were then read and reviewed by Attorney Ferlazzo.

### **SEE ATTACHED #1**

Attorney Ferlazzo next reviewed Part 2 of the Short Environmental Assessment Form - Impact Assessment with the board. He had taken the liberty of already filling it out but stated it is up to the board to make the final decision. He answered no to questions #1 through 11 of the Short

Environmental Assessment Form Part 2 Impact Assessment. The board reviewed and Supervisor Morris signed page 2 of the Short Environmental Assessment Form Part 3 Determination of Significance.

**SEE ATTACHED #2**

It is attorney Ferlazzo recommendation that the board review the information in Part 3 of the Short Assessment Form – Determination of Significance and find they have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts. This is because the acquisition of the property in fee by the Town would result in little change to how the trail has been historically used. The trail has historically been maintained by the Nick Stoner Snowmobile club and used as an access to the snowmobile trails located on the lands owned by the State of New York Department of Environmental Conservation. The town does not anticipate any change in usage. Should the club be unable or unwilling to maintain the trail way, the Town would take over maintenance. The town does not anticipate an increase in traffic over the trail way by acquiring the title nor does the Town anticipate any adverse impact to natural resource in the area. The town is not aware of any rare forms of plant species in the area. The change in title will not have any effect on water sources.

Attorney Ferlazzo read the title and summarized the whereases in the proposed resolution below to the board. After the review of the proposed resolution Attorney Ferlazzo asked if there were any questions. Council Member Sturchio asked what # the resolution would be. The clerk responded it would be the next number.

**RESOLUTION # 2017- 065 for the STATE ENVIRONMENTAL QUALITY REVIEW ACT AMENDED DECLARATION OF SIGNIFICANCE for the MOREY ROAD EXTENSION TRAIL PROJECT (Formerly “Amended Morey Road Project”)** was Introduced by Supervisor Morris and Seconded by Council Member Manning at the June 21, 2017 Caroga Town Board work session held at Caroga Town hall.

**WHEREAS**, the Town Board of the Town of Caroga (“Board”) has proposed to undertake a project consisting of the acquisition of a parcel of land beginning at the western terminus of the currently maintained Morey Road and ending at the eastern boundary of the Lands of the State of New York, consisting of approximately 1.06 acres (“the Project”); and

**WHEREAS**, the State Environmental Quality Review Act (“SEQRA”) and the regulations thereunder require the Board to undertake a review of the potential environmental impacts, if any, associated with the project before approving same; and

**WHEREAS**, on November 9, 2016, the Town Board adopted Resolution #2016-125 which constituted the Town Board’s declaration of significance relative to the Project; and

**WHEREAS**, following the adoption of Resolution #2016-125, certain landowners commenced a proceeding in the Appellate Division of the New York State Supreme Court challenging the Town's review under SEQRA; and

**WHEREAS**, in order to eliminate any issue regarding the sufficiency of the Town's review pursuant to SEQRA and to articulate the declaration of significance as it relates to the amended scope of the proposed public project, by resolution adopted April 12, 2017 the Town elected to rescind the aforementioned Resolution #2016-125 and undertake a new SEQRA review process in conjunction with the amended Project; and

**WHEREAS**, in accordance Article 2 of the Eminent Domain Procedure Law, and after due notice had been provided to the public and to the assessment record billing owners of properties abutting the Morey Road Extension Trail, an oral presentation and comment phase of the reopened public hearing was held on May 3, 2016, at 7:00 p.m. at the Caroga Town Hall located at 1840 Route 10, Caroga, New York, for the purpose of informing the public, reviewing the public use to be served and public benefit to be obtained by the aforementioned proposed public project, as revised, and to consider all other matters appropriate to the proposed public project, including any potential environmental impact thereof; and

**WHEREAS**, in the course of the aforementioned oral presentation phase of the reopened public hearing, all matters required by the Eminent Domain Procedure Law and appropriate to such public hearing were identified and explained to persons then in attendance, including matters relating to environmental impact of the amended Project, and such persons in attendance were given an opportunity to, and did, speak and comment on the proposed public project and to examine documents presented; and

**WHEREAS**, at the conclusion of the oral presentation phase of the aforementioned public hearing, the hearing was adjourned and the record remained open until the close of business on May 23, 2017, for the purpose of receiving written comments on the proposed public project; and

**WHEREAS**, at the close of business on May 23, 2017, the aforementioned public hearing concluded, and the record thereof was closed; and

**WHEREAS**, the Board has considered the general effect of the proposed public project, including all public comments presented at the public hearing and submitted into the record, in accordance with SEQRA; and

**WHEREAS**, this project is an Unlisted action within the meaning of SEQRA; and

**WHEREAS**, a revised Short Environmental Assessment Form has been prepared and reviewed in connection with the proposed Project; and

**WHEREAS**, 6 NYCRR Section 617.7 requires a lead agency to issue a written

determination of significance with respect to any proposed Unlisted action; and

**WHEREAS**, the Board has carefully considered the nature and scope of the proposed amended Project, as set forth in the revised Short Environmental Assessment Form prepared with respect to such action in addition to the public comment made at the public hearing held on May 3, 2017, and makes the following determinations:

1. The proposed action involves the acquisition in fee of a parcel of land beginning at the western terminus of the currently maintained Morey Road and ending at the eastern boundary of the Lands of the New York State Department of Environmental Conservation, consisting of approximately 1.06 acres.

2. The proposed action is classified under SEQRA as an Unlisted Action.

3. Upon consideration of the action, review of the Short Environmental Assessment Forms, the criteria contained in 6 NYCRR § 617.7(c), and all other supporting information, the Board identifies the following relevant areas of environmental concern, as set forth hereafter, and analyzes whether the proposed action may have a significant adverse impact on the environment:

4. The proposed project will not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, or a substantial increase in solid waste production, or a substantial increase in potential for erosion, flooding, leaching, or drainage problems. There are no proposed improvements, and there will not be any significant increase in the use of the facilities beyond existing levels, and will not result in any significant impacts to existing traffic levels, noise levels, or air quality. No unique or unusual and features will be impacted by the project. The project area does not contain any water bodies or wetlands, and a stream identified in NYSDEC data as located in the vicinity of the project area will not be impacted.

5. The proposed project will not result in the removal or destruction of large quantities of vegetation or fauna, a substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on any significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat thereof, or other significant adverse impacts to nature resources. No threatened or endangered species of animal or plant have been documented in the project area.

6. The project is not located within a designated Critical Environmental Area.

7. The proposed project will not create a material conflict with the community's current plans or goals as officially approved or adopted.

8. The proposed project will not result in the impairment of the character or quality of any important historical, archeological, or aesthetic resources, or of existing community or neighborhood character. Based on a review of information available through the New York

State Office Parks, Recreation and Historic Preservation (OPRHP) State Historic Preservation Office (SHPO) website regarding historic and archaeological resources, no pre-historic, historic, Federal or State Register sites were found to be proximate to the proposed project locations. The proposed project is not within a scenic vista nor does it contain a designated scenic resource and, thus, will not impact any such resource. The proposed project is consistent with the existing uses of the property, and will not impact the existing community or neighborhood character.

9. The proposed project will not result in any major, adverse, change in the use of either the quantity or type of energy.

10. The proposed project will not result in the creation of a hazard to human health.

11. The proposed project will not result in a substantial change in the use, or intensity of use, of land including agricultural, open space, or recreational resources, or in its capacity to support such uses. Public access to the facilities are anticipated to continue at historic levels, and are not expected to increase. There are no agricultural lands present on, or adjoining, the project site.

12. The proposed action will not result in the encouragement or attraction of a large number of people to the site as compared to the number of people that would come absent the action.

13. The proposed action will not result in a material demand for other actions, will not result in changes to two or more elements of the environment which together would result in a substantial adverse impact, and will not cumulatively result in a substantial adverse impact when considered with any related actions.

NOW, THEREFORE, BE IT **RESOLVED**, that the Board finds and concludes that the proposed action is an Unlisted action within the meaning of 6 NYCRR 617.2(ak); and it is further

**RESOLVED**, that the Board hereby declares itself lead agency with respect to the environmental review of the proposed project; and it is further

**RESOLVED**, that upon consideration of the foregoing, the Board finds and concludes that the proposed action will not result in any significant adverse impacts to the environment; and it is further

**RESOLVED**, that the Board hereby issues a Negative Declaration with respect to the proposed action.

Adopted by a Vote of 4 Ayes: Morris, Glenn, Sturchio, Manning

Attorney Ferlazzo noted the next resolution has five pages of whereas's. He summarized the resolution to say that the Morey Road is a snowmobile trail a recreational feature located in the Town of Caroga and referred to Corridor

8. It is used by the public and a hub to a portion of the Snowmobile Trail System in the Adirondack Mountains. It is used by the general public as a hiking trail. It is maintained by the Nick Stoner Trailers with funding provided by the State of New York. It has for decades been the primary means of access to the Corridor 8 trail which has been partially paved and improved. It is a critical access to the Corridor 8 trail. There are several food establishments and two gas stations near the trail. It was stated that Morey Road is a public road. The Nick Stoner Trailers have been maintaining the road. The Morey Road extension abuts vacant and seasonal use parcels. The barrier prevents the public access to the Corridor 8 trail. A consequence of the abutting landowner constructing a barrier has limited access to times when such bodies of water are sufficiently frozen to safely accommodate snowmobile traffic. At times snowmobilers were not able to safely access the Corridor 8 trail. Some but not all abutting owners dispute the Town's interest in the Morey Road Extension. It is the opinion of the town that the best and most practical means is to have the trail remain open and to acquire a ten – fifteen feet wide strip of land to access the Corridor 8 trail. The town would rehabilitate, maintain and improve Morey Road trail as needed. Oral presentations were heard on October 12, 2016. The board adopted Resolution 2016-126. Following the adoption a proceeding in the Appellate Division was commenced. There was an EDPL Article 2 hearing on October 12, 2016. The town elected to rescind Resolution #2016-126 and to reopen the hearing upon due and proper notice. The public hearing was reopened on May 3, 2017 reviewing the public use to be served and the benefit to be obtained. The record remained open until May 23, 2017 for the purpose of receiving written comments and then was closed. The Town has considered the general effect of the proposed project according to the NY State Environmental Quality Review Act. The town has considered the issues raised at the public hearing and is of the opinion that the proposed Morey Road Extension Trail Project will provide an economic benefit to the town. It lastly notes that alternative means of accessing the Corridor 8 trail do not provide a safe and direct access to Corridor 8 and the Town preferred means of accessing the corridor 8 trail is by means of the Morey Road extension Trail.

Attorney Ferlazzo resolved that the Morey Road Extension Trail is a legitimate public use that promotes recreational activities and promotes economic stimulus in the Town. It is the desire of the Town of Caroga to ensure that the Morey Road extension Trail remains open, safe and available to the general public to gain access to the Corridor 8 trail without the need to traverse frozen bodies of water. Accordingly, the public use, benefit, or purpose to be served by the proposed public project is to: promote and provide the general public with safe access to recreational activities in the Town of Caroga, thereby enhancing tourism and providing an economic boost to the Town of Caroga and County of Fulton. Attorney Ferlazzo continues on and reads to the board section number 2, 3, & 3a and b, 4, 5, and 6 of the RESOLVED part of the proposed resolution which follows. He noted it was a modified project now referred to as the Morey Road Extension Trail as opposed to road project.

Attorney Ferlazzo asked if there were any questions. A question was asked – will Attorney Ayres be able to fight this. Attorney Ferlazzo responded that anybody has the right to make a claim but they have to have a basis for it. They have to go through the proper process as required by NYS law. The only reason we had to do this was because of the legal notice that was run. Because of the quirkiness of the newspaper it was not for 5 consecutive days. They don't publish legal notices on Sundays.

Attorney Ferlazzo stated the board does not have to do this process – they were not bound to do this. If the board feels there is a public interest and that the resolution he read is accurate and complete and their intent on behalf of the residents is to move forward they could do so. He noted the modifications to the project. The board has listened to the public their input was valuable. Thus he has presented the board with the paperwork necessary to move forward. Council Member Glenn asked if this has already gone to a court and been determined. Attorney Ferlazzo responded that we went to court and the court looked at the paperwork but we rescinded the previously submitted application. One of the issues raised is can the town take private

property. Attorney Ferlazzo stated you can if there is a public purpose. He noted you should look at alternatives. Is it in the best interest to maintain the historical use or to just not? It is up to the board.

Council Member Manning asked if we have made a determination as to whether we are actually taking private property. Attorney Ferlazzo noted this is the next step. If there is no objection then it becomes the towns. Then there is the question of how much to pay for it. If there is an objection they have to object to whether it is a valid public purpose or whether you have validly provided the proof under the eminent domain procedure laws. This is a new application and should be considered separately. Attorney Ferlazzo stated if the board did not agree with anything that was in that resolution that was similar to the other one but more comprehensive than the first one then you should discuss it and decide if they want to amend it.

Council Member Manning wondered about some of the language in the deeds that claim it is public property. Attorney Ferlazzo stated it is our position in there with some survey evidence that the town owns it. They claim they own it. This process is to make that moot. There has been no judicial determination that a) we own it or no judicial determination that they do own it. The lawyers are arguing on both sides.

Attorney Ferlazzo stated the town has one deed already and other people have committed to turn over. He has not heard from the Agosto family they were initially part of the opposition to the project. They have not participated in the appellate division. Letters have been sent to everybody along the road and nobody has made any opposition except for Attorney Ayres on behalf of Johnson. That was just a hearing now if there is a determination he has to bring an action in the appellate division. They will determine whether or not there is a public purpose and if it does then we would have to bring a petition to Supreme Court. He noted we have had an appraisal. We are not taking areas of land, or driveways or parts of people's structures. We are maintaining status quo.

**RESOLUTION NO. 2017-066 for the EMINENT DOMAIN PROCEDURE LAW AMENDED DETERMINATION AND FINDINGS of the MOREY ROAD EXTENSION TRAIL PROJECT (Formerly "Amended Morey Road Project")** was Introduced by Supervisor Morris and Seconded by Council Member Glenn at the June 21, 2017 Caroga Town Board work session held at Caroga Town hall.

**WHEREAS**, the Morey Road Snowmobile Trail (also known as, and hereinafter referred to as, "Corridor 8") is a recreational feature located on lands in the Town of Caroga, New York that are owned by the New York State Department of Environmental Conservation; and

**WHEREAS**, the Corridor 8 trail is part of the Snowmobile Trail System that is used by the public for purposes of engaging in snowmobiling activities; and

**WHEREAS**, the Town of Caroga is a hub to a portion of the Snowmobile Trail System in the Adirondack Mountains; and



**WHEREAS**, the Corridor 8 trail is also used by members of the general public as a hiking trail; and

**WHEREAS**, many of the snowmobile corridor trails within the New York State Snowmobile Trail System are substantially maintained by local snowmobile clubs whose maintenance activities are funded by the State of New York; and

**WHEREAS**, the Corridor 8 trail is maintained by the Nick Stoner Trailers of Caroga Lake, New York, Inc. snowmobile club (hereinafter “Nick Stoner Trailers”) with funding provided by the State of New York pursuant to a Stewardship Agreement with the New York State Department of Environmental Conservation; and

**WHEREAS**, for decades, the primary means of access to the Corridor 8 trail has been by a partially paved and improved passageway that runs between the western terminus of Morey Road and the eastern boundary of the aforementioned lands owned by the New York State Department of Environmental Conservation (hereinafter “Morey Road Extension Trail”); and

**WHEREAS**, the Morey Road Extension Trail provides critical and convenient access to the Corridor 8 trail due to the configuration of the New York State Trail System, the lack of other access points in the area and the presence of geographic features such as lakes; and

**WHEREAS**, there are several food establishments, two (2) gas stations and a snowmobile repair shop in relatively close proximity to Morey Road in the Town of Caroga; and

**WHEREAS**, Morey Road is a public road owned by the Town of Caroga, which is responsible for its maintenance and repair; and

**WHEREAS**, for many years, Nick Stoner Trailers has been responsible for grooming and maintaining the access way between the western terminus of Morey Road and the Corridor 8 trail, as well as other snowmobile trails in the Town of Caroga pursuant to a series of Operating Agreements with the County of Fulton, funding for which has been provided by grants from the State of New York; and

**WHEREAS**, the Morey Road Extension Trail abuts vacant or seasonal use, wooded parcels of land on the north and south, which abutting parcels are owned by private individuals or entities; and

**WHEREAS**, there has arisen a dispute regarding the ownership of and title to the Morey Road Extension Trail, with one abutting private owner constructing a barrier that prevents members of the public from accessing Corridor 8 by means of the Morey Road Extension Trail; and

**WHEREAS**, as a consequence of the abutting landowner constructing a barrier across the Morey Road Extension Trail, residents of the Town of Caroga and members of the general public either have not been able to access the Corridor 8 trail or have had to access the Corridor

8 trail by routes that cross bodies of water, thereby limiting access to times when such bodies of water are sufficiently frozen to safely accommodate snowmobile traffic; and

**WHEREAS**, this past snowmobile season there were occasions when there was sufficient snowfall to accommodate snowmobiling on the Corridor 8 trail, but because of bodies of water were not sufficiently frozen, snowmobilers were not able to safely access the Corridor 8 trail; and

**WHEREAS**, as a consequence of the abutting landowner constructing a barrier across the Morey Road Extension Trail, snowmobile ridership on the Corridor 8 trail has been reduced, thereby adversely impacting retail establishments and homeowner rentals in the Town of Caroga; and

**WHEREAS**, the Town of Caroga maintains that it holds fee title to the Morey Road Extension Trail; however, some, but not all, abutting owners dispute the Town's interest in the Morey Road Extension Trail; and

**WHEREAS**, the public's use of the Morey Road Extension Trail as a means of accessing the Corridor 8 trail is a legitimate public use that promotes recreational activities in the Town of Caroga and County of Fulton; and

**WHEREAS**, it is the desire of the Town of Caroga to ensure that the Morey Road Extension Trail remains open, safe and available to the general public to gain access to the Corridor 8 trail; and

**WHEREAS**, it is the opinion of the Town of Caroga that the best and most practical means of ensuring that the Morey Road Extension Trail remains open and available to the general public is to acquire a fee interest in and to an approximately ten (10) to fifteen (15) feet wide strip of land that runs from the western most terminus of Morey Road to the eastern boundary of the aforementioned lands owned by the New York State Department of Environmental Conservation, the course of which will coincide with the area historically used to access the Corridor 8 trail from the western terminus of Morey Road; and

**WHEREAS**, the Town of Caroga's proposed acquisition in fee of the land within the Morey Road Extension Trail would be subject to easements of ingress and egress by abutting landowners, their successors and assigns, as well as any easements and rights of abutting landowners, their successors and assigns to maintain and repair existing water and utility lines; and

**WHEREAS**, it is the opinion of the Town of Caroga that it is prudent and necessary for the Town of Caroga to acquire in fee the necessary interests in and to the bed of the Morey Road Extension Trail in order to protect the abutting property owners from claims of liability by persons who may travel upon the Morey Road Extension Trail; and

**WHEREAS**, after the Town of Caroga acquires the fee interest in and to the Morey Road Extension Trail, the Town of Caroga will rehabilitate, maintain and improve, or arrange for the rehabilitation, maintenance and improvement of the Morey Road Extension Trail, as needed, in order to make it accessible, safe and available to the general public for its continued use as a means of access to the Corridor 8 (hereinafter “Morey Road Extension Trail Project”); and

**WHEREAS**, in accordance with Article 2 of the Eminent Domain Procedure Law, and after notice had been provided to the public and to the assessment record billing owners of properties abutting the Connector Road, the oral presentation and comment phase of a public hearing was held on October 12, 2016, at 7:00 p.m. at the Caroga Town Hall located at 1840 Route 10, Caroga, New York, for the purpose of informing the public, reviewing the public use to be served and public benefit to be obtained by the aforementioned proposed public project, and to consider all other matters appropriate to the proposed public project; and

**WHEREAS**, in the course of the aforementioned oral presentation phase of the public hearing, all matters required by the Eminent Domain Procedure Law and appropriate to such public hearing were identified and explained to persons then in attendance, and such persons in attendance were given an opportunity to, and did, speak and comment on the proposed public project and to examine documents presented; and

**WHEREAS**, at the conclusion of the oral presentation phase of the aforementioned public hearing, the hearing was adjourned and the record remained open until the close of business on October 19, 2016, for the purpose of receiving written comments on the proposed public project; and

**WHEREAS**, during the period following the adjournment of the hearing, the Town of Caroga did receive written comments on the proposed public project, all of which have been considered by the Town of Caroga; and

**WHEREAS**, at the close of business on October 19, 2016, the aforementioned public hearing concluded, and the record thereof was closed; and

**WHEREAS**, the minutes of such public hearing were transcribed and made available, together with the exhibits and other documents, if any, which were identified or made available during the oral presentation phase thereof, for inspection and examination by the public at the offices of the Fulton County Clerk and at the offices of the Caroga Town Clerk; and

**WHEREAS**, the Town of Caroga has considered the issues raised at the aforementioned public hearing and in submissions made during the written comment period that followed the public hearing; and

**WHEREAS**, on November 9, 2016, the Town Board adopted Resolution No. 2016-126 which constitutes the Town Board’s determination and findings relative to the Morey Road Extension Trail project; and

**WHEREAS**, following the adoption of the aforementioned Resolution No. 2016-126, certain landowners commenced a proceeding in the Appellate Division of the New York State Supreme Court challenging the determination and findings of the Town Board, as well as the sufficiency of the notices of the aforementioned EDPL Article 2 hearing held on October 12, 2016; and

**WHEREAS**, in order to eliminate any issue regarding notice of the EDPL Article 2 hearing in this matter and to articulate the amended scope of the proposed public project, by resolutions adopted April 12, 2017, the Town elected rescind the aforementioned Resolution No. 2016-126 and to reopen the aforementioned EDPL Article 2 hearing upon due and proper notice; and

**WHEREAS**, in accordance with the aforementioned resolutions and Article 2 of the Eminent Domain Procedure Law, and after due notice had been provided to the public and to the assessment record billing owners of properties abutting the Morey Road Extension Trail, the oral presentation and comment phase of the reopened public hearing was held on May 3, 2016, at 7:00 p.m. at the Caroga Town Hall located at 1840 Route 10, Caroga, New York, for the purpose of informing the public, reviewing the public use to be served and public benefit to be obtained by the aforementioned proposed public project, as revised, and to consider all other matters appropriate to the proposed public project; and

**WHEREAS**, in the course of the aforementioned oral presentation phase of the reopened public hearing, all matters required by the Eminent Domain Procedure Law and appropriate to such public hearing were identified and explained to persons then in attendance, and such persons in attendance were given an opportunity to, and did, speak and comment on the proposed public project and to examine documents presented; and

**WHEREAS**, at the conclusion of the oral presentation phase of the aforementioned public hearing, the hearing was adjourned and the record remained open until the close of business on May 23, 2017, for the purpose of receiving written comments on the proposed public project; and

**WHEREAS**, at the close of business on May 23, 2017, the aforementioned public hearing concluded, and the record thereof was closed; and

**WHEREAS**, the minutes of such reopened public hearing were transcribed and made available, together with the exhibits and other documents, if any, which were identified or made available during the oral presentation phase thereof, for inspection and examination by the public at the offices of the Fulton County Clerk and at the offices of the Caroga Town Clerk; and

**WHEREAS**, the Town of Caroga has considered the general effect of the proposed project, as revised, on the residents of the locality in which the proposed project is to be undertaken and has heretofore acted as Lead Agency and completed a review of the Morey Road

Extension Trail Project in accordance with the New York State Environmental Quality Review Act, concluding that the proposed Morey Road Extension Trail Project will not have a significant effect on the environment; and

**WHEREAS**, the Town of Caroga has considered the issues raised at the aforementioned public hearing and in submissions made during the written comment period that followed the public hearing; and

**WHEREAS**, it is the opinion of the Town of Caroga that the proposed Morey Road Extension Trail Project serves a public use, benefit and purpose by providing the general public with the opportunity to engage in recreational activities in the Town of Caroga; and

**WHEREAS**, it is the further opinion of the Town of Caroga that the Proposed Morey Road Extension Trail Project will provide an economic benefit to the Town of Caroga and the County of Fulton by attracting members of the general public who will hike and snowmobile on the Corridor 8 and patronize businesses located in the Town of Caroga and County of Fulton; and

**WHEREAS**, having considered the alternative means of accessing the Corridor 8 trail that were suggested in the supplemental submission, that the access to state land at Fulton Road and South Shore Road are not close to the Project and do not provide a safe and direct access to Corridor 8, it is the Town's opinion that the preferred means of accessing the Corridor 8 trail located on State lands is by means of the Morey Road Extension Trail.

NOW, THEREFORE, it is hereby

**RESOLVED**, that in light of the foregoing, the substantive provisions of which are incorporated herein, the following constitutes the Determination and Findings of this Body with respect to the proposed Morey Road Extension Trail Project in the Town of Caroga, Fulton County, New York:

- (1) The public's use of the Morey Road Extension Trail as a means of accessing the Corridor 8 trail is a legitimate public use that promotes recreational activities and promotes economic stimulus in the Town of Caroga and County of Fulton. Consequently, it is the desire of the Town of Caroga to ensure that the Morey Road Extension Trail remains open, safe and available to the general public to gain access to the Corridor 8 trail, without the need to traverse frozen bodies of water. Accordingly, the public use, benefit, or purpose to be served by the proposed public project is to: promote and provide the general public with safe access to recreational activities in the Town of Caroga, thereby enhancing tourism and providing an economic boost to the Town of Caroga and County of Fulton.
- (2) The approximate location for the proposed public project and the reasons for the selection of the location:

The proposed Morey Road Extension Trail Project is located in the Town of Caroga, New York, immediately west of the currently maintained and improved portion of Morey Road and running west over the course of the historically used Morey Road Extension Trail to the eastern boundary of lands owned by the New York State Department of Environmental Conservation. The project location was selected as the preferred location based upon the proximity of the western terminus of Morey Road to the Corridor 8 trail, as well as the longstanding historical use of the Morey Road Extension Trail to access the Corridor 8 trail located on lands owned by the New York State Department of Environmental Conservation. The Highway Superintendent has reviewed the proposed alternative ways to access the state land proposed in the post hearing submissions for Fulton Road and South Shore Road and has concluded that both roads are not sufficiently near the Morey Road Project area and would require the snowmobilers to travel a long distance across and near town highways in order to access the state lands and would require travel across lakes in a manner which is substantially more unsafe than the preferred use of the Morey Road Extension Trail, which has been safely used for decades and which is a direct and long-existing route for accessing said state lands.

The acquisition of real property rights, if any, from abutting property owners will allow for uninterrupted access by the general public to the Corridor 8 trail.

- (3) The general effect of the proposed project on the environment and residents of the locality:
  - a. The proposed public project underwent a thorough and proper review in accordance with the State Environmental Quality Review Act (SEQRA). The Town of Caroga, acting a Lead Agency under SEQRA, completed a Short Form Environmental Assessment Form and determined the proposed project will not have a significant effect on the environment.
  - b. The proposed public project will have, among other things, the following effects upon the residents of the locality:
    - i. The proposed public project will merely allow for a continuation of the longstanding use of the Morey Road Extension Trail as a means by which the general public can access the Corridor 8 trail. Since the Morey Road Extension Trail is abutted by parcels of land which are either vacant or limited to seasonal use and the acquisitions in fee will be subject to rights of ingress and egress and to maintain water and utility lines, there will be no significant adverse effect on residents in the locality. The maintenance of the Morey Road Extension Trail by the Nick Stoner Trailers, under agreements with the County of Fulton, will enhance the safety of local residents who utilize the Morey Road Extension Trail to access the Corridor 8 trail, as well as the owners of the abutting parcels who may need to access their properties.

- (4) It is the opinion of the Town of Caroga that the best and most practical means of ensuring that the Morey Road Extension Trail remains open and available to the general public is to acquire a fee interest in and to an approximately ten (10) to fifteen (15) feet wide strip of land that runs from the western most terminus of Morey Road to the eastern boundary of the aforementioned lands owned by the New York State Department of Environmental Conservation, the course of which will coincide with the Morey Road Extension Trail. The Town of Caroga's proposed acquisition in fee of the land within the Morey Road Extension Trail would be subject to easements of ingress and egress by abutting landowners, their successors and assigns, as well as any easements and rights of abutting landowners, their successors and assigns to maintain and repair existing water and utility lines.
- (5) It is the further opinion of the Town of Caroga that it is prudent and necessary for the Town of Caroga to acquire in fee the necessary interests in and to the bed of the Morey Road Extension Trail in order to protect the abutting property owners from claims of liability by persons who may travel upon the Morey Road Extension Trail.
- (6) After the Town of Caroga acquires the fee interest in and to the Morey Road Extension Trail, the Town of Caroga will rehabilitate, maintain and improve Morey Road Extension Trail as necessary in order to make it accessible, safe and available to the general public for its continued use as a means of access to the Corridor 8; however, it is anticipated that Nick Stoner Trailers will groom and maintain the Morey Road Extension Trail under agreements with the County of Fulton. In the event that Nick Stoner Trailers or some successor entity does not or cannot groom and maintain the Morey Road Extension Trail, the Town of Caroga will undertake such grooming and maintenance.

Adopted by a vote of 4 Ayes: Morris, Glenn, Sturchio, Manning

At 7:46 pm Attorney Ferlazzo asked for an executive session to discuss pending litigation. He had a pretrial conference with Judge Sise on the Demkiw matter. Supervisor Morris also called for an executive session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. The motion was seconded by Council Member Manning. All board members were in favor of the motion.

At 8:54 pm Supervisor Morris makes a motion to exit from the executive session. The motion was seconded by Council Member Manning. All board members were in favor of the motion.

Attorney Ferlazzo leaves.

**RESOLUTION #2017-067 to accept the resignation of Lita Hillier** was offered by Supervisor Morris at the Caroga Town Board work session held on Wednesday June 21, 2017 at 1840 State Highway 10 Caroga Town Hall.

**WHEREAS**, the board entered into an executive session this evening, and

**WHEREAS**, the board received a resignation letter dated June 19 from Lita Hillier Bookkeeper and Budget Director in the Town of Caroga, now therefore be it

**RESOLVED**, that the Caroga town Board does hereby accept the resignation of Mrs. Hillier.

The motion was seconded by Council Member Manning

Adopted by a vote of 4 Ayes: Morris, Glenn, Sturchio, Manning

**RESOLUTION #2017-068 to amend Resolution #2017-064 which appointed Shannon Wager as a temporary part time bookkeeper** was offered by Supervisor Morris at the at the Caroga Town Board work session held on Wednesday June 21, 2017 at 1840 State Highway 10 Caroga Town Hall.

**WHEREAS**, the board entered into an executive session this evening, and

**WHEREAS**, Supervisor Morris desires to amend resolution #2017-064 which appointed Shannon Wager as the temporary part time bookkeeper, and

**WHEREAS**, the Supervisor Morris now desires to appoint Shannon Wager of 2991 State Highway 29A Caroga Lake NY 12032 to be the Bookkeeper/Budget Director and also Secretary to the Supervisor. The salary is \$25.00 per hour as she will also be assisting in updating the books from previous years. She will not be going over 20 hours per week. She has a day job and will schedule her own hours now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to appoint Shannon Wager to serve as the Bookkeeper/Budget Director and Secretary to the Supervisor.

The motion was seconded by Council Member Manning

Adopted by a vote of 4 Ayes: Morris, Glenn, Sturchio, Manning

The supervisor discussed deadlines within the payroll week and town board meeting week. The town clerk noted that the majority of the bills should be ready for her the Friday before the board meeting.

Council Member Manning wanted to discuss the engineering report. Supervisor Morris stated she spoke to John Duesler he will be talking to Fred Franko of Hyman & Hayes of 6 Wembley Court Albany NY on Monday. The preliminary engineering report on the Sherman property was sent out via email to the board members. The clerk also has a copy. The Supervisor stated as far as people being there for an event, we have to make sure the property is secure and people



cannot go into the buildings. She stated that the Code Officer is waiting for a call from Whitney Russell the Region One Code Director from the Department of State. He is adamant about the shoreline being fenced and a fence around the ferris wheel. Mr. Russell is going to come to Caroga and do a walkthrough of the property. She stated we have to wait for Mr. Russell.

Council Member Manning noted the importance of letting Kyle Price from the music group know if the concerts they planned for at Sherman's will take place. They are planning for events a month away. The town has to get fencing costs figured out and get it installed. Council Member Manning spoke to Rick Ruby who stated there are a number of people who want to help the town by donating their time to put the fence up. People are willing to help with any other things that could be fixed, or maintained prior to allowing the public on the property. Council Member Manning asked if everything gets done can the Caroga Music Collective be told they can use the property. Supervisor Morris replied tentatively. Council Member Sturchio wondered about insurance – can people be on the property. Do they have to sign a day waiver?

Council Member Manning would like the fence to be minimally visually invasive. It should look nice. Supervisor Morris wasn't sure what type of fencing would be recommended to be put up by the state. It was stated that fencing needs to run from the carousel to the main building. A 5 or 6 ft. fence is needed around the ferris wheel.

The Bumper Car Building is safe but to make it look better a back drop could be put up. Supervisor Morris stated we had to make sure people do not go into any of the buildings. She wondered if emergency services were needed at the proposed concerts. Council Member Glenn stated it depends on the size of the crowd anticipated. Council Member Glenn noted security may be necessary. Porta-potties would be needed.

Kyle Price wants to begin advertising and posting flyers on the events soon.

Supervisor Morris stated everything is contingent on what the state wants. She noted time is short. Council Member Glenn thought the points the board discussed should be done before advertising was done. Council Member Manning stated the ads could state location is subject to change in the ads.

The board did not need to make a resolution on this right now about the ads. This is a private enterprise. Council Member Manning noted the board did approve the concert series back in November. Council Member Manning stated the group is still offering the town 50% of their revenues to the town. That could cover part of the costs to get the property ready for use. Council Member Glenn asked if the town wanted a fixed rate of say \$500.00. Council Member Manning stated since this is the first time and they've made a nice gesture to the town. It is part of what they purposed in their RFP to the Sherman's committee. If it flops then we know – if it works out well financially for us then that is a great thing. Council Member Glenn suggested a \$1,000.00 minimum then 50% of the proceeds after that. If it doesn't work out then that would cast a lot of doubt on the proposal they gave to the town. Council Member Manning thought the 50% was generous. Council Member Glenn wanted a set amount. He did not know how to

balance 50% of an unknown.

Mr. Long noted the town would not know the amount of the charitable donation until they hold the event. It is still a charitable donation. It is a gift to the town. If the town wants to charge a set about fine or if they want the gift, fine. Council Member Glenn suggested \$500.00 go to the town. Council Member Manning did not want to drag this out. It is a gesture. Supervisor Morris suggested that the board members should write down the pro's and con's and come to the next board meeting as each one of the board feel different about it.

Supervisor Morris stated they were told the event could happen down there. It is contingent on what the state says. The cost of the fencing needs to be determined. Supervisor Morris wanted to have the full engineering report before anything is done on the Sherman's property. This report is preliminary. Once the town has more details about the fencing a meeting will be called. The fencing around the ferris wheel should have been done 2 ½ years ago when we acquired the property. If Mr. Russell cannot visit the town soon Council Member Manning wants to ask him over the phone what type of fencing needs to be put up. Supervisor Morris stated she is trying to move this along – to tell you the truth she is sick and tired of hearing it. Let's have the event and get it done and hope it is a great success. She thinks it will be then the town will know which way they can go. The supervisor will ask about needing the Sheriff's there. She will call the Dept. of Health in Herkimer about emergency services. Council Member (Dr.) Glenn is the Medical Director of the Fulton County Ambulance service so he can contact them. There would be no drinking on town property. Council Member Manning will contact Mr. Price to tell him he can go ahead with advertising just make sure there is an \* stating it is contingent. It was noted they do have another location for the concert series. If they go to the backup plan we don't get any money and we still have to put up the fencing. Supervisor Morris stated the property absolutely has to be secured.

Council Member Glenn asked about the applicants for the Code Position. Supervisor Morris has the resumes. She would like to set up interviews. None of the applicants are certified. The classes are free except for the fire schooling. Supervisor Morris stated this time the board has to put a resolution forth that protects the town. Once the town pays for recertification for that year – that person is bound for that year to work for the town. There are 9 applications in the file. The applications will be in the Town Clerk's office for board members to review.

At 9:21 pm Supervisor Morris made a motion to adjourn. Birthday wishes were extended to Council Member Manning. Council Member Sturchio seconded the motion. All board members were in favor of the motion.

Respectfully Submitted,

Linda M. Gilbert, RMC, CMC  
Caroga Town Clerk

*Short Environmental Assessment Form  
Part 1 - Project Information*

**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.

<b>Part 1 - Project and Sponsor Information</b>				
Name of Action or Project: Morey Road Extension Trail Project (Formerly "Amended Morey Road Project")				
Project Location (describe, and attach a location map): Morey Road, Town of Caroga (see attached maps)				
Brief Description of Proposed Action: To acquire a fee interest under the Eminent Domain Law in and to a 10 to 15 foot wide strip of land that runs from the western most terminus of Morey Road to the eastern boundary of the lands owned by the New York State Department of Environmental Conservation, the course of which will coincide with the area historically used to access the Morey Road Snowmobile Trail, which is located on the aforementioned lands owned by the New York State Department of Environmental Conservation, and which will provide the general public with safe access to said trails, and which will provide the public with the opportunity to engage in recreational activities in the Town of Caroga, and will provide an economic benefit to the Town of Caroga and the County of Fulton.				
Name of Applicant or Sponsor: Town Board of the Town of Caroga		Telephone: 518-835-4211 E-Mail: carogata@nycap.rr.com		
Address: P.O. Box 328				
City/PO: Caroga	State: NY	Zip Code: 12032		
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____			1.06 acres	
b. Total acreage to be physically disturbed? _____			0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____			0 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)				
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input checked="" type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ No water access is necessary, as the proposed project is acquisition to title in fee. The acquisition will be subject to all rights of ingress and egress, and will maintain water and utility lines.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ No wastewater treatment is necessary, as the proposed project is acquisition to title in fee.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Paul Hilly</u>	Date: <u>6/21/17</u>	
Signature: <u>[Signature]</u>		

**PRINT FORM**

Agency Use Only [If applicable]

Project: Morey Road Extension Trail Project

Date: June 21, 2017

*Short Environmental Assessment Form  
Part 2 - Impact Assessment*

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Agency Use Only [If applicable]

Project: Morey Road Extension T

Date: June 21, 2017

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The Town Board has determined that the impact will not be significant. This is because the acquisition of the property in fee by the Town would result in little change to how the trail has been historically used. The trail has historically been maintained by the Nick Stoners Snowmobile Club and used as an access way to the Snowmobile Trails located on the lands owned by the New York State Department of Environmental Conservation. By acquiring the title in fee, the Town does not anticipate any change in the manner of usage, and intends for the Nick Stoner Snowmobile Club to continue to maintain the trailway. Should the Club be unable or unwilling to maintain the trailway, the Town would take over maintenance. The Town does not anticipate an increase in traffic over the trailway by acquiring the title to the trail in fee, nor does the Town anticipate any adverse impact to natural resources in the area.

To the extent that there were concerns raised of potential harm to rare forms of plant species in the area, the Town has investigated and could find no record of such species. Likewise, as the trailway has been in use historically as a trail, and there is no intention to increase the footprint of the trail, should there be any undiscovered unique plant species in the area which are yet to be identified despite the Town's investigation, the Town does not anticipate that this change in title will affect such plant life.

Additionally, a concern was raised about water sources nearby the trail, and potential impact that the title transfer may have on the water sources. The Town again investigated this concern, and determined that little to no impact would be had on water sources by the title transfer proposed by the Town. This is because the Town proposes to maintain the historic usage of the trailway, and does not propose changes to the trail. The acquisition in fee would be subject to existing easements of ingress and egress by abutting landowners and their successors and assigns, as well as any easements and rights of abutting landowners, their successors and assigns to maintain and repair existing water and utility lines. Thus, to the extent that abutting landowners have rights to access water sources near the trailway, the proposed acquisition would not impact this right, nor would it affect such water source.

Therefore, for the considerations above and contained in the Short Environmental Assessment Form Parts 1 through 3, the Town Board hereby makes a negative determination of significance.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town Board of the Town of Caroga	June 21, 2017
<u>Y</u> Name of Lead Agency	Date
Beth Morris	Town Supervisor, Town of Caroga
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>Beth Morris</u>	<u>[Signature]</u>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM