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State Environmental Quality Review  
**FINDINGS STATEMENT**  
Town of Manlius Planning Board, Lead Agency

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Findings Statement as required pursuant to Part 617 of the Implementing Regulations pertaining to Article 8 (State Environmental Quality Revue Act/SEQRA) of the Environmental Conservation Law of the State of New York

1. SEQRA Lead Agency

The Lead Agency is the Planning Board of the Town of Manlius for this Unlisted action.

2. Contact Person

Lisa Beeman, Clerk of the Planning Board Town of Manlius  
301 Brooklea Dr. Fayetteville, NY 13066  
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Planning Board Chairperson: Joseph Lupia

3. Name of Action:

Woodland Hills-Hoag Lane Subdivision

4. Project Location:

The current property address for the entire acreage is 5280 Hoag Lane, Fayetteville, NY which is located in the Town of Manlius between Salt Springs Road and Route 257.

5. A list of all involved or interested agencies is as follows:

Department of Environmental Conservation  
50 Wolf Road, Room 538  
Albany, New York 12233-1750

Environmental Notice Bulletin  
Room 538  
50 Wolf Road  
Albany, New York 12233-1750

Onondaga County Department of Health  
Division of Environmental Health

4894 Onondaga Road, PO Box 15190  
Syracuse, New York 13215-0190

New York State Department of Environmental Conservation - Region 7  
615 Erie Boulevard West  
Syracuse, New York 13204

Onondaga County Planning Agency  
John H. Mulroy Civic Center  
421 Montgomery Street  
Syracuse, New York 13202

Lead Agency:

Town of Manlius Planning Board  
c/o Joseph Lupia, Chairperson  
301 Brooklea Dr.  
Fayetteville, NY 13066  
[lbeeman@townofmanlius.org](mailto:lbeeman@townofmanlius.org)

Project Sponsor:

Consultant:  
Scott Freeman  
6320 Fly Road Suite 109  
East Syracuse, NY 13057  
[sf@keplingerfreeman.com](mailto:sf@keplingerfreeman.com)

Land Owner:  
Hoag Road Properties LLC c/o Tom Douglas  
5280 Hoag Lane  
Fayetteville, NY 13066  
[thomasallenhomes@yahoo.com](mailto:thomasallenhomes@yahoo.com)

Developer (Per DEIS):  
Tom Douglas ( same as above address)  
[thomasallenhomes@yahoo.com](mailto:thomasallenhomes@yahoo.com)

6. Description of Project:

The Woodland Hills Subdivision is 30.04 acre site which will be developed into 20 new residential single-family dwellings on lots in a “cluster subdivision” (the “Project”) and intended to be in accordance with Section 278 of the Town Law and Section 127 of the Code of the Town of Manlius. The Project as presented proposes public roadways and utility easements and includes a substantial impoundment area for storm water. The project proposes to disturb all but approximately 9+/- acres of the 30.04 acres total for the residential development.

The Lead Agency has analyzed the potential environmental impacts of the Project, as set forth in this Findings Statement, based upon the plans and Project as currently proposed by the Sponsor.

Statement regarding Findings Statement: This Findings Statement concludes that as to the matters set forth herein, that there are matters of Environmental Significance as identified in Lead Agency's "Determination of Significance" dated August 10, 2020, which have not been mitigated. The conclusions herein relating to environmental significance are supported by data, documents and expert opinions which are part of the Draft Environmental Impact Statement (DEIS), as well as the Final Environmental Impact Statement (FEIS).

7. SEQRA Review Chronology

- a. Planning Board of the Town of Manlius declares the matter an Unlisted Action and declares itself Lead Agency pursuant to SEQRA on September 23, 2019
- b. Lead agency delivers and files Notice of Intent to Act as Lead Agency dated September 26, 2019
- c. Sponsor submits a final version of the Full Environmental Assessment form which is entitled "Fourth Supplemental SEQRA 12-16-19 with supplemental documentation" and Verified 01/02/2020 ("FEAF")
- d. Lead Agency makes Determination of Significance under SEQRA dated August 10, 2020
- e. Lead Agency accepts Draft Environmental Impact Statement ("DEIS") for review and delivers Notice of Completion of DEIS to all interested and involved agencies dated January 15, 2021.
- f. Lead Agency holds Public Hearing on DEIS pursuant to SEQRA on February 22, 2021
- g. Public comment period on DEIS is closed on March 12, 2021
- h. Lead Agency accepts Final Environmental Statement ("FEIS") and declares same "Complete" on May 10, 2021
- i. Lead Agency delivers Notice of Completion of FEIS dated May 10, 2021 to all interested and involved agencies May 11, 2021
- j. Findings Statement of Lead Agency delivered May 24, 2021

8. FINDINGS CONCERNING ENVIRONMENTAL IMPACTS

The Lead Agency has given due and thorough consideration to the Draft and Final Environmental Impact Statements, the transcript of the public hearing, all written agency and public comments received, all comments submitted by its professional consultants and all plans and other information that are part of the record of this application for subdivision. The FEIS and its findings and conclusions therein and the specific engineering letters and comments of the Lead Agency's consultants are all incorporated by referenced herein. The Lead Agency considered all of the afore-mentioned information with regard to the potentially significant adverse environmental impacts that may be expected from the overall Project, as well as the measure proposed to mitigate such impacts. The Lead Agency had weighed and balanced relevant environmental impacts with social, economic and other considerations identified. These findings show that the Lead Agency has taken a hard look at the potential environmental impacts of the Project and has considered each significant potential negative environmental impact of the Project.

The Lead Agency determines that all requirements of New York State Environmental Law Article 8 and NYCRR Part 617 have been met, and further makes the following findings, organized by topic.

The DEIS and FEIS (together, the "EIS") include an environmental evaluation of the following matters which were identified as potential areas of environmental significance in the Determination of Significance dated August 10, 2020.

- A. **Impacts of Stormwater Surface Runoff on Offsite Areas**
- B. **Potential for Impacts due to Cut and Fill Operations and Impact of Magnitude of Earth Work**
- C. **Impacts of Stormwater Management Facility**
- D. **Potential for Existing Project to be in Conflict with Community Goals for Cluster Development**
- E. **Potential Environmental Impacts due to Traffic and Noise**

With the exception of A-E above, all other matters of potential environmental significance as identified in the FEAF Part 1 were found by the Lead Agency to present "no or small impact" from an environmental standpoint for SEQRA purposes. Therefore, items identified in the FEAF as presenting "no or small impact" are not discussed or further addressed herein.

**A. Impacts of Stormwater Surface Runoff on Offsite Areas:**

In order to protect against adverse environmental impacts potentially caused by disturbance of greater than 5 acres for a construction project such as the Project, the SPEDES General Permit for Stormwater Discharges from Construction Activity requires written authorization, or a waiver, from the Town of Manlius as Lead Agency. (See Part II. C.3.b and Part II. D.3 of the SPDES General Permit for Stormwater Discharges from Construction Activity GP--20-001 – the “General Permit”). While the Sponsor has not formally requested this authorization or waiver, it has acknowledged the requirement of same, and the submissions outline a five-acre disturbance.

In as much as the waiver is required, after review of the engineering reports and documents relating to environmental concerns relating to runoff, soil compaction, and significant cuts and fills the Lead Agency finds that the Sponsor has not presented reasonable justification for waiver of Part II.C.3 of the SPDES General Permit.

The information and discussion of the Sponsor in the DEIS relating to stormwater runoff issues fails to propose an adequate solution to prevent negative environmental impacts identified by reason of such runoff. The Applicant is expecting to use existing infrastructure (piping and retention area) to accommodate the increased volume of run-off from the Project site. The existing infrastructure will not accommodate this new runoff based on a recently completed engineering study commissioned by the Town of the local drainage basin area entitled “Drainage Study for Muirfield Drive Area” dated March 3, 2020. More specific points relating to this matter are herein discussed:

**Point 1 – Old Infrastructure Capacity Lacking**

Recent findings in connection with the Drainage Study for Muirfield Drive Area indicates restrictions in carrying capacity of the existing piping along Hoag Lane and Muirfield Drive, adjacent to the proposed Project. Known increased volume of stormwater proposed by the Project cannot be handled by the current Muirfield Drive system. Plans provided by the Applicant show discharge to the Muirfield pipe system which already has capacity issue during storm events. The Town of Manlius has initiated a multi-year phased approach to address piping issues along the Hoag Lane and Muirfield Drive area. However, existing Town infrastructure draining the proposed site and discharging to the ground recharge area of Muirfield Drive will create further problems without volume and potential pollution reduction from the Project site.

**Point 2 – Detention Capacity Unknown**

Further, the Project is a direct tributary to the Muirfield Drive Retention Area. Based upon historical aerial photography, it appears the Muirfield Drive Retention Area was probably a sinkhole consisting of karst geology. The Muirfield Drive Retention Area (“MDRA”) was constructed as part of the Muirfield Subdivision. The MDRA has an underground storage vault capacity of 12,000 c.f. and an above-ground storage volume of 8,900 c.f. The infiltration capacity of the MDRA has not been calculated or tested by the Applicant because infiltration rates can be impacted substantially by time of year, groundwater depth, soil saturation and silt. What is clear based on experience, however, is the capacity of the infiltration basin is limited.

There is limited and or unknown capacity of the MDRA. Further volumes of water coming from the Project site present a potential for environmental impacts on flooding downstream which have not been adequately taken into account.

Localized drainage problems have been reported to the Town of Manlius in the past within this watershed. The infiltration capacity has been reached in past rainfall events leading to overtopping of the MDRA. Although overtopping of the MDRA has been limited, any additional water volume directed to the MDRA will have a negative impact upon its functionality. Additional stormwater volumes could lead to flooding of low lying houses located along Foxcroft Lane immediately west of the MDRA. The additional volume of drainage from the Project site will make this flooding last for longer periods of time.

### Point 3 – Water Volume Increase v. Rate of Discharge

The Sponsor has only proposed reducing peak runoff rates from increased impervious land cover as is required by the Stormwater Pollution and Prevention Plan. While the Applicant has submitted runoff calculations for the proposed Project, it has never submitted a comprehensive volume increase calculation. Based on analysis provided by the consultants for the Lead Agency, the Project will have 3.21 inches of total runoff depth for the 100-year storm event over 19.7 acres of development resulting in a total runoff volume of 5.26 acre-feet. Under the pre-development condition it is calculated that 2.29 inches of total runoff depth for the 100-year storm event would occur over 19.7 acres of future development resulting in a runoff volume of 3.75 acre-feet. Increase runoff volume would be approximately 66,000 cubic feet being directed to the MDRA, which has a storage capacity of only 20,900 cubic feet. As explained above, this amount of water on this area of land cannot be accommodated because of the downstream infrastructure limitations. This has the potential to create real environmental problems with flooding and water pollution downstream. This is a significant environmental impact that has not been addressed.

While rate of runoff on the site is an important consideration, in this instance, the total volume is just as important. The higher the volume of water, the longer downstream flooding problems will be exacerbated, notwithstanding the rate of runoff being similar in post construction.

Further, as set forth in the FEIS the following comments as set forth by Chuck White, engineer, who was qualified as an expert at the Public Hearing of February 2021 are adopted in this Findings Statement as follows:

“Existing closed and open channel drainage systems immediately down gradient of the proposed Hoag Lane subdivision are undersized and flooding is routinely experienced along Hoag Lane and Muirfield Drive. As engineered, the proposed subdivision will discharge all runoff from the project site to these existing drainage systems. The Town of Manlius is aware of the inadequacy of the downstream drainage system infrastructure and the flooding that regularly occurs. The closed drainage system is undersized to convey flows that regularly occur which results in surcharge of the closed drainage system. Surcharged flows then find overland flood routes through adjacent properties and are not conveyed to the stormwater basin on the north end of Muirfield Drive as intended. The applicant’s engineer contends that the basis of their design is based on the NYSDEC Stormwater Design Manual. While this is an accepted guidance; their argument that there

no precedents for addressing not only peak flow rates but also reduction of runoff volumes is not is defensible. As noted by the applicant's engineer in their DEIS response "runoff volumes increase for every project developed on every site in every state in the country". The applicant's engineer claims that volume is not a typical metric and that peak runoff is a better metric of flooding. Both are metrics that clearly identify the potential for flooding. While the applicant's engineer claims a reduction in peak discharge rates in post development conditions; there is no escaping the fact that the total discharge volume will be significantly increased by this proposed development. This will result in extended flooding events which is already well documented downgradient of the proposed project. The applicant's engineer has indicated in the DEIS response that their project has no relationship or discharge connection to the storm water facility on Muirfield Drive. The applicant's engineer claims that the site is not tributary to the Muirfield Basin. This could not be further from the truth. Using dye testing methods, it has been previously confirmed that the entire closed drainage system beginning on Churchill Lane discharges at the Muirfield Basin which clearly shows that the site proposed for development is directly tributary to this basin."

#### Point 4 – Green Infrastructure

The Sponsor has referred generically to the DEC stormwater manual practices for Green Infrastructure. However, no such implementation is shown on the plans. This Green Infrastructure element is critical to the Project in addressing identified negative environmental impacts. Green Infrastructure consists of the following per USEPA: raingardens, bio-retention ponds, rooftop permeable roof structure, permeable pavement, bioswales rain-water harvesting, planter boxes, urban tree canopy and land. Further, proper implementation of green infrastructure practices would mitigate the downstream matters addressed herein. However, the Sponsor has not sufficiently addressed many aspects of same, as more specifically set forth in the Miller Engineer letter of May 5, 2021.

#### **FINDING:**

The significant negative environmental impact of downstream flooding is addressed in this Section A, wherein it has been shown that the present capacity of the storm water system downstream is already over 100% capacity during major storm events. The increase in volume of runoff from the Project site will exacerbate the downstream storm event issues and the downstream groundwater cannot effectively absorb the increase in volume, even at a sustained rate. The Project has not presented adequate information or engineering to show that this negative environmental impact can or will be mitigated. Further, the Project Sponsor has not provided additional engineering information to show that there would be mitigation sufficient to justify a benefit to the Town in allowing a waiver from state and local stormwater regulations to allow a greater than 5-acre disturbance of land.

The Lead Agency Finds that this Project does not avoid or appropriately minimize the significant negative environmental impacts of downstream discharge as created by the Project. Therefore, the significant negative impact herein identified is not mitigated.

**B. Potential for Impacts due to Cut and Fill Operations and Impact of Magnitude of Earth Work:**

The Sponsor has not presented an appropriate earth movement and cut and fill plan that is feasible and complies with the regulations, without the 5- acre variance waiver. If a plan without the waiver were forthcoming, it would need further engineering review, particularly with respect to effects upon downstream flooding and Muirfield Basin, and also present a plan for suitable on-site supervision. On site supervision is required due to the significant potential for downstream flooding in the Muirfield Basin, which basin area has characteristics of Karst topography. Further, the earth work, immensity of the cuts and fills proposed which is beyond what would be expected for a cluster development.

The Sponsor has not provided information to show that additional stormwater reduction discharges in both volume reduction and rate reduction have been addressed. The issue of on-site fills and compaction cannot be adequately addressed without the threshold matter of the Sponsor presenting a plan for additional stormwater reduction discharges. Should the within issue be addressed, the Lead Agency can then work with the Sponsor to put into place appropriate solutions. The Sponsor has not provided geotechnical reporting confirming that each lift of material has met requirements. Only then can the Lead agency and Sponsor work on a) an earthwork inspection plan to document proper placement of structural fill in each of the variable component areas and 2) a documentation of soil compaction to 95% of modified proctor tests for appropriate supervision relating to all structural fills associated with structures, roads, impoundments and utility work.

**FINDING:**

The cut and fill operations of the Project will impact downstream flooding and stormwater management. The management and mitigation of stormwater management and downstream flooding, being a significant negative environmental matter as a threshold matter, have not been adequately addressed by the Sponsor. Therefore, the Lead Agency finds that the cut and fill operations as presented will have a significant negative environmental impact relating to the downstream flooding, potential pollution of water and stormwater management as identified in the FEIS. The significant environmental impact, has therefore, not been adequately mitigated by the Project as presented.

**C. Impacts of Stormwater Management Facility:**

The Project includes an "Impoundment" at the southwestern portion of the Project site. The NYS DEC has recommended that as a "best practice" the impoundment should be designed and constructed to the NYS DEC standards for a Dam because of its depth and the volume of water it will hold back. The Lead Agency has accepted the NYS DEC recommendation on this matter as



appropriate to mitigate the negative environmental impacts created by potential downstream flooding, stormwater and the cut and fill operations proposed on the site.

The Sponsor, despite requests of the Lead Agency, has refused to submit a design by a professional engineer in accordance with “Guidelines for Design of Dams 1989.” The Sponsor has argued that the “Impoundment” does not have to be designed to dam standards because NYS isn’t requiring a NYS Dam Permit. However, it is within the duty of The Planning Board as Lead Agency under SEQRA, to ensure that the downstream residents are protected, and that environmental impacts are mitigated to the greatest extent possible. An “impoundment” that is not properly designed can have a significant environmental impact on downstream residents – including damage to property, natural features and the life and limb of people. The Lead Agency reasonably adopts the position Implementing the “dam standard” for the impoundment is the best way to minimize the significant environmental impacts.

The Lead Agency agrees with the Town Engineer that, at a minimum, the Applicant should provide the items below to address the potential safety and environmental impacts of an impoundment that is not designed to NYS dam standards:

- Preparation of a Design Report for the impoundment documenting hydrology, water levels for analyses, spillway sizing, downstream safety, earthwork requirements, and all structural aspects. At full level, the impoundment will hold back over 1,000,000 gallons and the water level will be higher than the homes downstream.
- Complete impoundment design in accordance with the standards set forth herein should be stamped by the engineer responsible for the design of all aspects of the impoundment, including but not limited to field investigations, design report, drawings and specifications.
- Calculations in Kenney Geotechnical Services (KGS) dated May 27 should be scrutinized for Rapid Drawdown analyses wherein it appears that downstream slope was evaluated instead of the upstream slope. Other KGS calculations should be included in and explained better in the Design Report for the impoundment.
- Consideration should be given to providing a concrete water bar, or weir, for dam impoundment discharge. Provide calculations for anti-seep collars through berm and hillside storm pipes.

#### **FINDING:**

The Lead Agency has determined based upon sound engineering standards and information available that the impoundment structure that is required on the Project Site must be built to NYS Dam Standards in order to appropriately address issues of onsite stormwater management and potential downstream flooding. The Lead Agency not been provided with information from the Sponsor to confirm that the proposed stormwater impoundment structure has been or is able to be designed to NYS Dam Standards on this Project Site. The Lead Agency finds that that the significant negative environmental effect of

downstream flooding and stormwater management, as same relate to the impoundment not being designed to NYS Dam Standards, has not been mitigated.

**D. Potential for Existing Project to be in Conflict with Community Goals for Cluster Development:**

The NYS Town Law Section 278 sets forth in part:

“The purpose of a cluster development shall be to enable and encourage flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of open land. This procedure may be followed at the discretion of the planning board if in said board’s judgment its application would benefit the town.”

Further, the Town of Manlius Code, in implementing the Town Law, states in Article III Section 127-12 : “The Town Planning Board may modify applicable provisions of Chapter 155, Zoning, and these subdivision regulations, subject to the approval of a plat or plats pursuant to these subdivision regulations, subject to the conditions specified in Town Law § 278 and such other reasonable conditions as the Town Planning Board may in its discretion add thereto. The purpose of any such authorization shall be to enable and encourage flexibility of design and development of land in and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands.”

Town Law 278 allows a municipality to develop a subdivision in a way that allows flexibility in the design and lay-out of buildable lots. The use of cluster development is a way that the Town can achieve its planning goals like the protection of open spaces, scenic views, woodlands and limit the encroachment of development on surrounding areas. It also should result in reduced cost for development expenses related to roads and infrastructure. But the primary goal in the Town of Manlius is to reduce the disturbance of as much undeveloped land as possible within a subdivision.

The Lead Agency’s duty to assure that the spirit of Cluster development is met includes that the Sponsor must provide information to show that it has incorporated into the proposed design, use of the “natural and scenic quality” of the current lands associated with the Project. The Applicant has self-identified 5 “natural scenic quality and open lands to be preserved” under this plan. However, it does not appear that the land intended to be preserved accounts for additional re-forestation where large tree roots would be damaged in construction, causing loss of foliage and forestation in the area to be preserved. Also, within the development area, the current proposal removes the bulk of natural vegetation and trees – 18-20 acres. And, it appears that many of the trees which have been cut and felled remain on site are in various states of decay. The Lead Agency, throughout the duration of the proposed Project has reiterated that the Sponsor self-created the circumstance that limits the ability to achieve the valid goals of Cluster development. The Town did not specifically “consent” to the tree cutting. Rather, the Town Law does not require a permit for tree clearing of the nature then proposed by the Sponsor. The clear-cutting was accomplished after the Lead Agency allowed by resolution for Cluster development, but long before a “plan” to accomplish the Cluster was agreed upon or approved by the Lead

Agency. The clear cutting of all but 9 +/- acres of land left the Lead Agency with few options with respect to preservation of lands in the Cluster proposal. Mitigation of this tremendous land clearing may be possible with a robust reforestation plan; perhaps a lesser number of homes should be considered so that more area can be appropriately landscaped or re-forested. However, without any such plans being presented, no review is possible.

Further, the extensive cutting and filling of the site to create a flat site belies the standard of Cluster Subdivision, which seeks the goal of preserving not only the scenic qualities of the land, but the “natural qualities” In this case, the natural land contours of this site are not flat, rather they are of a myriad of slopes and grade. Such natural contours have not been considered by the Sponsor where approximately 18 acres are proposed to be re-graded to a flat area, devoid of natural vegetation. The proposed method of clear cutting the entire site, creating a cut and fill scenario requiring screening of soils, removal of unsuitable material as per the Sponsor’s geotechnical reports results in “spoil”, unusable screened material and new borrow material depicted in the KGS report. The large amount of earth movement and clear-cutting must be evaluated and reduced to meet the spirit of Cluster development. The failure to consider the natural contours of the land on the building area of the site pays no attention to the requirement of Clustering to preserve the land’s natural features. Not only would the use of the natural land contours address the spirit of Clustering, it might also potentially solve the some of the issues caused by the cut and fill environmental concerns and the downstream flooding issues. But no solutions have been forthcoming from the Sponsor.

#### **FINDING:**

In Part 2 of The Full Environmental Impact Statement dated August 10, 2020, the Lead Agency identified at number 17 thereof, that the Project is not consistent with community plans because the Project shows inconsistencies with the plan of cluster development as set forth in Section 127 of the Manlius Town Code and Section 278 of the NYS Town Law. This is due to failure of the Project to preserve the natural and scenic qualities of open lands or to show a benefit to the Town of Cluster Development. After full review of all plans and submissions and the DEIS and the FEIS, this determination has not changed. The Lead Agency finds that the Project is not consistent with community plans as required by SEQRA and this negative environmental impact has not been mitigated.

#### **E. Potential Environmental Impacts due to Traffic and Noise:**

The Lead Agency is concerned with issues relating to matters of noise, traffic and odor, considering the proximity to residential neighbors. The Lead Agency notes that truck traffic appears to have become more of an impact through construction methods proposed by the Sponsor such as a request to impact more than 5-acres of soil at a time (need for import of compost and/or additional “soil tilling/amendment”). However, the Sponsor, in the DEIS identified methods to address and limit truck traffic, noise and odor during construction.

## **FINDING:**

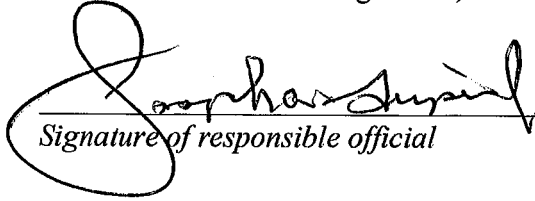
The Sponsor has demonstrated that it would work with the Lead Agency to address control mechanisms and review of construction methods to limit truck traffic. The Sponsor has demonstrated that it will work with the Lead Agency to address matters of noise, traffic and odor. The Lead Agency finds that short term negative environmental impacts relating to noise, traffic and odor can be mitigated.

## 9. CERTIFICATION OF FINDINGS

Having considered the Draft and Final EIS and taken a hard look at the potential environmental impacts of the Project, and having considered the preceding written facts and conclusions and specific findings relied upon to meet the requirements of NYS Environmental Law Article 8 and NYCRR Part 617, this Statement of Findings certifies that:

1. The requirements of NYS Environmental Law Article 8 and NYCRR Part 617, have been met;
2. The findings herein are consistent with the social, economic and other essential considerations, including but not limited to preservation of neighboring properties, environmental protection of the project site and surrounding area, consistency with Town goals;
3. The Lead Agency has considered reasonable alternatives;
4. The significant adverse environmental effects of this Project as identified, including the negative environmental effects and impacts disclosed in the FEIS, **cannot be mitigated** nor can they be minimized or avoided by incorporating practical mitigative measures or conditions to the decision of the Lead Agency, and specifically:
  - a. The identified negative environmental impacts caused by stormwater surface runoff on offsite areas caused by this Project have not been nor can they be mitigated.
  - b. The identified negative environmental impacts caused due to proposed cut and fill operations and the magnitude of earth work required by this Project have not been nor can they be mitigated.
  - c. The identified negative environmental impacts caused due to improper and/or inappropriate design of a Stormwater Management Facility in connection with this Project have not been nor can they be mitigated.
  - d. The negative environmental impacts caused by the Project not being in conformance with community goals for Cluster Development have not been nor can they be mitigated.

Town of Manlius Planning Board, Lead Agency

  
*Signature of responsible official*

Joseph Lupia  
*name of responsible official*

Planning Board Chairperson

*Title of Responsible Official*

*Date of Adoption*