



## Meeting Notice

**TO: Board Members**  
**FROM: Andrew Santillo**  
**DATE: May 8, 2025**  
**RE: Planning Board Meeting**

The regular meeting of the Montgomery County Planning Board is scheduled for Monday, May 12, 2025 at 6:30 p.m. at the Montgomery County Business Development Center, 113 Park Drive, Fultonville, NY.

Please call Karl at (518) 853-8334 between 8:30 a.m. and 4:00 p.m. if you have any questions.

cc: The Recorder  
Montgomery Co. Legislature  
DPW

The Leader Herald  
Daily Gazette



## **MONTGOMERY COUNTY PLANNING BOARD MEETING**

**Monday, May 12, 2024**

**6:30 PM – Montgomery County Business Development Center**

- I. Pledge of Allegiance
- II. Role Call
- III. Adoption of Agenda
- IV. Approval of previous meeting minutes
- V. Public comments on agenda items (3 minute limit per person)
- VI. Town of Florida — Site Plan Review
- VII. Town of St. Johnsville — Local Law Update
- VIII. Any other business

**Montgomery County Planning Board**  
**Meeting Minutes**  
**March 10<sup>th</sup>, 2025**  
**(meeting held in MCBDC, 113 Park Drive, Fultonville)**

**MEMBERS PRESENT:**

Mark Hoffman, Chairman  
Peter Lyden, Member  
Wayne DeMallie, Alternate  
Irene Collins, Member  
David Wiener, Vice Chairman  
Erin Covey, Member  
Frank Maphia, Member  
Frank Szykowski, Member

**ABSENT:**

Angela Frederick, Member  
Betty Sanders, Alternate

**STAFF MEMBERS PRESENT:**

Alex Kuttesch, Senior Planner  
Karl Gustafson Jr., Grant Assistant  
Andrew Santillo, Staff Assistant

**OTHERS PRESENT:**

Kyle Rockwell- Village resident

**I. Call to Order**

The meeting was called to order by Chairman Mark Hoffman at 6:31 p.m.

**II. Roll Call**

The roll call of board members was done by Chairman Hoffman.

**III. Adoption of the Agenda**

David Wiener made a motion to adopt the agenda, Irene Collins seconded. All members present were in favor.

**IV. Approval of Previous Meeting's Minutes**

Peter Lyden made a motion to accept previous meeting minutes, Irene Collins seconded the motion. The previous minutes were approved.

**V. Public Comment**

Kyle Rockwell, a resident of the Village of Palatine Bridge spoke about the zoning change at west main street. Kyle stated that rezoning this parcel would go against the characteristics of the neighborhood. Kyle also stated that this project is spot zoning.

Cindy, a resident of the Village of Palatine Bridge spoke about the zoning change for west grand street. She stated that the applicant insists that this zoning change is not spot zoning and has been a public building in the past. Cindy stated that in the village code, a retail store is not an allowable use at this location. Rezoning this parcel would be the definition of spot zoning and this parcel has never been zoned commercial and would not follow the existing comprehensive plan.

#### **VI. Town of Mohawk- Area Variance**

Alex Kuttesch explained that this referral is an area variance in relation to the height of an accessory building. Applicants are looking for relief from 15 feet in the town code to 23 feet.

Peter Lyden made a motion to approve the referral, seconded by Erin Covey, the referral was approved.

The referral was approved.

#### **VII. Town of St. Johnsville- Local Law Amendment**

Alex Kuttesch explained that this is a local law update for the town zoning in St. Johnsville. The changes are making all of Route 5 a commercial area as well as a natural products zone going out of town where the mining operation is located.

Erin Covey made a motion to approve, Seconded by Frank Szykowski. All were in favor.

The referral was approved.

#### **VIII. Village of Palatine Bridge- Zoning Change**

Alex Kuttesch explained that this is a zoning change in the Village of Palatine Bridge on West Grand Street. Zoning would change from R-1 to commercial. Erin asked how many parking spaces were at the location. Kyle explained that there are 4 parking spots at the location. Alex also explained that post offices and government buildings are allowable use in residential neighborhoods, which is what it is currently zoned as and what the building was previously used for.

Mark Hoffman made a motion to take no action on this and let the village decide on this referral, seconded by Peter Lyden. All were in favor.

The referral was sent back to the Village with no action taken by the board.

#### **IX. Other Business**

There was no other business.



**X. Adjournment**

Mark Hoffman made a motion to adjourn the meeting at 7:00 p.m., seconded by Erin Covey.  
All were in favor.

Respectfully submitted,

---

Karl Gustafson Jr.  
Economic Development Grant Assistant

# REFERRAL FORM

## MONTGOMERY COUNTY PLANNING BOARD

Referral Number \_\_\_\_\_

assigned by the MCPB upon  
acceptance of referral for review

This Referral must be received **SEVEN CALENDAR DAYS** prior to the MCPB meeting date in order for it to be placed on the agenda.

**TO:** Montgomery County Planning Board,  
Old County Courthouse,  
PO Box 1500, Fonda, New York 12068  
Phone: 518-853-8334  
Fax: 518-853-8336

**FROM:** Municipal Board: Town of Florida Planning Board  
Referring Officer: Emily Staley - Secretary  
Mail original resolution to: \_\_\_\_\_  
214 Fort Hunter Road  
Amsterdam, NY 12010

1. **Applicant:** BMG Albany, LLC 2. **Site Address:** NYS Route 5s, Town of Florida

3. **Tax Map Number(s):** 54.-1-36 4. **Acres:** 140

5. **Is the site currently serviced by public water?** ☐ Yes ☒ No

6. **On-site waste water treatment is currently provided by:** ☒ Public Sewer or ☐ Septic System

7. **Current Zoning:** C-2 8. **Current Land Use:** Vacant

9. **Project Description:** Development of the site with an advanced e-commerce logistics and distribution center with a building footprint of 652,060 square feet consisting of five floors with approximately 3.2 million square feet of gross floor area.

### 10. MCPB Jurisdiction:

<input type="checkbox"/> <b>Text Adoption or Amendment</b>	<input checked="" type="checkbox"/> <b>Site is located within 500' of:</b> <u>State Highway 5s</u> (Specify by Name)
<input type="checkbox"/> a municipal boundary.	
<input checked="" type="checkbox"/> a State or County thruway/highway/roadway	
<input type="checkbox"/> an existing or proposed State or County park/recreation area	
<input type="checkbox"/> an existing or proposed County-owned stream or drainage channel	
<input type="checkbox"/> a State or County-owned parcel on which a public building or institution is situated	
<input checked="" type="checkbox"/> a farm operation within an Agricultural District (Incl. Ag data Statement) (does not apply to area variances)	

11. **PUBLIC HEARING:** Date: 06/2/2025 Time: 7:00pm Location: 167 Fort Hunter Rd

### Referred Action(s)

If referring multiple, related actions, please identify the referring municipal board if different from above.

12. ☐ **Text Adoption or** ☐ **Amendment** **Referring Board:**

☐ Comprehensive Plan ☐ Local Law ☐ Zoning Ordinance ☐ Other \_\_\_\_\_

13. ☐ **Zone Change** **Referring Board:**

Proposed Zone District: \_\_\_\_\_ Number of Acres: \_\_\_\_\_

Purpose of the Zone Change: \_\_\_\_\_

14. ☒ **Site Plan** ☒ **Project Site Review** **Referring Board:** Planning Board

Proposed Improvements: 3.2 million square foot building with a building footprint of 652,060 square feet

Proposed Use: E-commerce logistics and distribution center

Will the proposed project require a variance? ☐ Yes ☒ No Type: ☐ Area ☐ Use

Specify: \_\_\_\_\_

Is a State or County DOT work permit needed? If Yes : ☐ State or ☐ County ☒ No

Specify: \_\_\_\_\_

**15. ☒ Special Permit****Referring Board:** Planning BoardSection of local zoning code that requires a special permit for this use: Section 26Will the proposed project require a variance? ☐ Yes ☒ No Type: ☐ Area ☐ Use**16. Variance****Referring Board:**☐ Area ☐ Use

Section(s) of local zoning code to which the variance is being sought: \_\_\_\_\_

Describe how the proposed project varies from the above code section: \_\_\_\_\_

**SEQR Determination****Action:****Finding:**

- Check  
One
- ☒ Type I  
☐ Type II  
☐ Unlisted Action  
☐ Exempt

- ☐ Positive Declaration – Draft EIS  
☐ Conditional Negative Declaration  
☐ Negative Declaration  
☐ No Finding (Type II Only)

SEQR determination made by (Lead Agency): Planning Board Date: 02/03/2025**REQUIRED MATERIAL****Send 13 copies of a “Full Statement of the Proposed Action” which includes:**

All materials required by and submitted to the referring body as an application

- If submitting site plans, please submit only 1 large set of plans, and 12 11x17 packets.
- All material may be submitted digitally as well at <http://www.mcbdc.org/planning-services/montgomery-county-planning-board-referrals/>

This referral, as required by GML §239 1 and m, includes complete information, and supporting materials to assist the Montgomery County Planning Board (MCPB) in its review. Recommendations by MCPB shall be made to the Referring Body within thirty days of receipt of the Full Statement.

\_\_\_\_\_  
Name, Title & Phone Number of Person Completing this FormMay 6, 2025\_\_\_\_\_  
Transmittal Date

This side to be completed by Montgomery County Planning.

## **REFERRAL FORM**

### **MONTGOMERY COUNTY PLANNING BOARD**

TO: \_\_\_\_\_

Receipt of 239-m referral is acknowledged on \_\_\_\_\_. Please be advised that the Montgomery County Planning Board has reviewed the proposal stated on the opposite side of this form on \_\_\_\_\_ and makes the following recommendation.

- ☐ Approves
  
- ☐ Approves (with Modification)
  
- ☐ Disapproves:
  
- ☐ No significant County-wide or inter-community input
  
- ☐ Not subject to Planning Board review
  
- ☐ Took no action

Section 239-m of the General Municipal Law requires that within thirty days after final action by the municipality is taken; a report of the final action shall be filed with the County Planning Board.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kenneth F. Rose, Director  
Montgomery County Dept. of Economic  
Development and Planning

WHITEMAN  
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& HANNA LLP

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April 24, 2025

**VIA EMAIL AND HAND DELIVERY**

Stephen Viele, Chairman  
Town of Florida Planning Board  
Town of Florida Town Hall  
214 Fort Hunter Road  
Amsterdam, New York 12010

***Re: BMG Albany, LLC – Amazon Warehouse/Distribution Facility  
NYS Route 5S, Town of Florida, Montgomery County, NY (SBL # 54-1-36)***

Dear Chairman Viele and Members of the Planning Board:

This firm represents BMG Albany, LLC ("BMG") with respect to its amended applications to the Planning Board (the "Planning Board") for the development of the above-referenced parcel on NYS Route 5S in the Town (the "Property") with an advanced e-commerce logistics and distribution center with a building footprint of 652,060 square feet (consisting of five floors with approximately 3.2 million square feet of gross floor area) (the "Project").

Amended Site Plan Review and Special Permit approvals are required from the Planning Board for the Project pursuant to the Town of Florida Zoning Ordinance (the "Zoning Ordinance") and NYS Town Law §§ 274-a and 274-b. Accordingly, an application for the Project was made to the Planning Board in January 2025, followed by a supplemental submission in February 2025.

To support the Planning Board's SEQRA review of the Project, BMG has prepared and respectfully submits the enclosed site plans and extensive SEQRA documentation in support of the application for the Project. This submission includes a binder with narratives and studies and

April 24, 2025

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attached site plans entitled "MSV1 Amazon Distribution Facility, SEQRA Expanded Environmental Assessment Form and Narrative."

As requested by the Planning Board Secretary, we are emailing a digital copy of the entire submission to her. Ten binder sets of our full submission (except for the SWPPP and Preliminary Site Assessment) with attached, folded maps will be delivered to the Planning Board Secretary as specified. If you would like additional electronic or hard copies of the submission, please let me know.

At the Planning Board's May 5<sup>th</sup> meeting, we respectfully ask that the Board formally establish itself as SEQRA lead agency for coordinated environmental review of the Project, since the 30-day period for other agencies to object to the Board's February 5, 2025 Notice of Intent to serve as SEQRA lead agency has expired. See 6 NYCRR § 617.6(b)(3)(i).

We look forward to the Planning Board's continued review of the Project at the May 5<sup>th</sup> meeting. Please let me know if you have any questions on the materials submitted.

Very truly yours,

*/s/ David R. Everett*

David R. Everett

Enclosures

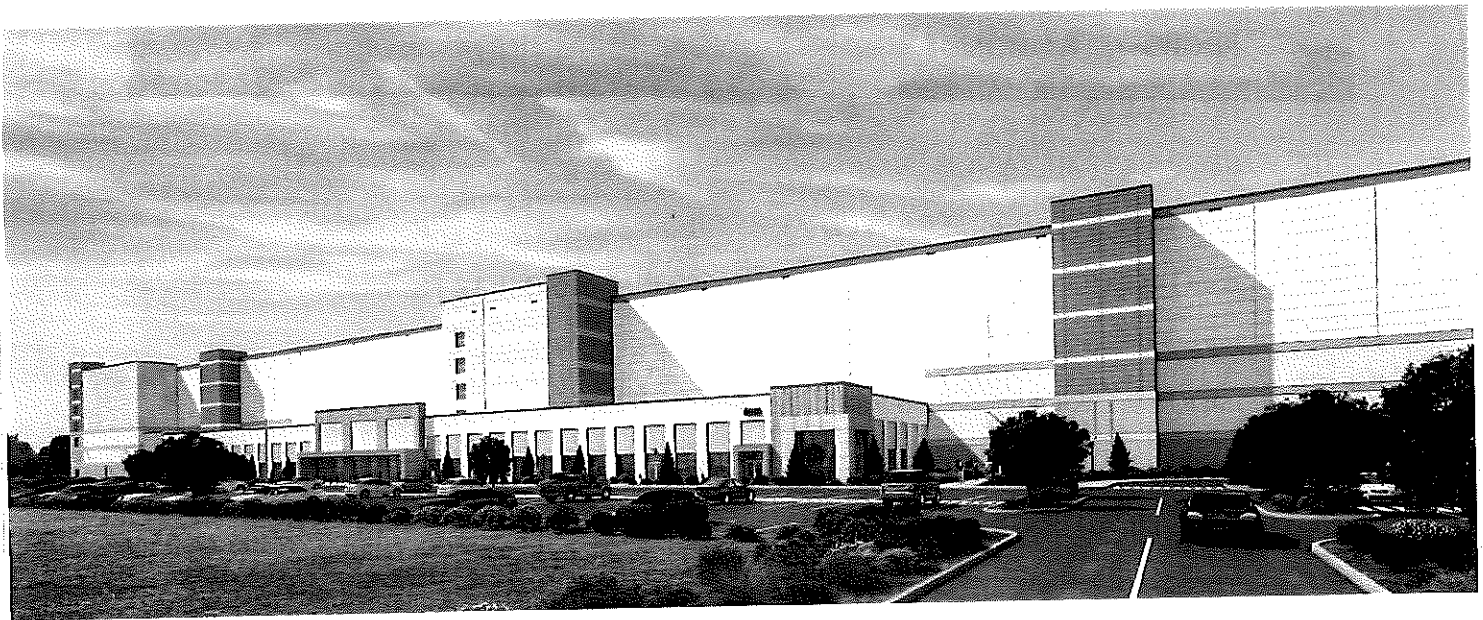
c: Josh Garofano, BMG  
Sean Baggett, BMG  
Steve Wilson, P.E., Bohler  
Michael Crowe, Esq.

# **MSV1 AMAZON DISTRIBUTION FACILITY**

## **Site Plan/Special Permit Applications**

### **SEQRA Expanded Environmental Assessment Form**

#### **Narrative**



**Applicant:** BMG Albany, LLC

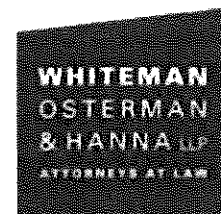
**Project Engineer:** Steve Wilson, LEED AP  
Bohler Engineering

**Project Attorney:** David R. Everett, Esq.  
Whiteman Osterman & Hanna, LLP

**Dated:** April 24, 2025

**BLUEWATER**  
PROPERTY GROUP

**BOHLER //**



# **MSV1 Amazon Distribution Facility**

**Town of Florida, Montgomery County, New York**

## **State Environmental Quality Review Act (“SEQRA”) Expanded Environmental Assessment Form (“EAF”) and Narrative**

April 24, 2025

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## VI. CONCLUSION

### I. PROPOSED ACTION

BMG Albany, LLC (“BMG”) is proposing to develop property between N.Y.S. Route 5S (“Route 5S”) and the New York State Thruway (“I-90”) with an e-commerce logistics, storage and distribution facility on lands comprising approximately 137.24± acres in the Town of Florida (the “Town”), Montgomery County, New York (the “Project” or “MSV1”). The Project will be served by a new electric substation (the “Substation”) to be separately owned by the user and operated by National Grid pursuant to an easement.

The Project will be entirely built in the Town’s Commercial (“C-2”) zoning district on SBL # 54-1-36 (the “Project Site”), where warehouse/distribution centers are an allowed use subject to Special Permit and Site Plan approvals by the Town of Florida Planning Board (the “Planning Board”) pursuant to the Town’s Zoning Ordinance. Accordingly, to meet the needs of a new, specific user, BMG applied to the Planning Board for approval of MSV1 in January 2025, which together with a supplemental submission on February 20, 2025 and this SEQRA Expanded EAF submission comprise the Application for MSV1.

As discussed further below, the proposed Project represents an amendment to a warehouse/distribution center project (the “2019 Project”) that was conditionally approved by the Planning Board in December 2019, after the Board’s determination pursuant to the New York State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, “SEQRA”) that the project would not have any significant adverse impacts on the environment. For that project, the Planning Board issued a conditional Special Use Permit and granted conditional Site Plan Review approval for the proposed approximately 1,000,000 square foot (“SF”) warehouse/ distribution center.

#### *Project Description*

MSV1 will have a footprint of approximately 652,000 SF with five stories and a total floor area of approximately 3.2 million SF. See Appendix 4, Site Plans. Each story will provide floor space for operational needs, along with associated office space on the mezzanine level. The height of the building will be 103.5’. As proposed, the facility will meet the user’s objective of a multi-story e-commerce logistics, storage and distribution facility that maximizes the scale and efficiency of operations within a substantially smaller footprint than the footprint that was previously approved by the Planning Board for the 2019 Project.

The multi-story facility is designed with lower floor-to-ceiling distances due to lower storage heights of bins operated by robots. This results in a more efficient design for the total amount of square-footage without wasted space. The extra floors not only add space to keep a larger amount of goods on hand close to customers in the distribution area, but they also provide the floor area required for the state-of-the-art equipment and robotics required to efficiently facilitate the storing, picking, and packaging of customer orders. The upper floors are strategically designed to optimize the building’s height and use gravity to route inventory to the distribution system on the first floor for outbound shipments.

There is no feasible alternative to the requested building height for MSV1 that meets the user's goals for an e-commerce logistics, storage and distribution facility with enough useable square footage to provide the required scale and maximum efficiency for its operations. The only feasible way to achieve the goal of approximately 3.2 million SF of floor space that will meet Project's scale, operational and logistics needs is through the proposed 5-story, 652,000± SF footprint building.

Spreading the building's footprint to reduce the height of the building would cause logistical issues and adversely impact the operational efficiency of MSV1, preventing the defined user from achieving its goals. It would substantially increase impacts to the 16.5± acres of wetlands on the Project Site, as compared to the 1.8± acres of wetlands that will be impacted by MSV1. Moreover, spreading the 3.2 million SF of floor space horizontally over the Project Site would require substantial area variances for lot coverage and building coverage and would not be feasible in any case because of the lack of required space on the Project Site for parking, internal driveways, stormwater controls, etc. See Appendix 4, Site Plans. Further, any reduction of the Project's floor space would prevent MSV1's user from achieving its operational requirements. Finally, the costs of constructing a shorter facility that provides the required approximately 3.2 million SF of floor space, along with the substantially increased operational costs associated with a much less efficient design, are not economically feasible.

Accessory features proposed for MSV1 include 2 guard shacks (with 1 operating seasonally); 990 car parking spaces (including 8 motorcycle parking spaces); 417 trailer stalls and 59 loading docks; 2 water storage tanks; stormwater management practices and improvements; site driveways; lighting, landscaping; signage; and other related improvements. Once constructed, operational activities will take place within the proposed building in a secured environment that is not open to the public.

Access to and from Project Site will occur from three driveways along Route 5S. Primary access by passenger vehicles only would be provided from the center driveway, across from the eastern driveway from the existing Target distribution facility. BMG proposes to install a new traffic signal at this driveway intersection, with the addition of a new left-hand turn lane onto the Site, which will improve traffic conditions on Route 5 once the Project is operational. To the west of the primary driveway, a second driveway for trucks will provide a stop-controlled, full-movement intersection with Route 5S. The third driveway, to the east of the primary driveway, will be stop-controlled and provide right-in/right-out access only. This driveway will primarily be used by passenger vehicles, however, it will also be used for trucks leaving the Project Site during limited seasonal peak periods. Overall, it is anticipated that this design will reduce potential impacts from the Project on the Route 5S corridor and adjacent properties by providing efficient access and appropriate on-site circulation.

To connect MSV1 to public water and sewer, new service laterals will be connected to the existing Town of Florida water and sewer mains located along Route 5S. The Project Site is located within existing water/sewer districts. Water will be provided to the Project for both potable and fire service purposes.

MSV1 will be built on vacant lands between Route 5S and I-90. As described above, traffic from the Project would enter onto Route 5S, an established east/west state highway with a direct connection via N.Y.S. Route 30 ("Route 30") to I-90 approximately 1.5 miles away to the east through a mostly commercial corridor. MSV1's layout is oriented towards I-90, with the building and parking areas located as far away from adjoining properties as possible. As

discussed below, through the Project's design, including site layout, set-backs, architecture and landscaping, impacts to surrounding lots and the environment will be minimized while supporting the Town's long-term planning objectives to locate commercial/industrial development in the C-2 zoning district along the Route 5S corridor next to I-90.

Finally, MSV1 will result in substantial local benefits with minimal impact on local services due in significant part to the Project's use of Routes 5S/30, state-maintained highways, for access to I-90. These benefits would include:

- Substantial building permit fees for the Project paid to the Town;
- Creation of a minimum of 300 construction jobs through the construction of the Project;
- Creation of a minimum of 750 permanent jobs with full comprehensive benefits and educational opportunities, plus hundreds of part-time and seasonal jobs;
- Productive use of a vacant industrial site in the C-2 zoning district long-targeted for industrial development;
- Significant increase in the taxable value of the Project Site, with a total capital investment in excess of several hundred million dollars;
- Indirect employment resulting from the build-out of Project ;
- Local procurement opportunities for small businesses;
- Ancillary economic output due to employment and construction; and
- Positive impact creating substantial new opportunities with fiscal benefits supporting local public schools and community infrastructure.

## **II. BACKGROUND**

In 2019, as discussed above, a SEQRA negative declaration and conditional approvals were granted by the Planning Board for the 2019 Project. The Planning Board's conditional Special Permit and Site Plan Review approvals of the 2019 Project remain valid, allowing for the development of the 1,000,000± SF warehouse/distribution center as previously approved by the Planning Board once all conditions of the approvals are satisfied. However, a new, preferred user has been identified by BMG for the project that is prepared to move forward with construction of MSV1 based on timely receipt of amended approvals. Accordingly, the successful development of the Project Site for MSV1 requires the proposed amendments of the conditionally approved Special Permit and Site Plan for the 2019 Project by the Planning Board.

## **III. SEQRA COMPLIANCE**

### ***SEQRA Review of MSV1 is Required***

Even though there was an extensive, prior SEQRA review of the 2019 Project by the Planning Board that was coordinated with other agencies, the amended Project's potential environmental impacts must be reviewed pursuant to SEQRA. Pursuant to 6 NYCRR § 617.6(a)(1)(iv), "as soon as an agency receives an application for...approval of an action, it must ... make a preliminary classification of the action as Type 1, Type 2 or Unlisted." This "preliminary classification" assists agencies in determining whether a full Environmental Assessment Form ("FEAF") and coordinated review are necessary.

For the Planning Board, review of the amended Project is the SEQRA "action" based on the application submitted by BMG. Because the amended Project involves the disturbance of

over 10 acres of land, the Planning Board has properly classified it as a Type 1 action pursuant to 6 NYCRR § 617.4(b)(i). As a result, coordinated environmental review of MSV1 is required under SEQRA. For this submission, BMG has completed an updated Part 1 of the FEAF which is attached as Appendix 5. It has also submitted this expanded EAF narrative to discuss the environmental criteria listed in Part 2 of the FEAF consistent with the scope of the Planning Board's SEQRA review as discussed below. Finally, this submission includes the evaluation of the potential impacts of MSV1 on a nearby designated Disadvantaged Community ("DAC") based upon proposed amendments by NYSDEC to the SEQRA regulations and the criteria in the FEAF Part 2. The Project Site is not located in the DAC but traffic from the Project will travel through the DAC to and from I-90. A DAC report for MSV1 is attached as Appendix 20.

SEQRA requires agencies to make a determination as early as possible in the review process as to whether the involved action has the potential to have a significant adverse impact on the environment. Pursuant to 6 NYCRR § 617.6(b)(2), when more than one agency is involved in the review of a Type 1 action, this determination must be made by a "lead agency" that is normally the agency principally responsible for approving the action. After a coordinated review, if the SEQRA lead agency issues a negative declaration concluding that the action will not have a significant adverse impact on the environment, then that negative declaration is binding upon all other involved or interested agencies.

The Planning Board had previously served as SEQRA lead agency with respect to its review of the 2019 Project. At its February 2025 meeting, the Planning Board stated its intention to continue to serve as SEQRA lead agency for review of Project and notice of that intent was circulated to other involved and interested agencies identified in the FEAF Part 1. At its May 2025 meeting, it is anticipated that the Planning Board will establish itself as SEQRA lead agency for the coordinated environmental review of MSV1.

On December 12, 2019, the Planning Board issued the Negative Declaration for the 2019 Project after its review of the project's potential environmental impacts, concluding that no significant adverse environmental impacts would occur and that no environmental impact statement would be required. See Appendix 1. Thereafter, the Planning Board granted conditional approval of the 2019 Project, foreclosing any amendment or rescission of the Negative Declaration pursuant to 6 NYCRR §§ 617.7(e) and (f), respectively.

Pursuant to 6 NYCRR § 617.6(b)(3)(iii), the Negative Declaration for the 2019 Project remains binding upon the Planning Board and other involved and interested agencies with respect to the 2019 Project. See Appendix 1. The approved site plan for the 2019 Project is attached as Appendix 2.

Accordingly, the appropriate scope of SEQRA review of amended MSV1 is limited to the review of any additional or different impacts that may occur from the Project, as compared to the 2019 Project. To the extent that the Project has the same or less impacts than the 2019 Project, the Planning Board is constrained by its prior Negative Declaration. This narrative compares and evaluates the potential impacts of the modified Project with those of the 2019 Project in the prior Negative Declaration. The chart comparing the two projects' site plans, attached as Appendix 6, provides much of the information that the Planning Board needs in order to properly evaluate whether any additional or different impacts from MSV1 may result in a significant adverse environmental impact that requires preparation of an environmental impact statement.

Finally, as required by recently enacted New York State law regarding SEQRA review, this submission provides an evaluation of whether MSV1 “may cause or increase a disproportionate pollution burden on a disadvantaged community”<sup>1</sup> While the Project Site is not in an area that has been designated by New York State as a disadvantaged community (“DAC”), it is adjacent to a DAC and its traffic will travel through a DAC to I-90, triggering this new, additional SEQRA review requirement.

#### **IV. INVOLVED AND INTERESTED AGENCIES**

In the FEAF Part 1, BMG identified the following agencies that may be involved or interested in the environmental review and approval of MSV1:

Town of Florida Town Board;  
Town of Florida Highway Department;  
Montgomery County Planning Department;  
Montgomery County Health Department;  
Montgomery County Industrial Development Agency;  
NYS Department of Environmental Conservation, Region 4 (“NYSDEC”);  
NYS Department of State;  
NYS Office of Parks, Recreation and Historic Preservation (“SHPO”); and  
NYS Department of Transportation, Region 1 (“NYSDOT”).

#### **V. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS**

The SEQRA lead agency must consider the criteria for determining the significance of potential environmental impacts from the Project as set forth in the SEQRA regulations at 6 NYCRR § 617.7(c). To accomplish this, the lead agency reviews all relevant information and completes Parts 2 and 3 of the FEAF to provide the basis for its SEQRA determination.

For MSV1, the identification and assessment of potential environmental impacts based on FEAF Part 2 (including the proposed FEAF Part 2 criteria for DACs) is discussed below. Based on the following discussion, it is BMG’s opinion that MSV1’s potential impacts are consistent with those of the 2019 Project as previously reviewed by the Planning Board in its 2019 SEQRA Negative Declaration. Accordingly, MSV1 will not create any significant adverse environmental impacts, and it is respectfully submitted that a Negative Declaration is warranted under SEQRA.

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<sup>1</sup> Recent developments to SEQRA review procedures in and around environmental justice communities have expanded the scope of SEQRA review in designated DACs. In 2023, SEQRA was amended to add to the criteria for whether an action may require an EIS “whether it may cause or increase a disproportionate pollution burden on a disadvantaged community” (see 2023 N.Y. ALS 49, 2023 N.Y. Laws 49, 2023 N.Y. Ch. 49, 2023 N.Y. AB 1286). The law took effect on December 30, 2024, and covers impacts from all forms of “pollution,” as the term is defined in ECL J-0303. In January 2025, NYSDEC proposed changes to 6 NYCRR Part 617 and the FEAF Part 2 to implement the amendments to SEQRA: <https://dec.ny.gov/regulatory/regulations/proposed-emergency-recently-adopted-regulations/state-environmental-quality-review-act-regulatory-revisions>. The public comment period for these proposed amendments remains open until May 7, 2025.

## 1. Impact on Land

**Proposed Finding: The Project will not result in any significant adverse environmental impacts on Land.**

MSVI's potential for impacts on Land are consistent with those reviewed by the Planning Board for the 2019 Project and will not have a significant adverse impact on Land.

Consistent with the 2019 Project, based upon review of the FEAF Part 2, MSVI will involve construction on land where depth to water table is less than 3 feet; slopes are 15% or greater; and bedrock is exposed, or generally within 5 feet of existing ground surface. Further, it is expected that construction of the Project will take 18-24 months. As discussed below, however, none of these potential impacts will result in any significant adverse impacts and, critically, the Project will not result in any increased erosion.

It is not anticipated that the Project will involve the excavation and removal of significant amounts natural material from the Project Site. Any topsoil that cannot be reused for landscaping purposes and/or other rock or unsuitable soils, if any, will be stockpiled on Site in accordance with the Site Plans.

As was the case for the 2019 Project, construction of MSVI will require the removal of shallow bedrock through a combination of ripping via a large track mounted backhoe and controlled blasting. Where blasting is determined to be necessary, it would be completed in accordance with all applicable state and federal regulations. At a minimum, the blasting protocol will include preparing pre-blast surveys; preparing a blasting plan; performing the work within regulatory limits for vibration and overpressure (noise); field monitoring for vibration and overpressure using seismographs; and maintaining logs of the drilling and blasting work. A figure in Appendix 7 containing the Geotechnical Engineering Report shows the area of potential blasting on the Site and land within 500' of the area. There are no sensitive receptors within the area of blasting or within 500' of the area.

The Project will involve impacts to 1.8± acres of wetlands "where depth to water table is less than 3 feet." In comparison (See Appendix 6), the 2019 Project involved impacts to 6.5± acres of wetlands, which were approved pursuant to an individual permit issued by the U.S. Army Corps of Engineers ("USACE") that is included as Appendix 2. MSVI, which will involve 4.7± less acres of wetland impacts than the 2019 Project, will be undertaken in accordance with the USACE wetlands permit that was recently renewed. See Appendix 2. In other areas of the Site, perched groundwater may be encountered, which may require dewatering measures and/or diversion ditches that will be undertaken in accordance with the Project's Geotechnical Engineering Report (Appendix 7). Finally, the Project will also require grading and/or filling involving "slopes of 15% or greater" in some areas of the Project Site (particularly the southwestern portion) where those steep slopes exist, in order achieve the elevations required for construction of the Project.

As discussed in Impact on Surface Water below, all Project construction will be undertaken in accordance with the approved Stormwater Pollutions Prevention Plan ("SWPPP") for MSVI in order to prevent impacts from erosion. See Appendix 8. During Project construction, erosion and sediment control, soil stabilization, dewatering and pollution prevention measures will be installed, implemented and maintained on the Property as set forth

in the SWPPP to minimize the discharge of erosion of sediment and prevent a violation of the State's water quality standards.

Finally, while MSV1 is anticipated to require 18-24 months for completion of construction after receipt of all required approvals, this is entirely consistent with the expected construction time for the 2019 Project that was previously considered by the Planning Board. Construction will be limited to daylight hours and will not occur on Sundays or major holidays. Furthermore, construction traffic onto and leaving the Site will be minimized due to the limited amount of material expected to be excavated and removed from the Site.

Accordingly, for the foregoing reasons, MSV1 will not result in any significant adverse environmental impacts on Land.

## **2. Impact on Geological Features**

**Proposed Finding: The Project will not result in any significant adverse environmental impacts on Geological Features.**

As reflected in the FEAF Part 1 for MSV1 (See Appendix 5), there are no unique landforms on the Project Site that will be impacted by MSV1. Accordingly, MSV1 will not have any significant adverse impact on Geological Features.

## **3. Impact on Surface Water**

**Proposed Finding: The Project will not result in any significant adverse environmental impacts on Surface Water.**

MSV1's potential for impacts on Surface Water are consistent with those reviewed by the Planning Board for the 2019 Project and will not have a significant adverse impact on Surface Water.

Consistent with the 2019 Project, based upon review of the FEAF Part 2, MSV1 will involve construction within a freshwater wetland and has the potential to "cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies" and to "affect the water quality of any water bodies within or downstream of the site."

As discussed above, MSV1 will involve impacts to 1.8± acres of wetlands "where depth to water table is less than 3 feet."<sup>2</sup> The 2019 Project involved impacts to 6.5± acres of wetlands (See Appendix 6), which were approved pursuant to a permit issued the U.S. Army Corps of Engineers ("USACE") that is included as Appendix 2. MSV1 will thus involve 4.7± less acres of wetland impact and will be undertaken in accordance with the USACE wetlands permit that was recently renewed. See Appendix 2.

Avoidance and/or mitigation of turbidity or erosion will occur through the Project's implementation of the SWPPP (See Appendix 8) which includes modern stormwater management controls designed to ensure that any stormwater discharged from the Project Site

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<sup>2</sup> NYSDEC has confirmed that MSV1 is a transitional project that is not subject to the agency's revised wetlands jurisdiction

will meet NYSDEC water quality standards, both during and after construction, resulting in minimal impacts to surface waters. Stormwater from the Project will be managed, treated and discharged in accordance with the requirements set forth in the 2025 NYSDEC State Pollution Discharge Elimination System general stormwater permit and the Project's SWPPP, subject to prior review and oversight by the Town's engineer and continuing regulatory oversight and enforcement by NYSDEC. Stormwater will be collected and treated to protect water quality prior to discharge. As required by law, stormwater will be managed to control the rate of stormwater runoff to less than pre-development rates for a full range of storm events from the 1-year storm to the 100-year storm.

During the Project's construction, erosion and sediment control, soil stabilization, dewatering and pollution prevention measures will be installed, implemented and maintained on the Project Site as set forth in the SWPPP and as required by law to minimize the discharge of erosion of sediment and prevent a violation of the State's water quality standards. These mitigation measures are designed to limit erosion of land by controlling the flow of water until permanent stormwater control measures are installed and pervious surfaces are stabilized with vegetation and/or buildings and parking areas.

Measures will include, but not be limited to, installation of silt-fencing to control disturbed areas; stockpiling soils and vegetative soil stabilization; seeding and mulching of all disturbed surfaces; dust control (as necessary); and ongoing inspection and maintenance of erosion control measures to ensure their effectiveness until all disturbed surfaces are stabilized. The Project's SWPPP and Site Plans will comply with the requirements of NYSDEC General Stormwater Permit GP-0-25-001 and the adopted New York State Stormwater Management Design Manual, dated July 31, 2024.

Post-construction, MSVI's stormwater management system will collect stormwater runoff from the Project Site through a series of catch basins and pipes and convey the water to the proposed stormwater management areas (including surface and Florida surface areas) depicted on the Project's Site Plans and in the SWPPP. Mitigation of potential impacts will occur through the treatment of sediments and other contaminants in the run-off as described in the SWPPP to ensure the stormwater discharges meet applicable water quality standards and have minimal impacts on the downstream water courses and wetlands. As required by the NYSDEC stormwater regulations, the peak rate of run-off from the Project Site will be essentially the same or less than the peak rate of run-off under the existing conditions.

As a result of these mitigation measures, potential surface water impacts from MSVI will be significantly less than from existing conditions. By their nature, exposed soils and disturbed lands on the Project Site have greater potential for erosion and sedimentation in surface waters than the more stable status of the Project Site after the Project is constructed with its state-of-the-art stormwater controls.

Overall, MSVI's SWPPP and erosion and stormwater controls that will be undertaken during and post-construction will provide the same level of minimization of potential impacts on Surface Water and the same level of compliance with NYSDEC requirements as previously reviewed for the 2019 Project.

Based on the foregoing, the Project will not create any significant adverse environmental impacts on Surface Water.



#### 4. Impact on Groundwater

**Proposed Finding: The Project will not result in any significant adverse environmental impacts on Groundwater.**

MSV1's potential for impacts on Groundwater are consistent with those reviewed by the Planning Board for the 2019 Project and will not have a significant adverse impact on Groundwater.

The Project is estimated to require 65,000 gallons per day of water and to involve the discharge of 55,000 gallons per day of wastewater. BMG proposes to obtain water and wastewater services from the Town of Florida and to connect to existing water mains along Route 5S. BMG's engineer has provided a report on Water & Sewer Services for the Project (See Appendix 9), demonstrating that the Town should have sufficient capacity to provide these services.

The Project will not discharge wastewater into the ground. No subsurface disposal systems will be used on the Project Site. It should also be noted that the Project Site is not located over or adjoining any primary or principal aquifer, nor over or adjoining any aquifers used as a community drinking water source. The Project will not require any wells or involve the use of groundwater. See FEAF Part 1, Appendix 5.

Furthermore, stormwater run-off from the truck parking areas on the Project Site will be collected separately and treated as "hot-spot" areas as identified by NYSDEC stormwater regulations. These areas will be collected and discharged through a series of stormwater treatment practices suitable to treat stormwater from hot-spot areas in accordance with the NYSDEC Stormwater Design Manual. Hot-spot run-off is directed to onsite oil-water separators followed by hydrodynamic separator quality treatment structures and ultimately to a proposed stormwater extended detention wetland/pond to adequately clean and remove any potential contaminants prior to discharge.

A Phase 1 Preliminary Site Assessment ("PSA") conducted on the Property did not indicate the presence of any known or suspected current or historic sources of soil or groundwater contamination on the Project Site. See Appendix 10. The PSA identified miscellaneous non-hazardous debris on the Site which will be cleaned up during construction of the Project.

Finally, Project construction will not have any significant impact on groundwater, as demonstrated by the Geotechnical Report (See Appendix 7). The Geotechnical Report indicates that perched groundwater conditions may be encountered at some locations, which may require some limited dewatering as part of some excavations.

Based on the foregoing, the Project will not create any significant adverse impacts on Groundwater.

## **5. Impact on Flooding**

**Proposed Finding: The Project will not result in any significant adverse environmental impacts on Flooding.**

MSV1's potential for impacts on Flooding are consistent with those reviewed by the Planning Board for the 2019 Project and will not have a significant adverse impact on Flooding.

The Project will not have any significant adverse impacts on Flooding. As discussed in detail above and shown on the Site Plans, all storm water from the Site will be collected, managed and treated by a stormwater management system in accordance with the NYSDEC General SPDES permit for stormwater discharges and SWPPP. Also, the Federal Emergency Management Administration Flood Insurance Rate Maps ("FIRM") covering the Town of Florida show that the Property is located outside any designated floodway, 100-year floodplain or 500-year floodplain (See FIRM Map, Appendix 11).

Based on the foregoing, MSV1 will not create any significant adverse impacts on Flooding.

## **6. Impact on Air**

**Proposed Finding: The Project will not result in any significant adverse environmental impacts on Air.**

MSV1's potential for impacts on Air are consistent with those reviewed by the Planning Board for the 2019 Project and will not have a significant adverse impact on Air. The Project does not have any air emission sources that require permits or registrations. Further, as required by law truck idling for more than 5 minutes on the Project Site is prohibited and subject to enforcement by NYSDEC and other state and local police.

BMG also evaluated the potential for MSV1 to result in impacts on Air from on-site operations and vehicle and truck traffic. To evaluate the potential air quality impacts of MSV1, both at the Project Site and between the Project's driveway access onto Route 5S to the I-90 interchange, BMG prepared an air quality report (the "Study") attached as Appendix 12.

The Study estimated the projected future cumulative emissions from mobile sources (i.e., passenger vehicles and long-haul trucks) using Environmental Protection Agency ("EPA") approved modeling software and the traffic volume projections provided in the Traffic Impact Study ("TIS") for MSV1 discussed below. The TIS considered MSV1's mobile sources and other existing and projected sources based upon a 2027 expected operational timeframe for the Project. The air quality dispersion modeling results were compared to EPA's National Ambient Air Quality Standards ("NAAQS") to determine if there are potential air quality impacts to nearby sensitive receptors (i.e., local residential areas and schools).

The potential impacts of mobile source emissions on sensitive receptors focused on areas that would also be affected by MSV1's mobile sources. Specifically, these areas include the Routes 5S/30 corridor between the MSV1 site and I-90, areas of public access and residential areas along Routes 5S/30. Modelling receptors were conservatively placed along this corridor.

The surrounding area was reviewed for sensitive locations, such as schools, hospitals, and nursing homes, including a medical clinic located on Route 5S.

With respect to potential impacts on air quality from MSV1 and existing and projected mobile air emission sources along the Routes 5S/30 corridor to I-90, the Study found that projected emissions associated with mobile sources in 2027, added to background concentrations, would not result in an exceedance of the applicable air quality standards at any receptor locations, including at sensitive receptor locations. This includes from mobile sources operating on MSV1's site as well as between the Site and I-90 along the Routes 5S/30 corridor.

In addition to the analysis discussed above, the potential for cumulative air quality impacts from mobile sources on ozone was considered. Ozone is a colorless gas composed of three oxygen atoms, known chemically as O<sub>3</sub>. It occurs both in the Earth's upper atmosphere and at ground level. Ground-level ozone is a major component of smog and poses health risks to humans, animals, and vegetation. The formation of ground-level ozone is a photochemical process involving precursor pollutants such as NO<sub>x</sub> and volatile organic compounds ("VOCs").

The Study found that projected emissions of NO<sub>x</sub> associated with projected mobile sources in 2027, added to background concentrations, would not result in an exceedance of applicable air quality standards and therefore, projected contributions of NO<sub>x</sub> to the formation of ozone are expected to be minor. Additionally, the Study included consideration of four pollutants which are VOCs. These VOCs are projected to be below the respective regulatory thresholds; therefore, projected contributions of VOCs to the formation of ozone are also expected to be minor.

Based on the foregoing, it is not anticipated that MSV1 will have any significant adverse impact on Air.

## **7. Impact on Plants and Animals**

**Proposed Finding: The Project will not result in any significant adverse environmental impacts on Plants and Animals.**

MSV1's potential for impacts on Plants and Animals are consistent with those reviewed by the Planning Board for the 2019 Project and based on the Application habitat assessment provided as Appendix 13 will not have a significant adverse impact on Plants and Animals for the following reasons:

- The Project Site is located between Route 5S and I-90 and is predominantly a disturbed, open area providing minimal habitat for Plant and Animal species. The Site's potential habitat has been extensively disturbed by farming activities.
- Of the only 20± acres of forest on the Project Site, only 8± acres are proposed to be removed. Accordingly, there is limited terrestrial habitat on the Project Site that may potentially provide minimal habitat for large mammals.
- The 12± acres of freshwater wetlands on the Site, which will be minimally impacted by the Project, may provide habitat for small mammals. Terrestrial species may also utilize the freshwater wetlands on the Property for foraging, cover, or migration. All but 1.8± acres of the wetlands on the Site will remain intact as potential wetland habitat.

- State and federally protected species identified in the FEAF Part 1 and the USFWS IPaC GIS tool for the Project Site include Northern Long-eared Bats and Tri-colored Bats.
  - These protected bat species share the same overwintering and summer roosting habitat requirements. No overwintering habitat for protected bat species has been identified on the Project Site and minimal potential summer roosting habitat for bats was identified on the Project Site that would be impacted by tree clearing for MSV1. Since MSV1 will not involve any additional tree clearing of potential bat habitat than those projects based on the Project's site plans, no different or additional impacts to potential bat habitat on the Project Site will occur.
  - Any potential impacts to bats that may use the Project Site for summer roosting will be avoided by limiting any tree cutting to winter months from November through March.
- Monarch Butterflies are proposed for federal protection. The FEAF Part 1 for the Project indicates that potential preferred habitat for Monarch Butterflies (i.e., Meadows, grasslands or brushlands) will only decrease by approximately 4 acres as a result of the undertaking of the Project, minimizing the potential for impacts to this species. As mitigation, milkweed will be planted on the Project Site wherever possible. Also, other open field areas in the vicinity of the Project Site will continue to provide potential habitat for this species.
- General wildlife species are not anticipated to be significantly impacted by the Project as wildlife occurrences and habitation within the Project Site is expected to be very limited due to the existing uses and disturbed and open nature of the Site. Wildlife should be able to disperse to and use other nearby habitats.

For the foregoing reasons, MSV1 will not have any significant adverse impact on Plants and Animals.

## **8. Impact on Agricultural Resources**

**Proposed Finding: The Project will not result in any significant adverse environmental impacts on Agricultural Resources.**

MSV1's potential for impacts on Agricultural Resources are consistent with those reviewed by the Planning Board for the 2019 Project and will not have any significant adverse impact.

The impacts of MSV1 are mitigated by the location of the project between I-90 and Route 5S in a commercial/industrial zoning district designated by the Town for precisely the use proposed by BMG. The Town's Comprehensive Plan and zoning map reflect the community's priorities of protecting agricultural land in the Town through land use controls while also encouraging the development of lands in the C-2 district for commercial/industrial purposes. See Section 17, Consistency with Community Plans below. Most of the land in the Town is zoned to encourage agricultural uses and, by contrast, lands in the C-2 zoning district only comprise a small portion of the Town.

For the foregoing reasons, MSV1 will not result in any significant adverse impact on Agricultural Resources.

## 9. Impact on Aesthetic Resources

### **Proposed Finding: The Project will not result in any significant adverse environmental impacts on Aesthetic Resources.**

MSVI's potential for impacts on Aesthetic Resources are generally consistent with those reviewed by the Planning Board for the 2019 Project and will not have a significant adverse impact on Aesthetic Resources.

Consistent with the 2019 Project, based upon review of the FEAF Part 2, MSVI will likely be visible from publicly accessible vantage points both seasonally (e.g., screened by summer foliage, but visible during other seasons) and year-round; and that visibility will occur during routine travel by residents, including to and from work and during recreational or tourism-based activities. As discussed below, however, none of these potential impacts will result in any significant adverse impacts for the following reasons:

- The Project is an allowed use under the Zoning Ordinance that will be located in a growing commercial/industrial zoning district in the Town, where some visibility of proposed uses similar to the Project is to be reasonably expected and is permitted by the Zoning Ordinance.
- Based on the FEAF Part 1 and the SEQRA Comparison Chart submitted in support of the Application, Project will be taller but will provide a smaller footprint than the 2019 Project.
- Overall, the Project Site is uniquely situated near the I-90 right-of-way and the Project Site's layout is purposefully oriented to be as far away as possible from residential uses to the north and east of the Project Site. Existing trees and other vegetation on the Project Site and adjacent properties, proposed landscaping, together with distance and topography, combine to reduce potential views of the Project Site from offsite residential uses.
- The Project will not be visible from any officially designated federal, state, or local scenic or aesthetic resources nearby, nor will it impact any officially designated scenic views.
- The Visual Impact Assessment submitted in support of the Application (See Appendix 15) sufficiently demonstrates that any potential visibility of the 103.5' tall building will not result in a significant adverse impact due to distance, topography and intervening vegetation. Further, any partial views of the Project by the traveling public will be short in duration along both highways, where vehicles are traveling at high speeds.
- To further minimize aesthetic impacts, based upon the Application a building design will be used for MSVI that is more representative of a high-tech R&D production facility than a warehouse, with projecting first-floor glass entry elements at the office area, attractive paint schemes to add depth and character, varied roof lines on the amended Project's elevations, decorative aluminum composite material that will highlight the primary and secondary office entries, horizontal reveals to add dimension to the building's façade, and decorative parapets that include glass clerestory windows on the north and south elevations. This design and diverse paint scheme will make the building more visually appealing when viewed from off-site locations.

For the foregoing reasons, MSVI will not have any significant adverse impacts on Aesthetic Resources.

## **10. Impact on Historic and Archeological Resources**

**Proposed Finding: The Project will not result in any significant adverse environmental impacts on Historic and Archeological Resources.**

MSV1's potential for impacts on Historic and Archeological Resources are consistent with those reviewed by the Planning Board for the 2019 Project and will not have a significant adverse impact on Historic and Archeological Resources.

The potential for impacts on Historical and Archeological Resources was thoroughly evaluated during the original review of the 2019 Project (See Appendix 16). Moreover, by letter of February 20, 2025, the NYS Historic Preservation Office determined that the development of the Project on the Site would not impact any Historic and Archeological Resources listed in or eligible for listing in the New York State and National Registers of Historic Places.

Based on the foregoing, MSV1 will not result in any significant adverse impacts on Historic and Archeological Resources.

## **11. Impact on Open Space and Recreation**

**Proposed Finding: The Project will not result in any significant adverse environmental impacts on Open Space and Recreation.**

MSV1's potential for impacts on Open Space and Recreation are consistent with those reviewed by the Planning Board for the 2019 Project and will not have a significant adverse impact on Open Space and Recreation.

MSV1 will not result in any loss of recreational opportunities, or any reduction of an open space resource designated in a governmental open space plan. The Project Site is located in a zoning district intended for commercial/industrial development such as the Project. The Project Site is privately owned and is not used for public recreation. Moreover, it is not designated by any governmental plans as open or recreation space.

Based on the foregoing, MSV1 will not have any significant adverse impact on Open Space and Recreation.

## **12. Impact on Critical Environmental Areas**

**Proposed Finding: The Project will not result in any significant adverse environmental impacts on Critical Environmental Areas.**

MSV1's potential for impacts on Critical Environmental Areas are consistent with those reviewed by the Planning Board for the 2019 Project and will not have a significant adverse impact on Critical Environmental Areas ("CEAs"). The Project Site does not contain any CEAs and there are no CEAs in the Town of Florida or Montgomery County.

Accordingly, MSV1 will not have any significant adverse impact on any CEA.

### 13. Impact on Transportation

**Proposed Finding: The Project will not result in any significant adverse environmental impacts on Transportation.**

Based on the Traffic Impact Study (“TIS”) prepared for MSV1 (See Appendix 17), MSV1’s will not have a significant adverse impact on Transportation.

Site access is proposed via three driveway locations along the Project Site’s approximately 4,000 feet of frontage on Route 5S. The primary access is the central driveway, proposed to intersect Route 5S opposite Target Drive East, and will be used by passenger vehicles only. This driveway will be full-movement and signalized to improve intersection operation. As discussed below, a traffic signal warrant analysis of the Route 5S and Target Driveway East intersection under future traffic conditions indicates that a signal is warranted for this intersection, which MSV1 will install subject to NYSDOT review and approval. The western driveway will be a stop-controlled full-movement intersection for trucks only. The eastern driveway will be used by passenger vehicles only except during limited seasonal peak periods when outbound site trucks may use it as well. The eastern driveway will be a stop-controlled right-in/right-out only access.

These three driveways are proposed in order to reduce onsite interaction between passenger vehicles and trucks. This layout provides for separate access to the parking area for trucks and the western driveway will also provide sufficient room for truck stacking before the guardhouse.

Further, due to site constraints and to avoid unnecessary impacts, the layout of the employee parking area results in the necessity of two access points, one on each end of the parking areas. Overall, this layout is expected to minimize impacts to the Route 5S corridor and adjacent properties by providing efficient access/egress and appropriate on-site circulation.

Offsite, the TIS evaluated the potential traffic impact of the Project on the Routes 5S/30 corridor and nearby roadways. The TIS analyzed roadway volumes under two conditions, including the “Roadway Peak Hour Condition” and “Generator Peak Hour Condition”. Since a user has been identified for MSV1, actual trip rates based upon staggered employee shift times and operations at other, similar facilities were able to be used for the TIS. This provides more accurate data for purposes of the MSV1 TIS and the Planning Board’s review.

Since the user’s required timing of shift changes and corresponding loading/unloading operations do not correspond to the peak hours for traffic on surrounding roadways, MSV1’s traffic impact during the Roadway Peak Hour Condition is reduced. For the Roadway Peak Hour Condition, the weekday morning peak hour of the adjacent roadway system occurs from 7:30 AM to 8:30 AM and the weekday evening peak of the adjacent roadway system occurs from 3:30 PM to 4:30 PM. MSV1 will have two general shifts for employees with peak traffic occurring from 6:30 AM to 7:30 AM and from 5:30 PM to 6:30 PM, representing the Generator Peak Hour Condition.

The TIS conducted a capacity analysis at the following intersections:

- 5S and NYS Route 30 Southbound Ramps / P.S. Street;
- 5S and NYS Route 30 Northbound Ramps;

- NYS Route 30 and Route 5S Ramps;
- NYS Route 30 and I-90 Exit 27 Ramps;
- Route 5S and Target Driveway East / Proposed Central Driveway;
- Route 5S and Proposed West Driveway; and
- Route 5S and Proposed East Driveway.

MSV1 is expected to be operational in 2027, so the TIS analyzes the capacity of local roadways and intersections to handle the addition of MSV1 traffic in 2027 during the Roadway Peak Hour Condition and Generator Peak Hour Condition based on projected future traffic levels. For this analysis, the TIS used current traffic counts and estimated a 1.8% per year increase in future traffic to develop projected “2027 No-Build” traffic volumes that do not include MSV1’s anticipated traffic.

MSV1’s site-generated trips were then added to the 2027 No-Build traffic volumes to provide the 2027 Build traffic volumes. Based on a review of the analysis, with the addition of the improvements recommended in the TIS, the TIS concludes that the adjacent roadway network and proposed driveway system have the capacity to accommodate the anticipated traffic from MSV1 without resulting in any significant adverse impact on Transportation. Specifically, with the anticipated addition of MSV1 traffic in 2027, all of the studied intersections (except for the proposed intersection between MSV1’s central driveway and Target’s eastern driveway on Route 5S) will continue to provide acceptable levels of service without any additional mitigation measures.

Proposed mitigation measures to minimize traffic impacts from MSV1 are only recommended for the proposed intersection of the Project’s central driveway and Target’s eastern driveway on Route 5S. To improve traffic conditions at this new intersection, a traffic signal will be provided. In addition, the TIS recommends the widening of Route 5S at this intersection to provide a dedicated, 400-foot westbound left turn lane into the Project’s central driveway. The TIS has been submitted to NYSDOT for its review and these improvements will be undertaken subject to NYSDOT review and approval.

For the foregoing reasons, MSV1 will not result in any significant adverse impacts on Transportation.

#### **14. Impact on Energy**

**Proposed Finding: The Project will not result in any significant adverse environmental impacts on Energy.**

MSV1’s potential for impacts on Energy are consistent with those reviewed by the Planning Board for the 2019 Project and will not have a significant adverse impact on Energy.

The Project will require the use of electricity subject to the specific needs of the user. Increased electricity usage will be required for lighting, HVAC systems, office/warehouse equipment, etc. See FEAF Part I, Appendix 5. This energy usage will be similar in amount to the energy used for comparable commercial buildings in the Town, County, and across the State. The Substation will be built on the Project Site to serve the Project and National Grid has indicated that it can serve the Project. Overall, the Project will not result in a significant increase in the use of energy.



Accordingly, no significant adverse impact on Energy will occur from MSV1.

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

**Proposed Finding: The Project will not result in any significant adverse environmental impacts on Noise, Odor and Light.**

MSV1's potential for impacts on Noise, Odor and Light are consistent with those reviewed by the Planning Board for the 2019 Project and will not have a significant adverse impact on Noise, Odor and Light.

As with the 2019 Project, no significant adverse noise, odor or light impacts are expected from MSV1. During construction, any noise and odor impacts from construction equipment will be temporary, of short duration and non-significant. MSV1, when operational, is not anticipated to generate any odor impacts and any noise and lighting impacts will be substantially mitigated so that no significant adverse impacts will occur.

During construction, like the 2019 Project, blasting would occur during the initial phases of MSV1's construction in order to establish necessary elevation grades for the building and other improvements. This blasting will be very limited in duration during the first several months of construction. All blasting during construction would be performed pursuant to a program developed by a qualified geotechnical engineer to minimize impacts, including noise.

Proposed measures to reduce potential noise from blasting include only conducting blasting activities during weekday working hours and not blasting when weather conditions, including wind direction, are unfavorable for avoiding noise impacts. As noted above, no sensitive receptors, including residences are located within 500 feet of where blasting will occur on the Project Site. Notwithstanding, prior notice of planned blasting activities will be provided to all landowners within 500 feet of the overall Project Site's boundaries.

To evaluate potential onsite noise impacts based upon MSV1's proposed operations, BMG conducted a sound study (the "Sound Study") that demonstrates that the Project will comply with NYSDEC's noise guidelines and have no adverse impact on nearby residential uses. See Appendix 18. The Project Site is uniquely situated adjacent to I-90 and the Project's layout is purposefully oriented to be as far away as possible from residential uses to the north and east of the Project Site. This distance is a critical factor for reducing potential noise impacts from the Project. Further, MSV1's loading docks will face away from nearby residences, so the intervening building will block noise associated with truck activities at those loading docks. Also, the Sound Study found that existing ambient sound levels are heavily affected by the constant noise of passing traffic on Route 5S and I-90.

The Study also evaluated the potential for off-site noise impacts from MSV1 due to increased traffic based upon the TIS. See Appendix 17. This offsite sound study demonstrates that the projected noise impacts from increased traffic will not have any significant adverse impact on the residential or other sensitive receptors along the Routes 5S commercial/industrial corridor between the Project Site and I-90. Specifically, based upon NYSDEC's noise guidance, the supplemental study found that all receptors would not experience any significant adverse impact from sound levels as compared to existing ambient conditions.

Similarly, MSV1's lighting will not result in any significant adverse impacts. New, dark-sky compliant, modern and energy-efficient lighting will be used throughout the Project Site. See Appendix 4, Site Plans. Exterior site lighting will comply with the Zoning Ordinance and will be the minimum necessary while ensuring a safe and secure facility. All proposed lighting will be downward facing and will minimize sky glow and light pollution from the Project Site. Where appropriate, lighting fixtures will be of a full cutoff type or provided with shields to reduce glare and light pollution. As shown on the Photometric Plan (See Appendix 4), the fixture locations have been sited to avoid any light trespass onto adjacent properties. These measures have been incorporated to minimize otherwise potential adverse impacts from site lighting of the new building and parking facilities. Though MSV1 involves a taller building, mitigation measures including interior blinds will be employed to ensure that any higher windows do not contribute to new lighting impacts. Also, since the building involves a substantially smaller footprint than the 2019 Project, it is likely that fewer windows overall will be provided.

Based on the foregoing, the Project will not cause any significant adverse impacts involving Noise, Odor or Light.

#### **16. Impact on Human Health**

**Proposed Finding: The Project will not result in any significant adverse environmental impacts on Human Health.**

MSV1's potential for impacts on Human Health are consistent with those reviewed by the Planning Board for the 2019 Project and will not result in any significant adverse impact.

As discussed in Impact on Air, the Project will not involve any stationary air emission sources requiring NYSDEC permits and cumulative mobile source air emissions will comply with the NAAQS and not contribute significantly to Ozone pollution. Nor will the Project involve the generation, treatment or storage of hazardous wastes. Further, the Project will not involve the bulk storage of over 1,100 gallons of petroleum or chemical products and no pesticides or herbicides are proposed to be used for the Project.

Additionally, there are no environmental conditions existing on the Project Site indicating the presence of contamination requiring any remediation. Public water will be provided for the Project and wastewater will be pumped to an existing public wastewater treatment plant and treated prior to discharge subject to a NYSDEC SPDES permit. No septic system will be used. Further, the Project's SWPPP provides for "hotspot" treatment to prevent any ground or surface water contamination from Project-generated stormwater.

Finally, all construction and operational activities will be undertaken in accordance with and in compliance with all pertinent environmental and land development regulations and related permit and approval procedures and requirements.

Accordingly, no significant adverse impacts on Human Health will occur from MSV1.

#### **17. Consistency with Community Plans**

**Proposed Finding: The Project is consistent with Community Plans.**

The Project has been designed in accordance with the Town of Florida's Zoning Ordinance and to comply with its standards for a special permit and site plan approval.

For the reasons noted in the chart below, the Project is consistent with the Town's Zoning Ordinance and its 1996 Comprehensive Plan. The 2011 Amendment to the Town's Comprehensive Plan provides further support for consistency of MSVI with Community Plans.

Community Plan Consistency	Source
The Project Site is located in the C-2 zoning district, where warehouse/distribution centers are allowed uses.	Town of Florida Zoning Map
"To promote health and general welfare." The Project would promote the general welfare by supporting development of a new business in the Town of Florida with accompanying jobs and direct and indirect economic benefits to the community.	Town of Florida Zoning Ordinance Section 2(3)
"To encourage the most appropriate use of land throughout the Town." The Project is consistent with the uses already allowed for lands in the C-2 zoning district, where the Site is located.	Town of Florida Zoning Ordinance Section 2(9)
"Improve employment opportunities for residents of the area." The Project would provide substantial employment opportunities to residents of the Town.	Town of Florida Comprehensive Plan (1996), Goal #2, Objective #1, Page 48
"Limit industrial...development to an area of the town where it will have the least impact...as close as possible to existing built up areas." The Project will be located on lands in the C-2 district between Route 5S and I-90 and across Route 5S from the IBP district. There is existing commercial and industrial development in the C-2 district to the east and west of the Project Site and two warehouse/distribution centers in the IBP district to the north of the Site across Route 5S, with I-90 bounding the Project Site to the south.	Town of Florida Comprehensive Plan (1996), Goal #3, Objective #3, Page 50
"Institute land use policies, where practical, that also promote regional economic development and environmental goals." The Project would support the Town's objective of economic development.	Town of Florida Comprehensive Plan (1996), Goal #4, Objective #1, Page 51
The Town of Florida Comprehensive Plan (1996) contemplated the development of warehouses and distribution centers along Route 5S west of Amsterdam, including the lands comprising the Project Site. The Project is consistent with the Comprehensive	Town of Florida Comprehensive Plan (1996), Preferred Land Use Development Map; Town of Florida Zoning Map (2016)

Community Plan Consistency	Source
Plan's goal of allowing these types of uses in this portion of the Town, including on the Project Site.	
In its Comprehensive Plan, the Town selected a preferred future land use/zoning pattern which includes "new industrial business zones to accommodate potential new businesses and jobs." The Project is consistent with this preference for new industrial development in the Town, including on the Project Site.	Town of Florida Comprehensive Plan (1996), Page 60 and Preferred Land Use Development Map
In its 2011 Comprehensive Plan Amendment, the Town envisioned that development such as the Project would "continue in the concentrated area around the IBP zoning district, away from the more rural and residential portions of the Town." The Project Site is immediately adjacent to the Town's IBP district across Route 5S, fulfilling this community planning goal.	Town of Florida Comprehensive Plan Amendment (2011), Page 5

Overall, MSV1 is consistent with the adopted vision for industrial development in the Town in the C-2 district that will reduce the property tax burden on local residents with a Project that will produce many jobs, provide substantial private and public revenues and have minimal local impacts. MSV1 will significantly contribute to the achievement of the community's goals through:

- Substantial building permit fees for the Project will be paid to the Town for the Project;
- Creation of a minimum of 300 construction jobs through the construction of the Project;
- Creation of a minimum of 750 permanent jobs with full comprehensive benefits and educational opportunities, plus hundreds of part-time and seasonal jobs;
- Productive use of a vacant site in the C-2 zoning long-targeted for industrial development;
- Significant increase in the taxable value of the Project Site, with a total capital investment in excess of several hundred million dollars;
- Indirect employment resulting from the build-out of Project;
- Local procurement opportunities for small businesses;
- Ancillary economic output due to employment and construction; and
- Positive impact creating substantial new opportunities with fiscal benefits supporting local public schools and community infrastructure.

For the foregoing reasons, MSV1 will support and substantially further the goals and objectives of local community plans and will not have a significant adverse impact on them.

## **18. Consistency with Community Character**

### **Proposed Finding: The Project is consistent with Community Character.**

MSV1 conforms to the existing and planned character of the area where the Project Site is located between I-90 and Route 5S in the Town's C-2 zoning district and directly across Route 5S from the IBP district. The Project Site is situated with immediate access to Route 5S. Further, in the C-2 district where the Site is located, new residential uses are not allowed, so no further development of homes may occur there. As discussed above, impacts on existing residential properties will be minimized by the Project's design.

The Project Site is located in an area zoned for such uses that includes a growing number of warehouses and other commercial buildings located along the Route 5S commercial/industrial corridor. In this context, MSV1 is entirely consistent with, and will improve, the immediately surrounding C-2 zoning district's primarily nonresidential community character.

As discussed above, while the Project's building is taller than the building approved by the Planning Board for the 2019 Project, the potential visual impacts of the Project on nearby residential uses will be lessened by intervening vegetation, along with an attractive architectural design for the Project. Further, due to the location of the Project Site in the C-2 commercial/industrial zoning district, some visibility of the Project from surrounding uses is to be reasonably expected.

Similarly, as discussed in relation to potential Project impacts on Noise, the Project will result in minimal increases in the noise experienced by nearby residential receptors neighbors above existing, ambient levels. Finally, as discussed above regarding impacts on Light, the Project's proposed lighting will be dark-sky compliant, minimize sky glow and light pollution and, as shown on the Site Plans, will substantially avoid any light trespass onto adjacent properties.

As designed, MSV1 will be consistent with the character of this area of the C-2 zoning district along I-90 and the Town's existing and planned Route 5S commercial/industrial corridor. The Project Site will be repurposed with a use appropriate to its location in that district, substantially benefitting the Town.

Accordingly, the Project will be consistent with the Town's expectations for the community character of the C-2 district.

## **19. Impact on Disadvantaged Communities**

### **Proposed Finding: The Project will not result in any significant adverse environmental impacts on a Disadvantaged Community.**

MSV1 is located outside of but within ½ mile of a designated Disadvantaged Community and Project traffic will travel through the DAC on Routes 5S/30 to I-90. Accordingly, the Planning Board has evaluated the potential for Project impacts on the DAC based upon the questions presented in NYSDEC's proposed addition to the FEAF Part 2 for DACs as part of proposed changes to the SEQRA regulations in 6 NYCRR Part 617. MSV1 will not have any significant adverse impact on the DAC involving the Project for the following reasons:

**Question 19(a) – Is the potentially affected disadvantaged community identified as having comparatively higher burdens or vulnerabilities by the Disadvantaged Community Assessment Tool (<https://on.ny.gov/DACAT>)?**

Yes. The DAC potentially affected by the Project is identified as having comparatively higher burdens of vulnerabilities by the Disadvantaged Community Assessment Tool.

**Question 19(b) – The proposed action may create new air emissions or increase existing air emissions within a disadvantaged community.**

Yes. MSV1 will create new air emissions or increase existing air emissions that may affect a disadvantaged community, however, air emissions associated with MSV1 will not result in any significant adverse impact on the DAC for the reasons discussed in relation to Impacts on Air (Section 6) above. Based upon this conservative analysis that considered the potential for cumulative impacts beyond those of MSV1 alone, MSV1 will not result in any significant adverse impacts to air quality in the nearby DAC through which Project traffic will travel along Route 5S to I-90.

**Question 19(c) – The proposed action may create new wastewater treatment or discharges, or expand existing wastewater treatment or discharges, within a disadvantaged community.**

Yes. MSV1 will expand existing wastewater treatment or discharges, within a disadvantaged community. As noted above, wastewater from the Project will be pumped from the Project Site through an underground force main through the Town's sanitary infrastructure, ultimately to the City of Amsterdam wastewater treatment plant, where it will be treated prior to discharge in accordance with a NYSDEC SPDES permit. The Amsterdam plant is located in an adjoining DAC census tract and wastewater discharges are not identified as a significant pollution burden in that DAC. The discharge from Project will not require any pretreatment because it will consist only of sanitary wastewater from a limited number of restrooms. Accordingly, MSV1 will have a minimal impact on the DAC as a result of its expansion of the wastewater discharge at the Amsterdam wastewater treatment plant.

**Question 19(d) – The proposed action creates or expands a solid or hazardous waste management facility, or involves the generation of solid or hazardous waste, within or near a disadvantaged community.**

No. As reflected in the FEAF Part 1 provided in support of the Application, MSV1 will not result in the generation of any hazardous waste and will not be a solid waste management facility. Per the FEAF 1, MSV1 will generate an estimated 1-2 tons per month of solid waste during operations that will be hauled offsite and disposed of by a private carting business at a license and permitted solid waste management facility subject to NYSDEC permit requirements. No waste will be disposed of on the Project Site.

**Question 19(e) – The proposed action may increase traffic within a disadvantaged community.**

Yes. MSV1 will increase traffic within a disadvantaged community but will not result in any significant adverse impact to the DAC for the reasons discussed above in regard to Impact on Transportation (Section 13).

**Question 19(f) – The proposed action affects or involves one or more of the following facility types: landfill; other industrial, manufacturing, or mining land uses; major oil or chemical bulk storage facility; municipal waste combustor; power generation facility; risk management plan site; remediation site; or scrap metal processor.**

Yes. MSV1 result in the development of a warehouse/distribution facility on lands between Route 5S and I-90 in the C-2 zoning district, where commercial and industrial uses such as the Project are allowed by the Town's Zoning Ordinance and are consistent with the Town's Comprehensive Plan. Based on the proposed findings that MSV1 is consistent with Community Plans (Section 17) and Community Character (Section 18), MSV1 will not have a significant adverse impact on the nearby DAC through which Project traffic will travel along Route 5S to I-90.

**Question 19(g) – Other “pollution” impacts**

For the following reasons and based upon the SEQRA Expanded EAF Narrative and its appendices, MSV1 will not have any significant adverse impacts on the DAC from the following other forms of pollution as follows:

***Noise***

Consistent with the Planning Board's findings set forth in Impacts to Noise, Odor and Light provided in Section 15 above, MSV1 will not result in any significant adverse impacts on Noise in the DAC either from Project operations or as a result of offsite traffic along Routes 5S/30 to I-90. In particular, based upon the study provided by BMG's qualified noise expert in support of the Application, MSV1 will comply with NYSDEC's noise guidance and will not result in any significant adverse noise impacts on the residential properties in the DAC.

Further, projected noise impacts from increased traffic will comply with the NYSDEC noise guidance for the residential or other sensitive receptors in the DAC along the Route 5S commercial/industrial corridor between the Project Site and I-90. Based upon NYSDEC's noise guidance, the sound impact information by BMG's qualified expert consultant concluded that no receptors within that area would experience any significant adverse impact from sound levels as compared to existing ambient conditions.

For the foregoing reasons, the potential impacts of MSV1 on Noise will not result in any significant adverse impact on the DAC.

***Odors***

With respect to Odors, MSV1 is not anticipated to result in more than minimal impacts to the DAC associated with construction and operation. During construction, any odor impacts from construction equipment will be temporary, of short duration and non-significant. MSV1, when operational, is not anticipated to generate any odor impacts and any odor impacts from mobile sources on the DAC will be no different than existing traffic along the Route 5S commercial/industrial corridor.

***Light***

MSV1's lighting will be substantially consistent with the lighting analyzed by the Planning Board for the 2019 Project and will not have more than a minimal impact on the DAC.

New, dark-sky compliant, modern and energy-efficient lighting will be used for the Project, consistent with what would reasonably be expected for an industrial use in the C-2 zoning district. Exterior site lighting will comply with the Zoning Ordinance and will be the minimum necessary while ensuring a safe and secure facility. All proposed lighting will be downward facing and will minimize sky glow and light pollution from the Project. Where appropriate, lighting fixtures will be of a full cutoff type or provided with shields to reduce glare and light pollution. As shown on MSV1's Site Plans, the fixture locations have been sited to avoid any light trespass onto adjacent properties. These measures have been incorporated to minimize otherwise potential adverse impacts from site lighting of the new building and parking facilities. Though MSV1 involves a taller building, mitigation measures including interior blinds will be employed to ensure that any higher windows do not contribute to new lighting impacts. Accordingly, no significant adverse impact on the DAC from MSV1's lighting is expected to occur.

## **VI. CONCLUSION**

Based on the foregoing discussion, MSV1 is generally consistent with the impacts reviewed by the Planning Board for the 2019 Project for which a SEQRA Negative Declaration was issued and will not create any significant new or additional adverse environmental impacts. Consistent with the SEQRA Negative Declaration issued for the 2019 Project and based on the review of the Application by the Planning Board and its consultants and the Planning Board's review of the FEAF Part 2 for MSV1, BMG respectfully submits that MSV1 will not result in any significant adverse impacts and that a Negative Declaration for the Project is warranted under SEQRA.

## **APPENDICES**

Appendix 1 – 2019 Project Approvals

Appendix 2 – Wetland approvals

Appendix 3 – 2019 Project Overall Site Plan

Appendix 4 – MSV1 Proposed Site Plans

Appendix 5 – Updated Full Environmental Assessment Form, Part 1

Appendix 6 – SEQRA Comparison Chart

Appendix 7 – Geotechnical Report

Appendix 8 – Stormwater Pollution Prevention Plan

Appendix 9 – Water and Sewer Memorandum

Appendix 10 – Phase 1 Environmental Site Assessment

Appendix 11 – Federal Emergency Management Administration Flood Insurance Rate Map

Appendix 12 – Air Quality Report

Appendix 13 – Natural Resources Information (including prior wetland permits

Appendix 14 – Agricultural Resources Information



Appendix 15 – Visual Impacts Report

Appendix 16 – Historic and Archaeological Resources Information

Appendix 17 – Traffic Impact Study

Appendix 18 – Sound Study (Onsite and Offsite)

Appendix 19 – Special Permit/Site Plan Review Narrative

Appendix 20 – Disadvantaged Community Report

# APPENDIX 1



Eric M. Mead, Supervisor  
Emily Staley, Town Clerk  
Steven Anderson, Hwy. Superintendent

214 Ft. Hunter Rd.  
Amsterdam, NY 12010

Office: 518-843-6372

Fax: 518-843-3324

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Part II of the SEQRA was read by Douglas Cole of Prime Engineering and all questions were answered. Since there was no moderate to large impact found a motion was made by Rudy Horlbeck and seconded by Mike Taylor to find that the proposed action will not result in any significant adverse environmental impacts and therefore constitutes a negative declaration for the SEQRA. All other members present were in favor.

**Roll Call:**

Mike Taylor – Yes  
Richard Romeo – Yes  
Don Perretta – Yes  
Rudy Horlbeck – Yes  
Rich Romeo – Yes  
Christopher Holloway – Yes  
Matt Gogis - Yes

*Full Environmental Assessment Form*  
*Part 1 - Project and Setting*

**Instructions for Completing Part 1**

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Route 5S Warehouse/Storage Facility		
Project Location (describe, and attach a general location map): Approximately 1.5 miles west of Interchange 27 on the south side of Route 5S		
Brief Description of Proposed Action (include purpose or need): The Applicant is proposing to construct a 1,000,000 SF warehouse. The project would include approximately 700 tractor trailer spaces and 150 loading docks. A separate driveway from Route 5S would provide access to an approximately 250 automobile parking lot for employees and visitors. The project would include a new stormwater management system, lighting, and landscaping. Project would connect to municipal water and sewer located along Route 5S.		
Name of Applicant/Sponsor: WE Acquisitions		Telephone:  E-Mail:
Address: 300 George Street		
City/PO: New Haven	State: CT	Zip Code: 06511
Project Contact (if not same as sponsor; give name and title/role): Steven Wilson, Project Manager, Bohler Engineering		Telephone: 519-438-9900 E-Mail: steven.wilson@bohlereng.com
Address: 17 Computer Drive West		
City/PO: Albany	State: NY	Zip Code: 12205
Property Owner (if not same as sponsor): see attached list		Telephone:  E-Mail:
Address:		
City/PO:	State:	Zip Code:

## B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board - Site Plan Review; Special Use Permit; Subdivision/Lot Consolidation	4/24/19
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Montgomery County Planning Board - 239M Review	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DOT - Highway Work Permit NYS DEC - SPDES NOI & Section 401 WQC, OPR	
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Corps of Engineers - Section 404 Wetland Permit	
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> <li>If Yes, complete sections C, F and G.</li> <li>If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
C.2. Adopted land use plans.	
a. Do any municipally-adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): NYS Heritage Areas: Mohawk Valley Heritage Corridor	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): A portion of the site is listed in the Draft 2017 Agricultural and Farmland Protection Plan for Montgomery County; plan is still in draft.	

<b>C.3. Zoning</b>	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? C-2 Commercial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes,	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. What is the proposed new zoning for the site? _____	
<b>C.4. Existing community services.</b>	
a. In what school district is the project site located? <u>Greater Amsterdam</u>	
b. What police or other public protection forces serve the project site? <u>Montgomery County Sheriff, New York State Police</u>	
c. Which fire protection and emergency medical services serve the project site? <u>Florida Volunteer Fire Department</u>	
d. What parks serve the project site? <u>N/A</u>	

#### D. Project Details

<b>D.1. Proposed and Potential Development</b>	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? <u>Warehouse/Storage</u>	
b. a. Total acreage of the site of the proposed action?	<u>140</u> acres
b. Total acreage to be physically disturbed?	<u>100+/-</u> acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>140+/-</u> acres
c. Is the proposed action an expansion of an existing project or use? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) <u>Consolidation of 12 lots and subdivision of two lots</u>	
ii. Is a cluster/conservation layout proposed? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
i. If No, anticipated period of construction: <u>18-24</u> months	
ii. If Yes:	
• Total number of phases anticipated _____	
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year	
• Anticipated completion date of final phase _____ month _____ year	
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ _____ _____	

f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Total number of structures <u>2</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>30-35'</u> height; <u>2000'</u> width; and <u>500'</u> length	
iii. Approximate extent of building space to be heated or cooled: <u>1,000,000</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Purpose of the impoundment: <u>Stormwater management</u>	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input checked="" type="checkbox"/> Other specify: <u>Stormwater Runoff</u>	
iii. If other than water, identify the type of impounded/contained liquids and their source. <u>N/A</u>	
iv. Approximate size of the proposed impoundment. Volume: <u>7</u> million gallons; surface area: <u>12+/-</u> acres	
v. Dimensions of the proposed dam or impounding structure: <u>N/A</u> height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): <u>Earth fill</u>	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> <li>• Volume (specify tons or cubic yards): _____</li> <li>• Over what duration of time? _____</li> </ul>	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____	
iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>Project will impact federally regulated wetlands.</u>	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:  
6.5 acres of wetland impacts are expected by this project.

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iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☒ No  
 If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☒ No  
 If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

Project will replace wetlands >>>>

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c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No  
 If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 6,850 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No  
 If Yes:

- Name of district or service area: Town of Florida Water District; City of Amsterdam water supply
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☒ Yes ☐ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No  
 If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

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d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No  
 If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 6,850 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

Sanitary wastewater

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iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No  
 If Yes:

- Name of wastewater treatment plant to be used: City of Amsterdam
- Name of district: Town of Florida Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No



<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Will a line extension within an existing district be necessary to serve the project? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 20px;">2.4M Square feet or 55 +/- acres (impervious surface)</p> <p style="padding-left: 20px;">6M Square feet or 138 +/- acres (parcel size)</p> <p>ii. Describe types of new point sources. Stormwater discharge from treatment system</p> <p>_____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p>New stormwater management areas</p> <p>_____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____</li> <li style="padding-left: 40px;">Unnamed tributary of Chuclanunda Creek</li> </ul> <ul style="list-style-type: none"> <li>• Will stormwater runoff flow to adjacent properties? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> </ul>	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>Delivery vehicles and tractor trailers</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>N/A</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>N/A</p>	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>			
If Yes: <ul style="list-style-type: none"> <li>i. Estimate methane generation in tons/year (metric): _____</li> <li>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</li> </ul>			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>			
If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>			
If Yes: <ul style="list-style-type: none"> <li>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend  <input checked="" type="checkbox"/> Randomly between hours of <u>7am</u> to <u>7pm</u>.</li> <li>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____  <div style="text-align: center;">TBD</div> </li> <li>iii. Parking spaces: Existing <u>10-16+/-</u> Proposed <u>1,050</u> Net increase/decrease <u>1,035</u></li> <li>iv. Does the proposed action include any shared use parking? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:            TBD</li> <li>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul>			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>			
If Yes: <ul style="list-style-type: none"> <li>i. Estimate annual electricity demand during operation of the proposed action: _____            7,600,000 KWH</li> <li>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):            National Grid</li> <li>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> </ul>			
l. Hours of operation. Answer all items which apply. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;">           i. During Construction:           <ul style="list-style-type: none"> <li>• Monday - Friday: <u>7 am to 6 pm</u></li> <li>• Saturday: <u>7 am to 5 pm</u></li> <li>• Sunday: <u>closed</u></li> <li>• Holidays: <u>closed</u></li> </ul> </td> <td style="width: 50%; vertical-align: top;">           ii. During Operations:           <ul style="list-style-type: none"> <li>• Monday - Friday: <u>24 hours per day</u></li> <li>• Saturday: <u>24 hours per day</u></li> <li>• Sunday: <u>24 hours per day</u></li> <li>• Holidays: <u>Closed</u></li> </ul> </td> </tr> </table>		i. During Construction: <ul style="list-style-type: none"> <li>• Monday - Friday: <u>7 am to 6 pm</u></li> <li>• Saturday: <u>7 am to 5 pm</u></li> <li>• Sunday: <u>closed</u></li> <li>• Holidays: <u>closed</u></li> </ul>	ii. During Operations: <ul style="list-style-type: none"> <li>• Monday - Friday: <u>24 hours per day</u></li> <li>• Saturday: <u>24 hours per day</u></li> <li>• Sunday: <u>24 hours per day</u></li> <li>• Holidays: <u>Closed</u></li> </ul>
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>Blasting will be require for shale removal; blasting will be during the initial phase of construction and will be approximately 90 days in duration</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?</p> <p>Describe: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>n. Will the proposed action have outdoor lighting?</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>Parking lot lighting will be needed for safety; closest structure is approximately 600' away. All light fixtures will be dark sky friendly.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?</p> <p>Describe: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day?</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>ii. Will the proposed action use Integrated Pest Management Practices?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ 10+ tons per _____ 18-24 month (unit of time)</li> <li>• Operation : _____ 1-2 tons per _____ monthly (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: <u>Recyclable materials (e.g., wood, metal, etc.) would be separated from solid waste</u></li> <li>• Operation: <u>Recyclable materials (e.g., paper, cardboard, plastic bottles, etc.) would be separated from solid waste</u></li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: <u>Commercial waste hauler will transfer solid waste and recycables to appropriate facility</u></li> <li>• Operation: <u>Commercial waste hauler will transfer solid waste and recycables to appropriate facility</u></li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

#### E. Site and Setting of Proposed Action

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☒ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☒ Agriculture ☐ Aquatic ☐ Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	< 1	55 +/-	+ 54 +/-
• Forested	6 +/-	1 +/-	- 5 +/-
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	TBD	TBD	TBD
• Agricultural (includes active orchards, field, greenhouse etc.)	75	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	TBD	TBD	TBD
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Lawn/landscape areas	5 +/-	10 +/-	+ 5

<p>c. Is the project site presently used by members of the community for public recreation?  <i>i. If Yes: explain:</i> _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?          If Yes,  <i>i. Identify Facilities:</i> _____          _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>e. Does the project site contain an existing dam?          If Yes:  <i>i. Dimensions of the dam and impoundment:</i>              • Dam height: _____ feet              • Dam length: _____ feet              • Surface area: _____ acres              • Volume impounded: _____ gallons OR acre-feet  <i>ii. Dam's existing hazard classification:</i> _____  <i>iii. Provide date and summarize results of last inspection:</i> _____          _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?          If Yes:  <i>i. Has the facility been formally closed?</i>              • If yes, cite sources/documentation: _____  <i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i> _____          _____  <i>iii. Describe any development constraints due to the prior solid waste activities:</i> _____          _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No     <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?          If Yes:  <i>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i> _____          _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?          If Yes:  <i>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i>              <input type="checkbox"/> Yes – Spills Incidents database      Provide DEC ID number(s): _____              <input type="checkbox"/> Yes – Environmental Site Remediation database      Provide DEC ID number(s): _____              <input type="checkbox"/> Neither database  <i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i> _____          _____  <i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</i>          If yes, provide DEC ID number(s): _____  <i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</i> _____          _____          _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No           <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ 8'-/- feet

b. Are there bedrock outcroppings on the project site? ☒ Yes ☐ No  
If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ 5% %

c. Predominant soil type(s) present on project site:

Appleton Silt Loam	_____	40 %
Palatine Silt Loam	_____	20 %
Lansing Silt Loam	_____	10 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 0-10' feet

e. Drainage status of project site soils: ☒ Well Drained: \_\_\_\_\_ 20 % of site  
☒ Moderately Well Drained: \_\_\_\_\_ 60 % of site  
☒ Poorly Drained: \_\_\_\_\_ 20 % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: \_\_\_\_\_ 50 % of site  
☒ 10-15%: \_\_\_\_\_ 40 % of site  
☒ 15% or greater: \_\_\_\_\_ 10 % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No  
If Yes, describe: \_\_\_\_\_

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h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☒ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

• Streams:	Name	876-162	Classification	C
• Lakes or Ponds:	Name	_____	Classification	_____
• Wetlands:	Name	Federal Waters, Federal Waters, Federal Waters,...	Approximate Size	_____
• Wetland No. (if regulated by DEC)	_____			

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No  
If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

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i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☒ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☒ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No  
If Yes:  
i. Name of aquifer: \_\_\_\_\_

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>White tail deer, squirrel _____</p> <p>raccoon, skunk _____</p> <p>variety of birds _____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat: _____</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: MONT003 _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>i. If Yes: acreage(s) on project site? 60+/- _____</p> <p>ii. Source(s) of soil rating(s): NRCS _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District</li> <li>ii. Name: <u>J Houck Historic Site</u></li> <li>iii. Brief description of attributes on which listing is based: <u>19th century homestead</u></li> </ul>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Describe possible resource(s): <u>J Houck Historic Site</u></li> <li>ii. Basis for identification: <u>Phase 1 and 2 Cultural Resource Investigation</u></li> </ul>	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Identify resource: <u>Riverlink Park</u></li> <li>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>City Park</u></li> <li>iii. Distance between project and resource: <u>2+/-</u> miles.</li> </ul>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Identify the name of the river and its designation: _____</li> <li>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul>	

#### F. Additional Information

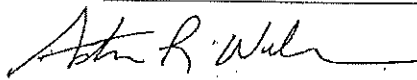
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

#### G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Steven R. Wilson Date 8/28/19

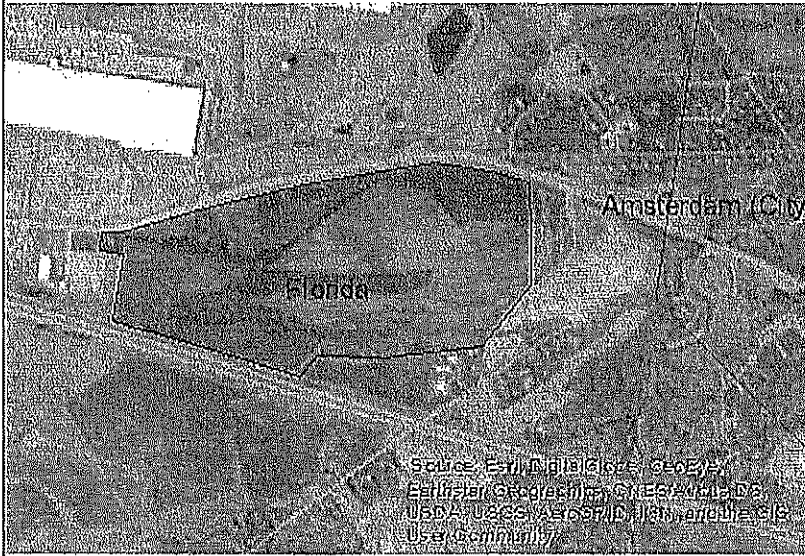
Signature  Title Project Manager

PRINT FORM

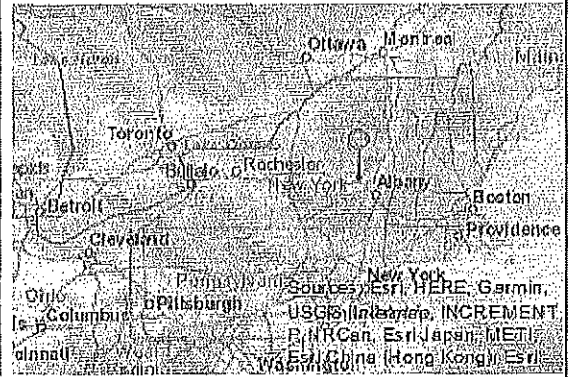


## EAF Mapper Summary Report

Tuesday, March 12, 2019 12:48 PM



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	876-162
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No

E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	MONT003
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only (If applicable)	
Project:	Interchange 27 Warehouse
Date:	8/21/19

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

*If "Yes", answer questions a - c. If "No", move on to Section 3.*

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

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☐ NO☒ YES

*If "Yes", answer questions a - l. If "No", move on to Section 4.*

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

I. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2l	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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## 6. Impacts on Air

The proposed action may include a state regulated air emission source.  
(See Part 1. D.2.f., D.2.h, D.2.g)

☒ NO

☐ YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

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

## 7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

☐ NO

☒ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b> The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) If "Yes", answer questions a - g. If "No", go to Section 10.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) If "Yes", answer questions a - e. If "No", go to Section 11.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>



d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.

☐ NO☒ YES

(See Part 1, D.2.j)

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

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

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.

☐ NO☒ YES

(See Part 1, D.2.k)

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

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

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

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO☒ YES

(See Part 1, D.2.m, n., and o.)

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

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

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

#### 16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

*If "Yes", answer questions a - m. If "No", go to Section 17.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____			

<b>17. Consistency with Community Plans</b> The proposed action is not consistent with adopted land use plans. (See Part 1, C.1, C.2, and C.3.) If "Yes", answer questions a - h. If "No", go to Section 18.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>18. Consistency with Community Character</b> The proposed project is inconsistent with the existing community character. (See Part 1, C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

Project :

Date :

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Mitigation of potentially moderate to large impacts:

10. Impact on Historic and Archaeological Resources: The proposed loss of the J. Houck historic site will be mitigated by the completion of a Phase III Retrieval Plan and issuance of a Phase III Report within 18 months of USACE authorization.

13. Impact on Transportation: The large impervious parking area will have runoff treated by the proposed on-site stormwater management facility. The need for a traffic signal at the employee parking entrance on Route 5S did not meet the NYSDOT threshold, but will be further studied after the project is complete.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information provided by the applicant:

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Town of Florida Planning Board \_\_\_\_\_ as lead agency that:

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

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

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

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

Name of Action: Route 5S Warehouse/Storage Facility

Name of Lead Agency: Town of Florida Planning Board

Name of Responsible Officer in Lead Agency: Michael Taylor

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency: *Michael Taylor*

Date: 6/20/20

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: Michael Taylor, Planning Board Chairman

Address: Town of Florida, 214 Fort Hunter Road, Amsterdam, NY 12010

Telephone Number: 518-491-2478

E-mail: Michael.Taylor@canals.ny.gov

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

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

Other involved agencies (if any)

Applicant (if any)

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

**PRINT FULL FORM**



**Town of Florida  
Planning Board  
Thursday, December 12, 2019  
7:00pm**

**MEMBERS PRESENT:**

Mike Taylor, Chairman  
Richard Romeo, Vice Chairman  
Chris Holloway, Member  
Don Perretta, Member  
Rudy Horlbeck, Member  
Matt Gogis, Alternate Member

**ABSENT:**

Kim Graff, Member  
Charles Saul, Member

**OTHERS PRESENT:**

Amanda Bearcroft, Secretary/Consultant  
Deb Slezak, Town Attorney  
Paul Slansky, Town Code Enforcement Officer  
John Sampone, Town Building Inspector

**I. Call to Order**

A meeting of the Town of Florida Planning Board was called to order at 7:01pm by Chairman Mike Taylor.

**II. Adoption of the Agenda**

**Motion** was made by Rudy Horlbeck and seconded by Chris Holloway to accept the Agenda. All other members present were in favor.

**III. Adoption of Minutes**

**Motion** was made by Don Perretta and seconded by Richard Romeo to accept the minutes from November 4, 2019. All other members present were in favor.

**IV. Correspondence**

There was no correspondence.

**V. Interchange 27 Warehouse - Bohler Engineering**

Steve Wilson from Bohler Engineering and Val Farro were present. They discussed the status of studies and next steps involved in the Interchange 27 warehouse project. Ms. Farro discussed the viewsheds of the site on neighboring properties. Mr. Wilson stated that the change in topography helps hide the building from the neighboring residential properties. The landscaping along the parking lot and building will also help to hide the activity. Tops of buildings will be able to be seen but not the whole site. Ms. Farro stated that they are not using moderately mature vegetation. They will be planting a mix of deciduous and year-round trees. If the tenant needs a smaller space that illustrated that will orientate the building closer to the topography that hides the building, so you would see less of the site.



Ms. Slezak wanted to know if the board was satisfied with the plan as it is laid out, especially after the last month's public hearing on the project. She wanted to know if all of the residents' concerns were reviewed and satisfied. Mr. Horlbeck stated that he thinks the concerns were addressed.

The board agreed that once a tenant was identified the tenant and firm would meet again with the Town Planning Board to go over their plan.

Douglas Cole of Prime Engineering, the TDE on the project, went through the two additional comment letters that were received and the SEQRA Part II on the project along with the board. The TDE supplied the Board with a letter stating all of the conditions he believes the Town Planning Board should include with their approval of the project. That letter was submitted to the board as part of the final packet.

Part II of the SEQRA was read by Douglas Cole of Prime Engineering and all questions were answered. Since there was no moderate to large impact found a motion was made by Rudy Horlbeck and seconded by Mike Taylor to find that the proposed action will not result in any significant adverse environmental impacts and therefore constitutes a negative declaration for the SEQRA. All other members present were in favor.

**Roll Call:**

Mike Taylor – Yes  
Richard Romeo – Yes  
Don Perretta – Yes  
Rudy Horlbeck – Yes  
Rich Romeo – Yes  
Christopher Holloway – Yes  
Matt Gogis - Yes

A Resolution was proposed by Kim Graff and seconded by Rudy Horlbeck to approve the subdivision, special use permit, and site plan application for the Interchange Warehouse 27 Project. Whereas the formal resolution was read in front of the board.

**Roll Call:**

Mike Taylor – Yes  
Richard Romeo – Yes  
Don Perretta – Yes  
Rudy Horlbeck – Yes  
Rich Romeo – Yes  
Christopher Holloway – Yes  
Matt Gogis - Yes

**VI. Winery/Brewery/Distillery/Cider Code Amendments**

Mike Taylor wanted to know if the Town Planning Board could supply the Town Board with language to review. Matt Gogis spoke about doing research on other communities with micro beverage language in their zoning codes. He stated that most of them had language on a micro or a farm which focused on how much they were making or how large the building is. Ms. Bearcroft stated that since the Town's code is mostly zoned Agriculture to take a broader approach. It was suggested to look at just alcohol production as a definition and determine where in our zoning map this should be included or a special use permit. The approach might be to look at allowing alcohol production in certain zones as a special permit rather than a site plan approval. The

first step would be to draft up language for the Town Board to be presented at the next meeting to hear their comments and move forward with drafting up language for the code.

**VII. Public Comment:**

Terri Phillips, 189 Pattersonville Road: She had a question about where farm tourism and camping fell into the zoning code. Ms. Bearcroft stated that it would fall under the permitted farming use, or through the code under commercial recreation as a special permitted use. It should be under the farm use because tourists would be paying to stay and work on the land as a means of farm tourism.

**VIII. Adjournment**

A **Motion** was made by Richard Romeo and seconded by Rudy Horlbeck to adjourn at 8:44pm. All in favor.

Respectfully Submitted  
Amanda Bearcroft

# APPENDIX 2

## Steve Wilson

**From:** Welch, Maranda E (DEC) <Maranda.Welch@dec.ny.gov>  
**Sent:** Wednesday, March 5, 2025 11:22 AM  
**To:** Sean Baggett; Steve Wilson; Kichurchak, Ronald J (DEC); David Everett (deverett@woh.com); Josh Garofano; ECOLSOL@AOL.COM  
**Cc:** Jed Randell Sarabia  
**Subject:** RE: DEC No. 4-2726-00096/0001 - Route 5S Town of Florida (MSV1)

**EXTERNAL:** Use caution with attachments and links.

Thank you for the clarification. Since this project received a town neg dec prior to the Freshwater Wetland Jurisdiction and Classification regulations change and the project did not change to include more, but less impacts, this project will not need a freshwater wetland jurisdiction and can proceed with just a Water Quality Certification. Myself and Ron will still be reviewing this project to make sure it will fit our standards for the Water Quality Certification.

Thank you,

Maranda Welch  
Environmental Analyst  
518-357-2446  
[Maranda.welch@dec.ny.gov](mailto:Maranda.welch@dec.ny.gov)

**From:** Sean Baggett <sbaggett@bluewaterpg.com>  
**Sent:** Friday, February 28, 2025 11:28 AM  
**To:** Steve Wilson <Steven.Wilson@bohlereng.com>; Welch, Maranda E (DEC) <Maranda.Welch@dec.ny.gov>; Kichurchak, Ronald J (DEC) <Ronald.Kichurchak@dec.ny.gov>; David Everett (deverett@woh.com) <deverett@woh.com>; Josh Garofano <jgarofano@bluewaterpg.com>; ECOLSOL@AOL.COM  
**Cc:** Jed Randell Sarabia <jsarabia@bohlereng.com>  
**Subject:** RE: DEC No. 4-2726-00096/0001 - Route 5S Town of Florida (MSV1)

**ATTENTION:** This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

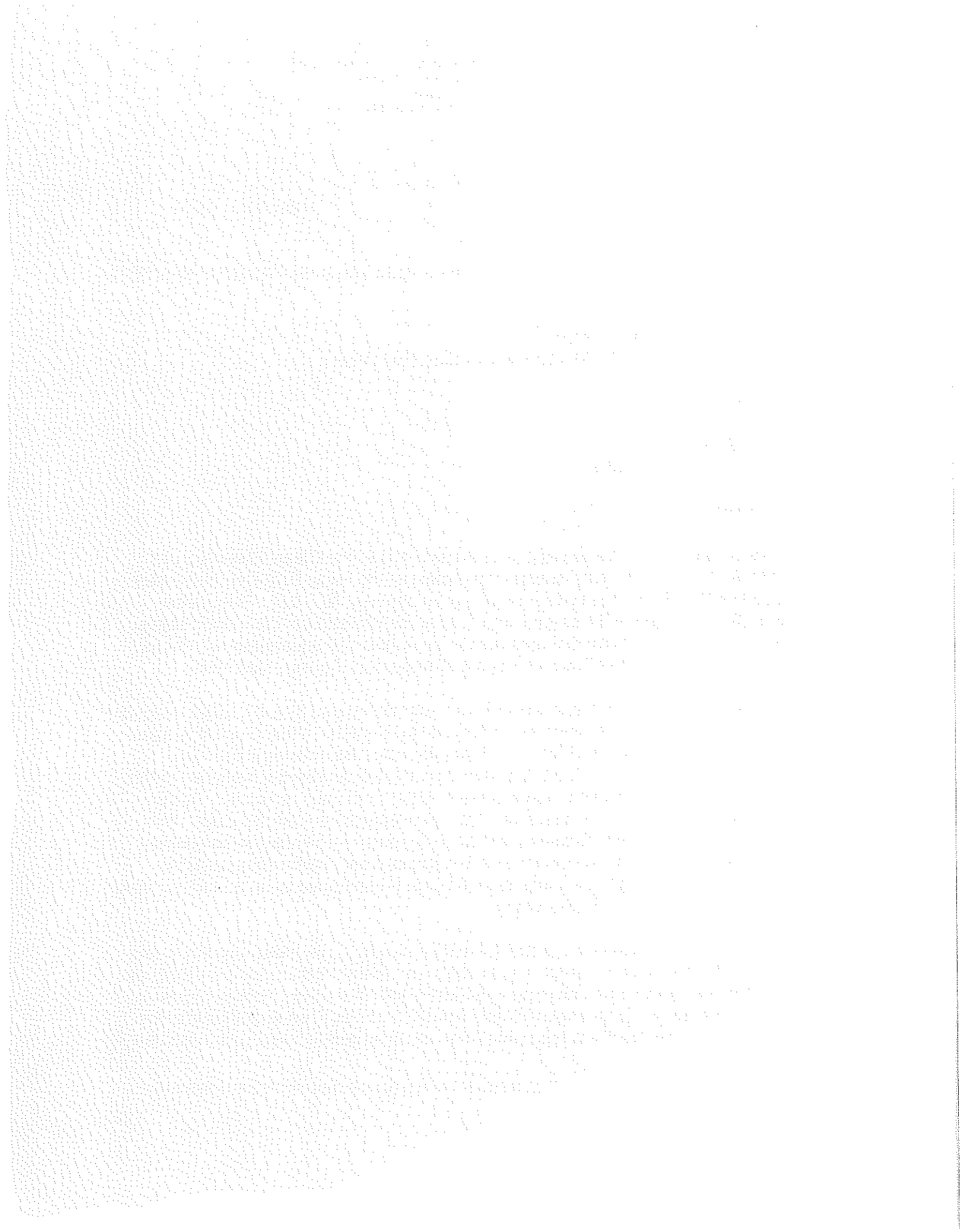
All,

To finish the thought for total clarity, the Army Corp permit was approved for 1.9 acres, and yes we will be amending to 1.5 acres, to be under both the Town's Approval, and the Corps.

Thank you,

Sean

Sean Baggett  
VP Development & Construction  
Bluewater Property Group  
781-974-3628 m  
[sbaggett@bluewaterpg.com](mailto:sbaggett@bluewaterpg.com)





**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NEW YORK 10278-0090

Regulatory Branch

December 9, 2024

SUBJECT: Modification (M1) Request for Department of the Army Permit No. NAN-2019-00679-USH  
WE 5S, LLC  
Commercial Development  
Town of Florida, Montgomery County, New York

Adam Winstanley  
WE 5S, LLC  
300 George Street  
New Haven, Connecticut 06511

Dear Mr. Winstanley:

In accordance with the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344), WE 5S, LLC, was issued Department of the Army (DA) Permit Number NAN-2019-00679-USH by the District Engineer on January 10, 2021. This permit authorized the discharge of fill material into 1.90 acres of waters of the United States, including wetlands, to facilitate the construction of an 800,000 square foot warehouse and distribution facility, in the Town of Florida, Montgomery County, New York.

The New York District has reviewed your submittal dated May 31, 2024, in which you requested a two-year extension of DA Permit No. NAN-2019-00679-USH to allow additional time to complete the project. This would make the new expiration date January 10, 2027. On July 22, 2024, the New York District received a response to the request for additional information, dated June 6, 2024, from your consultant, Bohler Engineering and Landscape Architecture, PLLC in a letter dated July 22, 2024. This was done to address specific concerns related to impacts to an endangered species, the Northern long-eared bat; to confirm that the purpose and need of the project is unchanged; to inquire about how much work has been completed to-date; and to clarify any potential changes in the project plans.

Based upon our evaluation of the submitted materials, we hereby approve your request to modify the subject permit. The modification of this permit shall be known as Department of the Army Permit Number NAN-2019-00679-M1. Apart from General Condition (1) and the additional special condition (F) that has been added to address potential impacts to the Northern long-eared bat, all other permit conditions to which the

PLEASE USE THE ABOVE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH THIS OFFICE

authorized work was made subject shall remain in effect (copies enclosed). This letter shall be added to all copies of the permit, including those at the work site. The following General Condition (1) shall supersede General Condition (1) from the DA Permit Modification No. NAN-2019-00679-USH.

- 1. The time limit for completing the work authorized ends on January 10, 2027. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.**

This condition (Special Condition F) related to tree clearing has been added to address the potential impact to an endangered species the Northern long-eared bat (*Myotis septentrionalis*) has been added to your authorization.

**F. The permittee shall ensure that all tree cutting necessary to complete the authorized work shall only occur during the period from October 1 through March 31 in any year this verification is in effect.**

In order for us to better serve you, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

If any questions should arise concerning this matter, please contact John Short, of my staff, at (518) 266-6354.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy L. Mitchell". The signature is fluid and cursive, with the first name "Amy" being the most prominent.

FOR AND ON BEHALF OF  
Stephan A. Ryba  
Chief, Regulatory Branch



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, ATTN: CENAN-OP-RU  
UPSTATE REGULATORY FIELD OFFICE  
1 BUFFINGTON ST., BUILDING 10, 3<sup>RD</sup> FL. NORTH  
WATERVLIET, NEW YORK 12189-4000

CENAN-OP-RU

**IMPORTANT**

This letter must be completed and mailed to the Upstate New York Section at the above address prior to commencement of any work authorized under the permit.

Permittee: WE 5S, LLC Permit No. NAN-2019-00679-M1-USH

Date Permit Issued: December 9, 2024 Expiration Date: January 10, 2027

Waterway: Mohawk River

City & State: Town of Florida, New York

Work will commence on or about: \_\_\_\_\_  
Name, Address & Telephone Number of Contractor: \_\_\_\_\_

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

Fold this form into thirds, with the bottom third facing outward. Tape it together and mail to the address below or **EMAIL TO:** [cenan.rfo@usace.army.mil](mailto:cenan.rfo@usace.army.mil).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Place Stamp  
Here

DEPARTMENT OF THE ARMY  
U.S. Army Corps of Engineers  
ATTN: CENAN-OP-RU  
Upstate New York Section  
1 Buffington St., Bldg. 10, 3<sup>rd</sup> Fl. North  
Watervliet, New York 12189-4000





DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, ATTN: CENAN-OP-RU  
UPSTATE REGULATORY FIELD OFFICE  
1 BUFFINGTON ST., BUILDING 10, 3<sup>RD</sup> FL NORTH  
WATERVLIET, NEW YORK 12189-4000

CENAN-OP-RU

**IMPORTANT**

This letter must be completed and mailed to the Upstate New York Section at the above address following completion or cancellation of work authorized under the permit.

Permittee: WE 5S, LLC Permit No. NAN-2019-00679-M1-USH  
Date Permit Issued: December 9, 2024 Expiration Date: January 10, 2027  
Waterway: Mohawk River  
City & State: Town of Florida, New York

Check and complete applicable item(s) listed below:

- ☐ Work was completed on \_\_\_\_\_.
- ☐ Work will not be performed on the project.
- ☐ Deviation from work authorized in permit is explained below.
- ☐ Other (explain) \_\_\_\_\_
- ☐ For dredging projects, list the volume of material dredged, and the amount placed at each disposal location (if more than one).
- \_\_\_\_\_ cubic yards placed at \_\_\_\_\_
- \_\_\_\_\_ cubic yards placed at \_\_\_\_\_
- \_\_\_\_\_ cubic yards placed at \_\_\_\_\_

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

Fold this form into thirds, with the bottom third facing outward. Tape it together and mail to the address below or **EMAIL TO: cenan.rfo@usace.army.mil**.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Place Stamp  
Here

DEPARTMENT OF THE ARMY  
U.S. Army Corps of Engineers  
ATTN: CENAN-OP-RU  
Upstate New York Section  
1 Buffington St., Bldg. 10, 3<sup>rd</sup> Fl. North  
Watervliet, New York 12189-4000

**MEMORANDUM OF AGREEMENT AMONG THE UNITED STATES ARMY CORPS OF ENGINEERS, THE NEW YORK STATE HISTORIC PRESERVATION OFFICER, AND WE 5S, LLC REGARDING THE PROPOSED WAREHOUSE FACILITY, NYS ROUTE 5S, TOWN OF FLORIDA, MONTGOMERY COUNTY, NEW YORK**

**USACE PERMIT APPLICATION NUMBER NAN-2019-00679-USH**

**WHEREAS**, the WE 5S, LLC proposes to construct a warehouse and distribution facility along NYS Route 5S in the Town of Florida, Montgomery County, New York ("the Project"); and

**WHEREAS**, pursuant to Section 404 of the Clean Water Act, 33 U.S.C. § 1344, USACE has been requested to issue a permit authorizing the discharge of fill material into approximately 1.90 acres of waters of the United States, including wetlands to facilitate construction of the Project; and

**WHEREAS**, the construction of 800,000 square foot warehouse and distribution facility with approximately 188 loading docks, 339 tractor trailer spaces, and parking spaces for 151 cars by the applicant is identified as the "Undertaking"; and

**WHEREAS**, USACE has defined the Permit Area for the Undertaking, as defined at 33 CFR Part 325, Appendix C, as described in Attachment 1; and

**WHEREAS**, USACE has determined that the Permit Area for the Undertaking is identical to the Area of Potential Effect; and

**WHEREAS**, USACE has determined that the undertaking will have an adverse effect on the J. Houck Historic Site (05704.000188), which is eligible for listing in the National Register of Historic Places; and

**WHEREAS**, USACE has consulted with the New York State Historic Preservation Officer ("SHPO") pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); Advisory Council of Historic Preservation (ACHP) implementing regulations at 36 CFR Part 800; USACE implementing regulations at 33 CFR Part 325, Appendix C, and subsequent interim guidance dated April 25, 2005 and January 31, 2007; and

**WHEREAS**, in accordance with 36 CFR § 800.6(a)(1), USACE has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effects determination with specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

**NOW, THEREFORE**, USACE, SHPO, and WE 5S, LLC agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

## STIPULATIONS

I. USACE Authorization. USACE shall ensure implementation of the terms of this MOA as a condition of the Permit.

II. WE 5S, LLC shall implement the Phase III Data Retrieval Plan (Attachment 2) and submit a report on the status of the implementation of same to the SHPO within twelve (12) months of the execution of this Agreement.

III. WE 5S, LLC shall submit to the USACE and the SHPO the Phase III Report as set forth in the Phase III Data Retrieval Plan, within eighteen (18) months of USACE issuance of authorization.

IV. WE 5S, LLC shall temporarily curate and protect all artifacts and other materials collected, including all notes, photographs, and other data generated during the performance of the Phase III data recovery, until all of these materials are accepted by a permanent curation facility in accordance with the Phase III Data Retrieval Plan.

V. In connection with the Phase III Data Retrieval Plan and artifacts obtained during the Phase III DRP excavations, WE 5S, LLC shall complete the permanent curation of the artifacts and shall convey the artifacts and other materials collected, within one (1) year after the date of SHPO and USACE approval of the Phase III Report to the New York State Museum or other facility approved by SHPO and USACE which will curate the artifacts and serve as the final repository.

VI. Within ten days of conveying the artifacts and the materials collected, WE 5S, LLC shall submit copies of the deed of gift, full copies of the artifact catalog and listing, and copies of a letter acknowledging receipt by the facility which will serve as the permanent curation facility, to SHPO and USACE.

VII. WE 5S, LLC shall complete dissemination of information to the public, as set forth in the Phase III Data Retrieval Plan, within six (6) months after the date of SHPO and USACE approval of the Phase III Report.

## VIII. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, USACE may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation XI.

## IX. MONITORING AND REPORTING

Each year following the execution of this MOA until it expires or is terminated, WE 5S, LLC shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in USACE's efforts to carry out the terms of this MOA.

## X. DISPUTE RESOLUTION

Should any signatory (either signatory or invited signatory) or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, USACE shall consult with such party to resolve the objection. If USACE determines that such objection cannot be resolved, USACE will:

A. Forward all documentation relevant to the dispute, including USACE's proposed resolution, to the ACHP. The ACHP shall provide USACE with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, USACE shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. USACE will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, USACE may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, USACE shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such response.

C. USACE's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

## XI. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all the signatories is filed with the ACHP.

## XII. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation XI, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the Undertaking, USACE must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. USACE shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by USACE, SHPO, and WE 5S, LLC and implementation of its terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.


**Attachments:**

Attachment 1. Permit Area

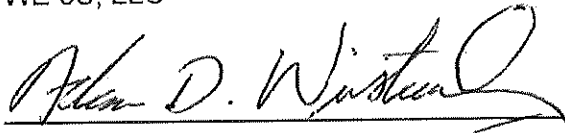
Attachment 2. Phase III Data Retrieval Plan

**SIGNATORIES:**

U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT

  
\_\_\_\_\_ Date **07APR2021**  
Stephan A. Ryba, Chief, Regulatory Branch

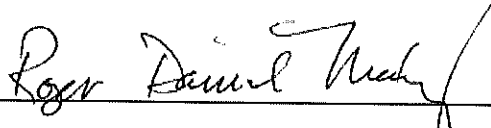
WE 5S, LLC



Date 3.9.2021

Adam Winstanley, Authorized Signatory

New York State Historic Preservation Officer

  
\_\_\_\_\_ Date March 11, 2021

R. Daniel MacKay, Deputy Commissioner for Historic Preservation



**MEMORANDUM OF AGREEMENT AMONG THE UNITED STATES ARMY CORPS OF ENGINEERS, THE NEW YORK STATE HISTORIC PRESERVATION OFFICER, AND WE 5S, LLC REGARDING THE PROPOSED WAREHOUSE FACILITY, NYS ROUTE 5S, TOWN OF FLORIDA, MONTGOMERY COUNTY, NEW YORK**

**USACE PERMIT APPLICATION NUMBER NAN-2019-00679-USH**

**WHEREAS**, the WE 5S, LLC proposes to construct a warehouse and distribution facility along NYS Route 5S in the Town of Florida, Montgomery County, New York ("the Project"); and

**WHEREAS**, pursuant to Section 404 of the Clean Water Act, 33 U.S.C. § 1344, USACE has been requested to issue a permit authorizing the discharge of fill material into approximately 1.90 acres of waters of the United States, including wetlands to facilitate construction of the Project; and

**WHEREAS**, the construction of 800,000 square foot warehouse and distribution facility with approximately 188 loading docks, 339 tractor trailer spaces, and parking spaces for 151 cars by the applicant is identified as the "Undertaking"; and

**WHEREAS**, USACE has defined the Permit Area for the Undertaking, as defined at 33 CFR Part 325, Appendix C, as described in Attachment 1; and

**WHEREAS**, USACE has determined that the Permit Area for the Undertaking is identical to the Area of Potential Effect; and

**WHEREAS**, USACE has determined that the undertaking will have an adverse effect on the J. Houck Historic Site (05704.000188), which is eligible for listing in the National Register of Historic Places; and

**WHEREAS**, USACE has consulted with the New York State Historic Preservation Officer ("SHPO") pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); Advisory Council of Historic Preservation (ACHP) implementing regulations at 36 CFR Part 800; USACE implementing regulations at 33 CFR Part 325, Appendix C, and subsequent interim guidance dated April 25, 2005 and January 31, 2007; and

**WHEREAS**, in accordance with 36 CFR § 800.6(a)(1), USACE has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effects determination with specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

**NOW, THEREFORE**, USACE, SHPO, and WE 5S, LLC agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

## **STIPULATIONS**

I. USACE Authorization. USACE shall ensure implementation of the terms of this MOA as a condition of the Permit.

II. WE 5S, LLC shall implement the Phase III Data Retrieval Plan (Attachment 2) and submit a report on the status of the implementation of same to the SHPO within twelve (12) months of the execution of this Agreement.

III. WE 5S, LLC shall submit to the USACE and the SHPO the Phase III Report as set forth in the Phase III Data Retrieval Plan, within eighteen (18) months of USACE issuance of authorization.

IV. WE 5S, LLC shall temporarily curate and protect all artifacts and other materials collected, including all notes, photographs, and other data generated during the performance of the Phase III data recovery, until all of these materials are accepted by a permanent curation facility in accordance with the Phase III Data Retrieval Plan.

V. In connection with the Phase III Data Retrieval Plan and artifacts obtained during the Phase III DRP excavations, WE 5S, LLC shall complete the permanent curation of the artifacts and shall convey the artifacts and other materials collected, within one (1) year after the date of SHPO and USACE approval of the Phase III Report to the New York State Museum or other facility approved by SHPO and USACE which will curate the artifacts and serve as the final repository.

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VII. WE 5S, LLC shall complete dissemination of information to the public, as set forth in the Phase III Data Retrieval Plan, within six (6) months after the date of SHPO and USACE approval of the Phase III Report.

## **VIII. DURATION**

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, USACE may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation XI.

## **IX. MONITORING AND REPORTING**

Each year following the execution of this MOA until it expires or is terminated, WE 5S, LLC shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in USACE's efforts to carry out the terms of this MOA.

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## XII. TERMINATION

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Execution of this MOA by USACE, SHPO, and WE 5S, LLC and implementation of its terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**Attachments:**

Attachment 1. Permit Area

Attachment 2. Phase III Data Retrieval Plan

**SIGNATORIES:**

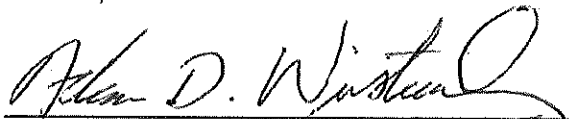
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT

A handwritten signature in black ink, appearing to read "Stephan A. Ryba", is written over a horizontal line.

Date **07APR2021**

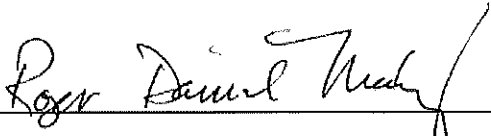
Stephan A. Ryba, Chief, Regulatory Branch

WE 5S, LLC

  
Adam Winstanley, Authorized Signatory

Date 3-9-2021

New York State Historic Preservation Officer

  
\_\_\_\_\_ Date March 11, 2021  
R. Daniel MacKay, Deputy Commissioner for Historic Preservation





**MSV1 AMAZON DISTRIBUTION FACILITY**  
**SITE PLAN AND SPECIAL PERMIT NARRATIVE**

April 24, 2025

**PROJECT DESCRIPTION**

BMG Albany, LLC (“BMG”) is proposing to develop property between N.Y.S. Route 5S (“Route 5S”) and the New York State Thruway (“I-90”) with an e-commerce logistics, storage and distribution facility on lands comprising approximately 137.24± acres in the Town of Florida (the “Town”), Montgomery County, New York (the “Project” or “MSV1”). The Project will be served by a new electric substation (the “Substation”) to be separately owned by the user and operated by National Grid pursuant to an easement. The Project will be entirely built in the Town’s Commercial (“C-2”) zoning district on SBL # 54-1-36 (the “Project Site”), where warehouse/distribution centers are an allowed use subject to Special Permit and Site Plan approvals by the Town of Florida Planning Board (the “Planning Board”) pursuant to the Town’s Zoning Ordinance. Accordingly, to meet the needs of a new, specific user, BMG applied to the Planning Board for approval of MSV1 in January 2025, which together with a supplemental submission on February 20, 2025 and this SEQRA Expanded EAF submission comprise the Application for MSV1.

MSV1 will have a footprint of approximately 652,000 SF with five stories and a total floor area of approximately 3.2 million SF. Accessory features proposed for MSV1 include guard shacks; car parking spaces (including motorcycle parking spaces); trailer stalls and loading docks; water storage tanks; stormwater management practices and improvements; site driveways; lighting, landscaping; signage; and other related improvements. Once constructed, operational activities will take place within the proposed building in a secured environment that is not open to the public.

Access to and from Project Site will occur from three driveways along Route 5S. Primary access by passenger vehicles only would be provided from the center driveway, across from the eastern driveway from the existing Target distribution facility. BMG proposes to install a new traffic signal at this driveway intersection, with the addition of a new left-hand turn lane onto the Site, which will improve traffic conditions on Route 5S once the Project is operational. To the west of the primary driveway, a second driveway for trucks will provide a stop-controlled, full-movement intersection with Route 5S. The third driveway, to the east of the primary driveway, will be stop-controlled and provide right-in/right-out access only. This driveway will primarily be used by passenger vehicles, however, it will also be used for trucks leaving the Project Site during limited seasonal peak periods. Overall, it is anticipated that this design will reduce potential impacts from the Project on the Route 5S corridor and adjacent properties by providing efficient access and appropriate on-site circulation.

To connect MSV1 to public water and sewer, new service laterals will be connected to the existing Town of Florida water and sewer mains along Route 5S. The Project Site is located within existing water/sewer districts. Water will be provided to the Project for both potable and fire service purposes.

MSV1 will be built on vacant lands between Route 5S and I-90. As described above, traffic from the Project would enter onto Route 5S, an established east/west state highway with a connection to I-90 via N.Y.S. Route 30 ("Route 30") approximately 1.5 miles away to the east of the Site through a mostly commercial corridor. MSV1's layout is oriented towards I-90, with the building and parking areas located as far away from adjoining properties as possible. As discussed below, through the Project's design, including site layout, set-backs, architecture and landscaping, impacts to surrounding lots and the environment will be minimized while supporting the Town's long-term planning objectives to locate commercial/industrial development in the C-2 zoning district along the Route 5S corridor next to I-90.

Overall, MSV1's location and proposed use are entirely consistent with official planning goals where the Project Site is located. The Site is in the C-2 zoning district, where MSV1 is an allowed use that is encouraged by the Town of Florida's adopted Comprehensive Plan.

### **PROJECT CONFORMANCE WITH SITE PLAN REVIEW STANDARDS**

The Project has been designed to conform with the Town of Florida standards for Site Plan Review as set forth in Zoning Ordinance § 22 as follows:

#### **A. Legal Conformance with the provisions of the Local Laws and Ordinances of the Town, the Town Law of New York State, and all applicable rules and regulations of State and Federal agencies.**

The Project is designed in accordance with the Town of Florida Zoning Ordinance and other agency requirements. The applicant is seeking approvals from the Town as well as all other agencies with discretionary approvals.

#### **B. Traffic Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.**

The Project's site design is intended to facilitate vehicular circulation and safe pedestrian movement on the site, along with adequate and safe access to and from Route 5S. A traffic study was prepared to evaluate potential traffic impacts from the Project. The study concluded that surrounding intersections would operate adequately after construction of the Project and recommended improvements without any significant traffic impacts. The following improvements were recommended: (a) a new signalized intersection between the Project's center driveway, Route 5S and the existing eastern driveway for the Target distribution center; and (b) a dedicated westbound left-turn lane of 400 feet into the Project's center driveway. These improvements will improve traffic conditions at the Project's new center driveway, which will be used for passenger vehicles entering and leaving the Project Site.

#### **C. Parking Provision for off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic.**

Ample parking is provided for trucks and employee vehicles on the Site consistent with the requirements set by the Town of Florida Zoning Board of Appeals pursuant to the Zoning

Ordinance. Lighting for safety designed to have minimal environmental impact is also part of the design. The Project's photometric plan shows little to no light spillage off the Site from the Project.

**D. Public Services Reasonable demands placed on public services and infrastructure.**

Public water and sewer will be provided for the Project with minimal impact. Truck traffic from the Project will use Routes 5S/30, state-maintained highways, for travel, resulting in no impact from heavy trucks on local roads maintained by the Town. No other costs for municipal services provided by the Town are expected. Nor is the Project expected to result in the addition of significant numbers of students to local schools, as employees are primarily expected to be drawn from the Town and nearby communities within commuting distance of the Project Site. Finally, a state-of-the-art fire suppression system for the Project's building will limit potential burdens on the Florida Volunteer Fire Department.

**E. Pollution Control Adequacy of methods of sewage and refuse disposal and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.**

Public sewer service will be provided to the Site and solid waste from the Project will be collected on a regular basis for off-site disposal by a private disposal company. The Project will be designed, constructed and operated in compliance with a Stormwater Pollution Prevention Plan (SWPPP) which meets the regulations and standards of the NYS Department of Environmental Conservation ("NYSDEC"). The SWPPP will ensure that surface waters are protected from contamination including erosion of sediments during construction.

**F. Nuisances Protection of abutting properties and town amenities from any undue disturbances caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.**

MSV1 will not result in any nuisance conditions or undue disturbances nearby properties or town amenities. As with the 2019 Project, no significant adverse noise, odor or light impacts are expected from MSV1. During construction, any noise and odor impacts from construction equipment will be temporary, of short duration and non-significant. MSV1, when operational, is not anticipated to generate any odor impacts and any noise and lighting impacts will be substantially mitigated so that no significant adverse impacts will occur.

*Noise*

During construction, blasting would occur during the initial phases of MSV1's construction in order to establish necessary elevation grades for the building and other improvements. This blasting will be very limited in duration during the first several months of construction. All blasting during construction would be performed pursuant to a program developed by a qualified geotechnical engineer to minimize impacts, including noise. Proposed measures to reduce potential noise from blasting include only conducting blasting activities during weekday working hours and not blasting when weather conditions, including wind direction, are unfavorable for avoiding noise impacts. No sensitive receptors, including residences, are located within 500 feet

of where blasting will occur on the Project Site. Notwithstanding, prior notice of planned blasting activities will be provided to all landowners within 500 feet of the overall Project Site's boundaries.

To evaluate potential onsite noise impacts based upon MSV1's proposed operations, BMG conducted a sound study (the "Sound Study") that demonstrates that the Project will comply with NYSDEC's noise guidelines and have no adverse impact on nearby residential uses. The Project Site is uniquely situated adjacent to I-90 and the Project's layout is purposefully oriented to be as far away as possible from residential uses to the north and east of the Project Site. This distance is a critical factor for reducing potential noise impacts from the Project. Also, the Sound Study found that existing ambient sound levels are heavily affected by the constant noise of passing traffic on Route 5S and I-90.

The Study also evaluated the potential for off-site noise impacts from MSV1 due to increased traffic based upon the TIS. This offsite sound study demonstrates that the projected noise impacts from increased traffic will not have any significant adverse impact on the residential or other sensitive receptors along the Routes 5S/30 commercial/industrial corridor between the Project Site and I-90. Specifically, based upon NYSDEC's noise guidance, the supplemental study found that all receptors would not experience any significant adverse impact from sound levels as compared to existing ambient conditions.

#### *Odors*

With respect to Odors, MSV1 is not anticipated to result in more than minimal impacts during construction and operation. During construction, any odor impacts from construction equipment will be temporary, of short duration and non-significant. MSV1, when operational, is not anticipated to generate any odor impacts and any odor impacts from mobile sources will be consistent with existing traffic along the Routes 5S/30 commercial/industrial corridor.

#### *Light*

Similarly, MSV1's lighting will not result in any significant adverse impacts. New, dark-sky compliant, modern and energy-efficient lighting will be used throughout the Project Site. See Appendix 4, Site Plans. Exterior site lighting will comply with the Zoning Ordinance and be the minimum necessary while ensuring a safe and secure facility. All proposed lighting will be downward facing and will minimize sky glow and light pollution from the Project Site. Where appropriate, lighting fixtures will be of a full cutoff type or provided with shields to reduce glare and light pollution. All fixture locations have been sited to avoid any light trespass onto adjacent properties. These measures have been incorporated to minimize otherwise potential adverse impacts from site lighting of the new building and parking facilities. Though MSV1 involves a taller building, mitigation measures including interior blinds will be employed to ensure that any higher windows do not contribute to new lighting impacts.

#### *Stormwater*

There are no existing stormwater controls on the Project Site. By contrast, the Project will greatly improve this condition by collecting and treating stormwater as required by NYSDEC's stormwater regulations and standards. The peak rate of stormwater run-off from the Site, after

construction of the new stormwater controls, will be the same or less as the current rate of run-off from the Site. The Project will provide an environmental benefit by improving stormwater treatment on the Site over existing conditions.

**G. Existing Vegetation Minimize the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.**

The Project has been designed to minimize the removal of existing vegetation to the maximum extent possible and to maximize the planting of landscaping. Post-construction, large areas of the Project Site will remain vegetated or will be planted with new vegetation, including trees. Approximately 12 acres of forest, 15 acres of wetlands and 11 acres of meadows are expected to remain, with a total of approximately 56 acres of the Site expected to be vegetated after construction of the Project.

**H. Amenities The applicant's efforts to integrate the proposed development into existing landscape through design features, such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.**

The Project includes a proposed landscaping plan to soften the visual appearance of the Project along with the retention of existing forest, wetlands and meadows as described above. The Project will add new landscaping around the perimeter of the Site as well as new landscaped islands in the parking lots to help improve the Site's appearance. Existing open space and wetland areas between I-90 and the Project will be maintained and remain undisturbed.

**I. Town Character The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding landscape and the natural landscape.**

The Project's design complies with all area requirements provided by the Town's Zoning Ordinance and no variances are required. Signage will comply with the Town of Florida Zoning Ordinance. Parking areas on the Site will be reused in generally the same location and upgraded and improved. As discussed above, new landscaping will be added to the Site. The building design addresses aesthetic and architectural considerations through building improvements intended to be consistent with neighboring commercial and industrial buildings.

MSV1 conforms to the existing and planned character of the area where the Project Site is located. The Project will be located on lands in the C-2 district between Route 5S and I-90 and across Route 5S from the IBP district. There is existing commercial and industrial development in the C-2 district to the east and west of the Project Site and two warehouse/distribution centers in the IBP district to the north of the Site across Route 5S, with I-90 bounding the Project Site to the south. Further, in the C-2 district where the Site is located, new residential uses are not allowed, so no further development of homes may occur there. In this context, MSV1 is entirely consistent with, and will improve, the immediately surrounding C-2 zoning district's primarily nonresidential community character.

## **PROJECT CONFORMANCE WITH SPECIAL PERMIT STANDARDS**

The Project conforms with the Town of Florida standards for Special Permit review set forth in Zoning Ordinance § 26 as follows:

**1. That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.**

Based on the Project's site plans, all elements of the Project will be readily accessible for fire and police protection.

**2. That the proposed use is of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.**

The Project will be consistent with the character of the C-2 district where the Project Site is located. The Site is entirely within the C-2 district between Route 5S and I-90 and across Route 5S from the IBP district. There is existing commercial and industrial development in the C-2 district to the east and west of the Project Site and two warehouse/distribution centers in the IBP district to the north of the Site across Route 5S, with I-90 bounding the Project Site to the south. Further, in the C-2 district where the Site is located, new residential uses are not allowed, so no further development of homes may occur there. In this context, MSV1 is entirely consistent with the existing C-2 zoning district's primarily nonresidential community character. Finally, in 2019, the Planning Board conditionally approved a 1,000,000 SF warehouse/distribution center on the Project Site. The development of the Site by the Project is thus in harmony with the west to east progression of development of the C-2 Commercial District, together with the north to south development of the area comprised of the C-2 and IBP districts, targeted by the Town's Comprehensive Plan for industrial and commercial development.

**3. That, in addition to the above, in the case of any use located in, or directly adjacent to a residential district: (a) The location size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access street shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or incongruous with, the said residential district or conflict with the normal traffic or the neighborhood and use of adjacent land and buildings or diminish the value thereof. (b) The location and height of buildings and structures, the location, nature, and height of walls and fences, and the nature and extent of screening and landscaping on the site shall be such that the use will not hinder or discourage the appropriate development.**

The Project Site is not located in or directly adjacent to a residential district. It is bounded by C-2 Commercial District lands to the east and west, IBP District lands to the north, and I-90 and Agricultural District lands to the south.

# APPENDIX 20

# **MSV1 AMAZON DISTRIBUTION FACILITY (“MSV1”)**

## **Disadvantaged Communities Report**

April 24, 2025

### **Executive Summary**

The purpose of this report is to assess, for purposes of the Planning Board’s SEQRA review as the designated lead agency, whether MSV1 will have a significant adverse impact on pollution in the designated disadvantaged community (the “DAC”) that is within ½ mile of the Project Site and includes the primarily commercial and industrial travel corridor along N.Y.S. Routes 5S (“Route 5S”) and 30 (“Route 30”) between the Site and the U.S. Interstate 90 (“I-90”) interchange that automobiles and trucks from MSV1 will predominantly use. Based on the analysis below, MSV1 will not result in any significant adverse pollution impacts on the DAC.

### **Project Description**

BMG Albany, LLC (“BMG”) is proposing to develop property between N.Y.S. Route 5S (“Route 5S”) and the New York State Thruway (“I-90”) with an e-commerce logistics, storage and distribution facility on lands comprising approximately 137.24± acres in the Town of Florida (the “Town”), Montgomery County, New York (the “Project” or “MSV1”). The Project will be served by a new electric substation (the “Substation”) to be separately owned by the user and operated by National Grid pursuant to an easement. The Project will be entirely built in the Town’s Commercial (“C-2”) zoning district on SBL # 54-1-36 (the “Project Site”), where warehouse/distribution centers are an allowed use subject to Special Permit and Site Plan approvals by the Town of Florida Planning Board (the “Planning Board”) pursuant to the Town’s Zoning Ordinance. Accordingly, to meet the needs of a new, specific user, BMG applied to the Planning Board for approval of MSV1 in January 2025, which together with a supplemental submission on February 20, 2025 and this SEQRA Expanded EAF submission comprise the Application for MSV1.

MSV1 will have a footprint of approximately 652,000 square feet (“SF”) with five stories and a total floor area of approximately 3.2 million SF. Accessory features proposed for MSV1 include guard shacks; car parking spaces (including motorcycle parking spaces); trailer stalls and loading docks; water storage tanks; stormwater management practices and improvements; site driveways; lighting, landscaping; signage; and other related improvements. Once constructed, operational activities will take place within the proposed building in a secured environment that is not open to the public.

Access to and from Project Site will occur from three driveways along Route 5S. Primary access by passenger vehicles only would be provided from the center driveway, across from the eastern driveway from the existing Target distribution facility. BMG proposes to install a new traffic signal at this driveway intersection, with the addition of a new left-hand turn lane onto the Site, which will improve traffic conditions on Route 5S once the Project is operational. To the west of the primary driveway, a second driveway for trucks will provide a stop-controlled, full-



movement intersection with Route 5S. The third driveway, to the east of the primary driveway, will be stop-controlled and provide right-in/right-out access only. This driveway will primarily be used by passenger vehicles, however, it will also be used for trucks leaving the Project Site during limited seasonal peak periods. Overall, it is anticipated that this design will reduce potential impacts from the Project on the Route 5S corridor and adjacent properties by providing efficient access and appropriate on-site circulation.

To connect MSV1 to public water and sewer, new service laterals will be connected to the existing Town of Florida water and sewer mains along Route 5S. The Project Site is located within existing water/sewer districts. Water will be provided to the Project for both potable and fire service purposes.

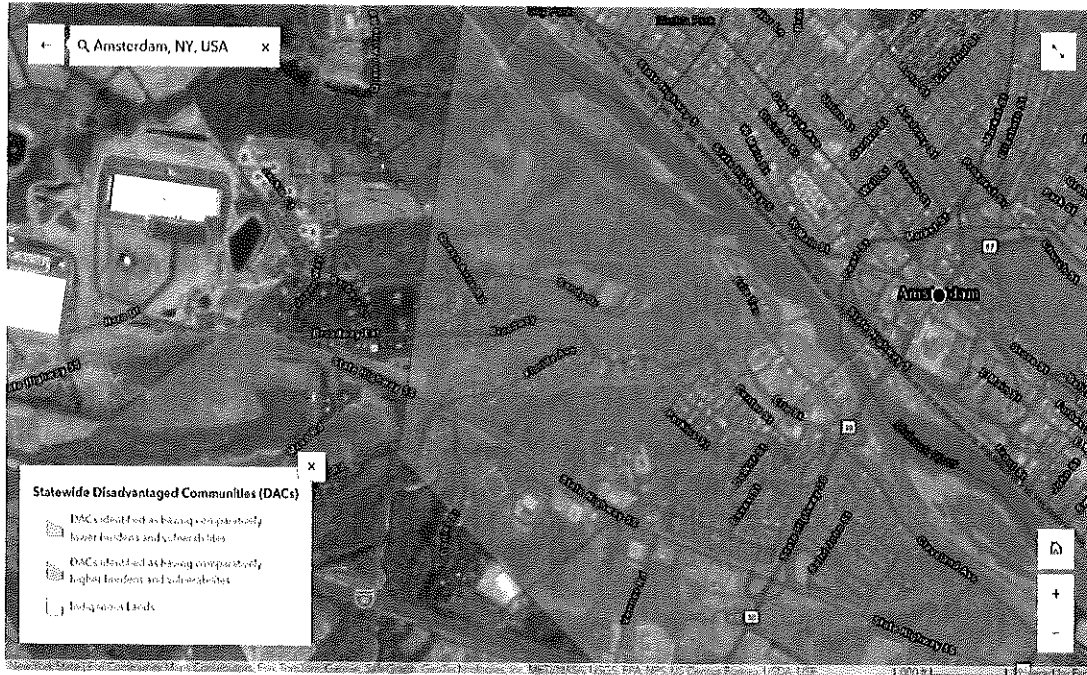
MSV1 will be built on vacant lands between Route 5S and I-90. As described above, traffic from the Project would enter onto Route 5S, an established east/west state highway with a connection to I-90 via Route 30 approximately 1.5 miles away to the east of the Site through a commercial corridor. MSV1's layout is oriented towards I-90, with the building and parking areas located as far away from adjoining properties as possible. As discussed below, through the Project's design, including site layout, set-backs, architecture and landscaping, impacts to surrounding lots and the environment will be minimized while supporting the Town's long-term planning objectives to locate commercial/industrial development in the C-2 zoning district along the Route 5S corridor next to I-90.

Overall, MSV1's location and proposed use are entirely consistent with official planning goals where the Project Site is located. The Site is in the C-2 zoning district, where MSV1 is an allowed use that is encouraged by the Town of Florida's adopted Comprehensive Plan.

### **Designated Disadvantaged Community**

New York's Climate Leadership & Community Protection Act ("CLCPA"), New York Environmental Conservation Law Article 75, established the Climate Justice Working Group ("CJWG") comprised of representatives from environmental justice communities, the New York State Departments of Environmental Conservation, Health and Labor, and the New York State Energy and Research Development Authority. The CJWG was charged with developing criteria for identifying disadvantaged communities and developing a list of such communities in New York State.

Portions of the Town of Florida near the Project Site and including MSV1's primary traffic route along Routes 5S/30 to I-90, have been designated by the CJWG as a disadvantaged community. The DAC includes a portion the C-2 zoning district established by the Town for commercial and industrial uses where the Project Site is located and where no new residential uses are allowed. The C-2 district comprises the vast majority of the land along the Route 5S corridor. The DAC also includes a small portion of the R-1 residential zoning district along Route 30. The DAC for this area is shown on the following map obtained from the online Disadvantaged Community Assessment Tool provided by NYSDEC:



## DAC and SEQRA Review

For the Planning Board's review of the Project pursuant to the New York State Environmental Quality Review Act, ECL Article 8, and its implementing regulations in 6 NYCRR Part 617 (collectively, "SEQRA"), this report evaluates the potential impacts of the Project on the DAC where the Project Site is located, which also includes the primary travel corridor along Route 6 and Route 17M through which Project traffic will travel.

Effective in December 2024, legislative changes to the SEQRA law addressed the need for consideration of DACs through the addition of the following **bolded** language in ECL § 8-0109(4):

"As early as possible in the formulation of a proposal for an action, the responsible agency shall make an initial determination as to whether an environmental impact statement need be prepared for the action. **In making such determination for any proposed action the responsible agency shall consider whether such action may cause or increase a disproportionate pollution burden on a disadvantaged community that is directly or significantly indirectly affected by such action.** When an action is to be carried out or approved by two or more agencies, such determination shall be made as early as possible after the designation of the lead agency."

"Pollution," as the term is used in the new language added to ECL § 8-0109(4), has the same definition as provided in ECL §1-0303(19):

"'Pollution' shall mean the presence in the environment of conditions and or contaminants in quantities of characteristics which are or may be injurious to human, plant or animal life

or to property or which unreasonably interfere with the comfortable enjoyment of life and property throughout such areas of the state as shall be affected thereby.”

NYSDEC has recently introduced proposed amendments to its SEQRA regulations in 6 NYCRR Part 617 to implement this new statutory provision. The proposed amendments to the SEQRA regulations would require agencies, in making a determination pursuant to 6 NYCRR § 617.7(7)(c) as to whether a project may result in a significant adverse impact to the environment, to consider whether the project:

“may cause or increase a disproportionate pollution burden on a disadvantaged community that is directly or significantly indirectly affected by such action.”

NYSDEC has also proposed a draft addition to Parts 1 and 2 of the existing Full Environmental Assessment Form (“FEAF”) for DACs. NYSDEC’s proposed addition to the FEAF Part 1, which is used by applicants to describe a proposed SEQRA action, has been completed below for MSV1:

<b>E.4. Disadvantaged Communities Designated Pursuant to ECL Article 75</b>		
a. Is the project located within, or within ½ mile of, a disadvantaged community?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If No, could impacts from the project affect a disadvantaged community?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If Yes to either question in E.4.a, answer the remaining questions in this section.		
b. Will there be direct or indirect impacts that may affect a disadvantaged community, such as those listed below?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
i. new noise sources or expansions/modification of existing noise sources; • noise from operational sources • noise from construction activities ii. emissions of air pollutants including mobile emissions; iii. wastewater discharges; iv. generation of odors; v. light pollution; vi. new or modified radiation sources; vii. new or modified sources of solid waste generation, management, or disposal.		
If Yes, describe the impacts: <b>Noise, Air Emissions, Wastewater, Odors, Light</b>		
c. Do any of the State agency approvals identified in question B.g include any of the following DEC permits?		
State Pollutant Discharge Elimination System (SPDES)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Solid Waste Management Facility	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Hazardous Waste Management Facility	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Air Pollution Control (Title V or Air State Facility)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Water Withdrawal over 20 MGD for Cooling Water	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Waste Transporter	<input type="checkbox"/> Yes	<input type="checkbox"/> No

NYSDEC has also proposed an amended FEAF Part 2, which the Planning Board may use to identify potential impacts from MSV1 on the DAC. The draft changes to the FEAF Part 2 would require agencies to identify as a threshold matter whether a project may impact a designated disadvantaged community. If the answer is “yes,” agencies must answer several questions regarding whether the project, including its proposed measures to avoid or minimize potential impacts, may have “no to minimal impact” or a “moderate to large impact” on the disadvantaged community. For every potential “moderate to large impact” identified for a proposed action and its measures to avoid or minimize impacts, the agency must then determine and explain whether any remaining impact would potentially be a “significant adverse impact” that requires the

preparation of an environmental impact statement for further evaluation of those impacts. Accordingly, the proposed, amended FEAF Part 2 would add a new Section 19 for agencies to use in their SEQRA review pursuant to 6 NYCRR § 617.7(7)(c) of the potential impacts of a proposed action and its avoidance/minimization measures on disadvantaged communities as follows:

<b>19. Impact on Disadvantaged Communities</b> The proposed project may impact a disadvantaged community. (See Part 1. E.4) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Is the potentially affected disadvantaged community identified as having comparatively higher burdens or vulnerabilities by the Disadvantaged Community Assessment Tool ( <a href="https://on.ny.gov/DACAT">https://on.ny.gov/DACAT</a> )?	E.4.c	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create new air emissions or increase existing air emissions within a disadvantaged community.	D.2.f-i, E.4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may create new wastewater treatment or discharges, or expand existing wastewater treatment or discharges, within a disadvantaged community.	D.2.d	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action creates or expands a solid or hazardous waste management facility, or involves the generation of solid or hazardous waste, within or near a disadvantaged community.	D.2.r, D.2.s, D.2.t, E.1.f, E.1.g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may increase traffic within a disadvantaged community.	D.2.j	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action affects or involves one or more of the following facility types: i. landfill; ii. other industrial, manufacturing, or mining land uses; iii. major oil or chemical bulk storage facility; iv. municipal waste combustor; v. power generation facility; vi. risk management plan site; vii. remediation site; or viii. scrap metal processor.	C.3.c, D.1.a, D.1.g, D.2.a, D.2.d, D.2.f, E.1.a, E.1.b, E.1.h, E.1.v, E.4	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

For the Planning Board's SEQRA review of the potential impacts of MSV1 on the DAC, this report follows NYSDEC's proposed new regulations in 6 NYCRR Part 617 and the proposed amendments to FEAF Parts 1 and 2, including guidance on how to implement the proposed amendments for disadvantaged communities that NYSDEC has provided in the proposed SEQRA rulemaking package (<https://dec.ny.gov/sites/default/files/2025-01/part617risguidanceappc.pdf>). For the reasons discussed below, BMG respectfully submits that MSV1 will not have a significant adverse impact on the DAC.

#### **FEAF Part 1 – Potential Direct or Indirect Impacts from MSV1 on the DAC**

As noted above, the Project Site is located within ½ mile of the DAC. The Project has the potential for the following moderate to large "pollution" impacts on the DAC referenced in the proposed FEAF Part 1 completed by BMG above for MSV1:

1. Noise from construction and operational activities, including noise on the Project Site and from truck traffic traveling to and from the Site along Routes 5S/30 to I-90; and
2. Air emissions during construction and operation, including onsite air emissions and from mobile sources (automobiles and trucks) traveling to and from the Site along Routes 5S/30 to I-90.

The Project is not a manufacturing facility, hazardous waste generation or treatment facility or a solid waste management facility. It will not require any DEC air emission permits or air registrations. Pursuant to NYSDEC regulations, any truck idling onsite is not permitted longer than five minutes. Based on the Project's lighting plan, no light spillage will occur off the site and all lights will be downward-directed and dark sky compliant. As noted in the FEAF Part 1, the Project will also generate a limited amount of solid waste, which will be transported offsite and managed and disposed of in accordance with NYSDEC regulatory requirements. As a result, the Project is not anticipated to result in any significant adverse impacts on the DAC from odors or solid waste. The Project will not generate any radiation and its minimal wastewater (from a limited number of restrooms) will be collected, managed and treated by a publicly-owned wastewater treatment plant that is not located on the Project Site or in this DAC and the treated discharge from which is subject to a NYSDEC SPDES permit. Accordingly, no more than minimal direct or indirect impacts on the DAC from the Project are expected from these sources of "pollution."

Stormwater from the Project during construction and operation will be regulated pursuant to NYSDEC's General Permit GP-0-25-001 for stormwater discharges and a stormwater pollution prevention plan (SWPPP). Accordingly, only minimal impacts from these potential sources of "pollution" are reasonably anticipated.

## **FEAF Part 2 – Evaluation of Potential Impacts from MSV1 on the DAC**

The FEAF Part 2 will be completed by the Planning Board for MSV1 and the Board may decide to use NYSDEC's proposed addition to the FEAF Part 2 for disadvantaged communities to facilitate its evaluation of the potential impacts of MSV1 on the DAC. To assist the Planning Board in its SEQRA review of MSV1's potential impacts on the DAC, BMG provides the following recommended responses to the Questions posed in NYSDEC's proposed addition to the FEAF Part 2 for disadvantaged communities:

**Question 19(a) – Is the potentially affected disadvantaged community identified as having comparatively higher burdens or vulnerabilities by the Disadvantaged Community Assessment Tool (<https://on.ny.gov/DACAT>)?**

The DAC where the Project is located is identified as having comparatively higher burdens of vulnerabilities by the Disadvantaged Community Assessment Tool.

**Question 19(b) – The proposed action may create new air emissions or increase existing air emissions within a disadvantaged community.**

To evaluate the potential air quality impacts of MSV1, both at the Project Site and between the Site and the I-90 interchange along Routes 5S/30, BMG prepared an air quality report (the "Study") attached to the SEQRA Expanded EAF Narrative as Appendix 12. The Study estimated

the projected future cumulative emissions from mobile sources (i.e., passenger vehicles and long-haul trucks) using Environmental Protection Agency (“EPA”) approved modeling software and the traffic volume projections provided in the Traffic Impact Study (“TIS”) for MSV1 discussed below. The TIS considered MSV1’s mobile sources and other existing and projected based upon a 2027 expected operational timeframe for the Project. The air quality dispersion modeling results were compared to EPA’s National Ambient Air Quality Standards (“NAAQS”) to determine if there are potential air quality impacts to nearby sensitive receptors (i.e., local residential areas and schools).

The potential impacts of mobile source emissions on sensitive receptors focused on areas that would also be affected by Project’s mobile sources. Specifically, these areas include the Routes 5S/30 corridor between the MSV1 site and I-90, areas of public access and residential areas along Routes 5S/30. Modelling receptors were conservatively placed along this corridor. The surrounding area was reviewed for sensitive locations, such as schools, hospitals, and nursing homes.

With respect to potential impacts on air quality from MSV1 and existing and projected mobile air emission sources along the Routes 5S/30 corridor to I-90, the Study found that projected emissions associated with mobile sources in 2027, added to background concentrations, would not result in an exceedance of the applicable air quality standards at any receptor locations, including at sensitive receptor locations. This includes from mobile sources operating on MSV1’s site as well as between the Site and I-90 along the Routes 5S/30 corridor.

In addition to the analysis discussed above, the potential for cumulative air quality impacts from mobile sources on ozone was considered. Ozone is a colorless gas composed of three oxygen atoms, known chemically as O<sub>3</sub>. It occurs both in the Earth’s upper atmosphere and at ground level. Ground-level ozone is a major component of smog and poses health risks to humans, animals, and vegetation. The formation of ground-level ozone is a photochemical process involving precursor pollutants such as NO<sub>x</sub> and volatile organic compounds (“VOCs”).

The Study found that projected emissions of NO<sub>x</sub> associated with projected mobile sources in 2027, added to background concentrations, would not result in an exceedance of applicable air quality standards and therefore, projected contributions of NO<sub>x</sub> to the formation of ozone are expected to be minor. Additionally, the Study included consideration of four pollutants which are VOCs. These VOCs are projected to be below the respective regulatory thresholds; therefore, projected contributions of VOCs to the formation of ozone are also expected to be minor.

Accordingly, based on this conservative analysis that considered the potential for cumulative impacts beyond those of MSV1 alone, MSV1 will not result in any significant adverse impacts to air quality in the DAC where the Project is located and through which Project traffic will travel along Routes 5S/30 to I-90.

**Question 19(c) – The proposed action may create new wastewater treatment or discharges, or expand existing wastewater treatment or discharges, within a disadvantaged community.**

MSV1 will expand existing wastewater treatment or discharges, within a disadvantaged community. Wastewater from the Project will be pumped from the Site through an underground force main through the Town's sanitary infrastructure to the City of Amsterdam wastewater treatment plant, where it will be treated prior to discharge in accordance with a NYSDEC SPDES permit. The Amsterdam plant is located in an adjoining DAC census tract and wastewater discharges are not identified as a significant pollution burden in that DAC. The discharge from Project will not require any pretreatment because it will consist only of sanitary wastewater from a limited number of restrooms. Accordingly, MSV1 will have a minimal impact on the DAC as a result of its expansion of the wastewater discharge at the Amsterdam wastewater treatment plant.

**Question 19(d) – The proposed action creates or expands a solid or hazardous waste management facility, or involves the generation of solid or hazardous waste, within or near a disadvantaged community.**

As reflected in the FEAF Part 1 provided as Appendix 8 to the SEQRA Expanded EAF Narrative submitted by BMG, MSV1 will not result in the generation of any hazardous waste and will not be a solid waste management facility. Per the FEAF 1, MSV1 will generate an estimated 1-2 tons per month of solid waste during operations that will be hauled offsite and disposed of by a private carting business at a licensed and permitted solid waste management facility subject to NYSDEC permit requirements. No solid or hazardous waste will be disposed of on the Project Site.

**Question 19(e) – The proposed action may increase traffic within a disadvantaged community.**

MSV1 will result in an increase in traffic within the DAC but will not result in any significant adverse impact to the DAC based upon the cumulative Traffic Impact Study ("TIS") included as Appendix 17 to the SEQRA Expanded EAF Narrative for MSV1 and its discussion in Section 13 of the Narrative. Based on the TIS, MSV1's potential for traffic impacts will not have a significant adverse impact on the DAC.

Site access is proposed via three driveway locations along the Project Site's approximately 4,000 feet of frontage on Route 5S. The primary access is the central driveway, proposed to intersect Route 5S opposite Target Drive East, and will be used by passenger vehicles only. This driveway will be full-movement and signalized to improve operational delays. The western driveway will be a stop-controlled full-movement intersection for trucks only. The eastern driveway will be used by passenger vehicles only except during limited seasonal peak periods when outbound site trucks may use it as well. The eastern driveway will be a stop-controlled right-in/right-out only access.

Offsite, the TIS evaluated the potential traffic impact of the Project on the Routes 5S/30 corridor and nearby roadways. The TIS analyzed roadway volumes under two conditions, including the "Roadway Peak Hour Condition" and "Generator Peak Hour Condition". Since a

user has been identified for MSV1, actual trip rates based upon staggered employee shift times and operations at other, similar facilities were able to be used for the TIS. This provides more accurate data for purposes of the MSV1 TIS and the Planning Board's review. Since the user's required timing of shift changes and corresponding loading/unloading operations do not correspond to the peak hours for traffic on surrounding roadways, MSV1's traffic impact during the Roadway Peak Hour Condition is reduced. For the Roadway Peak Hour Condition, the weekday morning peak hour of the adjacent roadway system occurs from 7:30 AM to 8:30 AM and the weekday evening peak of the adjacent roadway system occurs from 3:30 PM to 4:30 PM. MSV1 will have two general shifts for employees with peak traffic occurring from 6:30 AM to 7:30 AM and from 5:30 PM to 6:30 PM, representing the Generator Peak Hour Condition.

The TIS conducted a capacity analysis at the following intersections:

- 5S and NYS Route 30 Southbound Ramps / P.S. Street;
- 5S and NYS Route 30 Northbound Ramps;
- NYS Route 30 and Route 5S Ramps;
- NYS Route 30 and I-90 Exit 27 Ramps;
- Route 5S and Target Driveway East / Proposed Central Driveway;
- Route 5S and Proposed West Driveway; and
- Route 5S and Proposed East Driveway.

MSV1 is expected to be operational in 2027, so the TIS analyzes the capacity of local roadways and intersections to handle the addition of MSV1 traffic in 2027 during the Roadway Peak Hour Condition and Generator Peak Hour Condition based on projected future traffic levels. For this analysis, the TIS used current traffic counts and estimated a 1.8% per year increase in future traffic to develop projected "2027 No-Build" traffic volumes that do not include MSV1's anticipated traffic. MSV1's site-generated trips were then added to the 2027 No-Build traffic volumes to provide the 2027 Build traffic volumes. Based on a review of the analysis, with the addition of the improvements recommended in the TIS, the TIS concludes that the adjacent roadway network and proposed driveway system have the capacity to accommodate the anticipated traffic from MSV1 without resulting in any significant adverse impacts. Specifically, with the anticipated addition of MSV1 traffic in 2027, all of the studied intersections (except for the proposed intersection between MSV1's central driveway and Target's eastern driveway on Route 5S) will continue to provide acceptable levels of service without any additional mitigation measures.

Proposed mitigation measures to minimize traffic impacts from MSV1 are only recommended for the proposed intersection of the Project's central driveway and Target's eastern driveway on Route 5S. To improve traffic conditions at this new intersection, a traffic signal will be provided. In addition, the TIS recommends the widening of Route 5S at this intersection to provide a dedicated, 400-foot westbound left turn lane into the Project's central driveway. The TIS has been submitted to NYSDOT for its review and these improvements will be undertaken subject to NYSDOT review and approval.



For the foregoing reasons, MSV1's traffic will not result in any significant adverse impacts on the DAC.

**Question 19(f) – The proposed action affects or involves one or more of the following facility types: landfill; other industrial, manufacturing, or mining land uses; major oil or chemical bulk storage facility; municipal waste combustor; power generation facility; risk management plan site; remediation site; or scrap metal processor.**

MSV1 will develop vacant lands between Route 5S and I-90 in the C-2 zoning district with an e-commerce logistics, storage and distribution facility, on a Project Site where a warehouse/distribution center use such as the Project is allowed by the Town's Zoning Ordinance and is consistent with the Town's Comprehensive Plan. MSV1's location and proposed use are fully consistent with the community's plans for the C-2 zoning district. MSV1 will be next to I-90 along an existing commercial/industrial corridor on a state highway and in a zoning district purposefully designated by the Town for uses like Project.

All of the lands in the C-2 district are located immediately adjacent to I-90 along Route 5S and to the west of the nearby I-90 interchange, while almost all of the Town lands further away from the interchange are zoned for agricultural and/or residential uses. This land use planning goal is reflected in the Town's Comprehensive Plan. The Project will be located on lands in the C-2 district between Route 5S and I-90 and across Route 5S from the IBP district. There is existing commercial and industrial development in the C-2 district to the east and west of the Project Site and two warehouse/distribution centers in the IBP district to the north of the Site across Route 5S, with I-90 bounding the Project Site to the south.

MSV1 will have minimal impact upon community infrastructure and the benefits that the Project will provide will far exceed the cost of any additional services required as a result of the Project. As proposed, MSV1 will significantly contribute to the achievement of the community's goals through:

- Substantial building permit fees for the Project will be paid to the Town for the Project;
- Creation of a minimum of 300 construction jobs through the construction of the Project;
- Creation of a minimum of 750 permanent jobs with full comprehensive benefits and educational opportunities, plus hundreds of part-time and seasonal jobs;
- Productive use of a vacant site in the C-2 zoning long-targeted for industrial development;
- Significant increase in the taxable value of the Project Site, with a total capital investment in excess of several hundred million dollars;
- Indirect employment resulting from the build-out of Project;
- Local procurement opportunities for small businesses;
- Ancillary economic output due to employment and construction; and
- Positive impact creating substantial new opportunities with fiscal benefits supporting local public schools and community infrastructure.

As discussed above, while the Project's building is taller than the building approved by the Planning Board for the 2019 Project, the potential visual impacts of the Project on nearby residential uses will be lessened by intervening vegetation, along with an attractive architectural design for the Project. Further, due to the location of the Project Site in the C-2 district, some visibility of the Project from surrounding uses is to be reasonably expected.

Based on its design and layout, MSV1 will be consistent with the character of this area of the C-2 district along I-90 and the Town's existing and planned Route 5S commercial/ industrial corridor. The Project Site will be repurposed with a use appropriate to its location in this district, substantially benefitting the Town.

Accordingly, the Project will be consistent with the Town's expectations for the community character of the C-2 district and will not have any significant adverse impact on the DAC.

#### **Question 19(g) – Other “pollution” impacts**

For the following reasons and based upon the SEQRA Expanded EAF Narrative and its appendices, MSV1 will not have any significant adverse impacts on the DAC from the following other forms of pollution as follows:

##### ***Noise***

MSV1's potential for impacts on Noise will not have a significant adverse impact on the DAC.

As with the 2019 Project, no significant adverse noise, odor or light impacts are expected from MSV1. During construction, any noise and odor impacts from construction equipment will be temporary, of short duration and non-significant. MSV1, when operational, is not anticipated to generate any odor impacts and any noise and lighting impacts will be substantially mitigated so that no significant adverse impacts will occur.

During construction, like the 2019 Project, blasting would occur during the initial phases of MSV1's construction in order to establish necessary elevation grades for the building and other improvements. This blasting will be very limited in duration during the first several months of construction. All blasting during construction would be performed pursuant to a program developed by a qualified geotechnical engineer to minimize impacts, including noise. Proposed measures to reduce potential noise from blasting include only conducting blasting activities during weekday working hours and not blasting when weather conditions, including wind direction, are unfavorable for avoiding noise impacts. No sensitive receptors, including residences, are located within 500 feet of where blasting will occur on the Project Site. Notwithstanding, prior notice of planned blasting activities will be provided to all landowners within 500 feet of the overall Project Site's boundaries.

To evaluate potential onsite noise impacts based upon MSV1's proposed operations, BMG conducted a sound study (the “Sound Study”) that demonstrates that the Project will comply with NYSDEC's noise guidelines and have no adverse impact on nearby residential uses. See Appendix

18. The Project Site is uniquely situated adjacent to I-90 and the Project's layout is purposefully oriented to be as far away as possible from residential uses to the north and east of the Project Site. This distance is a critical factor for reducing potential noise impacts from the Project. Further, MSV1's loading docks will face away from nearby residences, so the intervening building will block noise associated with truck activities at those loading docks. Also, the Sound Study found that existing ambient sound levels are heavily affected by the constant noise of passing traffic on Route 5S and I-90.

The Study also evaluated the potential for off-site noise impacts from MSV1 due to increased traffic based upon the TIS. See Appendix 17. This offsite sound study demonstrates that the projected noise impacts from increased traffic will not have any significant adverse impact on the residential or other sensitive receptors along the Routes 5S/30 commercial/industrial corridor between the Project Site and I-90. Specifically, based upon NYSDEC's noise guidance, the supplemental study found that all receptors would not experience any significant adverse impact from sound levels as compared to existing ambient conditions.

For the foregoing reasons, the potential impacts of MSV1 on Noise will not result in any significant adverse impact on the DAC.

### ***Odors***

With respect to Odors, MSV1 is not anticipated to result in more than minimal impacts to the DAC associated with construction and operation. During construction, any odor impacts from construction equipment will be temporary, of short duration and non-significant. MSV1, when operational, is not anticipated to generate any odor impacts and any odor impacts from mobile sources on the DAC will be consistent with existing traffic along the Routes 5S/30 commercial/industrial corridor.

### ***Light***

Similarly, MSV1's lighting will not result in any significant adverse impacts on the DAC. New, dark-sky compliant, modern and energy-efficient lighting will be used throughout the Project Site. See Appendix 4, Site Plans. Exterior site lighting will comply with the Zoning Ordinance and be the minimum necessary while ensuring a safe and secure facility. All proposed lighting will be downward facing and will minimize sky glow and light pollution from the Project Site. Where appropriate, lighting fixtures will be of a full cutoff type or provided with shields to reduce glare and light pollution. As shown on the Site Plans, the fixture locations have been sited to avoid any light trespass onto adjacent properties. These measures have been incorporated to minimize otherwise potential adverse impacts from site lighting of the new building and parking facilities. Though MSV1 involves a taller building, mitigation measures including interior blinds will be employed to ensure that any higher windows do not contribute to new lighting impacts. Also, since the building involves a substantially smaller footprint than the 2019 Project, it is likely that fewer windows overall will be provided.



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May 8, 2025

Montgomery County Industrial Development Agency  
Old County Courthouse  
P.O. Box 1500  
Fonda, New York 12068  
Attention: Matthew Beck, Chairperson

Re: Montgomery County Industrial Development Agency  
Legal Services - 2025

Dear Matt:

We are very pleased that the Montgomery County Industrial Development Agency (the "Agency") has requested us (the "Firm") to perform certain legal services for the Agency as (a) Agency General Counsel, and (b) Bond Counsel and Special Counsel to the Agency. The scope of the work you have asked us to undertake is briefly described on Schedules A and B attached to this letter. A description of our policy with respect to certain administrative matters, including attorney representation conflicts and client communications is attached as Schedule D to this letter.

For each type of work described on a schedule attached hereto, we propose to bill for such work in the manner described on the respective schedule relating thereto. If such bill is sent to a party other than the Agency, a courtesy copy of such bill will be sent to the Agency upon request.

In connection with performing legal services, we will typically incur expenses, such as photocopying, shipping of documents, travel, long distance telephone calls and filing fees. Such expenses are not included as part of our fee for professional legal services, and periodic statements showing the amount of such disbursements will be rendered to the party responsible for paying for the legal services to which such expenses relate. Such out-of-pocket expenses are not included as part of our fee for professional legal services, and periodic statements showing the amount of such disbursements will be made available for review by the Applicant and/or the Agency upon request. For your information, we have attached hereto as Schedule C our policy with respect to the recovery of client disbursements. If such bill is sent to a party other than the Agency, a courtesy copy of such bill will be sent to the Agency upon request.

In the unlikely event that a dispute arises between us relating to our fees, you may have the right to arbitration of the dispute pursuant to Part 137 of the Rules of the Chief Administrator of the Courts, a copy of which will be provided to you upon request.

During the course of this engagement, the firm may collect certain personal information relating to the services contemplated by this letter. When we do so, we require that clients provide the minimum amount of personal information necessary for us to perform our legal services. The collection of any such

personal information will be governed by, and such personal information will be processed in accordance with, the firm's Privacy Policy, as well as any applicable privacy laws and codes of professional conduct. You can obtain a copy of the firm's Privacy Policy on our website at [www.hodgsonruss.com](http://www.hodgsonruss.com) or by requesting one from us.

If this matter involves the formation of a new legal entity in a U.S. state or the qualification of a foreign entity to conduct business in a U.S. state, the entity is required to comply with the Corporate Transparency Act ("CTA") and file a beneficial ownership information ("BOI") report, including personal information about the entity's beneficial owners and company applicants to the Department of Treasury's Financial Crimes Enforcement Network ("FinCEN") unless the entity qualifies for an exemption under the CTA. Non-exempt entities are required to make an initial BOI filing with FinCEN through its non-public Beneficial Ownership Secure System ("BOSS"). This filing can be done by you directly, using the BOSS website. If you request, we can assist you in making the initial filing, but it will involve both charges for time and a significant disbursement for service provider filing fees.

The CTA also requires that each non-exempt entity (and any exempt entity that no longer qualify for an exemption) report changes to its BOI report by filing an updated report with FinCEN within 30 days after the change. Ongoing entity exemption analysis and filing updated reports with FinCEN will be your responsibility, and is not included in this engagement. If in the future you would like assistance with exemption analysis, determining whether an updated FinCEN filing is required, or making an update filing, you will need to specifically request it.

The CTA requires non-exempt entities formed or registered before January 1, 2024 register with FinCen by filing a BOI report by January 1, 2025. Existing entity CTA exemption analysis and registering an existing entity with FinCEN is not within the scope of this representation.

This agreement to provide legal services may be terminated by either party upon thirty (30) days prior written notice. Further, the Firm reserves the right to vary the services offered to the Agency from those illustrated above upon sixty (60) days prior written notice to the Agency.

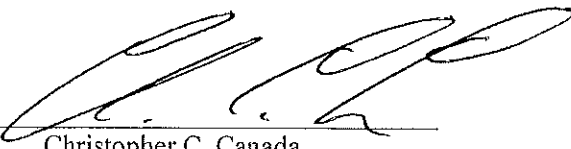
Please acknowledge your agreement to the above by signing and returning a copy of this letter for our records.

We appreciate the opportunity to represent the Agency.

Very truly yours,

HODGSON RUSS LLP

By: \_\_\_\_\_

  
Christopher C. Canada

Matthew Beck, Chairperson  
May 8, 2025  
Page 3

Agreed and Accepted this  
\_\_\_\_\_ day of May, 2025

MONTGOMERY COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

By: \_\_\_\_\_  
Authorized Officer

cc: Kenneth F. Rose, Chief Executive Officer

## SCHEDULE A

### Applicant Projects

#### Services as Bond Counsel (or Special Counsel)

Where an applicant (the "Applicant") requests that the Agency undertake a particular project (an "Applicant Project") and such Applicant Project will be financed out of proceeds of taxable or tax-exempt revenue bonds issued by the Agency (each separate issue of bonds being sometimes hereinafter referred to as the "Bonds"), we would anticipate acting as bond counsel to the Agency with respect to said transaction. We understand that that the Agency would retain the option of using other law firms as Bond Counsel to the Agency where our firm has a legal conflict, or where there are special circumstances.

As a matter of custom and prudence, both the issuers and purchasers of taxable and tax-exempt Bonds require an opinion of nationally recognized bond counsel. Such opinion ordinarily states that (1) the Bonds have been properly authorized and issued and are legal, valid and binding obligations of the Agency, (2) the legal documentation effectively provides the intended security for the Bonds, (3) interest on the Bonds is exempt from personal income taxes imposed by the State of New York, and (4), if the Bonds are intended to be issued as federally tax-exempt obligations, interest on the Bonds is excludable from gross income for federal income tax purposes. We anticipate rendering such opinions in connection with the issuance of each issue of the Bonds issued by the Agency during the period of our engagement.

Where the Applicant requests that the Agency undertake an Applicant Project and such project will not be financed out of proceeds of Bonds (a "Straight-Lease Transaction"), we would anticipate acting as special counsel to the Agency with respect to said transaction. As a matter of custom and prudence, the Agency and the Applicant require an opinion of counsel indicating that (1) the Straight-Lease Transaction has been properly authorized, and (2) the documents relating thereto have been properly executed by the Agency and are legal, valid and binding special obligations of the Agency. We anticipate rendering such opinions in connection with each Straight-Lease Transaction entered into by the Agency during the period of our engagement.

In order to establish the factual basis for the legal conclusions expressed in such opinion, we will prepare a record of proceedings (or transcript) for each issue of Bonds and each Straight Lease Transaction, which transcript will contain all documents and other materials necessary to assure that the form and substance of the transaction conform with the applicable requirements of the Internal Revenue Code of 1986, as amended (the "Code"), the New York Industrial Development Agency Act (Article 18-A of the New York General Municipal Law) (the "Act") and other applicable New York laws. The record of proceedings for each such transaction will typically include the following, as appropriate: (A) a copy of the application made by the Applicant to the Agency with respect to the particular project (the "Applicant Project"), together with documents relating to the Agency's actions accepting said application, holding a public hearing with respect thereto, and obtaining any required approvals with respect to the Applicant Project from the governing board or "chief elected official" of the municipality for whose benefit the Agency was created; (B) a transfer of the proposed project facility (the "Project Facility") by the Applicant (and/or any seller thereof) to the Agency; (C) an installment sale agreement or lease agreement, whereby (1) the Applicant agrees, as agent of the Agency, to undertake and complete the Applicant Project, (2), if the transaction includes Bonds, the Agency agrees to make the proceeds of the Bonds available to pay the costs of the Applicant Project, and (3) the Agency grants to the Applicant the right to occupy the Project Facility and agrees to transfer ownership of the Applicant Project to the Applicant for a nominal sum (upon repayment of any Bonds); (D) a project benefits agreement, which provides for the granting of the "financial assistance" and the enforcement of the conditions for the granting of such "financial assistance," including any claw-back or other remedy provisions, (E) if the



transaction includes Bonds and there are multiple holders of the Bonds, a trust indenture between the Agency and a corporate trustee acting as representative of the owners of the Bonds; (F), if the transaction includes Bonds and if required by the purchasers of the Bonds, a mortgage and/or security agreement from the Agency and the Applicant to the trustee (or the owner of the Bonds); (G), if the transaction includes Bonds, a guaranty of the Bonds from the Applicant to the trustee (or the owner of the Bonds); (H) various other security documents; (I), if the transaction includes Bonds and the Bonds are intended to be issued as federally tax-exempt bonds, various tax compliance documents; (J), if the transaction includes Bonds, a bond purchase agreement among the Agency, the Applicant and the initial purchaser of the Bonds; and (K), if the transaction includes Bonds and the Bonds are intended to be offered to multiple potential purchasers, various bond offering documents (including a preliminary and a final official statement or private placement memorandum relating to the Bonds). As Bond Counsel or Special Counsel, we typically draft all of such documents (excepting the bond offering documents, which are typically drafted by counsel to the initial purchaser of the Bonds, with input from us), as well as other documents which are customary and appropriate in such transactions. In addition, we assume responsibility for certain administrative matters, such as coordinating meetings, preparing bond forms, making arrangements for the closing and coordinating with counsel to the other parties to the transaction.

We typically assume no responsibility for any disclosure which may be required under state or federal securities law in connection with the issuance and sale of the Bonds (excepting only the description of the Bonds and the bond documents appearing in the bond offering documents) or for the accuracy, completeness or fairness of statements, representations, information or financial data supplied by the Applicant, or any of its affiliates.

Where we represent an industrial development agency on a regular basis, we typically provide certain pre-application services at no cost to the Agency (or the applicant) unless an application is subsequently filed with the Agency and the transaction subsequently moves beyond the inducement phase. Such pre-application services include providing advice to Agency staff as to whether a proposed transaction meets the requirements of Article 18-A of the New York General Municipal Law (the "Act"); attendance at pre-application meetings with prospective applicants whenever requested by Agency staff; and attendance at seminars and other marketing events organized by Agency staff.

Upon receipt from the Agency of an application and accompanying documentation relating to a particular project, we review the application to ascertain conformity of the proposed project with applicable state and federal laws affecting the Agency; prepare an opinion letter to the Agency regarding the legality of the proposed project; assuming said project appears legal, prepare the necessary documentation allowing the Agency to indicate preliminary acceptance of said application and allowing the Agency to conduct a public hearing relating to the transaction; assist the Agency in complying with the requirements of the New York State Environmental Conservation Law applicable to said application; and, if the Agency determines to reject an application, advise the Agency on how best to accomplish said rejection. We typically request that our industrial development agency clients include as part of their application an indemnity agreement, whereby the Applicant agrees to pay all legal expenses incurred by the Agency, whether the transaction closes or not. Notwithstanding said indemnity agreement, we typically do not seek payment from either the Applicant or the Agency if the transaction does not proceed beyond the final inducement resolution.

Once the Agency has adopted a final inducement resolution with respect to the Applicant Project (and, if the transaction includes Bonds, we have received a draft commitment letter from the initial purchaser of the Bonds), we will prepare a first draft of the basic documents relating to the transaction. Upon receipt of comments from the relevant parties, we will finalize the basic documents and distribute drafts of the various supplemental documents to be delivered at closing for approval of the various parties. If the transaction includes Bonds and the Bonds are intended to be reoffered to multiple parties,

once the documents are in good order, (A) the initial purchaser will circulate the preliminary official statement or preliminary private placement memorandum to judge market interest in the Bonds, (B) once the preliminary official statement or preliminary private placement memorandum has been circulated, the initial purchaser of the Bonds will "price" the Bonds (i.e., set the interest rates and other business terms of the Bonds), and (C), if the Applicant accepts the pricing on the Bonds, the various parties would then enter into the bond purchase agreement and the other documents relating to the sale of the Bonds, and the sale of the Bonds will be consummated.

Upon closing and delivery of our opinion, our responsibilities as Bond Counsel or Special Counsel will be concluded with respect to the transaction; specifically, but without implied limitation, we do not undertake (unless separately engaged) to provide continuing advice to the Agency or any other party relating to the transaction.

Once an application is filed with the Agency, if the Applicant requests that we begin drafting the basic documents for the transaction and for any reason thereafter the transaction does not close, we typically bill the Applicant for our legal fees on an hourly basis, based on our standard hourly billing rates, as well as our disbursements incurred in connection therewith.

For sale/leaseback transactions, we generally charge Applicants a fixed fee in the range of \$7,500-\$40,000, plus disbursements, depending on the size, timetable and complexity of the matter. The size of the fee may be greater for large, multi-million dollar capital projects (e.g., large manufacturing projects, big-box distribution center projects, co-generation projects, solid-waste projects and wind-farm projects).

With respect to taxable and/or tax-exempt bond transactions, once the structure of said transaction is decided upon, based on our understanding of the proposed structure of the transaction, the anticipated timing of the closing, our normal hourly rates and our educated guess as to the amount of time it will take us to conclude a particular transaction, we will discuss with the Agency and/or furnish to the Applicant an estimate of our anticipated fees for such transaction. For certain transactions where the amount of required legal services which are predictable, we will if requested furnish a fixed fee for such transaction. Our fees as bond counsel are generally in the range of \$35,000-\$110,000, plus disbursements, again, depending on the size, type, timetable and complexity of the bond financing.

Our statement for services for an applicant transaction will be rendered at closing. If the structure of the transaction changes significantly, or the closing of the transaction occurs beyond a reasonable period (3 months for a Straight-Lease Transaction or 6 months for a bond transaction), and such restructuring or delay results in an increase in the time that we must expend on the transaction, we reserve the right to renegotiate any fixed fee. Any fee estimate is based upon the foregoing assumptions and further assumes that there will be no extraordinary questions of law, that the structure of the transaction does not change significantly once the initial draft of the basic documents are prepared and that we will not need to prepare more than the normal 3 or 4 drafts of the documents prior to closing. It also assumes that our firm will not be called upon to perform additional services with regard to securities law disclosure or other aspects of the transaction falling outside the traditional responsibilities of Bond Counsel or Special Counsel outlined above. In the event that the facts do not bear out the foregoing assumptions, we expect to charge for our additional services on an hourly basis. In any event, we will discuss with the Agency any additional services to be performed by us prior to our performing them.

We recognize that the Agency will have more applicants and more repeat business if project beneficiaries feel that they have been fairly treated by the Agency and its staff, including legal counsel. In this regard, we feel almost as a partner with the Agency and often sacrifice short-term gain for the long term interests of the Agency. Accordingly, we take pains to ensure that the project beneficiary is advised

early on in the process regarding what magnitude of legal bills to expect, and endeavor to enter into an engagement letter with the client spelling out both his and our expectations prior to performing significant work beyond the inducement stage. We also endeavor to ensure that our bills do not exceed comparable bills rendered by upstate firms on comparable transactions.

Sometimes, our client will advise us early on in a transaction that the transaction is "fee-sensitive"-i.e., that the applicant will only utilize the Agency in the transaction if total fees are kept below a certain ceiling. In these circumstances, we will advise our client whether it is possible to keep our fees below a ceiling, and if we agree that it is possible, we will thereafter ensure that our fees do not exceed the ceiling. Similarly, if we agree to include our disbursements in such a ceiling, we will ensure that our total bill does not exceed the ceiling.

If the Agency or the Applicant requests that we perform additional services beyond those described above, our fee for those additional services will be based on the time which we devote to said additional services. Our firm's hourly rates presently range between \$305 and \$1,280 for lawyers and between \$170 and \$625 for legal assistants. The current hourly rate for Christopher C. Canada is \$480/hour. Periodic statements showing the current legal fee due will be made available for review by the Applicant and/or the Agency upon request.

In connection with the issuance of the Bonds or a Straight-Lease Transaction, we typically incur significant out-of-pocket expenses, such as photocopying, shipping of documents, travel, long distance telephone calls and filing fees. In addition, we compile a closing transcript after the Bonds are issued or the Straight-Lease Transaction is completed, which is distributed to each of the parties to the transaction and which involves additional photocopying costs and binding fees. Such out-of-pocket expenses are not included as part of our fee for professional legal services, and periodic statements showing the amount of such disbursements will be made available for review by the Applicant and/or the Agency upon request. For your information, we have attached hereto as Schedule C our policy with respect to the recovery of client disbursements. The actual amount of the disbursements may be minimized by shipping documents first class mail rather than by overnight courier and by limiting the number of drafts of documents. Upon request, we will discuss with the Applicant or the Agency in more detail the steps we can take to minimize disbursements.

In performing our services as Bond Counsel or Special Counsel, our primary client relationship will be with the Agency, although the transaction will be for the primary benefit of the Applicant. We assume that the Applicant and the other parties to the transaction will retain such counsel as they deem necessary and appropriate to represent their respective interests in the transaction.

## SCHEDULE B

### **Non-Applicant Projects – Agency General Matters**

As general counsel to the Agency, if the Agency proposes to undertake a transaction involving a project which does not involve an applicant (a “Non-Applicant Project”), we would anticipate acting as counsel to the Agency with respect to said transaction. Examples of Non-Applicant Projects undertaken by industrial development agencies around New York State include offices for the industrial development agency, incubator buildings, industrial parks, shortline rail facilities, community centers, an airport, a parking garage and similar examples of “economic development infrastructure”. Examples of transactions involving Non-Applicant Projects might include obtaining financing (in the form of grants and/or loans) with respect thereto; reviewing real estate title records and/or title reports relating thereto; reviewing acquisition and/or construction documentation relating thereto; documenting the leasing and/or sale thereof, in whole or in part; and handling other matters relating thereto.

As general counsel to the Agency, we would also anticipate acting as counsel to the Agency on the typical, customary general matters (“General Matters”) relating to the Agency. Examples of General Matters would include the attendance of regular Agency meetings (where there is not an Applicant Project or Non-Applicant Project on the Agenda), the review of Agency policies and procedures, including policies relating to the Public Authorities Accountability Act of 2006, and the preparation of Application Forms and Policy Manuals.

In general, we would expect that our fees for General Matters for calendar year 2025 would be in the range of \$10,000 to \$15,000. We would work with the Agency staff to stay within this budget and to provide legal services on General Matters in the most efficient manner so as to minimize the financial impact on the Agency. At the Agency’s request, the Firm will bill the Agency for General Matters on a quarterly basis for calendar 2025 – with invoices to be provided to the Agency by the 15<sup>th</sup> day of the month following the end of each quarter.

With respect to Non-Applicant Projects, once we understand the scope of the work which the Agency desires us to undertake with respect to a particular transaction, we will discuss with the Agency an estimate of our anticipated fees for said transaction. We would expect to bill such matters at our normal hourly rates. Once we and the Agency reach an understanding as to the legal budget for said transaction, the source for payment thereof and the billing schedule related thereto, we will send a letter to the Agency memorializing said understanding. Periodic statements showing the current legal fee due will be made available for review by the Agency upon request.

## SCHEDULE C

### Firm Policy With Respect to Client Disbursements

In the course of providing legal services to its clients, the Firm will from time to time incur various expenses on their behalf. These expenses are generally invoiced to the client in addition to the fees for legal services rendered. It is the policy of the Firm to attempt to keep these charges as low as possible, consistent with the timely performance of high quality legal services. Further, the Firm reserves the right to adjust the various charges for client disbursements on an annual basis, in the course of the Firm's customary review of attorney hourly rates and charges. Any adjustments in such charges will be made available to the client at the client's request.

The client is entitled to establish certain parameters in an attempt to limit disbursement charges, but it must be recognized that certain charges may be inevitable due to the nature of the transaction or legal services involved. Clients who desire to establish parameters for disbursements should contact the attorney-in-charge of the specific matter.

Certain of the disbursements described below are increased by a multiplier to compensate the Firm for various costs not identifiable to a particular client.

Set forth below are summary descriptions of the categories of disbursements commonly incurred on behalf of our clients. This list is by no means exhaustive, and other charges not described below will be invoiced to the client in an appropriate manner. Furthermore, the charges for certain of the items described below are imposed by third parties and may be increased without notice to us or to our clients:

1. **COMPUTER TIME SHARING:** The actual cost of computer time sharing for access to legal and other data bases will be passed through to the client. These charges are generally incurred in the course of performing legal research.
2. **FILING AND RECORDING FEES AND CERTIFICATE CHARGES:** The cost of various filings and recordings with federal, state and local agencies is borne by the client. Charges for obtaining certified copies of documents from federal, state and local agencies are also invoiced to the client. Occasionally, due to the nature and timing of the transaction involved, filings or requests for certified copies will be handled through service companies which may charge a premium rate.
3. **PUBLICATION:** Certain transactions require the publication of legal notices. The charges for such publication are established by the respective newspaper or periodical, and it is the policy of the Firm to pay the vendor directly and then forward the invoice to the client for reimbursement of same to the Firm.
4. **STAFF OVERTIME:** When secretarial or other support staff are required to work overtime with respect to a specific transaction, the cost is invoiced to the client at the rate of \$32.00 per hour. In addition, all employees who work 10.5 consecutive hours or more are entitled to receive either lunch or dinner at the Firm's expense. These meal costs will be charged to the client responsible for the overtime costs.
5. **PHOTOCOPIES:** For large quantities of photocopying which do not require immediate turnaround, we will use a local photocopying service if it can provide copies at a lower rate than what we could do in-house.

6. SHIPPING AND LOCAL DELIVERY: The cost of shipment by Federal Express, United Parcel Service, Express Mail, U.S. Mail or other delivery service at the retail price charged for such service is invoiced directly to the client. The actual amount of the charges will depend upon the number, weight, and carrier of packages and letters sent. The client will also be charged for local delivery by outside couriers at their normal rates, and for our in-house courier (\$7.50 per delivery or package).
7. TELEPHONE: The Firm's telephone system allows for the attribution of long distance charges to the appropriate client and file. These charges include long distance charges for telecopies, as well as conference calls arranged through LoopUp. Most of our long distance calls are placed through RCI Long Distance Service at rates approximately the same as AT&T rates.
8. TELECOPY: Telecopies are charged at 50 cents per page. The charge is designed to amortize the cost of acquiring and maintaining our telecopiers, as well as to cover the cost of administrative expenses associated with telecopy charges, the cost of collection and the time-value of money.
9. TRAVEL: The actual cost of travel, including charges for mileage for firm-owned or attorney-owned automobiles at 70 cents per mile (or our internal current reimbursement rate), parking, plane or train fares, taxi, hotel, meals, etc., will be invoiced to the client.

## SCHEDULE D

### Firm Policy With Respect to Various Administrative Matters

#### General

For your information, Part 1215 of the Joint Rules of the Appellate Division requires that a letter of engagement be sent to any person or entity that is responsible for the payment of attorney's fees. Further, in the unlikely event that a dispute arises between us relating to our fees, you may have the right to arbitration of the dispute pursuant to Part 137 of the Rules of the Chief Administrator of the Courts, a copy of which will be provided to you upon request.

#### Attorney Representation Conflicts and Waivers

In performing our services to the Agency, we represent only the Agency. We assume that other parties to a transaction involving the Agency will retain such counsel as they deem necessary and appropriate to represent their interest in the transaction. As we have discussed, you are aware that we represent many other clients in numerous and diverse matters. It is possible that, during the time that we are representing the Agency, some of our past, present or future clients will have transactions with the Agency (i.e., a transactional conflict). The Agency agrees that we may continue to represent, or may undertake in the future to represent, existing or new clients in any matter that is not substantially related to our work with the Agency (even if the interests of such clients in those other matters is directly adverse to the interests of the Agency); however, we agree that your prospective consent to conflicting representation shall not apply in any instance where, as a result of our representation of the Agency, we have obtained proprietary or other confidential information of a non-public nature, that, if known to such other client, could be used in any such other matter by such client to your material disadvantage. Examples of transactional conflicts include our representation of Manufacturers and Traders Trust Company, First Niagara Bank, N.A., Jefferies LLC, and RBC Capital Markets, Inc. on unrelated matters.

In certain circumstances, a past or present client of our firm may ask us to represent that client directly in a transaction involving the Agency. In such situation, if the Agency obtains separate counsel to represent the Agency and if the Agency consents to our representation of such client in such transaction, we may represent such client in such transaction, even if the interests of such client in such transaction is directly adverse to the interests of the Agency; however, we agree that your prospective consent to such conflicting representation shall not apply in any instance where, as a result of our representation of the Agency, we have obtained proprietary or other confidential information of a non-public nature, that, if known to such other client, could be used in such transaction by such client to your material disadvantage.

Acceptance of this proposal further constitutes authorization by the Agency to permit the Chairman, the Chief Executive Officer or the Executive Director of the Agency to execute any writing required by our conflicts partner to resolve any such "potential" conflicts of interest that may arise in the future.



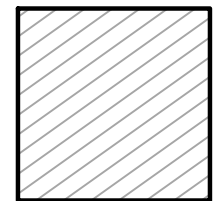
### Client Communications

As noted above, in performing our services as bond counsel to the Agency, our client is the Agency, and we represent its interests in connection with the particular matter. While the Agency takes formal action by resolution of its board (the "Agency Board"), the Chief Executive Officer or the Executive Director typically has the day-to-day responsibility for the operations of the Agency and the undertaking of Applicant and Non-applicant Projects. Further, since the members of the Agency Board are appointed officials and not full-time employees of the Agency, we anticipate that the majority of our conversations and discussions will be with the Chairman, the Vice Chairman, the Chief Executive Officer (or Executive Director), the Chief Financial Officer and other officers of the Agency.

Accordingly, when we need to communicate information to the Agency, you agree that communicating same to the Chairman, the Vice Chairman, the Chief Executive Officer (or Executive Director), the Chief Financial Officer or any other official of the Agency shall be treated as if we had communicated such information to the full membership of the Agency. Further, if in our reasonable judgment we believe it necessary to communicate directly with the full membership of the Agency, we will be permitted to do so.







**SITE CIVIL AND CONSULTING ENGINEERING**  
**PROGRAM MANAGEMENT LANDSCAPE ARCHITECTURE**  
**SUSTAINABLE DESIGN PERMITTING SERVICES TRANSPORTATION SERVICES**

◆ CHICAGO, IL  
 ◆ ATLANTA, GA  
 ◆ TAMPA, FL  
 ◆ SOUTH FLORIDA  
 ◆ DALLAS, TX  
 ◆ BALTIMORE, MD  
 ◆ NORTHERN MARYLAND  
 ◆ NORTHERN VIRGINIA  
 ◆ CENTRAL VIRGINIA  
 ◆ RALEIGH, NC  
 ◆ WASHINGTON, DC  
 ◆ SOUTHERN NEW JERSEY  
 ◆ PHILADELPHIA, PA  
 ◆ PITTSBURGH, PA  
 ◆ LEHIGH VALLEY, PA  
 ◆ SOUTHEASTERN, PA  
 ◆ RICHMOND BEACH, DE  
 ◆ NEW YORK  
 ◆ NEW ENGLAND  
 ◆ BOSTON, MA  
 ◆ NEW YORK, NY  
 ◆ NEW YORK METRO  
 ◆ NORTHERN NEW JERSEY

## REVISIONS

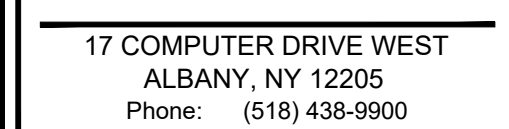
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PROJECT No.:	B180283
DRAWN BY:	SG
CHECKED BY:	SRW
DATE:	7/6/2020
SCALE:	AS NOTED
CAD I.D.:	CONCEPT 800K

PROJECT: SITE  
DEVELOPMENT  
PLAN  
FOR

WAREHOUSE

LOCATION OF SITE  
ROUTE 5S  
TOWN OF FLORIDA  
MONTGOMERY COUNTY  
NEW YORK STATE



W.D. GOEBEL

**PROFESSIONAL ENGINEER**  
MASSACHUSETTS LICENSE No. 42844-C  
RHODE ISLAND LICENSE No. 7268  
CONNECTICUT LICENSE No. 21854  
NEW HAMPSHIRE LICENSE No. 10290  
MAINE LICENSE No. 9490  
NEW YORK LICENSE No. 031294-1  
FLORIDA LICENSE No. 66202

SHEET TITLE:

AREA OF  
POTENTIAL  
EFFECT

SHEET NUMBER:

1  
OF 11

REV 0



# REFERRAL FORM

## MONTGOMERY COUNTY PLANNING BOARD

Referral  
Number \_\_\_\_\_  
assigned by the MCPB upon  
\_\_\_\_\_ of referral form.

This Referral must be received SEVEN CALENDAR DAYS prior to the MCPB meeting date in order for it to be placed on the agenda.

**TO:** Montgomery County Planning Board,  
113 Park Drive, PO Box 277,  
Fultonville, New York 12072  
Phone: 518-853-8334

**FROM:** Municipal  
Board: Town of Saint Johnsville Referring

Officer: \_\_\_\_\_  
to: \_\_\_\_\_  
Mail original resolution

4-1-48  
4-1-49

1. Applicant: \_\_\_\_\_ 2. Site Address: 7904 NY-5 St. Johnsville, NY  
3. Tax Map Number(s): 8-1-4.1, 8-1-5, 4-1-45, 4-1-47.1 4. Acres: ? 13452  
5. Is the site currently serviced by public water? ☐ Yes ☒ No  
6. On-site waste water treatment is currently provided by: ☐ Public Sewer or ☒ Septic System  
7. Current Zoning: Natural Products 8. Current Land Use: Quarry  
9. Project Description: \_\_\_\_\_

### 10. MCPB Jurisdiction:

- ☐ Text Adoption or Amendment ☐ Site is located within 500' of: State Hwy 5  
Kennedy Rd.
- ☐ a municipal boundary.  
☐ a State or County thruway/highway/roadway  
☐ an existing or proposed State or County park/recreation area  
☐ an existing or proposed County-owned stream or drainage channel  
☐ a State or County-owned parcel on which a public building or institution is situated  
☐ a farm operation within an Agricultural District (Incl. Ag data Statement) (does not apply to area variances)

11. PUBLIC HEARING: Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

### Referred Action(s)

If referring multiple, related actions, please identify the referring municipal board if different from above.

12. ☐ Text Adoption or ☐ Amendment Referring Board:  
☐ Comprehensive Plan ☒ Local Law ☐ Zoning Ordinance ☐ Other \_\_\_\_\_

13. ☐ Zone Change Referring Board:  
Proposed Zone District: \_\_\_\_\_ Number of Acres: \_\_\_\_\_  
Purpose of the Zone Change: \_\_\_\_\_

14. ☐ Site Plan ☐ Project Site Review Referring Board:



Proposed Improvements: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Will the proposed project require a variance? ☐ Yes ☐ No Type: ☐ Area ☐ Use

Specify: \_\_\_\_\_

Is a State of County DOT work permit needed? If Yes : ☐ State or ☐ County ☐ No

Specify: \_\_\_\_\_

15. ☐ Special Permit

Referring Board: \_\_\_\_\_

Section of local zoning code that requires a special permit for this use: \_\_\_\_\_

Will the proposed project require a variance? ☐ Yes ☐ No Type: ☐ Area ☐ Use

16. Variance

Referring Board: \_\_\_\_\_

☐ Area ☐ Use

Section(s) of local zoning code to which the variance is being sought: \_\_\_\_\_

Describe how the proposed project varies from the above code section: \_\_\_\_\_

SEQR Determination

Action:

Finding:

☐ Type I

☐ Positive Declaration – Draft EIS

☐ Type II

☐ Conditional Negative Declaration

☐ Unlisted Action

☐ Negative Declaration

☐ Exempt

☐ No Finding (Type II Only)

SEQR determination made by (Lead Agency): \_\_\_\_\_ Date: \_\_\_\_\_

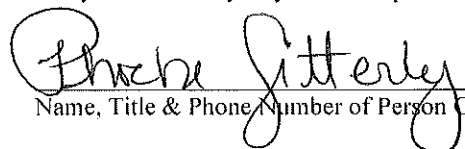
REQUIRED MATERIAL

Send 3 copies of a "Full Statement of the Proposed Action" which includes:

All materials required by and submitted to the referring body as an application

- If submitting site plans, please submit only 1 large set of plans, and- 1 complete packet.
- All material may be submitted digitally as well at <http://www.mcfdc.org/planning-services/montgomery-county-planning-board-referrals/>

This referral, as required by GML §239 l and m, includes complete information, and supporting materials to assist the Montgomery County Planning Board (MCPB) in its review. Recommendations by MCPB shall be made to the Referring Body within thirty days of receipt of the Full Statement.

  
Name, Title & Phone Number of Person Completing this Form

5/2/25  
Transmittal Date



This side to be completed by Montgomery County Planning.

## REFERRAL FORM

### MONTGOMERY COUNTY PLANNING BOARD

TO: \_\_\_\_\_

Receipt of 239-m referral is acknowledged on \_\_\_\_\_. Please be advised that the Montgomery County Planning Board has reviewed the proposal stated on the opposite side of this form on \_\_\_\_\_ and makes the following recommendation.

- ☐ Approves
  
- ☐ Approves (with Modification)
  
- ☐ Disapproves:
  
- ☐ No significant County-wide or inter-community input
  
- ☐ Not subject to Planning Board review
  
- ☐ Took no action

Section 239-m of the General Municipal Law requires that within thirty days after final action by the municipality is taken; a report of the final action shall be filed with the County Planning Board.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kenneth F. Rose, Director  
Montgomery County Dept. of Economic  
Development and Planning





**TOWN OF ST. JOHNSVILLE NEW YORK  
LOCAL LAW NO. \_\_\_\_ OF THE YEAR 2025**

**LOCAL LAW TO REPEAL LOCAL LAW # 2 OF 2024 AND REPLACE A LOCAL  
LAW TO AMEND THE LAND USE LAW FOR THE FURTHER REGULATION OF  
QUARRIES**

- I. FINDINGS. The St. Johnsville Town Board finds, to the extent not prohibited by superseding law or regulation, that local earth, sand, gravel and/or mineral extraction operations on lands either subsequently acquired, or now held in future reserve, for mining operations demand more specific and reasonable rules than required for lands that are being presently and actively mined in order to better safeguard the health, safety, peace, tranquility and property values of outside-of-village residents.
- II. LAND USE LAW AMENDMENTS. The Town of St Johnsville Land use Law is hereby amended in the following particular respects with all non-referenced provisions remaining 'as is' until such time as further amendments may be determined desirable, to wit:
  - a. Article III, DEFINITIONS. The word 'Quarry', with the following, is hereby added to definitions, to wit:

"Quarry. A place where stone, shale, slate, bank run material, sand, gravel, soil or earth is  
commercially excavated, removed, crushed, washed, graded or otherwise processed."
  - b. Article VII, SITE PLAN APPROVAL AND SPECIAL PERMITS, Section 27C, CONDITIONS AND SAFEGUARDS.

Article VII, Section 27(C), first sentence, shall hereafter read as follows, to wit:

"In authorizing the issuance of a special permit it shall be the duty of the Planning Board to attach such conditions and safeguards as

may be required, inclusive of property damage bonding Or insurance for the benefit of the surrounding land owners, in order that the results of its action may, to the maximum extent possible, further the general objectives of this law provided that the considerations recited in Section 32 shall be deemed mandatory and inclusive to any special permit issued for quarry operations."

c. Article VIII, Section 32 - Mineral Extraction.

i. Article VI", Section 32, shall hereafter be entitled "Quarry Extraction".

ii. Article VIII, Section 32, in its entirety, shall hereafter read as follows, to wit:

"In the N-P-Natural Products district, the quarrying of more than one thousand tons or seven hundred fifty cubic yards, whichever is less, of material from the earth within twelve consecutive calendar months shall require a New York State Department Of Environmental Conservation (DEC) permit and approval. Local review by the Planning Board is not authorized except as to the following (a - f) provisions to the extent not superseded by the New York State Department of Environmental Conservation pursuant to the New York State Mine Reclamation Law, or other authority, to wit:

a. No blasting for materials shall be conducted within two hundred (200) feet, and no other quarrying of materials shall be conducted within two hundred (200) feet, of any public road or other property line.

b. No power-activated sorting machinery or equipment shall be located within six hundred (600) feet of any public road or other property line and all such machinery shall be equipped with dust elimination devices deemed satisfactory to the Planning Board.

c. The applicant shall provide to the Planning Board on a continual quarterly basis a list of all tax parcels that are within two

hundred (200) feet of any public road or property line where blasting or other quarry operations are being conducted, or proposed to be conducted, or within six hundred (600) feet of any public road or other property line where power-activated sorting machinery or equipment is located or is proposed to be located.

d. All excavation slopes shall be appropriately posted with signage every thirty (30) feet.

e. Blasting operations shall not be conducted on Sundays or prior to 8:00 AM or later than 6:00 PM on other days of the week.

f. In the R - Residential, RR - Rural, A - Agriculture, C - Commercial, I - Industrial, and H - Historic districts the quarrying of more than five hundred (500) tons or three hundred seventy-five (375) cubic yards, whichever is less, of quarry material from the earth within any twelve (12) successive calendar months is prohibited.

III. RECISSION. Upon the effective date of this local law, Local Law No. 2 of 2024 shall be deemed rescinded.\

IV. EFFECTIVE DATE. This local law shall become effective upon its filing with the Secretary of State.



# 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.

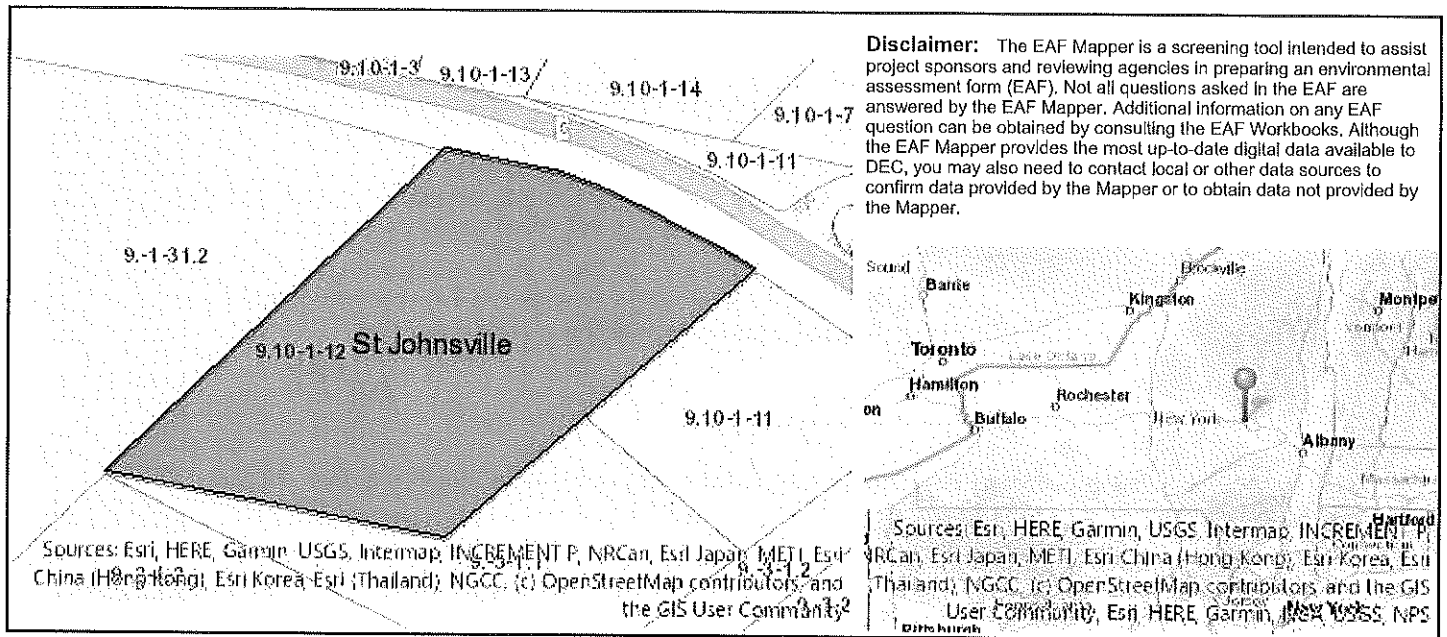
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b> <span style="font-size: 1.2em; font-family: cursive;">Town of Saint Johnsville</span>			
Name of Action or Project: <span style="font-size: 1.2em; font-family: cursive;">Quarry Law</span>			
Project Location (describe, and attach a location map): <span style="font-size: 1.2em; font-family: cursive;">7431 St. Hwy 5 St. Johnsville</span>			
Brief Description of Proposed Action: <span style="font-size: 1.2em; font-family: cursive;">- how setting times for blasting windmills - Dust control</span>			
Name of Applicant or Sponsor: <span style="font-size: 1.2em; font-family: cursive;">Town of Saint Johnsville</span>		Telephone: 	
Address: <span style="font-size: 1.2em; font-family: cursive;">7431 St Hwy 5</span>		E-Mail: 	
City/PO: <span style="font-size: 1.2em; font-family: cursive;">Saint Johnsville</span>		State: <span style="font-size: 1.2em; font-family: cursive;">NY</span>	Zip Code: <span style="font-size: 1.2em; font-family: cursive;">13452</span>
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 type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres		<span style="font-size: 1.5em; font-family: cursive;">whole town</span>	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <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 checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input 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 type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<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	
b. Are public transportation services 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 the 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?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: <span style="float: right;">N/A</span>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
_____			
_____			

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 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			N/A	
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 plan?	NO	YES		
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES		
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>		
If Yes, briefly describe: _____ _____				
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES		
_____	<input 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"/>		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>				
Applicant/sponsor/name: <u>Town of St. Johnsville</u> Date: <u>5/2/25</u>				
Signature: <u>[Signature]</u> Title: <u>Supervisor</u>				





Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

Project: Date: 

## *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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>

Project: \_\_\_\_\_

Date: \_\_\_\_\_

## 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.

- ☐ 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.
- ☒ 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 of Saint Johnsville  
Name of Lead Agency

5/2/25  
Date

Phoebe Sitterly  
Print or Type Name of Responsible Officer in Lead Agency

Town Supervisor  
Title of Responsible Officer

Phoebe Sitterly  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from Responsible Officer)