MINUTES February 20, 2020

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Executive Director

STACEY J. HOLLERAN
Office Manager

VICTORIA L. ADAMS
Administrative Assistant

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Herkimer County Industrial Development Agency Board of Directors Meeting held at the Herkimer County Chamber of Commerce Conference Room, 420 E. German Street, Herkimer, NY.

After the Pledge of Allegiance, Chairman Vincent (Jim) Bono called the meeting to order at 8:02 AM.

The following members answered the roll call: Vincent (Jim) Bono, Cory Albrecht, David Chlus, John Scarano, Catherine (Cate) Ricci, Michael Werenczak, Ann Gaworecki. Quorum Present.

Members Absent: None

Staff Present: John Piseck, Stacey Holleran, Victoria Adams

Also Present: Anthony Hallak, James Wallace, Gregory Malta Sr., Mark Gaworecki, Robert Schrader, Peter Campione, John Stephens, Bill Maxim, Deli Vargas, Bob Hollum, Bill McDonald, Peter Manno.

Minutes: The minutes of the January 28, 2020 regular meeting were offered for review. **Ann Gaworecki moved, seconded by John Scarano to approve presented minutes. Motion carried unanimously.**

Financial Reports: The following financial reports were offered for review and approval: 2020 January Operating Report, Operating Account, Account Balances, RLF/Lease Balance with payment status, and PILOT payments received. Mr. Piseck stated that all loans are up to date. He continued by stating that a couple of solar projects projected to close this year may not close this year, however the Agency will receive funds for grant administration. **Cory Albrecht moved, seconded by Cate Ricci, to approve all financial reports as presented. Motion carried unanimously.**

Schuyler Business Park Expansion – Wetland Delineation Services: North County Ecological Services, Inc. has provided the Agency will a proposal to complete a wetlands study of the newly purchased parcel at Schuyler Business Park. They will map the property and work with the core of engineers to complete the study. **Cory Albrecht moved, seconded by Michael Werenczak, to approve North Country Ecological Services, Inc. to complete a wetlands study at Schuyler Business Park, not to exceed $5,500. Motion carried unanimously.**

Herkimer County Chamber of Commerce Guidebook Ad: In the past, the Agency has had an ad in the Chamber of Commerce Guidebook. Mr. Piseck suggested the Agency continue advertising in the guidebook for the year 2020-2021. **John Scarano moved, seconded by Ann Gaworecki, to approve the Agency to renew the full-page ad in the Chamber of Commerce guidebook, at a cost of $1,169.00. Motion carried unanimously.**

Town of Webb Housing Study: The Agency received a Professional Services Agreement from a Community Development Consulting Firm, Opportunities for Upstate. Opportunities for Upstate proposed to prepare a housing feasibility study focused on a parcel of land approximately 8 acres in size, located in the Town of Webb. The cost of services would be $5,000, as well as any travel expenses, including transportation, hotel, and meals. **John Scarano moved, seconded by David Chlus, to approve the Agency to enter into an agreement with Opportunities for Upstate, to perform a housing feasibility study in the Town of Webb, not to exceed $5,000, plus any applicable transportation, hotel, or meal expenses. Motion carried unanimously.**

Town of Webb Post Study/Additional Services: In addition to the aforementioned housing study, a Phase I Environmental Site Assessment is to be conducted on the same parcel of land. Mr. Piseck stated that any cost for the assessment would be returned to the Agency through the EPA Brownfield Grant.

Income Survey for East Schuyler Water District Proposal: The Town of Schuyler received a proposal from G&G Municipal Consulting and Grant Writing to conduct an income survey to determine the median household income and the low/mod income for the East Schuyler Water District service area. The Town reached out to the Agency to request assistance in paying for the services. The preliminary quote is for a total of $7,975.00 plus postage. Mr. Piseck proposed the Agency assist with paying half of the cost. He stated the Agency would benefit due to more data being gathered around the Schuyler Business Park. **David Chlus moved, seconded by John Scarano, to approve the Agency to assist with funding to conduct an income survey for the East Schuyler Water District, with half of the cost which totals $3,987.50 plus half of the applicable postage cost. Motion carried unanimously.**

SunEast Watkins Road Solar, LLC.: An Application was presented and accepted by the board on 10/31/2019 for assistance with a project proposing the installation of ground-mounted utility-scale solar energy generation system on leased property totaling 282 acres. The project site is located along Watkins and Sokol Roads in the Towns of Schuyler and Herkimer.

After further review and discussion, **Michael Werenczak offered the following motion:**

> **RESOLUTION OF THE HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "AGENCY") TAKING OFFICIAL ACTION TOWARD APPOINTING SUNEAST WATKINS ROAD SOLAR, LLC (the "COMPANY), AND THE PRINCIPALS OF THE COMPANY, AS AGENT OF THE AGENCY IN CONNECTION WITH A SUBLEASE-LEASEBACK TRANSACTION, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE PROJECT.**

Seconded by Cory Albrecht, the motion carried with 7 ayes and 0 nayes. The official resolution is attached to the original minutes.

SunEast Hills Solar, LLC: An application was presented and accepted by the board for assistance with a project proposing the installation of ground-mounted utility-scale solar energy generation system on leased property totaling 200 acres. The project site is located at 449 Burrell Road in the Town of Manheim.

After further review and discussion, **John Scarano offered the following motion:**

RESOLUTION OF THE HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "AGENCY") TAKING OFFICIAL ACTION TOWARD APPOINTING SUNEAST HILLS SOLAR, LLC (the "COMPANY), AND THE PRINCIPALS OF THE COMPANY, AS AGENT OF THE AGENCY IN CONNECTION WITH A SUBLEASE-LEASEBACK TRANSACTION, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE PROJECT.

Seconded by Cate Ricci, the motion carried with 7 ayes and 0 nayes. The official resolution is attached to the original minutes.

Project Updates/Other Business:

Frankfort 5S South Business Park: The pump house lost in the flooding on October 31, 2019 will be back in place soon. The base plate and piping is in place. The road will be turned over in spring, pending any flooding issues. A legislator reached out to Mr. Piseck with interest in the back 30 acres of the park. The property does not belong to the Agency, and Mr. Piseck is unsure of the intent of the legislator.

Manheim Business Park: The map plan and report has been completed by GHD Consulting, LLC. Mr. Piseck has a meeting with Jon Putnam of GHD soon to discuss the progress. Easements are to be completed on some adjacent properties prior to putting in the water and sewer system.

Capital Resource Corporation: Mr. Piseck stated that all documents needed should be received by March 15th. Mr. Piseck plans further discussion at the Agency meeting scheduled for March 31st, 2020. Mr. Piseck voiced concerns of not obtaining grants due to the ability to bond.

Eastern Mohawk Valley Water Transmission Line (MRF): Mr. Piseck Is planning a meeting with all involved municipalities in the near future.

Applications for financial assistance: Mr. Piseck stated that all received applications for financial assistance will be posted to the Agency website.

Site Selectors Guild NYC: Mr. Piseck and Mr. Bono had the opportunity to attend the International Site Selectors Guild in New York City. Mr. Bono stated that the event was very informative of how site selection happens in the United States and internationally.

Duofold: Mr. Piseck has been working with Landmark Consulting, LLC. to have the Duofold Site listed on the Historic Preservation list. He stated that an asbestos assessment has been completed on the site, and he will provide more information as it becomes available. He continued by stating that the entire structure should be able to be saved. Mr. Piseck stated that the DEC has approved the Agency to not be responsible for any off-site contaminates. The phase II environmental site assessment is underway.

Adirondack Food & Fuel: Mr. Piseck mentioned Adirondack Food & Fuel in the Frankfort 5S South Business Park is set to have a soft opening Friday, February 21st and invited everyone to stop by.

Bill McDonald: Bill stated that the Electrical Technology Lab ribbon cutting was a great success for Herkimer College. He thanked the Agency and Herkimer County for their continued support. The college is currently accepting applications for fall classes in the Technology Lab.

Bill Maxim: Bill stated that the carpenter's union is implementing a new program to get women more involved. The program is free to women interested. Upon completion of the program, the women will be automatically entered into a 5-year apprentice program.

Executive Session: John Scarano moved, seconded by Cate Ricci to enter into executive session at 8:53 AM to discuss a potential project, and current litigation with the Village of Herkimer. Motion carried unanimously. All board members, Anthony Hallak, Gregory Malta Sr., Mark Gaworecki, Robert Schrader, Peter Campione, John Stephens, Bob Hollum, Peter Manno, John Piseck, Stacey Holleran, and Victoria Adams were invited to stay.

John Scarano moved, seconded by Cate Ricci to end executive session at 9:35 AM. Motion carried unanimously.

Being no other business, Cate Ricci moved, seconded by John Scarano to adjourn at 9:36 AM. Motion carried unanimously.

Respectfully Submitted,

Victoria Adams

Victoria Adams
Administrative Assistant

INDUCEMENT RESOLUTION

At a regular meeting of the Herkimer County Industrial Development Agency held at 420 E. German Street, Herkimer, New York, on February 20, 2020 at 8:00 A.M.

The meeting was called to order by the Chairman, and, upon the roll being called, the following were

PRESENT: Vincent (Jim) Bono, David Chlus, Catherine Ricci, John Scarano, Michael Werenczak, Cory Albrecht, Ann Gaworecki

ABSENT:

ALSO PRESENT: Anthony Hallak, John Piseck, Stacey Holleran, Victoria Adams

The following resolution was offered and seconded with the members voting:

AYE	NAY
All	None

RESOLUTION OF THE HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "AGENCY") TAKING OFFICIAL ACTION TOWARD APPOINTING SUNEAST WATKINS ROAD SOLAR, LLC (the "COMPANY), AND THE PRINCIPALS OF THE COMPANY, AS AGENT OF THE AGENCY IN CONNECTION WITH A SUBLEASE-LEASEBACK TRANSACTION, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE PROJECT.

WHEREAS, the Herkimer County Industrial Development Agency (the "Agency") is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law of the State of New York Chapter 410 of the Laws of 1970 and Chapter 158 of the Laws of 1981 of the State (collectively, the "Act") to promote, develop, encourage and assist in the constructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, pollution control, commercial, research and recreation facilities for the purpose of promoting, attracting developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York (the to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to provide assistance in the construction and equipping of one or more "Projects" (as defined in the Act); and

WHEREAS, the Company has presented an application (the "Application") to the Agency, a copy of which was presented at this meeting and copies of which are on file at the office of the Agency, requesting that the Agency consider undertaking; (i) to provide assistance through sales tax and mortgage tax incentives for the constructing, equipping, and financing of the above described project Facility and real property tax relief in the form of a Payment in Lieu of Tax Agreement (the "Assistance"), (ii) to acquire, construct, equip, and finance the Facility or to cause the Facility to be constructed, equipped, and financed; and (iii) to lease and/or sublease (with an obligation to leaseback) or sell the Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, the Facility will consist of the acquisition, construction, and equipping of a ground-mounted utility scale solar energy generation system on leased property totaling 282 acres located along Watkins and Sokol Roads in the Towns of Schuyler and Herkimer with an estimated capacity of 20 MWac ± kilowatts. The Project has an estimated cost of Twenty Four Million Seven Hundred and Six Thousand and 00/100 Dollars ($24,706,000.00) (the "Project Costs"); and

WHEREAS, the project proposes to generate electricity that will allow residential and commercial subscribers to benefit from renewable energy that will offset traditional power sources; and

WHEREAS, the Agency has given due consideration to the Application and to representations by the Company; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto the Department of Environmental Conservation of the State Department of Environmental Conservation of the State (collectively "SEQR"), the Agency constitutes a State Agency; and

WHEREAS, the Town of Schuyler and Town of Herkimer Planning Boards evaluated the project and on February 4, 2020 and issued a Negative Declaration (the "SEQR Determination") under SEQR with respect to the Project. A copy of Negative Declaration is attached hereto as Exhibits A-1 and A-2; and

WHEREAS, the Agency has considered its environmental assessment form and related forms (the questionnaire submitted by the Company) the requisite criterion to determine whether the proposed action or the Project will have a significant effect on the environment; and

WHEREAS, if required by the Act, a public hearing will be duly noticed and had with respect to the Facility and the Assistance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

1. Based upon the application and other representations made by the Company to the Agency and the Agency's due deliberation, the Agency hereby makes the following findings and determinations:

A. The Facility constitutes a "Project" within the meaning of the Act.

B. The Assistance will induce the Company to locate the Facility in the County, thereby maintaining and increasing employment opportunities within the State of New York and otherwise furthering the proposes of the Agency as set forth in the Act.

C. Except as is permitted by law, the Facility will not result in the removal of a commercial, industrial or manufacturing plant or facility of the Company or any other proposed occupant of the Facility from one area of the State to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Facility located in the State.

2. The form and substance of the proposed agreement in substantially the draft form presented to this meeting between the Agency and the Company setting forth the undertakings of the Agency and the Company with respect to providing of the Assistance (the "Agreement") are hereby approved. The Chairman, Vice Chairman and Executive Director of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Agreement in substantially the form presented to this meeting, with such changes in terms and form as the Chairman, Vice Chairman or the Executive Director shall approve. The execution thereof by the Chairman, Vice Chairman or Executive Director shall constitute conclusive evidence of such approval.

3. Subject to the conducting of a public hearing, if required, pursuant to Sections 859-a and 862 of the Act and subject to the conditions set forth in the Agreement, the Company is hereby authorized to proceed with the acquisition, construction, equipping, and financing of the Facility and to advance such funds as may be necessary to accomplish such purposes.

4. Subject to the conducting of a public hearing, if required, pursuant to Sections 859-a and 862 of the Act and subject to the conditions set forth in the Agreement, the Company in accordance with the Agreement and where applicable its tenant or tenants, are appointed the true lawful agents of the Agency (i) to acquire, construct, equip, and finance the Facility, (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency, and in general to do all things which may be requisite or proper for

completing the Facility, all with the same powers and the same validity as the Agency could do if acting in its own behalf.

5. This Project shall not proceed until it has conformed with all requirements of SEQR, conditions (if any) imposed by the Towns of Schuyler and Herkimer, this Agency has adopted the Negative Declaration of the Towns of Schuyler and Herkimer or County of Herkimer as Lead Agency in the SEQR process, the Company has provided adequate proof that the Project permits are duly transferable and the leases and/or subleases are approved by the Agency, and the Company has provided sufficient proof of its ability to finance the Project.

6. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, subleasee's or any other party authorized to make purchases or otherwise benefit from the Project, any sales and use tax exemption benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, subleasee's or any other party authorized to make purchases for the benefit of the Project if determined that: (i) the Company, its agents, consultants, subcontractors, subleasee's or any other party authorized to make purchases for the benefit of the Project, is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, subleasee's or any other party authorized to make purchases for the benefit of the Project; (iii) the sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the sales and use tax exemption benefits are taken in cases where the Company, its agents, consultants, subcontractors, subleasee's or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving sales and use tax exemption benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must (i) cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

7. The Chairperson, Vice Chairperson, and/or Administrative Director of the Agency are hereby authorized, on behalf of the Agency, to negotiate and execute (a) the Lease Agreement whereby the Company conveys a leasehold interest in the Project to the Agency, (b) the related Leaseback Agreement leasing the Project back to the Company, (c) the Project Benefits and Recapture Agreement, and (d) the PILOT Agreement; provided (1) the rental payments under the Leaseback Agreement include payment of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

A copy of this resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours and notices of this negative declaration shall be filed, posted and published as shall be necessary to conform with the requirements of SEQR.

8. This Resolution shall take effect immediately.

STATE OF NEW YORK)
) ss.:
COUNTY OF HERKIMER)

I, the undersigned Assistant Secretary of the Herkimer County Industrial Development Agency, do hereby certify that I have compared the foregoing extract of the minutes of the Herkimer County Industrial Development Agency (the "Agency") held on February 20, 2020 with the original thereof of file in my office, and that the same is a true and correct copy of the original and of the whole of the original insofar as the same relates to the subject matters therein referred to.

I, FURTHER CERTIFY that (i) all members of the Agency had due notice of the meeting, (ii) the meeting was in all respects duly held, (iii) pursuant to Section 99 of the Public Officers Law (Open Meetings Law), the meeting was open to the general public, and public notice of the time and place of the meeting was duly given to the public and news media in accordance with Section 99 and (iv) there was a quorum of the members of the Agency present throughout the meeting.

I, FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed and rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 20th day of February, 2020.

HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY

By: Stacey Holleran
Stacey Holleran, Assistant Secretary

Exhibit A-1

TOWN OF SCHUYLER ZONING BOARD OF APPEALS
RESOLUTION OF SEQR NEGATIVE DECLARATION IN THE
MATTER OF THE SUNEAST WATKINS ROAD SOLAR PROJECT

WHEREAS, the Town of Schuyler Zoning Board of Appeals (ZBA) intends to consider approval of the application of SunEast Development, LLC (the Applicant) for the Watkins Road Solar Farm Project (the Action); and

WHEREAS, the Action consists of a proposed 20 MW solar photovoltaic (PV) array farm covering approximately 172 acres in the Towns of Schuyler and Herkimer. The Action will be built on tax parcels, 112.4-1-1.1, 112.4-3-8, and 112.2-3-16.1, commonly known as 188 Sokol Rd., Herkimer, NY 13350 and 358 Watkins Rd., Frankfurt, NY 13340, and owned by Paul Sokol, Julie Todd, and Carolyn Goodhines. Solar arrays consist of 73,629 ground-mounted PV, panels in a tracking configuration. Construction of the system will involve driving posts approximately 6 to 10 feet into the ground, every 12 to 16 feet and mounting panel racks to the posts; and

WHEREAS, the ZBA previously determined, by resolution dated November 19, 2019, that the Action was properly characterized as a Type I action under the NYS Environmental Conservation Law, Article 8 (SEQR), and its intent to act as lead agency, pursuant to 6 NYCRR Part 617.6(b)(3) of the SEQR Regulations. On November 27, 2019, the ZBA circulated its notice of intent to be lead agency to all identified involved and interested agencies, along with Part 1 of the Full Environmental Assessment Form (EAF), prepared by the sponsor. No objections to the ZBA acting as SEQR lead agency have been received, and

WHEREAS, during the course of the ZBA's review it submitted a series of follow-up questions to the Applicant and received responses to all of its questions; and

WHEREAS, during the course of the ZBA's review of the Action, it received and considered technical guidance from an engineer retained by the ZBA and conducted two (2) open public work sessions with the retained engineer; and

WHEREAS, a duly advertised public hearing on the application was held at which the public was given an opportunity to be heard and there were no public comments; and

WHEREAS, the ZBA caused the preparation of Parts 2 and 3 of the Full EAF (attached and incorporated herein), reviewed the completed EAF, which identified any potential environmental impacts of the Action, and considered the criteria specified in the SEQR regulations.

NOW, THEREFORE BE IT RESOLVED ON FEBRUARY 04, 2020, BY THE ZONING BOARD OF APPEALS OF THE TOWN OF SCHUYLER, NEW YORK, AS FOLLOWS:

RESOLVED, the ZBA confirms that the proposed Action is a Type 1 SEQR action and confirms that the ZBA is the lead SEQR agency, with authority to complete and sign the Determination of Significance;

BE IT FURTHER RESOLVED, the ZBA accepts and approves the EAF Part 2 and EAF Part 3;

BE IT FURTHER RESOLVED, the ZBA, based upon (i) its review of the EAF, Part 1 and 2, and any and all other documents prepared and submitted with respect to this Action and future construction activities, and its environmental review, (ii) its review of the potential relevant areas of environmental concern to determine if the Action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR § 617.7(c), and (iii) its review of the EAF, Part 3, including the reasons noted thereon, hereby determines that the proposed Action will not have any significant adverse environmental impacts; and;

BE IT FURTHER RESOLVED, the ZBA determines that an Environmental Impact Statement will not be required and issues a Negative Declaration, pursuant to the SEQR Regulations, for:

Name of Action:	SunEast Watkins Road Solar Farm Project.
Location:	Town of Schuyler, Herkimer County, New York.
Project Sponsor:	SunEast Development, LLC
Lead Agency:	Town of Schuyler ZBA Town of Schuyler Municipal Building 2090 State Rte. 5 Utica, New York 13502
Contact:	Ronald Beach Town of Schuyler Municipal Building 2090 State Rte. 5 Utica, New York 13502
Supporting Determination:	See attached EAF Parts 2 and 3;

BE IT FURTHER RESOLVED, the ZBA directs that a notice of this resolution shall be circulated to all identified interested and involved agencies, posted on the Town of Schuyler's website, and filed as required by the SEQR Regulations.

On a motion by _____, seconded by _____, this resolution was adopted on a vote of __ Ayes, __ Nays.

STATE OF NEW YORK)
) SS:
TOWN OF SCHUYLER)

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the TOWN OF SCHUYLER ZONING BOARD OF APPEALS, this 4th day of February 2020.

Ronald J. Beach, Jr. Chair

Exhibit A-2

Agency Use Only [If applicable]

Project :

Date :

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

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.

1. Impact on Land
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) ☐ NO ☑ YES
If "Yes", answer questions a - j. If "No", move on to Section 2.

	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	☐	☑
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☑
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☑
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☑	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☑	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☑	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☑	☐
h. Other impacts: If left in place after the end of its useful life the system would preclude future uses and be a blight on the property		☐	☑

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	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

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	☑	☐
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	☑	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☑	☐
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	☐	☑
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☑	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☑	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☑	☐
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	☐	☑
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☑
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☑	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☑	☐

l. Other impacts: _____		☑	☐

4. Impact on groundwater
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. ☑ NO ☐ YES
(See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
If "Yes", answer questions a - h. If "No", move on to Section 5.

	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	☐	☐
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	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
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	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
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	☐	☐
h. Other impacts: _____		☐	☐

5. Impact on Flooding
The proposed action may result in development on lands subject to flooding. ☐ NO ☑ YES
(See Part 1. E.2)
If "Yes", answer questions a - g. If "No", move on to Section 6.

	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.	E2i	☑	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☑	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☑
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☑
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☑
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☑	☐

g. Other impacts: _____		☑	☐

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_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
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	☐	☐
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	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____		☐	☐

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	☑	☐
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	☑	☐
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	☑	☐
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	☑	☐

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	☑	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☑	☐
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	☐	☑
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: _____ Reduction of 36.10 of 242.68 acres forested land and 124.31 of 164.25 acres agricultural land.	E1b	☐	☑
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☑	☐
j. Other impacts: _____		☑	☐

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☐ NO ☑ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	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	☑	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☑
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☑
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	☐	☑
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☑	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☑	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☑
h. Other impacts: _____		☑	☐

9. **Impact on Aesthetic Resources** 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.*		☐ NO	☑ 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	☐	☑
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☑	☐
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	 ☐ ☐	 ☑ ☑
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	 ☑ ☑	 ☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☑	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☑	☐
g. Other impacts: _____		☑	☐

10. **Impact on Historic and Archeological Resources** 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.*		☑ NO	☐ 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	☐	☐
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	☐	☐
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	☐	☐

d. Other impacts: _____		☐	☐
e. 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	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
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	☐	☐

11. Impact on Open Space and Recreation

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.

☑ NO ☐ 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	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas

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.

☑ NO ☐ 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	☐	☐
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	☐	☐
c. Other impacts: _____		☐	☐

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	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____		☐	☐

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	☐	☐
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	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____			

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	☐	☑
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	☑	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☑	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☑
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☑	☐
f. Other impacts: _____		☑	☐

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	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
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	☐	☐
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	☐	☐
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	☐	☐
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	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
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	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. ☑ NO ☐ YES

(See Part 1. C.1, C.2. and C.3.)

If "Yes", answer questions a - h. If "No", go to Section 18.

	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	☐	☐
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	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
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	☐	☐
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	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. ☐ NO ☑ YES

(See Part 1. C.2, C.3, D.2, E.3)

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	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	☑	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☑	☐
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	☑	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☑	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☑	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☑
g. Other impacts: _____		☑	☐

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Agency Use Only [IfApplicable]

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.

See Appendix to FEAF Part 3.

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
The SunEast Watkins Stormwater Pollution Prevention Plan, SunEast Watkins Road Solar Agricultural Data Statement, SunEast Watkins Road, LLC Application to the Zoning Board of Appeals, SunEast Watkins Road Solar LLC 20 MW Community Solar Facility Town of Herkimer Special Authorization Application, Watkins Solar 20MW Array Site Plan, and correspondence with TRC Engineers, representing the Applicant.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Town of Schuyler Zoning Board of Appeals 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: SunEast Watkins Roal Solar Project

Name of Lead Agency: Town of Schuyler Zoning Board of Appeals

Name of Responsible Officer in Lead Agency: Ronald J. Beach, Jr.

Title of Responsible Officer: Zoning Board of Appeals Chair

Signature of Responsible Officer in Lead Agency: Date: 02/04/2020

Signature of Preparer (if different from Responsible Officer) Date: 02/04/2020

For Further Information:

Contact Person: Barbara Boulia

Address: 2090 State Route 5, Utica, NY 13502

Telephone Number: (315) 733-7458

E-mail: townclerk@townofschuyler.com

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

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APPENDIX TO FEAF PART 3

The ZBA examined each of the following potential environmental impacts and determined that the proposed SunEast solar project would have no impact on the following environmental resources: (2) geological features; (4) groundwater; (6) air; (10) historic or archeological resources; (11) open space and recreation; (12) critical environmental areas; (13) transportation; (14) energy; (16) human health; and (17) community plans or planning.

Initially, the ZBA concluded that the SunEast solar project would or may have an impact on the following resources: (1) the land itself; (3) surface water; (5) flooding; (7) plants and animals; (8) agricultural resources; (9) aesthetic resources; (15) noise, odor or light; and (18) community character, but as detailed below concluded that there would, in fact, be no impact or a minimum impact on the above identified resources.

1.a. The proposed action may involve construction on land where depth to water table is less than 3 feet.

TRC Engineers (TRC) prepared a Stormwater Pollution Prevention Plan (SWPPP) for the Applicant. The SWPPP establishes requirements and instructions for management of construction-related stormwater discharges from the project site. Erosion and sediment controls have been designed and will be installed and maintained to minimize the discharge of pollutants and prevent violations of water quality standards.

The subject SWPPP has been prepared in accordance with the NYS Department of Environmental Conservation (DEC) State Pollution Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity – General Permit GP-0-15-002, effective January 29, 2015 through January 28, 2020. A new state-wide Permit became effective January 29, 2020.

Two retention basins will treat stormwater, assisting in water quantity management. The basins are located in down-gradient areas and will capture stormwater runoff from drainage areas that would otherwise increase the stormwater flow. Water quality will be treated using stone leveling infiltration areas surrounding the proposed equipment pads. It is the Applicant's view that a healthy groundcover is effective at attenuating rainfall runoff within the drip zone of the panels.

1.b. The proposed action may involve construction on slopes of 15% or greater.

Applicant will mitigate any issues associated with construction via implementation of the above-referenced SWPPP and after construction via the planting of a prescribed native seed blend applied at rates designed to offer long-term durability. Thereafter, routine inspection for erosion near slopes or exposed soil areas is provided for in the Operations and Maintenance Plan.

1.c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.

Piling installations in areas with shallow bedrock will require an 8-inch boring. Side cast material from the boring will be stockpiled, with a portion backfilled into the bore hole along

with bentonite clay or a similarly inert grouting material stopping one foot from the ground surface to allow for displacement by the post. The I-Beam post will then be driven into the bore hole and native soil will be tamped at the base at the pole and stabilized with seed and straw.

1.f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).

The Action has been designed to include features that will alleviate any potential erosion. This includes the laying of a native seed blend, stabilizing I-Beam posts, and construction of most of the arrays on more level surfaces below 15% grade.

1.h. Post-end of useful life disposition of the solar array.

The failure to remove the constructed system at the end of its useful life would preclude future land uses, including any return to agricultural uses, generally devalue the property, and be a blight on the property. This potential has been alleviated by the applicants agreeing to enter into a formal decommissioning plan, including the provision of a surety bond to cover the cost of removal, and, as part of the site plan review process, requiring compliance with New York State Department of Agriculture and Markets guidance regarding the installation, construction, management, use and decommissioning of solar arrays located on agricultural lands.

3.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.

TRC performed a wetland and waterbody delineation from May 13 to May 17, 2019 and on May 21, 2019. It identified 38 waterbodies (mostly agricultural drainages) and 19 wetlands (totaling approximately 34 acres) across the parcel boundaries. The Action's design has largely avoided jurisdictional impacts to these features and impacts have been minimized to 180 linear feet of waterbodies and 0.025 acres of wetlands, needed primarily for permanent-access road crossings. A federal wetland permit (Section 404 of the federal Clean Water Act) will be obtained from the U.S. Army Corps of Engineers prior to the start of construction. No state-jurisdictional features will be affected by the Action and therefore no state permits will be needed.

3.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.

The Action will create 0.16 acres of impervious surface in relation to the 440.70 acres on the site premises. Appropriate stormwater management controls will be implemented during construction. According to the Applicant, stormwater from impervious areas will be directed to a stormwater management facility prior to release as sheet flow. The plan minimizes impervious surfaces, uses pervious materials, and collects and re-uses stormwater.

3.i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.

The project site is adjoined by regulated streams and wetlands, but the Applicant has designed the Action to mitigate any potential erosion discharges into existing waterbodies. Stormwater runoff will not flow to adjacent properties. Furthermore, the Action does not involve the discharge of any pesticides, herbicides, or other chemicals and any water quality effects would be limited to eroding natural matter.

5.c. The proposed action may result in development within a 500 year floodplain.

The project site is within a 500-year floodplain, but the ability of the site to drain itself in an orderly and ordinary manner has not been diminished.

5.d. The proposed action may result in, or require, modification of existing drainage patterns.

The Action will disturb more than one acre and create stormwater runoff, but it will not create any new point source discharges of stormwater runoff, and it will direct runoff from impervious sources to a stormwater management facility prior to release.

5.e. The proposed action may change flood water flows that contribute to flooding.

The project site is on a 500-year floodplain, but no new point sources of runoff will be created and appropriate drainage and water quality management practices have been implemented.

7.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.

The United States Fish and Wildlife Service (USFWS) and the New York Natural Heritage Program have been consulted.

TRC obtained the Official Species list via the USFWS's Information for Planning and Consultation (IPaC) website for the Action. This list identified only the northern long-eared bat (NLEB). This species is listed as a federal-listed and state-listed threatened species and is found throughout the state. For projects such as this, the USFWS allows for NLEB Section 7 (of the Endangered Species Act) consultations to be completed under a streamlined consultation process; whereby, a finding of a programmatic biological opinion that the Service has specifically prepared for the NLEB 4(d) ruling can be made by having the applicant follow a Determination Key that is available through the IPaC website. TRC has determined that the limited tree clearing proposed for this Action is compliant with the 4(d) rule. The streamlined checklist was submitted via IPaC on April 23, 2019. The USFWS has 30 days to respond with any questions or concerns; no response has been received which indicates USFWS concurrence with TRC's determination.

TRC consulted the NYSDEC Environmental Resource Viewer on February 14, 2019 which indicated that there are no known rare plants, animals or significant natural communities within the vicinity of the Project.

7.h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.

See discussion of question 7.g.

8.b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).

Although the Action is partially located within soil designated as prime farmland, the proposed design has been sited to avoid this soil classification to the greatest extent practicable. The array location has been shifted as far as possible to minimize impacts to prime farmland soils. The proposed design will have minimal to no impact on agricultural activities anticipated to occur within the project site following decommissioning at the end of its useful life.

8.c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.

See discussion of questions 1.h and 8.b.

8.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 10acres if not within an Agricultural District.

See discussion of questions 1.h and 8.b.

8.g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.

The Action will not overlap with any part of a critical mass of farmland identified by the Herkimer County or the Town of Schuyler. It will be compliant with the Town of Schuyler zoning ordinance, which was drafted subsequent to the adoption of the Herkimer County Agriculture and Farmland Protection Plan (HCAFP) and took HCAFP into consideration. The purpose of the Action is the generation of carbon-free energy. Carbon-free energy production is consistent with the "'green' marketing" and environmental goals espoused in Strategy 2, Objective 2, Goal 1, of the HCAFP's Goals, Objectives, and Strategies to Meet Herkimer County's Vision for Agriculture. Also, the designation of the Action as Type 1 under SEQR is itself consistent with the SEQR recommendations contained within Strategy 3, Objective 1, Goal 2 of the same section of the HCAFP.

9.a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.

Although the Action is taking place within the Mohawk Valley Heritage Corridor, the vast majority of the Action will be isolated from visual receptors. Existing vegetation left

undisturbed at the site should provide adequate screening. Additionally, tree plantings are proposed along any open sections of the project site boundary.

9.c. The proposed action may be visible from publicly accessible vantage points.

See discussion of question 9.a.

15.a. The proposed action may produce sound above noise levels established by local regulation.

Noise levels will likely exceed ambient levels during construction due to the use of heavy equipment including hydraulic pile drivers, excavators, telescopic forklifts, and skid steer loaders. During operation, inverters produce low noise levels that will not exceed ambient levels outside the fence line. While the Action will involve minor tree clearing, significant forest cover will still remain. Tree plantings are proposed along any open sections of the project site boundary so as to not eliminate barriers to the transmission of sound.

15.d. The proposed action may result in light shining onto adjoining properties.

Temporary lighting will be used during construction where equipment is anticipated to be stored. No lighting will be required during operation.

18.f. Proposed action is inconsistent with the character of the existing natural landscape.

See discussion of questions 9.a. and 15.a.

The ZBA has evaluated the magnitude, duration, likelihood, and importance of those potential impacts within the context of the community. For the reasons cited above, the ZBA has determined that the potential adverse impacts elucidated by this review process are not likely to be significant. An environmental impact statement oriented to these impacts is therefore not necessary. The ZBA then checks and completes section A. on the last page of the FEAF.

INDUCEMENT RESOLUTION

At a regular meeting of the Herkimer County Industrial Development Agency held at 420 E. German Street, Herkimer, New York, on February 20, 2020 at 8:00 A.M.

The meeting was called to order by the Chairman, and, upon the roll being called, the following were

PRESENT: Vincent (Jim) Bono, David Chlus, Catherine Ricci, Ann Gaworecki, John Scarano, Michael Werenczak, Cory Albrecht

ABSENT:

ALSO PRESENT: Anthony Hallak, John Piseck, Stacey Holleran, Victoria Adams

The following resolution was offered and seconded with the members voting:

AYE	NAY
All	None

RESOLUTION OF THE HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "AGENCY") TAKING OFFICIAL ACTION TOWARD APPOINTING SUNEAST HILLS SOLAR, LLC (the "COMPANY), AND THE PRINCIPALS OF THE COMPANY, AS AGENT OF THE AGENCY IN CONNECTION WITH A SUBLEASE-LEASEBACK TRANSACTION, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE PROJECT.

WHEREAS, the Herkimer County Industrial Development Agency (the "Agency") is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law of the State of New York Chapter 410 of the Laws of 1970 and Chapter 158 of the Laws of 1981 of the State (collectively, the "Act") to promote, develop, encourage and assist in the constructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, pollution control, commercial, research and recreation facilities for the purpose of promoting, attracting developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York (the to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to provide assistance in the construction and equipping of one or more "Projects" (as defined in the Act); and

WHEREAS, the Company has presented an application (the "Application") to the Agency, a copy of which was presented at this meeting and copies of which are on file at the office of the Agency, requesting that the Agency consider undertaking; (i) to provide assistance through sales tax and mortgage tax incentives for the constructing, equipping, and financing of the above described project Facility and real property tax relief in the form of a Payment in Lieu of Tax Agreement (the "Assistance"), (ii) to acquire, construct, equip, and finance the Facility or to cause the Facility to be constructed, equipped, and financed; and (iii) to lease and/or sublease (with an obligation to leaseback) or sell the Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, the Facility will consist of the acquisition, construction, and equipping of a ground-mounted utility scale solar energy generation system on leased property totaling 200 acres located at 449 Burrell Road in the Town of Manheim with an estimated capacity of 20 MVac ± kilowatts. The Project has an estimated cost of Twenty Four Million Seven Hundred and Six Thousand and 00/100 Dollars ($24,706,000.00) (the "Project Costs"); and

WHEREAS, the project proposes to generate electricity that will allow residential and commercial subscribers to benefit from renewable energy that will offset traditional power sources; and

WHEREAS, the Agency has given due consideration to the Application and to representations by the Company; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto the Department of Environmental Conservation of the State Department of Environmental Conservation of the State (collectively "SEQR"), the Agency constitutes a State Agency; and

WHEREAS, the Town of Manheim Planning Board evaluated the project and on January 27, 2020 and issued a Negative Declaration (the "SEQR Determination") under SEQR with respect to the Project. A copy of Negative Declaration is attached hereto as Exhibit A; and

WHEREAS, the Agency has considered its environmental assessment form and related forms (the questionnaire submitted by the Company) the requisite criterion to determine whether the proposed action or the Project will have a significant effect on the environment; and

WHEREAS, if required by the Act, a public hearing will be duly noticed and had with respect to the Facility and the Assistance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

1. Based upon the application and other representations made by the Company to the Agency and the Agency's due deliberation, the Agency hereby makes the following findings and determinations:

A. The Facility constitutes a "Project" within the meaning of the Act.

B. The Assistance will induce the Company to locate the Facility in the County, thereby maintaining and increasing employment opportunities within the State of New York and otherwise furthering the proposes of the Agency as set forth in the Act.

C. Except as is permitted by law, the Facility will not result in the removal of a commercial, industrial or manufacturing plant or facility of the Company or any other proposed occupant of the Facility from one area of the State to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Facility located in the State.

2. The form and substance of the proposed agreement in substantially the draft form presented to this meeting between the Agency and the Company setting forth the undertakings of the Agency and the Company with respect to providing of the Assistance (the "Agreement") are hereby approved. The Chairman, Vice Chairman and Executive Director of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Agreement in substantially the form presented to this meeting, with such changes in terms and form as the Chairman, Vice Chairman or the Executive Director shall approve. The execution thereof by the Chairman, Vice Chairman or Executive Director shall constitute conclusive evidence of such approval.

3. Subject to the conducting of a public hearing, if required, pursuant to Sections 859-a and 862 of the Act and subject to the conditions set forth in the Agreement, the Company is hereby authorized to proceed with the acquisition, construction, equipping, and financing of the Facility and to advance such funds as may be necessary to accomplish such purposes.

4. Subject to the conducting of a public hearing, if required, pursuant to Sections 859-a and 862 of the Act and subject to the conditions set forth in the Agreement, the Company in accordance with the Agreement and where applicable its tenant or tenants, are appointed the true lawful agents of the Agency (i) to acquire, construct, equip, and finance the Facility, (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency, and in general to do all things which may be requisite or proper for

completing the Facility, all with the same powers and the same validity as the Agency could do if acting in its own behalf.

5. This Project shall not proceed until it has conformed with all requirements of SEQR, conditions (if any) imposed by the Town of Manheim Planning Board, this Agency has adopted the Negative Declaration of the Town of Manheim or County of Herkimer as Lead Agency in the SEQR process, the Company has provided adequate proof that the Project permits are duly transferable and the leases and/or subleases are approved by the Agency, and the Company has provided sufficient proof of its ability to finance the Project.

6. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, subleasee's or any other party authorized to make purchases or otherwise benefit from the Project, any sales and use tax exemption benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, subleasee's or any other party authorized to make purchases for the benefit of the Project if determined that: (i) the Company, its agents, consultants, subcontractors, subleasee's or any other party authorized to make purchases for the benefit of the Project, is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, subleasee's or any other party authorized to make purchases for the benefit of the Project; (iii) the sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the sales and use tax exemption benefits are taken in cases where the Company, its agents, consultants, subcontractors, subleasee's or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving sales and use tax exemption benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must (i) cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

7. The Chairperson, Vice Chairperson, and/or Administrative Director of the Agency are hereby authorized, on behalf of the Agency, to negotiate and execute (a) the Lease Agreement whereby the Company conveys a leasehold interest in the Project to the Agency, (b) the related Leaseback Agreement leasing the Project back to the Company, (c) the Project Benefits and Recapture Agreement, and (d) the PILOT Agreement; provided (1) the rental payments under the Leaseback Agreement include payment of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

A copy of this resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours and notices of this negative declaration shall be filed, posted and published as shall be necessary to conform with the requirements of SEQR.

8. This Resolution shall take effect immediately.

STATE OF NEW YORK)
) ss.:
COUNTY OF HERKIMER)

I, the undersigned Assistant Secretary of the Herkimer County Industrial Development Agency, do hereby certify that I have compared the foregoing extract of the minutes of the Herkimer County Industrial Development Agency (the "Agency") held on February 20, 2020 with the original thereof of file in my office, and that the same is a true and correct copy of the original and of the whole of the original insofar as the same relates to the subject matters therein referred to.

I, FURTHER CERTIFY that (i) all members of the Agency had due notice of the meeting, (ii) the meeting was in all respects duly held, (iii) pursuant to Section 99 of the Public Officers Law (Open Meetings Law), the meeting was open to the general public, and public notice of the time and place of the meeting was duly given to the public and news media in accordance with Section 99 and (iv) there was a quorum of the members of the Agency present throughout the meeting.

I, FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed and rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 20th day of February, 2020.

HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY

By: Stacey Holleran
Stacey Holleran, Assistant Secretary

Exhibit A

Agency Use Only [If Applicable]

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

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

02/06/20 03:23PM Town of Manheim 315-429-9109 p.01

Upon review of the information recorded on this EAF, as noted, plus this additional support information

Site Plan Review and documents submitted by Applicant on Enviromental Issues

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

[X] 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: SunEast Development - 449 Burrell Road

Name of Lead Agency: Town of Manheim Planning Board

Name of Responsible Officer in Lead Agency: Carl Stallman Jr.

Title of Responsible Officer: Board Chairman

Signature of Responsible Officer in Lead Agency: Carl Stallman Date: 1/27/2020

Signature of Preparer (if different from Responsible Officer) Marie Gressler Date: 1/27/2020

For Further Information:

Contact Person: Marie Gressler

Address: P.O. Box 32, Dolgeville, NY 13329

Telephone Number: 315-429-9631

E-mail: mantownclerk@cnymail.com

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

02/06/20 03:23PM Town of Manheim 315-429-9109 p.02