

LOCAL LAW NO ____ OF 2022
OF THE TOWN OF STONY POINT TOWN BOARD
AMENDING CHAPTER 215 (ZONING) OF THE TOWN CODE
CREATING THE RIVER AND RAIL BROWNFIELD REDEVELOPMENT FLOATING ZONE

A LOCAL LAW to amend Chapter 215 (Zoning) of the Code of the Town of Stony Point, Rockland County, NY, pursuant to Municipal Home Rule Law Section 10 et seq.

BE IT ENACTED AS FOLLOWS:

Section 1. Authority

The adoption of this Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law.

Section 2. Title and Purpose

This law shall be known as and may be cited as, “Local Law No ____ Of 2022 of The Town of Stony Point Town Board Amending Chapter 215 (Zoning) of The Town Code Creating The River and Rail Brownfield Redevelopment Floating Zone.”

It is the purpose of the River and Rail Brownfield Redevelopment (RRBR) Floating Zone to encourage the private reuse of brownfield sites with freight access to the railroad and/or Hudson River. Reusing these former industrial and heavy commercial sites have many advantages to the Town of Stony Point including:

- A. Returning vacant and underutilized properties to gainful reuse resulting in tax revenue to the Town.
- B. Attracting businesses that will generate a local demand for labor, especially skilled labor.
- C. Encouraging the remediation of contamination in preparation of reuse.
- D. Use of waterfront lands for water-dependent industry and commerce in accordance with the recommendations of the Town of Stony Point Local Waterfront Revitalization Program.
- E. Reducing over-road tractor trailer traffic in the region by supporting the use of River and Rail for the movement of freight, thereby reducing greenhouse gas generation and energy usage.
- F. Supporting regional Hudson River infrastructure and green energy initiatives by providing areas for logistics support.
- G. Prioritizing reuse of former commercial and industrial sites, reducing development pressure on greenfield sites more appropriate for conservation or lower intensity use.
- H. Protecting the character of existing neighborhoods and protecting the health, safety and general welfare of the people of Stony Point.

Section 3. Amending §215-6 (Establishment of districts) of the Town of Stony Point Code

§215-6 of the Town Code shall be amended to add the following to the list of districts:

<i>Symbol</i>	<i>Title</i>
<i>RRBR</i>	<i>River and Rail Brownfield Redevelopment Floating Zone</i>

Section 4. Amending §215-13 (Prohibited uses) of the Town of Stony Point Code

§215-13(C) of the Town Code prohibiting “Bulk or wholesale storage of gasoline above the ground” shall be eliminated and §215-13(A)(1) of the Town Code shall be amended to eliminate the prohibition on asphalt and cement manufacturing and read as follows

(1) Charcoal and fuel briquettes

Section 5. Amending §215-16 (Special requirements) of the Town of Stony Point Code

§215-16(C) of the Town Code shall be amended to read as follows:

C. In RRBR, O, LI-2 and LI Districts, no side setback, no side yard, no rear setback or no rear yard shall be required where such setback abuts an overhead utility transmission line right-of-way, railroad or a limited-access highway. In such cases, the total width of both side setbacks shall be 75 feet in an RRBR, O, LI-2 and LI District.

Section 6. Amending §215-23 (Front yard exceptions) of the Town of Stony Point Code

§215-23(A) of the Town of Stony Point Code shall be amended to read as follows:

A. The Planning Board may permit the following accessory structures in the RRBR, O, LI-2 and LI Districts within a required front yard:

(1) Gatehouse.

(2) Reception office.

(3) Watchman's post.

Section 7. Amending §215-24 (Side and rear yard and setback exceptions) of the Town of Stony Point Code

§215-24(E) of the Town of Stony Point Code shall be amended to read as follows:

- E. *The Planning Board may modify all side and rear yard and/or setback requirements for nonresidential uses in the RRBR, LI, LI-2 and O Districts except where abutting a residential district. All such uses shall conform to the buffer requirements of this chapter.*

Section 8. Amending §215-27 (Riverfront setback) of the Town of Stony Point Code

§215-27 of the Town of Stony Point Code shall be amended to clarify that exemptions are for accessory uses, to add “stationary crane” as an accessory use as a specific example of exempted uses, and to read as follows:

§ 215-27. Riverfront setback.

No building or structure shall be erected within 50 feet of the mean high-water line of the Hudson River. Said fifty-foot riverfront setback shall be derived by measuring the shortest perpendicular distance from any building to the mean high-water line. Where any structure permitted under the zoning cannot be located on a shallow, irregularly shaped or substandard-sized lot held in single or separate ownership, due to the riverfront setback restrictions, the Town Board may approve, by special permit pursuant to Article XVII of this chapter, a reduction in the riverfront setback, provided that no such structure may be situated closer than 20 feet to the mean high-water line. The minimum setback shall not apply to an accessory use such as boat ramp, stationary crane, bulkhead, travel lift, stationary crane, or similar structure, which must be located adjacent to the mean high-water line. The layout and design of any structure within 50 feet of the mean high-water line or adjacent to the mean high-water line must also be approved by the Planning Board pursuant to Article IX of this chapter.

Section 9. Amending §215-32 (Building width at Hudson Riverfront) of the Town of Stony Point Code

§215-32 of the Town of Stony Point Code shall be amended to read as follows:

The total cumulative width of opaque buildings, structures, fences or walls more than 30 inches in height erected on properties adjacent to the Hudson River shall not occupy more than 60% of the width of a parcel as measured along a line parallel to other adjacent streets measured at the front yard. Of the remaining open area, one uninterrupted space shall be at least 25% of such parcel width; roadways, driveways and see-through fencing may occupy the uninterrupted space. This standard shall not apply to the RRBR District except where specifically imposed by the Town Board at the time of application of the floating zone upon a particular property.

Section 10. Adding a new Article XXIV to Chapter 215 (Zoning) of the Town of Stony Point Code

Chapter 215 of the Town of Stony Point Code shall be amended to add the following provision:

Article XXIV River and Rail Brownfield Redevelopment (RRBR) Floating Zone

§215-151 Purpose. It is the purpose of the River and Rail Brownfield Redevelopment (RRBR) Floating Zone to encourage the private reuse of brownfield sites with freight access to the railroad and/or Hudson River. Reusing these former industrial and heavy commercial sites have many advantages to the Town of Stony Point including:

- A. Returning vacant and underutilized properties to gainful reuse resulting in tax revenue to the Town.*
- B. Attracting businesses that will generate a local demand for labor, especially skilled labor.*
- C. Encouraging the remediation of contamination in preparation of reuse.*
- D. Use of waterfront lands for water-dependent industry and commerce in accordance with the recommendations of the Town of Stony Point Local Waterfront Revitalization Program.*
- E. Reducing over-road tractor trailer traffic in the region by supporting the use of River and Rail for the movement of freight, thereby reducing greenhouse gas generation and energy usage.*
- F. Supporting regional Hudson River infrastructure and green energy initiatives by providing areas for logistics support.*
- G. Prioritizing reuse of former commercial and industrial sites, reducing development pressure on greenfield sites more appropriate for conservation or lower intensity use.*
- H. Protecting the character of existing neighborhoods and protecting the health, safety and general welfare of the people of Stony Point.*

§215-152. Procedure.

- A. Authorization of the RRBR floating zone is subject to the same discretion as any Zoning Map amendment. Compliance with indicated criteria in no way compels the Town Board to designate the site for the CCR Floating Zone.*
- B. A petition to apply (or "land") the RRBR floating zone to a parcel or parcels shall be made to the Town Board and shall include such application requirements as detailed in §215-155.*
- C. Referral to the Planning Board. After the Town Board has determined that the application is for a viable project that it wishes to consider for the RRBR Floating Zone, it shall refer the application to the Planning Board. In the case of such referral, the Planning Board shall submit its report on the proposed petition to the Town Board within 60 days of receipt of a referred petition. The Planning Board shall review the petition against the purposes of the RRBR Floating Zone and against the criteria contained in §215-153 in recommending whether to authorize the RRBR Floating Zone. The Planning Board may recommend approval or disapproval of the petition and may further recommend any conditions which it believes would improve the consistency of the district with the surrounding environs and/or the overall character of the community.*
- D. Referral to Rockland County Planning. The Town Board shall refer the petition to Rockland County Planning Department for comment pursuant to the applicable provisions of GML §239 and receive their report prior to approving an RRBR Floating Zone.*

- E. *State Environmental Quality Review.* The designation of an RRBR floating zone shall be deemed a Type 1 action pursuant to 6 NYCRR 617.4(a)(2) (SEQR).
- F. *Public Hearing Required.* Prior to landing the RRBR Floating Zone, the Town Board shall hold a public hearing for the purposes of soliciting public comment. This public hearing shall be held concurrently with any public hearing required under 6 NYCRR 617. The public hearing shall be advertised and notice in accordance with the Town Board's policies and procedures.
- G. *Decision.* The Town Board shall disapprove, approve or approve subject to conditions the petition in accordance with the provisions of Article XVIII (Amendments) of this chapter, in the form of a local law. When deciding whether to disapprove, approve, or approve with conditions, the Town Board will consider:
 - (1) *The consistency of the proposed petition and MDP with the purposes of the RRBR Floating Zone.*
 - (2) *The consistency with the criteria listed in §215-153.*
 - (3) *The report of the Planning Board including any recommended modifications.*
 - (4) *The report and recommendation of Rockland County Planning Department.*
 - (5) *The input of any involved agencies as defined by 6 NYCRR 617 or of the public.*
- H. *The Town Board, in its discretion, may impose reasonable conditions to an approved RRBR Floating Zone designation as necessary to assure conformance of the project with the intent, objectives and requirements of these regulations. This includes but is not limited to additional buffers along property lines; limitations on the quantities, types and location of materials to be stored or used on-site; limitations on the hours of operation; limitations on the volume of truck traffic generated; requirements for regular periodic inspection; provisions for decommissioning of sites.*
- I. *The approved RRBR Floating Zone shall be designated on the Official Zoning Map of the Town of Stony Point.*
- J. *Upon designation, the site may be used subject to the requirements with the Town of Stony Point Zoning Local Law including the Table of General Use Regulations applicable to the RRBR. Additionally, the site may be used subject to the provisions of §215-154 (Site Reuse Permit).*

§215-153 Criteria for authorization. The Town Board shall consider the following criteria among other relevant considerations in determining whether to authorize the "landing" or designation of the RRBR Floating Zone to a particular parcel or group of parcels.

- A. *Minimum Lot Size.* The site shall contain at least 10 acres after application of §215-16.
- B. *Brownfield.* The site shall have been formerly used for intensive industry, mining, or utility purposes, and contain or be perceived to contain the potential for soil and groundwater contaminants.
- C. *Freight Access.* Eligible properties shall have freight access to the Hudson River or freight railroad lines. The Town Board shall judge whether based on the testimony of the petitioner, the uses proposed for the property intend to utilize the river or railroad for a significant amount of transported goods or materials (generally a minimum of 35% as measured by material weight or volume).
- D. *Emergency service access.* A suitable plan shall be provided for continuous and adequate access by emergency services, including during times when trains are transiting the rail line.

- E. *Water and sewer resources. Water and sewer resources to the site shall be adequate for firefighting purposes and to support any industrial processes proposed for the site.*

§215-154 Site reuse permit.

- A. *Upon designation of an RRBR, the following uses shall be permitted subject to a site reuse permit issued by the Building Inspector and Town Engineer. Notwithstanding the requirements of §215-59, no site plan approval nor public hearing shall be required for issuance of a site reuse permit.*
 - (1) *Freight, ship, and barge transfer terminals.*
 - (2) *Construction logistics yards.*
 - (3) *Utility power generation and distribution including substations, battery storage, and transmission facilities.*
 - (4) *Break-bulk cargo, including, but not limited to wind energy components, lumber, rock, gravel, sand, salt, and excavation materials.*
 - (5) *Manufacturing and assembly.*
 - (6) *Warehousing or storage of goods.*
- B. *Issuance of a site reuse permit shall be subject to the following restrictions:*
 - (1) *The site reuse permit shall apply to an area of no less than 10 acres.*
 - (2) *All codes of the State of New York shall be met.*
 - (3) *A stormwater pollution prevention plan shall be approved by the Town Engineer for the entire site subject to the site reuse permit.*
 - (4) *The proposed reuse shall not exceed any Type 1 thresholds of SEQR.*
 - (5) *The proposed reuse shall include no more than 4,000 square feet of new interior floor area as compared to site conditions at the time the RRBR was landed.*
 - (6) *No new building is proposed with a height greater than 30 feet.*
 - (7) *The proposed reuse of the site shall not generate more than 24 average daily trip ends over any Town Road by diesel-powered commercial vehicles with a gross vehicle weight of more than 8500 pounds.*
 - (8) *The permit shall be for a use permitted by right in the RRBR district (not a special permit use).*
 - (9) *A detailed description of chemicals and hazardous materials to be stored or used on site as well as the mechanical, compressive and chemical processes proposed for the site with the corresponding OSHA 2206 code requirements and the applicant's proposed means of meeting those criteria shall be provided.*
- C. *Fee required. The issuance of a reuse permit shall be subject to any application fee imposed by the Town Board. Additionally, the Town Board upon recommendation of the Building Inspector and/or Town Engineer may require an annual fee be paid to offset the costs of inspections and administration of the reuse permit on an on-going basis.*

§215-155 Petition contents. A petition to apply the RRBR Floating Zone to a parcel or parcels shall be made to the Town Board and contain the following information. The applicant may include or the Town Board may require exhibit maps, figures and renderings to be submitted, and any such materials shall be prepared by professional engineers, architects, or surveyors duly licensed in the State of New York.

- A. *A project narrative that discusses how the proposal would be consistent with the planning objectives of the Town as well as the criteria listed in §215-153.*

- B. A description or map of existing site conditions including:*
- (1) Existing means of accessing the site.*
 - (2) Any sensitive environmental resources that exist on-site or adjacent to the site including:*
 - (a) Wetlands.*
 - (b) Floodzones.*
 - (c) Cultural resources.*
 - (d) Sensitive habitat.*
 - (3) A description or map of the location of any sensitive users within 500 feet of the site including but not limited to:*
 - (a) Residences.*
 - (b) Hospital.*
 - (c) Library.*
 - (d) School.*
 - (e) Child day-care.*
 - (f) Town Park.*
 - (4) A description of the prior use of the site and any known or suspected contamination on-site.*
 - (5) A description of any easements or covenants restricting use of the site.*
- D. A description of the proposed use of the site, including:*
- (1) A description of the types of materials to be stored or utilized on-site, especially any hazardous or controlled materials.*
 - (2) A description of any heavy equipment to be utilized on the site including but not limited to cranes, bulldozers, loaders, etc., and a description of the average noise levels associated that will be experienced at the lot line of any sensitive users within 1,000 feet.*
 - (3) A description or plan of any new construction proposed on the site at the time of RRBR petition.*
 - (4) A description or plan of the extent of grading required to prepare the site for reuse.*
 - (5) A description of the permits necessary to utilize the site as proposed as well as the agency responsible for issuing each permit.*
 - (6) Proof of freight access to the Hudson River and/or rail sidings, or a description of proposed access facilities. Where access facilities are not present, the Town Board may condition the landing of the RRBR upon provision of such facilities within a reasonable timeframe.*
 - (7) A description of any manufacturing processes proposed for the site, including a description of any noise, odors, liquid discharge or air emission associated with the process.*
 - (8) A description or plan of any on-site or off-site infrastructure or utility improvements proposed to support the proposed use, including but not limited to access road, emergency access road, water, sewer, natural gas, and electric.*
 - (9) Where more than 25% of goods or materials is proposed to be shipped over local streets, a traffic impact study shall be provided, detailing the impacts on local traffic.*
- E. A full Environmental Assessment Form Part 1.*

Section 11. Adding a new Table of General Use Regulations as Attachment 17 of the Town of Stony Point Code

Chapter 215 of the Town of Stony Point Code shall be amended to add attachment 17 as described on the following page.

Section 12. Repeal, Amendment and Supersession of Other Laws

All other Resolutions, Ordinances or Local Laws of the Town of Stony Point which conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect.

Section 13. State Environmental Quality Review Act

Pursuant to 6 NYCRR 617 (SEQR), this Local Law is classified as a Type 1 action and the Town Board has determined, after environmental review, that no negative environmental impacts will result from enactment of this local law. This finding is largely based on the fact that this local law does not convey any particular rights to develop or construct upon land. Rather this local law establishes a procedure under which applicants may request certain zoning treatment upon review and approval of the Town Board including review as a Type 1 action pursuant to SEQR.

Section 14. Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not effect or invalidate the remainder of any article, section, subsection , paragraph, subdivision or clause of this Local Law.

Section 15. Effective Date

This local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law.

*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: Local Law to add River and Rail Brownfield Redevelopment (RRBR) Floating Zone to Chapter 215 of Town of Stony Point Code.		
Project Location (describe, and attach a general location map): Town of Stony Point, Rockland County, NY		
Brief Description of Proposed Action (include purpose or need): The Town Board proposes to amend Chapter 215 of the Town to create a River and Rail Brownfield Redevelopment (RRBR) Floating Zone. The intent of the RRBR Floating Zone is to encourage reuse and remediation of private brownfield sites, and to allow certain industrial, manufacturing, and logistic uses on eligible parcels. Eligible uses in the RRBR Floating Zone generally include industrial and logistic uses that utilize the river or railroad for a significant portion of transported goods or materials, as measured by material weight or volume. Additionally, site reuse permits allows a streamlined permit review process for reuse of existing brownfield sites that does not involve significant construction of new facilities. See attachment F for additional description of the proposed zoning.		
Name of Applicant/Sponsor: Stony Point Town Board	Telephone: 845-786-2716	E-Mail: Supervisor@TownofStonyPoint.org
Address: 74 East Main Street		
City/PO: Stony Point	State: NY	Zip Code: 10980
Project Contact (if not same as sponsor; give name and title/role): Maximilian A. Stach - Town Planner	Telephone: 845-368-1472 ext. 106	E-Mail: mstach@nelsonpoppe.com
Address: 156 Route 59 Suite C6		
City/PO: Suffern	State: NY	Zip Code: 10901
Property Owner (if not same as sponsor): N/A	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 Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Adoption of Local Law	June 28, 2022
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
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 checked="" type="checkbox"/> Yes <input 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):	
Remediation Sites: C344068, 344023, 344041, 344032, 344069, 546031	

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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

C.3. Zoning	
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? Multiple- varies _____	<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, i. What is the proposed new zoning for the site? <u>No immediate map changes proposed.</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C.4. Existing community services.	
a. In what school district is the project site located? <u>North Rockland</u>	
b. What police or other public protection forces serve the project site? <u>Stony Point PD</u>	
c. Which fire protection and emergency medical services serve the project site? <u>Stony Point Fire District</u>	
d. What parks serve the project site? <u>Harriman State Park; multiple Town parks</u>	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? _____	
b. 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	
c. Is the proposed action an expansion of an existing project or use? 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: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. Is the proposed action a subdivision, or does it include a subdivision? If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____ ii. Is a cluster/conservation layout proposed? _____ iii. Number of lots proposed? _____ iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. Will the proposed action be constructed in multiple phases? i. If No, anticipated period of construction: _____ months ii. If Yes: • Total number of phases anticipated _____ • Anticipated commencement date of phase I (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: _____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No

<p>f. Does the project include new residential uses? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, show numbers of units proposed.</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 20%; text-align: center;"><u>One Family</u></th> <th style="width: 20%; text-align: center;"><u>Two Family</u></th> <th style="width: 20%; text-align: center;"><u>Three Family</u></th> <th style="width: 25%; text-align: center;"><u>Multiple Family (four or more)</u></th> </tr> </thead> <tbody> <tr> <td>Initial Phase</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>At completion</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>of all phases</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>						<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	_____	_____	_____	_____
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At completion	_____	_____	_____	_____																				
of all phases	_____	_____	_____	_____																				
<p>g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes,</p> <p><i>i.</i> Total number of structures _____</p> <p><i>ii.</i> Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length</p> <p><i>iii.</i> Approximate extent of building space to be heated or cooled: _____ square feet</p>																								
<p>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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes,</p> <p><i>i.</i> Purpose of the impoundment: _____</p> <p><i>ii.</i> If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____</p> <p><i>iii.</i> If other than water, identify the type of impounded/contained liquids and their source. _____</p> <p><i>iv.</i> Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres</p> <p><i>v.</i> Dimensions of the proposed dam or impounding structure: _____ height; _____ length</p> <p><i>vi.</i> Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____</p>																								
<p>D.2. Project Operations</p>																								
<p>a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)</p> <p>If Yes:</p> <p><i>i.</i> What is the purpose of the excavation or dredging? _____</p> <p><i>ii.</i> How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?</p> <ul style="list-style-type: none"> • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ <p><i>iii.</i> Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____</p> <p>_____</p> <p><i>iv.</i> Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, describe. _____</p> <p>_____</p> <p><i>v.</i> What is the total area to be dredged or excavated? _____ acres</p> <p><i>vi.</i> What is the maximum area to be worked at any one time? _____ acres</p> <p><i>vii.</i> What would be the maximum depth of excavation or dredging? _____ feet</p> <p><i>viii.</i> Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>ix.</i> Summarize site reclamation goals and plan: _____</p> <p>_____</p> <p>_____</p>																								
<p>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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p><i>i.</i> Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____</p> <p>_____</p> <p>_____</p>																								

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:

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: _____

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: _____ 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: _____
- 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.

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

i. Total anticipated liquid waste generation per day: _____ 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): _____

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

- Name of wastewater treatment plant to be used: _____
- Name of 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

Yes No
 Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

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):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

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? Yes No
 If Yes:

- i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
- ii. Describe types of new point sources. _____
- 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)?

 - If to surface waters, identify receiving water bodies or wetlands: _____
 - Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

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? Yes No
 If Yes, identify:

- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

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? Yes No
 If Yes:

- 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) Yes No
- ii. In addition to emissions as calculated in the application, the project will generate:
 - _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 - _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>		
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>		
<p>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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>	<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p>
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</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>_____</p>
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p>
<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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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>
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p>
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</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"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <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"> • Construction: _____ _____ • Operation: _____ _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____

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			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

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? Yes No
 If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
 If Yes:
i. Dimensions of the dam and impoundment:
 • Dam height: _____ feet
 • Dam length: _____ feet
 • Surface area: _____ acres
 • Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

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? Yes No
 If Yes:
i. Has the facility been formally closed? Yes No
 • If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

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? Yes No
 If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

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? Yes No
 If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
 If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • 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? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ _____ _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	<input type="checkbox"/> Yes <input type="checkbox"/> No
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? If Yes, describe: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. Do any wetlands or other waterbodies adjoin the project site? If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i.	<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
<ul style="list-style-type: none"> • Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ 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? If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
i. Is the project site in a designated Floodway?	<input type="checkbox"/> Yes <input type="checkbox"/> No
j. Is the project site in the 100-year Floodplain?	<input type="checkbox"/> Yes <input type="checkbox"/> No
k. Is the project site in the 500-year Floodplain?	<input type="checkbox"/> Yes <input type="checkbox"/> No
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? If Yes: i. Name of aquifer: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No

m. Identify the predominant wildlife species that occupy or use the project site: _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____

 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

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? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____

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? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

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? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

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? If Yes: <ul style="list-style-type: none"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No
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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes: <ul style="list-style-type: none"> i. Describe possible resource(s): _____ ii. Basis for identification: _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? If Yes: <ul style="list-style-type: none"> i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles. 	<input type="checkbox"/> Yes <input type="checkbox"/> No
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? If Yes: <ul style="list-style-type: none"> i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No 	<input type="checkbox"/> Yes <input type="checkbox"/> No

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 Stony Point Town Board Date June 28, 2022

Signature _____ Title Supervisor

PRINT FORM

Brief description of proposed action.

The proposed action is the creation of the River and Rail Brownfield Redevelopment (RRBR) Floating Zone, and the subsequent amendment to the Town of Stony Point zoning code. The intent of the RRBR Floating Zone is to encourage the re-use of private brownfield sites, and utilize waterfront lands for water-dependent industry and commerce in accordance with the Town of Stony Point Local Waterfront Revitalization Program. In addition, the RRBR aims to reduce over-road tractor trailer traffic in the region by supporting the use of river and rail for the movement of freight. Upon designation of the RRBR Floating Zone, a Site Reuse Permit may be authorized based on the applicant meeting certain re-use conditions.

Procedure for landing the RRBR Floating Zone.

The procedure for “landing” the floating zone provides for significant municipal and public review of the applicant’s petition to land the floating zone, including:

- a. Referral to the Planning Board for review.
- b. Referral to Rockland County Planning for GML review.
- c. A “hard look” at environmental impacts by the Town Board consistent with designation as a Type I Action under SEQR.
- d. A public hearing to solicit citizen comments.

The landing the floating zone is a Type I Action, and thus coordinated SEQR review of the action is required. Petitions that the Town Board believes to be viable will require the above reviews and public comment. Where impacts occur, the Town Board may require the petition be amended to eliminate impacts prior to being considered for landing of a zone. Alternatively, the Town Board may require preparation of an EIS to ensure that impacts are mitigated to the greatest extent practicable consistent with economic and social considerations.

Petition contents.

The content requirements of the petition are summarized below. Applicants will be required to provide extensive information regarding existing conditions of the site, possible environmental constraints, construction details, and potential operating nuisances from proposed use of the site. Sensitive adjacent users, such as schools and day cares, must be identified. The contents of the petition are designed to mitigate any significant adverse environmental impacts that may be created by the proposed action.

- A. *A project narrative that discusses how the proposal would be consistent with the planning objectives of the Town as well as the criteria listed in §215-153.*
- B. *A description or map of existing site conditions including:*
 - (1) *Existing means of accessing the site.*
 - (2) *Any sensitive environmental resources that exist on-site or adjacent to the site including:*
 - (a) *Wetlands.*
 - (b) *Floodzones.*
 - (c) *Cultural resources.*
 - (d) *Sensitive habitat.*
 - (3) *A description or map of the location of any sensitive users within 1,000 feet of the site including*
 - (a) *Residences.*
 - (b) *Hospital.*

- (c) Library.*
- (d) School.*
- (e) Child day-care.*
- (f) Town Park.*

- (4) A description of the prior use of the site and any known or suspected contamination on-site.*
- (5) A description of any easements or covenants restricting use of the site.*

D. A description of the proposed use of the site, including:

- (1) A description of the types of materials to be stored or utilized on-site, especially any hazardous or controlled materials.*
- (2) A description of any heavy equipment to be utilized on the site including but not limited to cranes, bulldozers, loaders, etc., and a description of the average noise levels associated that will be experienced at the lot line of any sensitive users within 1,000 feet.*
- (3) A description or plan of any new construction proposed on the site at the time of RRBR petition.*
- (4) A description or plan of the extent of grading required to prepare the site for reuse.*
- (5) A description of the permits necessary to utilize the site as proposed as well as the agency responsible for issuing each permit.*
- (6) Proof of freight access to the Hudson River and/or rail sidings, or a description of proposed access facilities. Where access facilities are not present, the Town Board may condition the landing of the RRBR upon provision of such facilities within a reasonable timeframe.*
- (7) A description of any manufacturing processes proposed for the site, including a description of any noise, odors, liquid discharge or air emission associated with the process.*
- (8) A description or plan of any on-site or off-site infrastructure or utility improvements proposed to support the proposed use, including but not limited to access road, emergency access road, water, sewer, natural gas, and electric.*
- (9) Where more than 25% of goods or materials is proposed to be shipped over local streets, a traffic impact study shall be provided, detailing the impacts on local traffic.*

E. A full Environmental Assessment Form Part 1.

Criteria for landing the RRBR Floating Zone.

The criteria for landing the RRBR is designed to allow certain industrial uses to occur in appropriate locations in the Town of Stony Point. Several waterfront properties are brownfield sites where industrial, manufacturing, warehouse, and other similar uses are appropriate or currently exist, yet have been zoned for limited marine-related or residential uses. The proposed action provides a path for these uses to become legal, provided that applicants meet a list of criteria in landing the RRBR Floating Zone. These include

- a. The site shall contain at least 10 acres.
- b. The site shall have been formerly used for intensive industry, mining, or utility purposes, and contain or be perceived to contain the potential for soil and groundwater contaminants.
- c. Eligible properties shall have freight access to the Hudson River or freight railroad lines. The Town board shall judge whether based on the testimony of the petitioner, the uses proposed for the property intend to utilize the river or railroad for a significant amount of transported goods or materials (generally a minimum of 35% as measured by material weight or volume).

- d. A suitable plan shall be provided for continuous and adequate access by emergency services, including during times when trains are transiting the rail line.
- e. Water and sewer resources to the site shall be adequate for fire fighting purposes and to support any industrial processes proposed for the site.

These criteria ensure that the RRBR Floating zone will be of considerable size, appropriate for intensive use based on past use, be water or rail transport supportive, accessible and safe. This will minimize transportation and traffic impacts including the noise, infrastructure, and air impacts that attend overland trucking of freight.

Eligible properties must be brownfields that are served by water and sewer. This incentivizes brownfield redevelopment over greenfield site development. By directing industrial uses to brownfield sites, less development pressure is put on greenfield sites for industrial use. Requiring central water and sewer also discourages development of remote new greenfield sites.

Site Reuse Permit.

Upon designation of the RRBR Floating Zone, a Site Reuse Permit may be authorized. Inspired by the Department of Environmental Conservation's identification of reuse of an existing building or structure as a Type 2 action not subject to SEQR (6 NYCRR 617.2(c)(18), this permit would allow site reuse for a permitted use and meeting certain conditions subject only to a permit based on an engineering and building code review. Conditions pre-requisite to issuance of a site reuse permit include:

- (1) The site reuse permit shall apply to an area of no less than 10 acres.*
- (2) All codes of the State of New York shall be met.*
- (3) A stormwater pollution prevention plan shall be approved by the Town Engineer for the entire site subject to the site reuse permit.*
- (4) The proposed reuse shall not exceed any Type 1 thresholds of SEQR.*
- (5) The proposed reuse shall include no more than 4,000 square feet of new interior floor area as compared to site conditions at the time the RRBR was landed.*
- (6) No new building is proposed with a height greater than 30 feet.*
- (7) The proposed reuse of the site shall not generate more than 24 average daily trip ends over any Town Road by diesel-powered commercial vehicles with a gross vehicle weight of more than 8500 pounds.*
- (8) The permit shall be for a use permitted by right in the RRBR district (not a special permit use).*
- (9) A detailed description of chemicals and hazardous materials to be stored or used on site as well as the mechanical, compressive and chemical processes proposed for the site with the corresponding OSHA 2206 code requirements and the applicant's proposed means of meeting those criteria shall be provided.*

With institution of these controls, the proposed use will be limited to Type 2 actions, which have been determined by NYS DEC to be not likely to result in significant adverse impacts. Adherence to other administrative codes, provision of a stormwater pollution prevention plan, height limitations, and heavy traffic limitations will further ensure that the activities are conducted in a safe manner protective of the health, safety and general welfare of the public.

Most critically, the site reuse permit will encourage immediate reuse of brownfield sites for rail and river-freight dependent industry, which will serve the sustainable purposes of the proposed law.