



Ladies and Gentlemen:

Enclosed please find the application of the Dutchess County Industrial Development DCIDA (the "DCIDA"). Please be advised that there is a \$250.00 application fee to be paid by the client and to be enclosed with the completed application in order to enable the DCIDA to proceed with the benefit package.

You will receive an Engagement Letter which constitutes an explanation of legal fees and costs related to our counsels' work with respect to your project. This Engagement Letter will require an escrow account of \$5,000.00 and our counsel will invoice you monthly on an hourly rate basis for services rendered and deduct it from the escrow account. Should you terminate the agreement or abandon the project, any unused funds will be returned to you. If you have any questions concerning this matter, please contact me.

I advise you that the DCIDA itself does not lend money. Instead, the DCIDA issues bonds for the benefit of the project applicant. The project applicant must find a purchaser of the bonds and agree as to terms and conditions of repayment, interest rate, interim advances during construction, what securities are to be pledged, etc., just as the project applicant and a lender would in any other secured transaction. On filing an application, the project applicant should be fairly secure in knowing where to obtain the requisite moneys.

No work should be commenced or construction contracts entered into or materials ordered or land purchased if any of these expenses are to be included in the bond issue prior to the DCIDA passing an Inducement Resolution and Agreement with the project applicant after an application is filed. To do so may jeopardize the inclusion of the expense of such item in the bond issue.

In completing the application, please note certain material is requested that is required by statute in order to authorize the issuance of the bonds, to wit: the increased employment and your history as to location and why you are expanding or locating in Dutchess County. The bonds are issued as an inducement in industrial, commercial and warehousing facilities that presently do not exist in Dutchess County, or, if they exist, there is an expansion program contemplated. The bond proceeds cannot be used in any way for refinancing existing mortgages.

Prior to the issuance of IDA benefits (PILOT and/or bonds), the project applicant is required to make an agreement in lieu of taxes with all local taxing authorities and furnish the DCIDA with a certified copy of all of the agreements in lieu of taxes. An issue will not close without this document in place. The processing fees of the DCIDA is one percent (1%) of the first \$2.5 million of the estimated project cost and one-quarter of one percent (.25%) for the estimated project in excess of \$2.5 million

The project applicant additionally will be required to pay DCIDA Counsel fees, Bond Counsel fees and other direct expenses of the DC IDA, including, but not limited to, accounting and engineering expenses. The project applicant agrees that such legal fees and other direct expenses of the DC IDA such as publication costs and stenographer's fees are payable separately from the application and processing fees. The above fees will be payable in full on the sale of the bonds. Failure and neglect to proceed to close will result in pro rata tender of billings.

Upon receiving the application in my office, I will convene a meeting of the DCIDA to meet with the principals personally to discuss the application, as now required by DCIDA policy.

Please note that the DCIDA is under no obligation to act favorably on this application, and the project applicant agrees to release the DCIDA, its members, its staff, its successors and assigns from any claim against the DCIDA that may arise from the DCIDA's processing the application or by the DCIDA's either granting or denying the application.

Because the DCIDA is an exempt organization under the Internal Revenue Code of 1986, as amended, I advise you further that certain benefits will accrue during construction, such as the nonpayment of sales taxes on goods purchased for either initial construction or start-up equipment. Furthermore, upon the filing of documents, no mortgage tax will be necessary between the DCIDA and a trustee or bank collecting the moneys during the financing for the repayment of bonds. In accordance with New York State regulations, you are advised that we are obligated to include a "Recapture of Benefit Provision" in our application which details DCIDA procedure to be utilized to recapture benefits given to projects in certain instances.

If I can be of further assistance, please feel free to contact our office.

Very truly yours,

Sarah Lee  
Executive Director

Enclosures

PLEASE TAKE NOTICE — The DC IDA in certain respects is subject to the Freedom of Information Law or Sunshine Laws of the State of New York. If there are any confidential matters or negotiations for real property taking place that would be adversely affected by revelation of the particulars to the public or media, it is suggested that this matter be discussed with the DCIDA Counsel or personnel directly and not set forth in the initial application unless required by Bond Counsel for the preparation of the Inducement Resolution. Any financial disclosures of the project applicant requested should be marked confidential to ensure their attention as confidential documents. Although the DCIDA does not pass on the project applicant's financial ability to pay, which is the bond purchaser's prerogative, the DCIDA does want to know that the project applicant is a viable business enterprise.



*To help companies locate here, make needed capital expansion  
or grow existing and new jobs.*

3 Neptune Road  
Poughkeepsie, NY 12601  
Phone: 845.463.5400 Fax: 845.463.0100  
Email: [info@thinkdutchess.com](mailto:info@thinkdutchess.com)  
[www.thinkdutchess.com](http://www.thinkdutchess.com)

APPLICATION FOR FINANCIAL ASSISTANCE



***DCIDA Board and Staff  
OFFICERS***

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**Chairman**

Timothy E. Dean

**Vice Chairman**

Mark Doyle

**Secretary/Treasurer**

Kathleen M. Bauer

**Executive Director**

Sarah Lee

**Chief Financial Officer**

Marilyn Yerks

**Compliance Officer/  
Records Access Officer**

Marilyn Yerks

***BOARD OF DIRECTORS***

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Amy Bombardieri

Kathleen M. Bauer

Timothy E. Dean

Mark Doyle

Don Sagliano

Alfred D. Torreggiani

**Counsel**

Donald Cappillino

Elizabeth Cappillino

***COUNTY GOVERNMENT***

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**County Executive**

Marcus J. Molinaro

Dutchess County Office Building 22 Market  
Street, Sixth Floor

Poughkeepsie, NY 12601

Tel.# (845) 486-2000(B)

Fax # (845) 486-2021

Email: [mmolinaro@dutchessny.gov](mailto:mmolinaro@dutchessny.gov)

This e-mail address is being protected from  
spambots.

**Dutchess County Legislature**

A. Gregg Pulver, Chairman

Dutchess County Office Building 22 Market  
Street, Sixth Floor

Poughkeepsie, NY 12601

Tel # (914) 474-0908 (B)

Fax # (845) 486-2113

Email: [gpulver@dutchessny.gov](mailto:gpulver@dutchessny.gov)

## **MISSION STATEMENT**

The Dutchess County Industrial Development DCIDA [DCIDA] was created to further economic development in Dutchess County through the issuance of bonds to facilitate the building of capital projects with the resultant construction jobs and permanent follow on employment.

## INSTRUCTIONS

### **I. Application Submission and Application Fees**

All applications will be subject to approval of the Dutchess County Industrial Development DCIDA ("DCIDA") and no financial Assistance can be provided, including a sales tax exemption on purchases made prior to DCIDA approval, until the application has been approved.

The DCIDA will not approve any applications unless, in the judgment of the DCIDA, the application contains sufficient information upon which to base a decision whether to approve or tentatively approve an action. The DCIDA may find it necessary to request additional information, should additional information be required the DCIDA will not consider the application complete until all additional information is received.

The DCIDA will not give final approval to this application until the DCIDA receives a completed environmental assessment form concerning the Project.

All projects receiving a benefit greater than \$100,000 are required to have a public hearing inclusive of a 10 day notice before any approval can be granted by the DCIDA.

The DCIDA has established an application fee of \$250.00 to cover the anticipated costs of processing the application. A check or money order made payable to the Dutchess County Industrial Development DCIDA (DC IDA) must accompany each application. The Application WILL NOT be accepted by the DCIDA unless accompanied by the application fee.

When completed, return the application to the *Dutchess County IDA, 3 Neptune Road, Poughkeepsie, NY 12601*.

The applicant will be required to pay to the DCIDA the actual costs incurred in connection with this application and the Project contemplated herein (to the extent such expenses are not paid out of the proceeds of the DCIDA's bond issued to finance the project). The Applicant will also be expected to pay all costs incurred by general counsel and bond counsel to the DCIDA. The costs incurred may be considered as part of the bond issue.

The DCIDA has established an administrative fee for each project it engages. Unless the DCIDA agrees in writing to the contrary, the project fee is required to be paid by the applicant at or prior to the granting of any financial assistance by the DCIDA

## **II. Application Components and Exhibits**

The sections below are included in the Application. These make up the required information and documents that must be completed and submitted to the DCIDA in order for your Application to be considered. Failure to provide information may impact your project being considered in a timely manner.

Fill in all blanks, using “none” or “not applicable” or “N/A” where the question is not appropriate to the project which is the subject of this application (the “Project”)

If an estimate is given as an answer to a question, put “est.” after the figure or answer, which is estimated.

If more space is needed to answer any question, please attach a separate sheet.

### **General Information**

#### **Section 1- Applicant Information**

#### **Section 2 – Project Description and Details**

#### **Section 3 – Project Evaluation & Assistance Framework**

#### **Section 4 – Retail Determination**

#### **Section 5 – Inter-Municipal Move Determination**

#### **Section 6 – Single or Multi-Tenant Determination**

#### **Section 7 – Representations, Certifications and Indemnification Forms**

#### **Section 8 – Local Workforce Certification Form**

Attachment 1 – Environmental Assessment Form (EAF)– An Environmental Assessment must be completed for every project. The Short Environmental Assessment Form is available on the DCIDA Website at <https://thinkdutchess.com/ida/application/>. However in some instances a Long Form EAF may need to be completed.

Attachment 2 - DCIDA Standard Fee Schedule and other Fees

Attachment 3 – Additional Community Benefit Metrics Definition

### **III. Insurance**

Once a project is approved by the DCIDA, insurance will be required. Details of the required insurance will be provided in the DCIDA contracts, in the meantime please note that insurance is to be provided after Board approval but prior to utilization of your IDA benefits. Insurance shall be maintained during the term of any applicable Agent Agreement or Lease Agreement by and between the DCIDA and Project Applicant. Proof of Insurance will be required and requested on an annual basis.

### **IV. Local Workforce Policy**

Construction jobs though limited in time duration, are vital to the overall employment opportunities in Dutchess County.

For projects \$10,000,000 and above, the DCIDA believes that Project Applicants, as a condition to receiving a real property tax abatement also referred to as a Payment in Lieu of Taxes (PILOT) from the Agency, will be required to utilize qualified Workforce for all projects involving the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (collectively, the "Project Site").

The Local Area is defined as individuals residing in the following County /Cities /Towns /Villages as well as the following Counties (collectively, the "Local Area"): Columbia County, Dutchess County, Greene County, Orange County, Putnam County, Rockland County, Sullivan County, Ulster County and Westchester County. Companies receiving a PILOT as part of their financial assistance shall ensure that at least 80% of total work hours of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively the "Workers") working on the Project Site must reside within the Local Area. The 80% shall be measured by hours in total at the time of completion of the project. Companies do not have to be local companies as defined herein, but must employ local Workers residing within the Local Area to qualify under the 80% local Workforce criteria.

It is understood that at certain times, Workers residing within the Local Area may not be available with respect to a Project. Under this condition, the Company is required to contact the DCIDA to request a waiver of the Local Utilization Requirement (the "Local Workforce Utilization Waiver Request") waivers may be granted in the following situations (a) Warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers (b) Specialized construction for which qualified Local Workforce Area workers are not available (c) Significant cost differentials in bid prices whereby the use of local Workforce significantly increases the cost of the project. A cost differential of 10% is deemed significant. Every effort should be made by the contractor or applicant to get below the 10% cost differential including, but not limited to, meeting with local construction trade organizations and local contractor associations (d) Documented lack of workers meeting the Local Workforce Area



requirement. The DCIDA shall evaluate the Local Workforce Utilization Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request.

## **V. Recapture of Financial Assistance**

In order to better ensure the integrity of the projects that receive Financial Assistance from the DCIDA, has determined that is in the public interest: (a) to ensure the continuity of such project and the jobs created by such projects; (b) ensure the use of local workforce during project construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (c) to ensure that the investment amount as proposed by the Applicant and approved by the DCIDA is made (d) to ensure that the state and local taxes and use tax exemption benefits are utilized in the amount as so authorized by the DCIDA (e) to ensure the state and local sales and use tax exemptions benefits are only utilized by the company/applicant and its duly appointed agents; (f) to ensure that the state and local sales and use tax are only utilized on the specific project as described in the Application and (g) to ensure that the Company complies with the certain material terms and conditions as determined by the DCIDA. At such time as the Applicant fails to meet the terms of the Agreement including failing to retain and create jobs as represented in the Application a recapture of any or all state and local sales and use tax exemption benefits, mortgage recording tax exemption benefits and real property abatement benefits may be required to be paid by the Applicant.

Details on the DCIDA Policy can be found on the DCIDA Website

(<https://thinkdutchess.com/ida/dcida-public-documents-and-policies/>)

- Maintaining Performance Based incentives for projects granted assistance including a PILOT
- Projects granted assistance without a PILOT.

## **VI. Submission and Acceptance of the Application for Financial Assistance**

Please note that the DCIDA is under no obligation to act favorably on this application, and the project applicant agrees to release the DCIDA, its members, its staff, its successors and assigns from any claim against the DCIDA that may arise from the DCIDA's processing the application or by the DCIDA's either granting or denying the application.

Please note that Article 6 of the Public Officers Law declares that all records in the possession of the DCIDA (with certain limited exceptions) are open to public inspection and copying. Also, as of December 2018, the IDA will post project applications on the Agency's

website. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant's competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of Public Officers Law.

## General Information

### I. Project Identification

Company Name ROLLING FRITO-LAY SALES, LP	FEIN 75-2908364
Address 7701 Legacy Drive	Name and Title of Contact Person Kathy Alfano
City    County    Zip Plano, Collin    75024	Telephone Number (972) 334-2969
Website <a href="http://WWW.FRITOLAY.COM">WWW.FRITOLAY.COM</a>	Email <a href="mailto:KATHY.ALFANO@PEPSICO.COM">KATHY.ALFANO@PEPSICO.COM</a>
Full Address of the site/location of the proposed project, including County and Zip Code <u>10-350 North Drive, East Fishkill, NY 12533</u>	

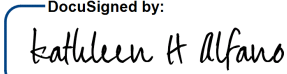
### II Project Request

Please check which type of assistance you are applying for (select all that apply):

Bond Issuance (Tax Exempt / Taxable)		
Straight Lease		
Payment in Lieu of Taxes	X	
Sales Tax Exemptions	X	
Mortgage Tax Exemption		

### III. Authorizing Signature

The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the DCIDA will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the DCIDA's involvement in the Project.

	<small>DocuSigned by:</small>
Signature	
Print Name	<u>Kathleen H. Alfano</u>
Title	<u>Sr. Director, Economic Development</u>
Date	<u>8/23/2021</u>

**Section 1: Applicant Information**

**Applicant Background (company receiving benefit)**

Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary

**A. Company Contact (if different from individual completing application)**

Name: Same as individual completing application  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**B. Company Counsel:**

Name of Attorney: John Poakeart  
Firm Name: PepsiCo, Inc.  
Address: 7701 Legacy Drive, Plano, TX 75024  
Phone: (972) 334-3995 Fax: \_\_\_\_\_  
Email: John. [Poakeart@PepsiCo.com](mailto:Poakeart@PepsiCo.com)

**C. Form of Business Organization:**

- |  |   |
|--|---|
| <input type="checkbox"/> For-profit corporation    | <input type="checkbox"/> Not-for-profit corporation     |
| <input type="checkbox"/> General partnership       | <input checked="" type="checkbox"/> Limited partnership |
| <input type="checkbox"/> Limited liability company | <input type="checkbox"/> Sole proprietorship            |

If you are a corporation or limited liability company, please provide date and state of incorporation:

Limited Liability 12/20/2000; Delaware

If a foreign corporation or foreign limited liability company, please provide date authorized to do business in New York:

02/09/2001 authorized to do business in New York.

**D. Please list Principal Owners/Officers/Directors**

(Principal owners that hold more than 15% equity ownership:

PepsiCo, Inc. – 87.1%

Frito-Lay Sales, Inc. – 12.9%

No individual owners

If Applicant has a significant relationship with an affiliate company(ies), please list the name and address of such affiliate(s):

PepsiCo, Inc. 700 Anderson Hill Road, Purchase, NY

Frito-Lay Sales Inc.: 7701 Legacy Drive, Plano, TX

Frito-Lay, Inc.: 7701 Legacy Drive, Plano, TX

FL Transportation, Inc.: 7701 Legacy Drive, Plano, TX

**E. Holding Company**

Will a Real Estate Holding Company be utilized to own the Project property/facility? \_\_\_ Yes X No

What is the name of the Real

Estate Holding Company: N/A

Federal Employer ID Number: N/A

State and Year or Incorporation/Organization: N/A

List of stockholders, members, or partners of

Applicant: N/A

**F. Applicant Business Description:** Brief description of company, operations, products and services  
Description is critical in determining eligibility. Attach additional pages if needed:

Warehouse and distribution of branded snack foods to locations throughout the New York metro area and northeast United States.

**G. Brief Description of Company History** (formation, growth, transitions, location):

In 1961, two chip and snack food companies, The Frito Company and H.W. Lay & Company, merged to form Frito-Lay, Inc. Four years later in 1965, Frito-Lay, Inc. merged with the Pepsi-Cola Company to form PepsiCo. Today, the wholly owned subsidiary of PepsiCo has approximately 65,000 associates. Frito-Lay makes, markets, distributes, and sells branded snack foods. These foods include Cheetos cheese-flavored snacks, Doritos tortilla chips, Fritos corn chips, Lay’s potato chips, Ruffles potato chips and Tostitos tortilla chips as well as branded dips. Rolling Frito-Lay Sales, LP is the sales and distribution entity for Frito-Lay in the United States.

Estimated % of sales within County	Unable to disclose due to SEC regulations
Estimated % of sales outside County but within New York State	""
Estimated % of sales outside NYS but within U.S.	""
Estimated % of sales outside the US	""
Total Sales	100%

**H. Is or was the Company assisted by DCIDA?**

Yes  No

**I. Has the company received any state or federal subsidies or program assistance in the last 10 years?**

Yes  No

If yes, please list subsidies, program assistance or grants

To the best of our knowledge Rolling Frito-Lay Sales, LP has not received assistance.

**J. Have you contacted or been contacted by other Economic Development Agencies for this project? If yes, please identify which agencies and what other assistance or assistance sought and the dollar amount that is anticipated to receive.  Yes  No**

If yes, please list: Empire State Development ("ESD"). No assistance is being sought from ESD at this time.

**K. If the company is a party to any significant pending or recently concluded litigation (including bankruptcy), please describe:**

To the best of our knowledge, there is no pending or recent litigation that would have a material impact. Please see page 3 of PepsiCo 2020 Annual Report Item 3. Legal Proceedings.

**L. Is Company in compliance with local, state and federal taxes, workers' protection, and environmental laws?**

Yes, to the best of our knowledge.

**M. Please attach a copy of most recent company annual audit.**

PepsiCo Securities and Exchange filings (SEC) and Annual Reports can be found at: <https://investors.pepsico.com/investors/financial-information/quarterly-earnings/>

**N. Please attach sales and income projections or a project pro forma for next 3 to 5 years. – Unable to provide due to SEC regulations regarding forward looking statements.**

## Section 2: Project Description & Details

### A. Industry

Please check off the Project's Industry Sector:

- |   |   |
|---|---|
| <input type="checkbox"/> Natural Resources / Mining             | <input type="checkbox"/> Information Technology           |
| <input type="checkbox"/> Construction                           | <input type="checkbox"/> Financial Services               |
| <input type="checkbox"/> Utilities                              | <input type="checkbox"/> Professional / Business Services |
| <input type="checkbox"/> Manufacturing                          | <input type="checkbox"/> Education or Healthcare Services |
| <input checked="" type="checkbox"/> Wholesale / Retail          | <input type="checkbox"/> Leisure and Hospitality          |
| <input checked="" type="checkbox"/> Transportation /Warehousing | <input type="checkbox"/> Government                       |
| <input type="checkbox"/> Other (Please write): _____            |   |

North American Industrial Classifications Number (NAICS) 424450 & 484110

### B. Project Location

Project Address 10-350 North Drive, East Fishkill, NY 12533

Section Block Lot (SBL) Number for Property which proposed Project will be located:	Tax Map Nos. p/o:
	<u>6356-04-861300</u>
	<u>6356-04-950353</u>
	<u>6456-03-054349</u>

Property Tax Jurisdiction:

Municipal:	<u>East Fishkill</u>
School District:	<u>Wappingers Central School District</u>

Are the Real Property Taxes current?  Yes  No  
 If no, please explain \_\_\_\_\_

Utilities: Indicate which, if any, utilities are on site

Water     Electric  
 Gas         Sanitary/Storm Water

\*Currently no Gas nor Sanitary at project site. Project will add infrastructure for both.

Does the Applicant or any related entity hold fee title to the Project Site?  Yes  No

If no, Present legal owner of site: I. Park East Fishkill I LLC

Does the Applicant or related entity have an option /contract to purchase the Project site?  Yes  No

Describe the present use of the proposed Project Site  
Paved parking lot, green space, and paved road within iPark 84 development.

The facility consists of a building/space which will be (check as applicable)

Acquired  Constructed  
 Renovated  Expanded

In the space below briefly describe the proposed project and its purpose (new build, renovations, and equipment purchases). Identify specific uses occurring with the project. Describe any and all tenants and any/all end users. (*Attach detailed information if necessary*).

The project entails the construction of three new structures totaling approximately 158,000 square feet. Primary structure is a high-technology fulfillment center (approx. 150,000 SF). A fleet center and guard house will also be constructed at the site. The facility will operate 24 hours/6 days per week, receiving snack food product from affiliate-owned manufacturing facilities located in Kirkwood, NY, Killingly, CT, Perry, GA and Aberdeen, MD.

No product will be manufactured at the site.

Snack products received will be distributed from the project site to the New York metro market and the northeast United States.

Describe why the DCIDA's financial assistance is necessary and if the applicant is unable to obtain DCIDA financial assistance, what will be the impact on the Applicant and Dutchess County and/or municipality? Would the applicant proceed with the project without DCIDA assistance? (*Attached additional sheets if necessary*).

The project is competitive with other counties within New York as well as neighboring states of Connecticut and New Jersey. If the project is unable to obtain DCIDA financial assistance, the project economics may drive the location decision outside of Dutchess County or outside New York State.

Please confirm by checking the box below if there is a likelihood that the Project would be not undertaken but for the Financial Assistance provided by the DCIDA.

Yes  No



If the Project could be undertaken without Financial Assistance provided by the DCIDA, then provide a statement below indicating why the Project should be undertaken by the DCIDA.

N/A

To the extent the project serves a local market area, is there a recognized and demonstrable need for the products or services the project will provide in the project's market area?

The company has determined there is a demonstrable need for its snack food in the New York metro market. The project could serve Dutchess County, however this location was selected based on the most suitable location to serve New York metro and Northeast markets.

Is the project compatible with and will significantly assist and enhance all development plans for its area established formally or informally by local, county, state and federal authorities?

The project is compatible with local development plans for the iPark 84 industrial park as established by Town of East Fishkill Zoning Code Section 194.46.7. Application for Economic Redevelopment special permit (ESRP) will be filed.

Will the project be incorporating new energy efficiency factors in the design and operation of project? If yes, please elaborate. If no, please explain why it will not.

The project will incorporate LED lighting, variable frequency motors and certain sustainable construction materials

Is the project of a speculative nature?

The project is not speculative.

Is this part of a Multi-Phase Project?  Yes  No

Will the Project include leasing any equipment?  Yes  No

**C. Zoning of Project Site:**

Current I-1 Light Industrial

Proposed I-1 Light Industrial

Are any variances needed? If so, please list:

Yes. Partial waiver requested from the Town Board (Town Code 194-46.7.C(2)(f)).  
Approximately 25% of the fulfillment center building requires 85'8" height for specialized  
equipment operation whereas 80' is the maximum permitted height as-of-right.

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If a change in zoning/land use is required, please provide the details/status of any request for change in zoning/land use requirements.

N/A

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The approximate acreage of the land to be purchased or leased:

Approximately 28.42 acres

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The approximate square footage of the existing building to be purchased or space to be expanded/renovated is:

N/A

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The approximate square footage of the planned *new* construction is:

Approximately 158,000 Sq. Ft. total for fulfillment center, fleet center and guard house.

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Please note that the DCIDA cannot provide any financial assistance until the environmental review required under the State Environmental Quality Review Act ("SEQRA") has been completed. Please complete the annexed Short Form Environmental Assessment Form. Based upon the information provided in that form and elsewhere in this application, the DCIDA may require further information regarding potential environmental impacts.

If this project is likely to have a significant adverse impact on the environment (a "Type I" action), then the action is probably required to be reviewed by one or more other state or local agencies, such as a local zoning or land use authority. In that event, the DCIDA generally will not act as "lead DCIDA," and any action by the DCIDA must await completion of the SEQRA review by the other DCIDA. If that is not the case, i.e., if the proposed action is a "Type II" or "unlisted" action under SEQRA, the DCIDA may act independently for SEQRA purposes.

Any known environmental contamination or remediation issues?  Yes  No

If yes, please list: Project site is located at the northern section of the larger area,  
which is the former IBM East Fishkill facility property. The former IBM site to the  
South is currently undergoing environmental remediation overseen by NYSDEC.

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Has another entity been designated lead agent under the State Environmental Quality Review Act?  Yes  No

If yes, please explain It is anticipated that the East Fishkill Town Board will  
authorize circulation of Notice of Intent on 8/26/2021 and become Lead Agency  
thereafter. DCIDA has been listed as an Involved Agency.

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*The DCIDA will not provide any financial assistance to the Project until the environmental findings required under SEQR have been made.*



**E. SOURCES**

Amount of equity – <u>PepsiCo, Inc. Cash</u>	\$ <u>100,000,000</u>
Amount of other conventional financing	\$ <u>0</u>
Amount financed by bond issue	\$ <u>0</u>
Public Sources (Include sum total of all state and federal grants and tax credits)*	\$ <u>0</u>
Total Sources of Funds for Project Cost	\$ <u>100,000,000</u>

\*Identify each state and federal grant/credit

_____	\$ _____
_____	\$ _____
_____	\$ _____

**F. Project Construction Schedule**

What is the proposed date for commencement of acquisition or construction of the Project?  
Q4 2021

Please indicate the actual or expected dates of

Construction completion: Q4 2024 expected

Q4 2024 expected (building estimated complete Q4

Occupancy: 2023, however equipment not installed therefore not occupied/operating until Q4 2024).

Will the company be occupying 100% of the completed facility?  Yes  No

If no, will there be tenants in the remaining space?  Yes  No

- *Detailed questions will be asked in Section 5 – Single or Multi-Tenant Determination*

Describe any contracts or agreements (options to purchase, purchase contracts, construction contracts, and equipment orders) which have been entered into with respect to the facility.

Please note that the DCIDA may not provide benefits to any purchases made prior to the execution of a Letter of Authorization for Sales Tax Exemption.

Dematic – High tech automated storage and retrieval machinery & equipment

## Section 3: Project Evaluation and Assistance Framework

All projects must meet the Baseline Requirements to be considered for DC IDA benefits

### A. Baseline Requirements (Must Achieve All)

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Complete Application         | <input checked="" type="checkbox"/> Meets Project Use Definition        |
| <input checked="" type="checkbox"/> Meets NYS/DCIDA Requirements | <input checked="" type="checkbox"/> "But For" Requirement               |
| <input type="checkbox"/> SEQRA / Planning Approval               | <input checked="" type="checkbox"/> Will Directly Retain or Create Jobs |
| Approval Date: <u>Pending</u>                                    |   |

### B. Additional Community Benefits

Projects that meet the baseline eligibility requirements and achieves a threshold of at least six (6) community benefit metrics may be considered for a deviation or an enhanced Payment in Lieu of Taxes (PILOT) formula. Detailed definitions of the Community Benefit are included in Attachment 3. Proof of providing additional community benefits may require third party verification. Any projects pledging additional Community Benefits and receiving an enhanced PILOT that fail to meet the requirements may be subject to assistance termination, modification or recapture.

<i>Revitalization</i>	<i>Investment</i>	<i>Employment</i>
<b>Target Geography</b>	<b>Financial Commitment</b>	<b>Permanent Jobs</b>
<input type="checkbox"/> Distressed Census Tract/Area	<input type="checkbox"/> 3 – 10 million	<input type="checkbox"/> 3-40
<input type="checkbox"/> High Vacancy Census Tract	<input type="checkbox"/> 10.1 – 17.5 million	<input checked="" type="checkbox"/> 21-80
<input type="checkbox"/> Transit Oriented Development	<input type="checkbox"/> 17.6 – 25 million	<input type="checkbox"/> 81-120
<input type="checkbox"/> BID	<input checked="" type="checkbox"/> >25 million	<input type="checkbox"/> 121-180
<input type="checkbox"/> Neighborhood Plan		<input type="checkbox"/> > 180
	<b>Community Commitment</b>	<b>Retained Jobs</b>
<b>Identified Priority</b>	<input type="checkbox"/> MWBE/DBE Participation	<input type="checkbox"/> 3-40
<input type="checkbox"/> Tax Exempt	<input type="checkbox"/> Veteran Participation	<input type="checkbox"/> 21-80
<input checked="" type="checkbox"/> Vacant <u>(land)</u>	<input type="checkbox"/> Workforce /Affordable Housing	<input type="checkbox"/> 81-120
<input checked="" type="checkbox"/> Adaptive Re-use	<input checked="" type="checkbox"/> Local Workforce	<input type="checkbox"/> 121-180
<input type="checkbox"/> Community Catalyst	<input type="checkbox"/> Apprenticeship Program	<input type="checkbox"/> > 180
	<input type="checkbox"/> Public Infrastructure	
<b>Identified Growth Area</b>	<b>Environmental Factors</b>	<b>Construction Jobs</b>
<input checked="" type="checkbox"/> Manufacturing / Distribution	<input type="checkbox"/> Resource Conservation	<input type="checkbox"/> 6-80
<input type="checkbox"/> Technology	<input checked="" type="checkbox"/> Energy Efficiency	<input checked="" type="checkbox"/> 81-160
<input type="checkbox"/> Existing Cluster	<input type="checkbox"/> Green Technology	<input type="checkbox"/> 161-240
	<input type="checkbox"/> Alternative / Renewable Energy	<input type="checkbox"/> >240

**C. Project Benefits**

Financial Assistance Provided

**1. Estimated Sales Tax Exemption<sup>^</sup>**

$$\frac{\$ 72,800,000}{\text{Amount of Project Cost Subject to Tax}} \times \frac{.08125}{\text{Sales Tax Rate}} = \frac{\$5,900,000}{\text{Total}}$$

**2. Estimated Mortgage Recording Tax Exemption**

$$\frac{\$0}{\text{Projected Amount of Mortgage}} \times \frac{.0075}{\text{Mortgage Recording Tax}} = \frac{\$0}{\text{Total}}$$

*\*As of September 2016, DC IDA cannot exempt the MTA portion of the mortgage recording tax*

**3. Estimated Property Tax Abatement**

Project Property Value:

Current Assessed Value:	<u>\$973,775 - estimated</u>
Current Property Taxes	<u>\$30,000 - estimated</u>
Estimated Property Value after project completion	<u>To be determined.</u>

Will the Project utilize the DCIDA’s Uniform Tax Exemption Formula? To Be Determined by Town of East Fishkill.       Yes       No

If no, describe the real property tax exemption formula (attach additional sheets if necessary)

Estimated tax abatement resulting from this project    \$ To Be Determined  
 (Consult with DCIDA for assistance with this calculation)

*<sup>^</sup>Note that the DCIDA may utilize the estimate above as well as the proposed total Project Cost as contained within this application to determine the Financial Assistance that will be offered.*

**D. Employment**

**A. Benefits = Economic Development Impacts (For Project Location Only)**

*By statute, the DCIDA must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. The DCIDA will use job projections upon the two (2) year time period following Project completion.*

*a. Employment should be quantified by “FTE”, which shall mean: (a) a full-time, permanent, private-sector employee on the project’s payroll, who has worked (or is projected to work) at the project facility for a minimum of thirty-five hours per week for not less than four consecutive weeks and who is (or will be) entitled to receive the usual and customary fringe benefits extended by the Applicant to other employees with comparable rank and duties;*

*b. or (b) two part-time, permanent, private-sector employees on the Applicant’s payroll, who have worked (or are projected to work) at the project facility for a combined minimum of thirty-five hours per week for not less than four consecutive weeks and who are (or will be) entitled to receive the usual and customary fringe benefits extended by the Applicant to other employees with comparable rank and duties*

*Employment by category at Project Location only*

Job Category	Current Number of FTE's	Number of FTE's Retained	Average Salary or Range of Salary	Number of FTE's to be created upon 2 years	Average Salary or Range of Salary
Owner/Executive	0	N/A	N/A		
Professional	0	N/A	N/A		
Management	0	N/A	N/A		
Administrative	0	N/A	N/A		
Production	0	N/A	N/A		
Other	0	N/A	N/A		
Total*	0	N/A	N/A	80	\$50,000

Are employees currently covered by a collective bargaining agreement?

If yes, Name and Local?

No

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Are employees provided retirement benefits?  X\*  Yes \_\_\_ No

\*Employees working 20 hrs. or more have 401k benefits

Are employees provided health benefits?  X  Yes \_\_\_ No

Estimate the projected monthly timeframe for the creation of new permanent jobs at project location

Best estimate at time of application. Headcount targets by year end are reflected for years 1 and 2.

Year 1	1	2	3	4	5	6	7	8	9	10	11	12
2024												40
Year 2	1	2	3	4	5	6	7	8	9	10	11	12
2025												40

**Use of Local Workforce**

The Dutchess County IDA supports the use of local workforce for projects receiving benefits from the DCIDA. Answers to the following questions will assist the DCIDA in evaluating the application.

The Local Workforce Area for **permanent jobs** includes residents in the County/Cities/Towns/Villages as well as the following Counties:, Dutchess County, Orange County, Putnam County, Rockland County, Sullivan County, Ulster County and Westchester County.

If a “local workforce plan” has been developed please include that plan as an addendum to this application.

Estimate the number of residents of the labor workforce area in which the Project is located that will fill the projected new jobs to be created.  
To be determined.

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How will the project developer seek out and use the local work force.

The company will advertise in local publications, post job openings on the website

[www.fritolayemployment.com](http://www.fritolayemployment.com), and will utilize signage on company trucks. The company will welcome tools & organizations available through Dutchess County and the Town of East Fishkill as well. In accordance with agreement, the company understands it must list jobs with the New York State Department of Labor, Division of Employment and Workforce Solutions (the DOL) and with the American Job Center of the service delivery area created by the federal Workforce Innovation and Opportunity Act (WIOA) in which the Project is located.

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*Projects \$10,000,000 and above, which are receiving a real property tax abatement, are subject to DCIDA’s Local Workforce Policy during the period of construction*

The *Labor Workforce Area* for **construction jobs** under the Local Workforce Policy includes residents in the County/Cities/Towns/Villages as well as the following Counties: Columbia



County, Dutchess County, Greene County, Orange County, Putnam County, Rockland County, Sullivan County, Ulster County and Westchester County.

How many construction jobs are anticipated to be created? 80-90 construction jobs are estimated to be created with this project. The number of jobs in the Labor Workforce area is to be determined.

## Section 4: Retail Determination

DCIDA assistance to retail projects (including hotels and restaurants) is subject to certain statutory restrictions.

To ensure compliance with Section 862 of the New York General Municipal Law, the DCIDA requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

1. Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below please complete this section.

Retail Sales    Yes    No                      Services    Yes    No

For purposes of this question, the term “retail sales” means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the “Tax Law”) primarily engaged in the retail sales of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law or (ii) sales of a service to customers who personally visit the Project.

2. Will any portion of the project (including that portion of the cost to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in makes sales of good or services to customers who personally visit the project site?

Yes    No    If yes, please continue. If no, proceed to the next section

3. What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? 0% If the answer is less than 33% than proceed to the next section.

If the answer to question 2 is Yes and the answer to question 3 is greater than 33% indicate which of the following questions following apply to the project:

Is the project location or facility likely to attract a significant number of visitors from outside Dutchess County?

Yes    No

If yes, please provide a third party market analysis or other documentation supporting your response.

Is the predominant purpose of the project to make available goods and services which would not, but for the project, be reasonably accessible to the residents of the municipality within which the proposed would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

Yes  No

If yes, please provide a third party market analysis or other documentation supporting your response.

Will the project preserve permanent, private sector jobs or increase the overall number of permanent private sector jobs in New York State?

Yes  No If yes, please explain The project will increase the overall number of permanent private sector jobs employed by the company in New York State. It is not expected to preserve or increase other non-affiliated private sector jobs.

Is the project located in a Highly Distressed Area?

Yes  No

**Section 5 – Inter-Municipal Move Determination**

Will the project result in the removal of a plant or facility of the Applicant from one area of the State of New York to another area of the State of New York:

Yes      No

Will the project result in the removal of a plant or facility of *another proposed occupant* of the Project from one area of the State of New York to another area of the State of New York?

Yes      No

Will the Project result in the abandonment of one or more plants or facilities located in the State of New York?

Yes      No

If the answer to either of the foregoing questions in this subpart is positive, please explain in detail, on as many separate sheets as necessary, the reasons for the relocation, abandonment or closure, including, without limitation, (i) any considerations regarding the applicant’s (or other occupant’s) ability to remain competitive in its industry, and (ii) any consideration which has been given to relocating to any location outside the State of New York.

N/A

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Please note that the DCIDA may ask you to provide additional information regarding the foregoing, including documentary support

**Section 6 – Single or Multi-Tenant Determination**

Permissible projects are defined in the NYS General Municipal Law and the IDA may not be able to grant financial assistance to all tenants of a multi-tenant project. To assist in that determination please complete the following section.

Please note if the tenant qualifies as a permissible project, the Project Applicant will be responsible for collecting the required reporting information from the tenant(s).

N/A

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Please explain what market conditions support the construction of this multi-tenant facility:

N/A

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Have any tenant leases been entered into for this project?

\_\_\_ Yes     X  No

If yes, please list below and provide square footage to be leased to tenant and NAICS code for tenant and nature of business. (Attach additional sheets if necessary)

Tenant Name	Current Location (city, state, zip)	# of sq.ft leased	% of total to be occupied at project location	NAICS and business description (type of business, products, etc)
N/A				

**Section 7 – Representations, Certifications and Indemnification Forms**

**New York State  
Applicant Requirements  
For Industrial Development Agencies**

The Applicant has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the DCIDA and as follows:

**1. Absence of Conflicts of Interest**

The Applicant has received from the DCIDA a list of the members, officers and employees of the DCIDA. No member, officers or employees of the DCIDA has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

To the best of our knowledge, there is no direct DCIDA indirect interest in this transaction.

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**2. Job Listing**

In accordance with Section 858-b(2) of the New York General Municipal Law, Applicant understands and agrees that, if the Project receives any Financial Assistance from the DCIDA, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed within the New York State Department of Labor, Division of Employment and Workforce Solutions (the DOL) and with the American Job Center of the service delivery area created by the federal Workforce Innovation and Opportunity Act (WIOA) in which the Project is located.

**3. First Consideration for Employment**

In accordance with Section 858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the DCIDA, except as otherwise provided by collective bargaining agreements, where applicable, the Applicant will first consider persons eligible to participate in WIOA programs who shall be referred by the American Job Center for new employment opportunities created as a result of the Project.

#### **4. Annual Employment Reports**

The Applicant understands and agrees that, if the Project receives any Financial Assistance from the DCIDA, the Applicant agrees to file, or cause to be filed, with the DCIDA, on an annual basis, reports regarding the number of people employed at the project site, salary levels and such other information as part of the DCIDA's Employment Report.

#### **5. Fees**

This obligation includes an obligation to submit DCIDA Fee Payment to the DCIDA in accordance with the DCIDA Fee policy effective as of the date of this Application.

#### **6. Freedom of Information Law (FOIL)**

The Applicant acknowledges that the DCIDA is subject to New York State's Freedom of Information Law (FOIL). Applicants understand that all project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.

#### **7. Recapture Policy**

The applicant acknowledges that is has been provided with a copy of the DCIDA's *Policy on Maintaining Performance Based Incentives*. The Applicant agrees that it fully understands the Policy on Maintaining Performance Based Incentives is applicable to the Project that is the subject of this application and the DCIDA may implement the Policy if and when it is required to do so.

#### **Financial Reporting Requirements**

Chapter 692 of the Laws of 1989 requires additional financial reporting requirements from all IDA's in New York State.

#### **8. Sales Tax**

Section 874(8) of the New York general Municipal Law requires all entities appointed as agents of the DCIDA for sales tax purposes to file an annual form, as prescribed by the New York State Department of Taxation, describing the value of sales tax exemptions claimed by the Applicant and all its subagents, consultants, or subcontractors. Copies of all filings shall be provided to the DCIDA.

The Applicant hereby agrees to complete "ST-60, IDA Appointment of Project Operator or Agent for Sales Tax Purposes" for itself and each agent, subagent, contractor, subcontractor, contractors or subcontractors of such agents and subagents and to such other parties as the Applicant chooses who provide materials, equipment, supplies or services and deliver said form to the DCIDA within fifteen (15) days of appointment such that the DCIDA can execute and deliver said form to the State Department of Taxation and Finance within thirty (30) days of appointment.

- 9. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§862 Restrictions on funds of the DCIDA. (1) No funds of the DCIDA shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the DCIDA shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

- 10. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations
- 11. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18A of the New York General Municipal Law, including, but not limited to, the provisions of Section 859a and Section 862(1) of the New York General Municipal Law.

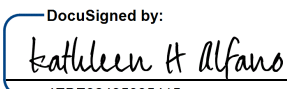
**12. Bonds**

- a. **All bonds issued, outstanding or retired during the year must indicate the following:**

Month and year issued; Interest rate at year end; outstanding beginning of year; issued during year; principal payments during year; outstanding at end of year; and final maturity date. This information will be requested from you in January of each year.

- b. **All new bonds issued need the following supplemental information:**

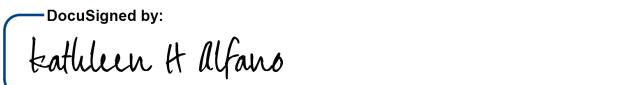
Name of the project; tax exemptions separated by State and local sales tax, County and school taxes; Mortgages recording; Payments in lieu of taxes; New tax revenue if no exemption is granted; number of jobs created and other economic benefits. This information is required each year and will be requested from you in September of each year.

Signature	
Print Name	Kathleen H. Alfano
Title	Senior Director, Economic Development
Date	8/23/2021



## HOLD HARMLESS AGREEMENT

Applicant hereby releases the Dutchess County Industrial Development DCIDA and its members, officers, servants, agents and employees thereof (the "DCIDA") from, agrees that the DCIDA shall not be liable for and agrees to indemnify, defend and hold the DCIDA harmless from and against any and all liability arising from or expense incurred by (A) the DCIDA's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the DCIDA, (B) the DCIDA's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the DCIDA with respect to the Project; including and without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the DCIDA or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the DCIDA, its agents or assigns, all costs incurred by the DCIDA in the processing of the Application, including attorneys' fees, if any. The DCIDA reserves the right at any time, as a condition to further consideration of this application, to require reimbursement of any such costs incurred, or to require a deposit against such costs and to apply such deposit to the DCIDA's costs as incurred.

Signature	
Print Name	<u>Kathleen H. Alfano</u>
Title	<u>Sr. Director, Economic Development</u>
Date	<u>8/23/2021</u>

*To Be Completed for Bond Financing only*

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**2) Bond Information**

1. State Bond Issuance Fees: N.Y. Public Authorities Law §2976(2) levies upon the DCIDA the following (which amount must be paid to the DCIDA by the applicant):

<u>Principal Amount of Bonds</u>	<u>Percentage Fees</u>
\$1,000,000 or less	.168
\$1,000,000 to \$ 5,000,000	.336
\$5,000,001 to \$ 10,000,000	.504
\$10,000,001 to 20,000,000	.672
More than \$20,000,000	.084

2. Total Funds Required   N/A   Estimated Term   N/A  

3. Indicate the date by which the proceeds of the DCIDA's bonds, if issued will be needed

Date Required   N/A

### 3) Certification

*To Be Completed for Bond Financing only*

N/A deposits and says that he/she is  
(Name of Officer of Company submitting application)

the N/A of N/A  
(Title) (Company Name)

The corporation named in the attached application; that he/she has read the forgoing application and knows the contents thereof; that the same is true to his/her knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by

N/A is because the said Company is a Corporation.  
(Company Name)

The grounds of deponent's belief relative to all matters in the said application which are not stated upon his/her own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his/her duties as an officer of and from the books and papers of said corporation.

As an officer of said corporation (hereinafter referred to as the "applicant"), deponent acknowledges and agrees that applicant shall be and is responsible for all costs incurred by the Dutchess County Industrial Development DCIDA (hereinafter referred to as the "DCIDA") acting on behalf of the applicant during the attendant negotiations and leading to the issue of bonds. If, for any reason whatsoever, the applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified time to take reasonable, proper, or request action, or withdraws, abandons, cancels, or neglects the application, or if the DCIDA or applicant are unable to find buyers willing to purchase the total bond issue required, then upon presentation of invoice, applicant shall pay to the DCIDA, its' agents, or assigns, all actual costs incurred with respect to the application, up to that date and time, including fees of bond counsel for the DCIDA and fees of general counsel for the DCIDA.\* Upon successful conclusion and sale of the required bond issue, the applicant shall pay to the DCIDA an administrative fee set by the DCIDA.

N/A  
(Chief Officer of Company submitting)

N/A  
Print Name

N/A  
Title

N/A  
Date

NOTARY: Sworn to me before this N/A day of N/A, 20 N/A

\*Applicant is responsible for payment of any State Bond Issuance Fees.

N/A  
Notary Public (Please Affix Stamp)

## Section 8 - Local Workforce Utilization Policy and Certification

Construction jobs, though limited in time duration, are vital to the overall employment opportunities in Dutchess County. The Dutchess County Industrial Development Agency (the "Agency") has determined that Project Applicants (the "Company"), as a condition to receiving a real property tax abatement also referred to a Payment in Lieu of Taxes (PILOT) from the Agency, will be required to utilize qualified Workforce, as defined below, for all projects involving the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (collectively, the "Project Site").

### ***For Projects \$10,000,000 and Above Receiving a Real Property Tax Abatement***

#### Local Area Defined

For projects equal to or greater than \$10,000,000 the Local Area is defined as individuals residing in the following Counties (collectively, the "Local Area"): Columbia County, Dutchess County, Greene County, Orange County, Putnam County, Rockland County, Sullivan County, Ulster County and Westchester County.

#### Local Workforce Requirement

Companies receiving a PILOT as part of their financial assistance shall ensure that at least 80% of total work hours of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively the "Workers") working on the Project Site must reside within the Local Area. The 80% shall be measured by hours in total at the time of completion of the project. Companies do not have to be local companies as defined herein, but must employ local Workers residing within the Local Area to qualify under the 80% local Workforce criteria.

#### Local Workforce Reporting Requirement

The Local Workforce criteria will be verified based on employment, payroll and related records.

In addition, the Agency, or its designated agents, shall have the right, during normal business hours, to examine and copy records of the Company and to perform spot checks of all Workers at the Project Site to verify compliance with the Local Workforce requirement throughout the construction period.

#### Enforcement

If Agency staff determines that: (1) The Local Workforce Requirement is not being met; or (2) Agency Staff, upon use of its reasonable discretion, discovers or becomes aware of a compliance issue related to the Local Workforce Requirement, then a written warning delivered by Certified Mail of said Local Workforce Requirement violation (the "Warning of Violation") shall be provided to the Company.

In the event a subsequent violation of the policy has occurred, then written notice delivered by Certified Mail of said Local Workforce Requirement violation (the "Notice of Violation") shall be provided to the Company and the Executive Director shall bring the information to the Board of Directors which may, in its discretion, take action to revoke IDA benefits.

The Company has the primary obligation for the adherence to all the conditions of this policy. This obligation cannot be relieved, evaded or diminished by assigning a Contractor or through subcontracting. Should the project applicant assign a Contractor, the Company shall continue to have primary obligation.

Projects with multiple phases or projects with multiple owner entities will be considered in whole during the enforcement period.

Waiver Request

It is understood that at certain times, Workers residing within the Local Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Utilization Requirement (the “Local Workforce Utilization Waiver Request”) based on the following circumstances:

- Warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers
- Specialized construction for which qualified Local Workforce Area workers are not available;
- Significant cost differentials in bid prices whereby the use of local Workforce significantly increases the cost of the project. A cost differential of 10% is deemed significant. Every effort should be made by the contractor or applicant to get below the 10% cost differential including, but not limited to, meeting with local construction trade organizations and local contractor associations
- Documented lack of workers meeting the Local Workforce Area requirement

The Agency shall evaluate the Local Workforce Utilization Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request.

The foregoing terms have been read, reviewed and understood by the Company and all appropriate personnel. The undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialmen. Furthermore, the undersigned realizes and understands that failure to abide by the terms herein could result in the Agency revoking all or any portion of Financial Assistance, whether already received or to be received by the Company, as it deems reasonable in its sole discretion for any violation hereof.

**Rolling Frito-Lay Sales, Inc.**

\_\_\_\_\_  
Name of Company

*Kathleen H Alfano*

\_\_\_\_\_  
Name: Kathleen H. Alfano

Sr. Director, Economic Development

\_\_\_\_\_  
Title

## ***Attachment 1 - Short Environmental Assessment Form***

Please complete a Short Form Environmental Assessment Form (<https://www.dec.ny.gov/permits/6191.html>) . Based upon the information provided in that form and elsewhere in this application, the DCIDA may require further information regarding potential environmental impacts.

If this project is likely to have a significant adverse impact on the environment (a “Type I” action), then the action is probably required to be reviewed by one or more other state or local agencies, such as a local zoning or land use authority. In that event, the DCIDA generally will not act as “lead DCIDA,” and any action by the DCIDA must await completion of the SEQRA review by the other DCIDA. If that is not the case, i.e., if the proposed action is a “Type II” or “unlisted” action under SEQRA, the DCIDA may act independently for SEQRA purposes.

## Attachment 2 – Agency Standard Fee Schedule and other fees

### **DCIDA Standard Fees**

Application Fee: \$250 (non-refundable)

Administrative Fee: One percent (1%) of the first \$2.5 million of the estimated project cost and one-quarter of one percent (.25%) for the estimated project in excess of \$2.5 million

Annual Compliance Fee: \$500

The project applicant additionally will be required to pay DCIDA Counsel fees, Bond Counsel fees and other direct expenses of the DC IDA, including, but not limited to, compliance, accounting and engineering expenses. The project applicant agrees that such legal fees and other direct expenses of the DC IDA such as publication costs and stenographer's fees are payable separately from the application and processing fees.

The above fees will be payable in full on the sale of the bonds. Failure and neglect to proceed to close will result in pro rata tender of billings.

## Attachment 3 – Additional Community Benefit Definitions

### **Target Geography**

#### *Distressed Census Tract/ Area*

Proposed project is located in a distressed census tract or area as defined by New York State. Project owner/applicant will be responsible for showing verification.

#### *High Vacancy Census Tract*

Proposed Project is located in a census tract with a vacancy rate of at least fifteen percent (15%), rounded to the nearest percentage point, according to the most recent census data. Project owner/applicant will be responsible for showing verification.

#### *Transit Oriented Development*

Proposed Project is located in the municipality's Transit Oriented Development Zone and is consistent with the municipality's development strategy. Project owner/applicant will be responsible for showing verification.

#### *BID*

Proposed project is located within the boundaries of the municipality's Business Improvement District. Project owner/applicant will be responsible for showing verification.

#### *Neighborhood Plan*

Proposed Project is in response to a municipal's RFP/RFI for a Neighborhood / Community Development Plan. Project owner/applicant will be responsible for showing verification.

### **Identified Priority**

#### *Tax Exempt / Vacant*

Proposed project is located on a parcel designated tax exempt prior to the time of purchase by the project owner/ applicant/ and/or an unoccupied parcel(s) of land or building that is at least ninety (90%) vacant. Cases in which a property is vacated for the purpose of pursuing the proposed project may not be considered vacant.

#### *Adaptive Re-use*

Project that result in the rehabilitation/renovation of a distressed building or parcel

#### *Community Catalyst*

Proposed project contributes to an existing policy or initiative for improving conditions and catalyzing change in the community.

### **Identified Growth Area**

#### *Manufacturing / Distribution*

Proposed project must result in the creation, retention or expansion of manufacturing or distribution facilities as well as the creation and/or retention of permanent jobs



### *Technology*

Proposed project must result in the creation, retention or expansion of tech sector facilities as well as the creation and/or retention of permanent jobs

### *Existing Cluster*

Proposed project must result in the creation, retention or expansion of facilities as well as the creation and/or retention of permanent jobs in an existing County cluster, including technology, healthcare, education and hospitality.

### **Investment**

Proposed project invest is the amount in dollars (\$) that will be spent in order to complete the project and includes but is not limited to: acquisition costs, construction hard costs, soft costs, and contingency costs required to complete the project.

### **Community Commitment**

#### *Minority and Woman-Owned Business Enterprise/Disadvantaged Business Enterprise Participation*

Proposed project commits that at least twenty percent (20%) of the value of awarded construction of the proposed project is performed by minority or woman – owned operators. Project owner/applicant will be responsible for providing independent third-party verification upon project completion. MWBE/DBE participation goals indicate the percentage (in dollars) of a contract that must be performed by a NYS-certified woman– or minority-owned business enterprise or Federally-certified disadvantaged business enterprise. The goals may be met through an MWBE/DBE prime contractor’s self-performance, a joint venture between an MWBE/DBE and non-MWBE/DBE firm, or through the use of MWBE/DBE subcontractors.

#### *Veteran Utilization*

Proposed project commits that at least ten percent (10%) of the workforce employed during construction of the proposed project are veterans. Project owner/applicant will be responsible for providing independent third party verification upon project construction completion.

#### *Workforce / Affordable Housing*

Proposed project commits to at least ten percent (10%) of total residential rental units are to be reserved for and/or rented to low-income households as defined by the most recently available U.S. Housing and Urban Development State Income Limits for the term of the Agency financial assistance. Project owner/applicant will be responsible for providing independent third party verification on an annual basis.

#### *Local Workforce*

Proposed project commits to at least eighty percent (80%) of construction jobs will be filled by local residents as defined in by the DCIDA Local Workforce Policy. Project owner/applicant will be responsible for providing verification until project construction completion.

#### *Licensed Apprenticeship Program*

Proposed project commits to at least fifty percent (50%) of the contractors or subcontractors maintain a New York State certified apprenticeship program. Project owner/applicant will be responsible for providing independent third party verification upon project construction completion.

*Public Infrastructure*

Proposed project will entail the private construction and installation of infrastructure for public benefit. Project owner/applicant will be responsible for providing independent third party verification upon project completion.

**Employment**

*Permanent Created (New) Job*

A created (new) permanent job is a new a position created over and above the business' current baseline. Construction jobs are not considered to be permanent new jobs. Project owner/applicant will be responsible for reporting on an annual basis.

*Permanent Retained Job*

A permanent retained job is a position that, but for the project investment, would be removed, relocated, or eliminated. Construction jobs are not considered to be permanent retained jobs. Project owner/applicant will be responsible for reporting on an annual basis.

*Construction Jobs*

A construction job is a position created during the construction phase and for the purpose of completing the project. Project owner/applicant will be responsible for reporting on an annual basis until construction project completion.

Appendix A  
Rolling Frito-Lay PILOT Formula

Year 1	90%
Year 2	90%
Year 3	85%
Year 4	85%
Year 5	85%
Year 6	80%
Year 7	80%
Year 8	70%
Year 9	65%
Year 10	60%
Year 11	55%
Year 12	50%
Year 13	45%
Year 14	40%
Year 15	35%
Year 16	30%



# Town of East Fishkill

Dutchess County, New York  
330 Route 376, Hopewell Junction, New York 12533  
Telephone 845-221-4303

Nicholas D'Alessandro, Supervisor  
Town of East Fishkill

Town Board:  
Peter Cassidy  
Thomas Franco  
Emanuele Marinaro  
Anil Beephan

November 9, 2021

Sarah Lee, Executive Director  
Dutchess County Industrial Development Agency  
3 Neptune Road  
Poughkeepsie, NY 12601

Re: Project Niagara

Ms. Lee:

The Town of East Fishkill has been working with the applicant, Project Niagara, on their application for a 155,958 square foot fulfillment center, fleet center and guardhouse. The proposed is located on a 28.42 acre site that sits in the Town of East Fishkill.

On November 4, 2021, the East Fishkill Town Board adopted a negative declaration of a SEQR determination for the Project Niagara. Also on November 4, 2021 the East Fishkill Town Board issued Project Niagara an Economic Development permit for same project. The East Fishkill Town Board has been reviewing the current proposal for a PILOT program for Project Niagara and we are in support of the proposal.

Very truly yours,

Nicholas D'Alessandro, Supervisor  
Town of East Fishkill



Kristen Crandall • Assistant Superintendent of Finance & Business Development  
25 Corporate Park Drive • P.O. Box 396 • Hopewell Junction, NY 12533 • (845) 298-5000 x40149 • Fax (845) 896-1973

November 9, 2021

Sarah Lee, Executive Director  
Dutchess County Industrial Development Agency  
3 Neptune Road  
Poughkeepsie, NY 12603

***Re: Application for Financial Assistance Rolling Frito La-Lay (Project Niagara)  
Warehouse Distribution Center Project***

Dear Ms. Lee:

On behalf of the Wappingers Central School District ("District"), please consider this letter confirming the District's support of the Rolling Frito-Lay application for financial assistance to the Dutchess County Industrial Development Agency, in connection with its proposed warehouse distribution center redevelopment project at the IBM Campus site on Route 52, in the Town of East Fishkill.

The District welcomes this redevelopment project, as it will bring jobs to our community and much needed financial support to assist the District in its mission to provide our students with a high quality public education.

Very truly yours,

Kristen Crandall  
Assistant Superintendent for Finance

cc: Dr Dwight Bonk, Ed.D. – Superintendent of Schools

**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:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>i. Coastal Resources.</p> <p><i>i.</i> Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		

**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?  Yes  No

- **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?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  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?)  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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?  Yes  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.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

\_\_\_\_\_

\_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? \_\_\_\_\_

b. What police or other public protection forces serve the project site?  
\_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site?  
\_\_\_\_\_

d. What parks serve the project site?  
\_\_\_\_\_  
\_\_\_\_\_

**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?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
\_\_\_\_\_

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes, \*25% of the building will be 85 feet 8 inches in height, the balance of the building will be 49 feet 8 inches in height

i. Total number of structures \_\_\_\_\_

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No

If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

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

• Do existing sewer lines serve the project site?  Yes  No  
 • Will a line extension within an existing district be necessary to serve the project?  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 (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

*i.* Estimate methane generation in tons/year (metric): \_\_\_\_\_

*ii.* Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

*i.* When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

*ii.* For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

*iii.* Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

*iv.* Does the proposed action include any shared use parking? Yes No

*v.* If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

*vi.* Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

*vii.* Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

*viii.* Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

*i.* Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

*ii.* Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

*iii.* Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.

<p><i>i.</i> During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p><i>ii.</i> During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
---	--

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

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 Covertypes	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: \_\_\_\_\_

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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:  
\_\_\_\_\_

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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:  
\_\_\_\_\_

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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:  
\_\_\_\_\_

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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:  
\_\_\_\_\_

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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: \_\_\_\_\_  
\_\_\_\_\_

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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?  Yes  No

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

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

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

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

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:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

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

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

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

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

- Streams: Name \_\_\_\_\_ 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?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 \_\_\_\_\_

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

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

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

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





e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: 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: _____
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: 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.
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>

**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 \_\_\_\_\_ Date \_\_\_\_\_

Signature Divesh Patel Title \_\_\_\_\_

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

**PROJECT NIAGARA/FRITO-LAY FULFILLMENT CENTER:**  
**10-350 North Drive**

Parcel Nos. p/o 6356-04-861300, 6356-04-950353 and p/o 6456-03-054349

This Part 3 analysis has been prepared to address all relevant areas of environmental concern as identified in the review by the East Fishkill Town Board, as Lead Agency. This narrative will discuss and explain the analysis of the potential impacts, and why the Proposed Action will not result in a significant adverse environmental impact. Such analysis is appropriately set forth in the Part 3, even if the potential impact was identified as “none” or “small” in Part 2 of the Full Environmental Assessment Form (EAF). Based upon a review of Parts 1 and 2 of the EAF and all other application materials that were submitted in support of the Proposed Action (Type I), along with reports from Town staff and consultants, information from involved and interested agencies, and information from the public, the East Fishkill Town Board, undergoing a coordinated review, provides the following rationale for its SEQRA Determination.

Project Description:

The Proposed Action is the construction of a new automated high-technical fulfillment center to be located on approximately 28.4 acres of land at the northern portion of the site known as the former IBM East Campus (the “Property”). The Property is located in the I-1 Light Industrial Zoning District and encompasses portions of Lots 2 and 3, as shown on the “Final Subdivision Plat, GlobalFoundries U.S. 2 LLC,” filed in the Dutchess County Clerk’s Office on August 3, 2017 as FM# 12578, and previously served as part of the former IBM East Campus parking lot. The proposed development would consist of three structures to include a fulfillment center, fleet center, and guard house containing a total of approximately 155,958 square feet. The facility will also have approximately 20 loading docks, 109 automobile parking spaces, 13 tractor parking spaces and 100 trailer parking spaces. Improvements include a reconfiguration of access drives and parking lots, stormwater management, landscaping, and other utility infrastructure.

The Proposed Action includes a request for approval of an Economic Redevelopment Special Permit, Subdivision and Site Plan. The Town Board is the approval authority for the Special Permit and the Planning Board is the approval authority for the Subdivision and Site Plan.

The Proposed Action is a Type I action. The Town Board authorized the circulation of its Notice of Intent to Declare Lead Agency on August 26, 2021 and the circulation was sent to all known involved and interested agencies on September 13, 2021.

## Summary of Rationale for Negative Declaration

The Proposed Action will not result in any significant adverse impacts on the environment.

- **Impact on Land: The Proposed Action will not have a significant adverse environmental impact as a result of any physical alteration to the project site.**

The overall disturbance area of the Proposed Action is approximately 19.6 acres. Most of the proposed disturbance includes areas of the site that have previously been disturbed, as the Property is currently developed with an asphalt parking lot. The existing topography of the project site is mostly flat except for a grass berm located to the west of Gate 2 along NYS Route 52. A majority of the project site currently contains impervious pavement with several landscaped islands. No increase in impervious areas is proposed.

Project construction will likely last approximately 24 months due to the size of the project and potential unavoidable factors such as adverse weather conditions. Numerous measures will be undertaken throughout the construction period that will result in the project not having a potential significant adverse environmental impact due to the length of the project's construction. These measures are discussed in detail in the Stormwater Pollution Prevention Plan and incorporated by reference herein.

Due to the disturbance of earth during construction, best management practices (BMPs) will be employed to minimize potential impacts to air quality and storm water quality. To minimize dust impacts, selective clearing and grubbing will be performed as needed. As soon as grading operations for an area are completed, the area will be temporarily stabilized until it can be paved, landscaped or otherwise completed. Dust will also be controlled with the use of an on-site water truck and misting stations. Other measures during earthwork will include wetting the soil surfaces, covering trucks and stored materials with a tarp, and proper maintenance of equipment. Stabilized construction entrances will be used at all construction entrances to the Site to minimize trucks tracking soil onto public roads.

Project construction has been designed to avoid and/or minimize potential adverse construction-related impacts to the maximum extent possible with the measures outlined above. Based on the information set forth herein, the Proposed Action will not have a significant adverse environmental impact as a result of physical changes to the Property.

- **Impact on Geological Features: The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms on the site.**

There are no unique geological features on the Property.

- **Impacts on Surface Water: The Proposed Action will not have a significant adverse environmental impact on wetlands or other surface water.**

The Town Board reviewed the information within the FEAF related to existing conditions of the Property in relation to surface waters and wetlands and makes the findings below.

Wetlands.

1. An evaluation and delineation of wetlands/watercourses was completed by GHD, Inc. (Gregory Kunka, P.W.S.) as described in the report entitled “Wetland Delineation,” dated May 21, 2021, for the entire Property and the immediately surrounding area. The delineation was performed in accordance with the U.S. Army Corp of Engineers 1987 Wetland Delineation Manual, Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast, and New York State Wetlands Delineation Manual.

Based on the results of the wetland delineation by GHD, one area containing wetlands totaling 0.383 acres was identified in a vegetated swale at the eastern portion of the site. Hydrology for the wetland is currently provided by stormwater runoff from the site and surrounding areas. No disturbance to this wetland is proposed. Stormwater from the Project will include water quality treatment measures in accordance with applicable standards which would improve upon existing conditions.

Section 110-2 of the Town Code defines “wetlands” as “all portions of NYSDEC regulated wetlands and buffers, all portions of USACOE regulated wetlands, and all portions of ‘isolated’ wetlands not regulated by either NYSDEC or USACOE and with an area of 1/2 acre or more.” Thus, under the Town’s regulatory threshold for wetlands, the area identified by GHD consisting of 0.383 acres does not constitute a regulated wetland.

1. The Proposed Action does not include activities within the limits of onsite wetlands or within the 100-foot NYSDEC Adjacent Area associated with the off-site mapped and regulated NYSDEC wetlands.

The Proposed Action will not result in any significant adverse impact to wetlands or other surface water.

- **Impact on Groundwater: The Proposed Action will not have a significant adverse environmental impact on groundwater quality or quantity.**

The Project does not propose any discharge of wastewater or other contaminants to groundwater. The Project will be connected to the existing public water distribution and sanitary sewer systems. Water usage and liquid waste generation is anticipated to

be 1,245 gallons per day. Adequate water supply and sewer capacity exist for these flows. (See also, “Impact to Water and Wastewater” and “Impact to Human Health,” below).

The Proposed Action will not result in any significant adverse impact to groundwater quality or quantity.

- **Impact on Water and Wastewater: The Proposed Action will not have a significant adverse environmental impact on water or sewer service.**

The Town Board has evaluated all potential impacts related to the project and finds that the project will not result in any significant adverse environmental impacts related to water or sewer service.

### Demands

The water and sewer demands for the Proposed Action were estimated from Table B-3, “Typical Per-Unit Hydraulic Loading Rates” as provided in the New York State Design Standards for Intermediate Sized Wastewater Treatment Systems (2014). The proposed warehouse will have up to 74 employees working each day (33 people for two shifts, 8 people for one shift). The category “Factory / Distribution Warehouse” is most applicable and has a unit loading rate of 15 gallons per day (gpd) per shift. The facility will not have showers. Therefore, the estimated water and sewer demand for the warehouse is 1,110 gpd. The guard post will have one employee stationed full time, twenty-four hours a day. The facility will have its own restroom. The same unit loading rate as the warehouse will be used in this case; therefore, the estimated water and sewer demand for the guard post is 45 gpd. The Fleet Center will have a restroom and floor drains in a maintenance area for vehicle repairs. The building will have an oil-water separator for the floor drains. The Fleet Center will not have a wash bay and drainage from the floor drains is anticipated to be minimal, consisting of drips from rain or melting snow. It is anticipated that 6 employees will staff the Fleet Center over two shifts (3 people per shift). As with the previous buildings, the category “Factory / Distribution Warehouse” is most applicable; therefore, the estimated water and sewer demand for the Fleet Center is 90 gpd. The proposed East Fishkill Fulfillment Center project will have an estimated total water and sewer demand of 1,245 gpd for three buildings. Adequate water supply and sewer capacity exist for these flows.

### Water

The proposed project will receive water supply from the Dutchess County Water and Wastewater Authority (DCWWA) which has sufficient capacity to supply the project. The Dutchess County twenty-inch supply line enters the site from the northwest corner and continues into the site with ownership transferring to Global Foundries at Building 350. A twenty-inch water main leaves building 350 and proceeds easterly across the project site. A portion of this water line is being relocated as part of the project. The

water supply for both fire and domestic service will be from this twenty-inch line which crosses the site. The domestic water service for the site has been designed in accordance with the requirements of the Ten States Recommended Standards for Water Works, latest edition, and the plumbing code of New York State. Domestic water supply will be provided at the main warehouse, the fleet center, and the guard booth. Fire protection water service will be provided to the warehouse.

The fire flow demand for the warehouse will be met by the use of a fire pump located in a fire pump room. The fire pump shall be supplied with water from the DCWWA and shall provide 2500 gpm at 120 psi. Fire protection for the building will be designed in conformance with the Fire Code of New York State and NFPA 13. The fire pump shall be designed in accordance with NFPA 20. Six hydrants are provided at the perimeter of the warehouse and a new hydrant is located near the Fleet Center building. Existing hydrants are present on site in the area of the guard house.

Accordingly, the proposed project will not create any significant adverse water or water service impacts.

#### Wastewater

The projected wastewater generation for the site is 1,245 gpd for three buildings. The wastewater is being designed to outfall to the existing business park sanitary sewer collection system. The outfall connection point for the project is at a sanitary manhole southwest of the project parcel. No truck washing or manufacturing is taking place at the project site and as such all wastewater from the project site will be from bathroom facilities only.

The elevation of the proposed buildings will not allow for gravity sewer connections; therefore, individual low pressure sewer pump stations are proposed. Because the estimated sewer generation for each building is very small, compact semi-positive displacement grinder pump stations will be provided by E-One for each building's sewer lateral. The semi-positive displacement pumps have a near-vertical pump curve which results in a typical flow rate of 11-14 gallons per minute (gpm) when the pump is active, regardless of backpressure. Each pump station will consist of a fiberglass wet well and two grinder pumps. The pump stations will pump into a common 2-inch DR-11 HDPE force main manifold, which will convey the wastewater to the nearest existing gravity manhole for treatment at the adjacent wastewater treatment plant. This small diameter force main is possible due to the macerating action of the grinder pumps to prevent any clogging.

Backup generators will be included as part of the development to provide standby emergency power to the pump stations. The stations will be vented with a GAC odor control scrubber. Each station will have its own discharge check valve to prevent backflow when the other stations are pumping.

All water and sewer line installation, disinfecting, flushing, bacteriological testing, and installation of service connections shall be completed in accordance with the latest version of American Water Works Association (AWWA) Standards, 10 State Standards, New York State Design Standards for Intermediate Sized Wastewater Treatment Systems (2014), and Dutchess County Design and Construction Standards.

The sanitary system for the business park, that the site connects into, conveys wastewater to the Global Foundries Sewer Treatment Plant immediately to the west of the business park. The treatment plant outfalls to Gildersleeve Brook and has the capacity to accept the proposed wastewater generated from the project site.

Accordingly, the proposed project will not create any significant adverse wastewater impacts.

### Conclusion

The Proposed Action will not result in any significant adverse impact to water or sewer service.

- **Impact on Flooding: The Proposed Action will not have a significant adverse environmental impact on or alter drainage flows or patterns, or surface water runoff.**

The Applicant prepared a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the Town of East Fishkill and the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) technical standards. The SWPPP identifies the erosion and sediment control, pollution prevention and stormwater management measures to be implemented during construction to minimize soil erosion and control sediment transport off site and after construction to control and treat stormwater runoff from the developed site. The project is considered a redevelopment project and as such will be designed in accordance with Chapter 9 of the New State Stormwater Management Design Manual. Erosion Control Practices will be implemented in accordance with the New York State Standards and Specifications for Erosion and Sediment Control. To evaluate the potential impacts associated with the development of the site, existing and proposed condition hydrographs were generated using standard NRCS TR-55 methodology. The existing and post development condition peak flows and required Water Quality Volumes (WQv) were computed for the proposed project. Since the project will result in a reduction of impervious area, peak flow mitigation of the 10 year and 100-year storm events will not be required. Water Quality treatment will be provided in accordance with Chapter 9 of the Design Manual utilizing hydrodynamic separators.



Accordingly, based on the proper construction and maintenance of the measures for erosion control, sediment control, pollution prevention and stormwater management measures in accordance with the requirements outlined in the SWPPP and the accompanying project plans, the Proposed Action will not result in any significant adverse impacts on or alter drainage flows or patterns, or surface water runoff.

- **Impact on Air: The Proposed Action will not have a significant adverse environmental impact on air quality.**

The Town Board has reviewed the relevant facts related to air quality and makes the findings below:

1. Pursuant to 6 NYCRR 217-3.2, idling for heavy duty vehicles is limited to no more than five (5) consecutive minutes when the vehicles are not in motion. This will significantly limit any noxious fumes emitted by tractor trailers.
2. The building is proposed to be heated primary by natural gas.
3. No air permits from New York State or Federal agencies are required in order to operate the facility.
4. Construction activities associated with grading and excavation could result in temporary air quality impacts. Air quality in the area, however, is not expected to be significantly impacted by project construction because the construction activities will be temporary and confined to the Property. Construction vehicles will emit certain air pollutants through engine exhaust. There is also the potential for fugitive dust to be created during the construction period from site preparation activities, including removal of existing impervious surfaces and vegetation, and site grading. These unavoidable short term impacts to air quality will cease upon project completion. Construction will be conducted in accordance with all applicable federal, state and local codes and is expected to continue for approximately 24 months.

The Proposed Action will not create any significant adverse impact on air quality.

- **Impact on Plants and Animals: The Proposed Action will not have a significant adverse environmental impact on flora or fauna.**

Burns & McDonnell Consultants, Inc. prepared a report dated June 24, 2021 which reviewed the potential for threatened and endangered species on the Property. The report included a desktop review of the site for rare, threatened, or endangered species, including review of on-line GIS data layers available from United States Fish and Wildlife Service (USFWS) and New York State Department of Environmental Conservation (NYSDEC). In addition, the report included the results of an on-site survey conducted on May 12, 2021.

Burns & McDonnell visually assessed all existing site characteristics and surveyed the Project site for natural habitats and communities on, and in the immediate vicinity of, the site including wetlands, waterbodies, and native and invasive woody and

herbaceous plants. Tree, shrub, and herbaceous species were noted in planted landscaped areas as well as a wooded area in the northeast corner of the site. A small (less than 0.50 acres) emergent and forested wetland is located within the wooded area. A large floodplain forest is indicated near the site as mapped by NYSDEC, although this natural community is not found directly on the site. Burns & McDonnell concluded that development activities will improve upon existing conditions and not affect the natural community.

Based on consultation with USFWS, species federally listed, or proposed to be listed, that may be present in the area of the Property is the Indiana Bat (*Myotis sodalis*), which is listed as endangered under the Endangered Species Act, and is also state-listed as endangered. Seven species of birds were identified on the USFWS Birds of Conservation Concern (BCC) list or as warranting special attention in the project location, but the probability of the presence of five of the seven bird species is low (i.e., likely to be present for a single week or a few weeks in any given year). The other two bird species, Bald Eagle and Black-capped Chickadee, have a higher probability of presence in the area, but as described below, the site was not found to provide suitable habitat due largely to its highly developed setting.

The site was also evaluated for potential habitat for the Bog Turtle (*Glyptemys muhlenbergii*), due to the fact that the NYSDEC website indicates that the Property is located within a mapped distribution area for the species. Results of the site survey indicated a lack of suitable habitat due to the current development condition consisting of mostly paved areas, access roads, and planted lawns.

Burns & McDonnell concluded that, in general, habitat for all wildlife at the Property is very limited, and is broadly non-existent for the species listed above due to the fact that the Property is in a developed industrial area and is mostly paved with asphalt. Aside from the wooded area in the northeast corner of the Property, the only vegetation consists of planted lawn, mulched areas, and trees associated with landscaped islands within or adjacent to paved areas, and “street trees” at the periphery of the site, main entrance drive, and the internal circulation drive. Suitable habitat for Bog Turtle or Indiana Bat is not present on the Property, nor were the species observed during the site walk, and therefore there would be no impact to these listed species by the proposed project. For similar reasons, there would be no impact to migratory bird species.

The Proposed Action will not have a significant adverse impact on flora or fauna.

- **Impact on Agricultural Resources. The Proposed Action will not have a significant adverse environmental impact on agricultural resources.**

The Property does not contain and is not contiguous to any agricultural land.

- **Impact on Aesthetic Resources: The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.**

The Proposed Action will not result in the obstruction, elimination or significant screening of one or more officially designated scenic views. Motorists traveling on NY State Route 52 will have fleeting views of the project. Vegetative buffers and grade changes between the site and NY State Route 52 create a location for the proposed building that is partially screened from view.

The project has been designed to be consistent with the character of the surrounding industrial campus and it is subject to an architectural review by the Town Architectural Review Committee and the Planning Board. The elevations for the proposed buildings were revised to address comments from the ARC to provide colors that are compatible with those of other developments in the area, as well as to provide a better scale and more attractive “streetscape” as viewed from NYS Route 52. Additionally, new trees will be planted within the new parking lot, along the north and west side of the fulfillment center, within the grassed berm west of Gate 2, and at the perimeter of the Property for screening of the proposed activities at the Property.

Therefore, the Project will not have a significant adverse impact on aesthetic resources.

- **Impact on Historic and Archeological Resources: The Proposed Action will not have a significant adverse environmental impact on historic or archeological resources.**

The New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) State Historic Preservation Office (SHPO) Cultural Resource Information System (CRIS) was reviewed for information relevant to any historic or archeological resources at the project site. The CRIS indicates that a portion of the project area is within area designated as archeologically sensitive. No National Register listed or eligible properties are mapped within or adjacent to the project area. The proposed project site is located almost entirely on a parking lot that was previously graded. Prior disturbance of the site is also supported by the Natural Resources Conservation Service Web Soil Survey, which indicates that the soils within the project area are primarily Urban Land (Ur) and Udorthents, smoothed (Ud).

The project has been designed to be consistent with the nearby development in the industrial park within which the project will be located. Impacts to archeological and historic resources are not anticipated since there are no listed or eligible properties in or near the project area and since the project area has been previously disturbed.

Accordingly, the Proposed Action will not have a significant adverse impact on historic or archeological resources.

- **Impact on Open Space and Recreation: The Proposed Action will not have a significant adverse environmental impact on open space and recreation.**

The area of the Proposed Action is not designated as open space by the Town of East Fishkill. The Proposed Action will not result in the loss of a current or future recreational resource, eliminate significant open space, or result in loss of an area now used informally by the community as an open space resource.

- **Impact on Critical Environmental Areas: The Proposed Action will not have a significant adverse environmental impact on Critical Environmental Areas.**

The Proposed Action is not located in a Critical Environmental Area.

- **Impact on Transportation: The Proposed Action will not have a significant adverse environmental impact on transportation.**

The Proposed Project is located on the NYS Route 52 corridor, a major regional thoroughfare that runs through the Town of East Fishkill, and iPark Boulevard, an arterial connecting NYS Route 52 with Interstate 84 (I-84). According to the Traffic Impact Study (TIS) prepared by AKRF, Inc. dated September 20, 2021 and submitted as part of the EAF, regional access to the site will primarily be provided via iPark Boulevard at Gate 3, a signalized intersection to be utilized by the vast majority of the passenger cars (workers and visitors) and by all the trucks with some passenger cars (workers and visitors) utilizing the unsignalized intersection of NYS Route 52 with Gate 2. Gate 3 will be designed to provide a bypass lane for passenger car traffic to reduce the comingling of truck and passenger car traffic and to ensure there is no congestion or delays at this gate due to the Proposed Project. As per direction from the New York State Department of Transportation (NYSDOT) the existing bagged traffic signal will be removed from the Gate 2 and NYS Route 52 intersection. Frito Lay will obtain a Highway Work Permit (HWP) for this and any roadway work to be performed in the NYSDOT Right-of-Way (ROW).

The Town reviewed the following information within the EAF related to TIS and the following summaries the key findings below:

1. According to the TIS, the proposed projects would generate approximately 114 new trips (57 entering, 57 exiting) during the weekday morning peak hour and 103 new trips (70 entering, 33 exiting) during the weekday evening peak hour. As part of the TIS, a capacity analysis was performed at the following intersections (the TIS was conservative in superimposing the peak of the Proposed Project onto the peak of the roadway network, although the two do not coincide):
  - a. NYS Route 52 & Palen Road/County Route 31/Gate 1
  - b. NYS Route 52 & East Drive/Gate 2
  - c. NYS Route 52 & iPark Boulevard/County Road 27

- d. iPark Boulevard/County Road 27 & Shenandoah Road/Gate 3
  - e. iPark Boulevard/County Road 27 & Old Lime Kiln Road/Gate 5
  - f. I-84 Westbound Ramps & iPark Boulevard/County Road 27
  - g. I-84 Eastbound Ramps & iPark Boulevard/County Road 27
2. The TIS projected traffic volumes to include existing traffic and new traffic generated by background growth, other project proposed on iPark property and nearby approved developments including Project Redtail (Amazon) as provided by the Town Planner to derive the 2023 No Build traffic volumes. The site-generated trips were added to the 2023 No Build traffic volumes to derive the 2023 Build traffic volumes.
  3. The TIS includes a summary of the most recent pre-pandemic three-year crash data obtained from NYSDOT, which showed that no high crash locations are present in the study area. Based on the crash history, the Proposed Project is not anticipated to exacerbate the crash experience in at the study area intersections.
  4. The proposed truck traffic related to the project operation will be restricted from accessing the site via Gate 2 and will not utilize NYS Route 52 for access to the site. Trucks accessing the Proposed Project will access the site via I-84 and the iPark Boulevard/Gate 3/Shenandoah Road intersection.
  5. As part of the Proposed Project, the Applicant will reopen Gate 2 (currently a closed gate with a bagged traffic signal). The NYS Route 52 and East Drive intersection will be utilized for access by passenger cars only. The NYSDOT has requested for the existing bagged traffic signal to be removed by the Applicant in coordination with the Town and NYSDOT. The Applicant will obtain a HWP relating to the removal of the traffic signal at Gate 2 and for any other work to be performed within the NYSDOT ROW (all work to be performed and designed to NYSDOT standards).
  6. Based on a field visit on September 21, 2021 with NYSDOT, Town's traffic consultant and the Applicant's traffic consultant (AKRF), it was determined that a westbound NYS Route 52 left turn lane would not be required and that NYSDOT had no objections to the operation of the Gate 2 as a full movement, unsignalized intersection. AKRF prepared a supplemental iPark Warehouse Development – Gate 2 Alternative Operation Memorandum dated September 21, 2021 summarizing the analysis of the Gate 2 intersection based on the full movement unsignalized intersection discussed at the field visit with the NYSDOT. The memo found that the operation of Gate 2 would not result in any significant impacts to traffic operating conditions along the NYS Route 52 corridor based on the outlined limited use by employees and visitors utilizing the Route 52 corridor.

7. Based on the analysis, the Proposed Project is not anticipated to generate significant impacts to traffic or safety conditions on the adjacent roadway network. The Town's traffic consultant, HVEA Engineers, reviewed AKRF's traffic study and concurred with the results of the analysis

**Accordingly, the Proposed Project Will not result in any significant adverse traffic or transportation and safety impacts.**

- **Impact on Energy: The Proposed Action will not have a significant adverse environmental impact on energy.**

The existing energy infrastructure will adequately serve the anticipated additional demand. The Proposed Action does not require a new substation, or an upgrade to any existing substation.

All building construction proposed at the project site shall comply with state and local codes. Standards apply to the use of energy-efficient building materials (e.g., insulation, windows, weather stripping, door seals, etc.) and mechanical systems (e.g., air conditioners, heating systems, HVAC systems, water heaters, heat pumps, etc.), which minimize the amount of energy required. The New York State Environmental Conservation Law also requires that water saving plumbing fixtures be installed that meet water conservation flow standards. The purpose of installing this equipment is to conserve energy resources required to heat the water and minimize unnecessary water loss. All mechanical equipment within the building is being designed to energy code standards, with high-efficiency motors, transformers, etc. Building ventilation is also being designed to meet or exceed the latest energy code requirements. All light fixtures within the building are LED type which will consume a smaller energy footprint than fluorescent or incandescent lighting.

For the reasons noted above, the proposed development will not have a potential significant adverse impact on energy resources.

- **Impact on Noise, Odor and Light: The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or light.**

A sound study was completed by Burns & McDonnell, dated June 2021, to assess the potential for noise impacts of the construction and operation of the Project. Federal, State, and local documentation were utilized to determine the noise guidance and regulations applicable to the Project. Ambient sound level measurements were taken as a part of this study to quantify the existing sound environment and to establish sound levels for comparison to the NYSDEC guidance requirements. The Project includes stationary noise emitting heating, ventilation, and air conditioning (HVAC) equipment

on the buildings and intermittent noise from truck traffic shipping activities. The equipment and truck impacts were assessed through the development of a sound model.

Noise emissions from the Project are predicted to be below the Town of East Fishkill noise ordinance limit of 70 dBA at the noise-sensitive receptors. The modeled results also show the predicted Project sound levels are not expected to increase the existing ambient levels by more than 6 dBA at noise sensitive receptors, satisfying the NYSDEC guidance requirement for when adverse impacts regarding noise would occur. In addition, the peak hours of operation for the Project would not be expected to coincide with peak shifts of the adjacent Amazon facility or the AM or PM peak traffic hours on Route 52. Therefore, the Project would not be anticipated to result in any cumulative noise impacts. Regarding noise from unavoidable temporary construction activities, it is expected that such noise will generally be below the peak road noise and will not result in any significant adverse impact.

The Proposed Action is not anticipated to generate any noxious odors. No manufacturing will take place at the site.

Site lighting at both the fulfillment center and fleet center will consist of a combination of wall-packs, flood lights, and pole-mounted light fixtures. Pole-mounted light fixtures will be installed on 20-foot Round Straight Steel (RSS) poles, with fixtures around the property being tilted in toward the site. Wall-packs and flood lights will be mounted to the exterior walls of both the fulfillment center and fleet center, at varying heights from 10 to 30 feet above finished grade. Light fixtures used will be Nighttime Friendly and Dark-Sky Approved by the International Dark-Sky Association. Site lighting will also be designed to minimize spillage and impact to adjacent properties. Light poles will be at heights so that the average light intensity will be equal to or less than 5fc in high security areas and 1fc in other areas. Color temperature of light fixtures will be 3,000K. All site lighting will feature up-light visors, and lighting fixtures around the perimeter of the property will additionally include back visors to protect neighboring properties from light trespass. A detailed photometric plan was submitted to the Town Planning Board on October 7, 2021.

**Accordingly, the Proposed Action will not have a significant adverse impact as a result of noise, odor or light.**

- **Impact on Human Health: The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.**

The Former IBM East Fishkill Facility (State Superfund Program Remediation Site #314054, 6 NYCRR Part 373 Permit No. 3-1328-00025/00249, and EPA ID NYD000707901) East Campus consists of approximately 464-acres of land with approximately 2.7 million square-feet of building space and associated asphalt-paved parking and driving areas and landscaped areas, and is currently owned by i.Park (Lots

2, 3, 4, 6, 7, and 8) and Global Foundries (Global) (Lots 1 and 5) (collectively referred to as the “Site”). The Proposed Action which has been studied by the Town Board as Lead Agency concerns an approximately 28.4 acre portion of the Site of what is known as the “Route 52 Corridor” or “Perimeter Area” and referred to as new Lot 9.

Based on a review of historical documents, Lot 9 was historically owned and operated by IBM, who started their operations at the Property in 1962 for the development and manufacturing of semiconductors, semiconductor packaging, and electronic computing equipment. Global purchased the Property from IBM in 2015 and in turn sold a portion of the Site, which includes Lot 9, to i.Park in August 2017. The review of historical information confirms the Lot 9 was not utilized for manufacturing or waste storage activities and consisted only of asphalt-paved parking and driving areas since development by IBM circa 1962 to the present.

Numerous environmental investigations have been conducted at the Site. Environmental investigations and remediation at the Site are ongoing by IBM and under the oversight of the NYSDEC and U.S. EPA. IBM continues to conduct monthly sampling of 165 locations and quarterly groundwater elevation measurements of 387 wells to confirm on-site hydraulic control and containment of the contaminated groundwater. IBM pumps and treats groundwater from the on-site deep bedrock production well system, thus preventing off-site migration. The use of groundwater as a source of drinking water is no longer allowed and the Site, including Lot 9, is (or in the case of Lot 9, will be) serviced by the Town of Poughkeepsie municipal water supply.

These investigations have identified chlorinated and non-chlorinated volatile organic constituents (VOCs) of concern in both the soil and groundwater in several defined areas of the Site, referred to as Areas of Concern (“AOC”). There is no evidence of surface water and sediment contamination at the Site. The impacted soil and groundwater at the AOC’s are being remediated through the implementation of interim corrective measures (ICMs) in the AOC’s identified as Areas A, B, C, D, Building 320, Building 330, Building 322, the Southeast Quadrant, and the deeper bedrock. Only a small portion of Area A, as depicted on the Site Plan and Subdivision Map is located on Lot 9. However, investigations of Lot 9 have found no evidence of impacted soils based on the 6 NYCRR Part 375-6.8(b) restricted use Soil Cleanup Objectives (SCOs). Generally, on the Site itself in the AOC, the remediation consists of a combination of source removal, continuous groundwater pumping and treating, air stripping and carbon adsorption and active and passive, as the case may require for a particular area, vapor mitigation systems. No such remedial measures exist on Lot 9.

Both the Fulfillment Center Building and the Fleet Center building will be constructed with a vapor barrier and a passive soil vapor mitigation system. The NYS Department of Health will require the Applicant to conduct an indoor air sample once the buildings are operational. While the vapor mitigation system is designed to be passive, it is also designed and constructed to be modified to operate as an active system should testing warrant such active operation.



As initially proposed, the Fleet Center included a maintenance bay, wash bay and fueling operations (a dispenser and 9,000 gallon above ground tank). During the course of the land use review, the Applicant modified the Proposed Action to remove the wash bay and fueling operations, thus removing an operation that uses petroleum products and other chemicals. The use of the Property as a Fulfillment Center does not involve the creation, use or storage of hazardous materials and accordingly, the Proposed Action does not create new sources of hazardous contaminants or otherwise have an impact on human health due to the release of hazardous contaminants.

Accordingly, based on the (i) extensive investigation at the overall Site and Lot 9, (ii) past use of Lot 9 as a parking lot since 1963; (iii) imposition of an environmental easement containing use restrictions and institutional controls, on Lot 9, in favor of NYSDEC; (iv) investigations on Lot 9 have found no evidence of impacted soils based on the 6 NYCRR Part 375-6.8(b) restricted use Soil Cleanup Objectives (SCOs); (v) that any soils to be excavated will be managed in accordance with a Site Management Plan and Excavation Work Plan reviewed and approved by NYSDEC; and (v) the groundwater is not used for drinking water, that the Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.

**The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.**

- **Consistency with Community Plans: The Proposed Action is not inconsistent with adopted community plans.**

The Proposed Action would result in the redevelopment, reuse, and reutilization of a vacant and underutilized industrial site with a fulfillment center/warehouse facility. The site was formerly a parking lot for a portion of the IBM East Campus. The Proposed Action would result in the construction of a fulfillment center, fleet center and guardhouse consisting of a total of 155,958 square feet. The fulfillment center is proposed to be a maximum of 50 feet except for 25% of the building footprint which will house the ASRS machinery and will be 79 feet in height. The Proposed Action also includes 20 loading docks, 109 automobile parking spaces, 13 tractor parking spaces and 100 trailer parking spaces. The redevelopment of the vacant, underutilized industrial site would be consistent with the surrounding industrial land uses and the existing industrial zoning, but requires the approval of an Economic Redevelopment Special Permit.

The Proposed Action is in accordance with the stated public policy goals in the Town of East Fishkill Comprehensive Plan (2002). The Plan called for the entire IBM Campus to be used for industrial uses. As originally stated in the Town's 1982 Comprehensive Plan and reiterated in the 2002 Plan, the I-84 corridor is an appropriate location for industrial development. In addition, the Proposed Action is consistent with the Plan's following stated goal: "Identify land with marketable sites and good interstate highway access in

order to attract high-value industry. Industrial zoning shall continue to be maintained near the interstate and reduced near the railroads.”

The Proposed Action is consistent with the I-1 zoning district which permits “warehousing and distributing” subject to approval of an Economic Redevelopment Special Permit (“ERSP”) by the Town Board. The ERSP allows for greater flexibility of site design to encourage the redevelopment of former industrial campuses in the I-1 zone. The Proposed Action is in conformance with the special permit criteria of the ERSP at §194-46.7 of the Town Code, and meets all site plan and subdivision standards in the Town Code.

As a fulfillment center, the Proposed Action is appropriately located near major thoroughfares and transportation hubs including Interstate Route 84, Route 52, Interstate Route 87, and Stewart International Airport.

Compared with other commercial, residential or institutional uses, fulfillment centers/warehouse facilities have limited impacts on municipal services including the police and fire departments and school districts.

The Proposed Action is compatible with existing land uses in the vicinity, including iPark and Global Foundries. To minimize impacts to surrounding land uses along NYS Route 52, existing natural vegetation along the perimeter of the Property will be left largely intact to serve as a buffer and will be supplemented with additional vegetative screening, including evergreen species.

The Proposed Action will utilize iPark Boulevard/Limekiln Road and Gate 3 as the primary access to the site for trucks and employees. Some passenger vehicles may also utilize Gate 2 off of NYS Route 52.

**The Proposed Action will not have a significant adverse impact on community plans, land use or zoning.**

- **Consistency with Community Character: The Proposed Action is consistent with existing community character.**

Fiscal:

The Town Board reviewed information related to the fiscal conditions of the Proposed Action and makes the findings below:

1. The current taxable assessed value of the Project site is \$973,775. No tax exemptions are recorded for any of the Project site.
2. Property Taxes – The Project is projected to generate significantly higher property tax revenue than the current taxes of approximately \$30,000.

3. The Project will be subject to a payment in lieu of taxes (PILOT) agreement. The PILOT is designed to gradually implement taxes over 15 years. Property taxes for Town/County/School over the first 15 years will be approximately \$6,500,000 more than if there were no project at all. The Project represents a positive fiscal impact for all taxing districts.
4. Wappingers Central School District (WCSD) – Without residential construction and no school-aged children generated as a result of the Project, the Project would not result in any direct costs to WCSD. Instead, the Project would provide significant tax revenues to the school district.
5. Overall Projected Net Benefits – Over a 15-year lifetime, the Project is projected to have total net benefits of \$6,500,000.
6. Construction jobs – Approximately 80 construction jobs are anticipated to be created during the estimated 24-month construction period.
7. Long Term Employment – It is projected that up to 80 full-time equivalent employees will be employed by the Project. Salaries are expected to average approximately \$50,000 which is 150% of the average salary in Dutchess County. In addition, robust benefits packages will be offered.

**Accordingly, the Proposed Action will create substantial fiscal benefits for local and regional jurisdictions through tax revenues and job creation.**

Public Services:

The Town Board reviewed information related to the Proposed Action's demand on public services and makes the findings below:

Police: Private security measures will be implemented at the project site on a 24/7/365 basis, including but not limited to gates and a guardhouse, video surveillance, alarms, and internal staff training. There is no anticipated need for additional police manpower at the project site. Any increase in calls to the police department resulting from the Project will be adequately mitigated by the combination of on-site security measures and the significant tax revenue that will be generated by the Proposed Action.

Fire Protection: The buildings will be constructed in conformance with all fire safety regulations. The project plans were reviewed by the Town Fire Advisory Board and the East Fishkill Fire District. Concerns were raised about the ability of the Fire District to service the proposed building due a portion of the building proposed at a height of 79 feet. The portion of the building proposed at 79 feet will provide vertical space for the fulfillment center's inventory and will not include habitable space in the upper reaches of the building. The Applicant has agreed to provide a mitigation payment to the East

Fishkill Fire District representing its fair share toward the District's purchase of an apparatus to service the proposed building. Due to these measures, the Proposed Action will not have a significant adverse impact on fire services.

EMS: The rescue squad is a division of the EFFD and is a volunteer Basic Life Support (BLS) ambulance service that provides emergency medical service to East Fishkill and surrounding communities under pre-planned mutual aid agreements 24 hours a day, 7 days a week. The Proposed Action will be designed to accommodate all emergency service needs, including EMS equipment. The Proposed Action will not result in a significant adverse impact on emergency medical services. Any increase in calls to the police department resulting from the Project will be adequately mitigated by the significant tax revenue that will be generated by the Proposed Action

School District: The Proposed Action will not generate any school-aged children since it is not a residential development. The School District will, however, receive increase tax revenue from this Property as a result of the Proposed Action.

**The Proposed Action will not have a significant adverse impact on community character, including community services.**

Based upon this information and the information in the Full Environmental Assessment Form and all other materials submitted to the Town Board in connection with the Proposed Action, the Town Board finds that the Proposed Action will not have any significant adverse impacts upon the environment.

Adopted: November 4, 2021  
East Fishkill, New York

Motion by Councilman Beephan, seconded by Councilman Franco:

COUNCILMEN

Anil Beephan	Voting	AYE
Emanuele Marinaro	Voting	AYE
Peter Cassidy	Voting	AYE
Tom Franco	Voting	AYE
Nicholas D'Alessandro, Supervisor	Voting	AYE