

**Section 1: Applicant Information**

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

**A. Applicant Information (company receiving benefit)**

Company Name: 23-28 Creek Drive LLC  
Address: 11 Creek Drive Suite 102A Beacon NY 12508  
Phone: 845-202-7271 Fax: 845-202-7271  
Email: Tina@weberprojectslc.com  
Website: www.weberprojectslc.com  
Federal Employer ID Number: 82-3643114  
State and Year or Incorporation/Organization: New York/ 2017  
List of stockholders, members,  
or partners of Applicant: Rodney Weber

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

What is the name of the Real  
Estate Holding Company: \_\_\_\_\_  
Federal Employer ID Number: \_\_\_\_\_  
State and Year or Incorporation/Organization: \_\_\_\_\_  
List of stockholders, members, or partners of  
Applicant: \_\_\_\_\_

**B. Individual Completing Application**

Name: Rodney Weber  
Title: Owner/ Managing Member  
Address: 11 Creek Drive Unit 102 Beacon NY 12508  
Phone: 845-202-7271 Fax: \_\_\_\_\_  
Email: Rodney@weberprojectslc.com

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

Name: Tina Andress  
Title: VP Operations  
Address: 11 Creek Drive Suite 102A Beacon NY 12508  
Phone: 845-519-9489 Fax: \_\_\_\_\_  
Email: Tina@weberprojectslc.com

**D. Company Counsel:**

Name of Attorney: Eon Nichols  
Firm Name: Cuddy & Feder  
Address: 445 Hamilton Ave 14<sup>th</sup> Floor White Plains NY 10601  
Phone: 914-761-1300 Fax: 914-7615372  
Email: Enichols@cuddyfeder.com

**E. Request for Assistance:**

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

1	Bond Issuance (Tax Exempt / Taxable)	
2	Straight Lease	
	a. Payment in Lieu of Taxes	X
	b. Sales Tax Exemptions	X
	c. Mortgage Tax Exemption	X

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

**F. Form of Business Organization:**

    For-profit corporation                          Not-for-profit corporation  
    General partnership                          Limited partnership  
  x Limited liability company                  Sole proprietorship

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

State Of New York 11/28/2017

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

NA

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

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

Rodney Weber 100%  
\_\_\_\_\_  
\_\_\_\_\_

If Applicant has a significant relationship with an affiliate company(ies), please list the name and address of such affiliate(s): ALL BELOW HAVE AN ADDRESS OF 11 Creek Dr. Suite 102A Beacon NY

Weber Projects LLC, Weber Projects II LLC, Weber Projects III LLC,  
2 South Street LLC, Scenic Beacon Developments LLCC, RWHPA LLC

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

See Attached

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

See Attached

Estimated % of sales within County	<u>NA</u>
Estimated % of sales outside County but within New York State	<u>NA</u>
Estimated % of sales outside NYS but within U.S.	<u>NA</u>
Estimated % of sales outside the US	<u>NA</u>
Total Sales	<u>NA</u>

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

     Yes   x   No

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

     Yes   x   No

If yes, please list subsidies, program assistance or grants

**L. 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   x   No**

If yes, please list:

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

**None**

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

**Yes**

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

**P. Please attach sales and income projections or a project pro forma for next 3 to 5 years.**

**Attached**

Section 2: Project Description & Details

A. Industry

Please check off the Project's Industry Sector:

- Natural Resources / Mining
- Construction
- Utilities
- Manufacturing
- Wholesale / Retail
- Transportation /Warehousing
- Other (Please write): Mixed Use Commercial/ Residential
- Information Technology
- Financial Services
- Professional / Business Services
- Education or Healthcare Services
- Leisure and Hospitality
- Government

North American Industrial Classifications Number (NAICS) \_\_\_\_\_

B. Project Location

Project Address 23-28 Creek Drive Beacon NY 12508

Section Block Lot (SBL) Number for Property which proposed Project will be located: 6054-37-037625

Property Tax Jurisdiction:

Municipal: City Of Beacon  
School District: City Of Beacon

Are the Real Property Taxes current? NA Yes No  
If no, please explain OFF TAX ROLL

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

- Water
- Gas
- Electric
- Sanitary/Storm Water

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

If no, Present legal owner of site: City Of Beacon

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  
**The property was just recently vacated by the City of Beacon DPW. The land currently has several old buildings that will be demolished before new construction begins.**

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).*

**See Attached**

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).*

**This project will not be feasible without the IDA assistance.**

**The impact on the applicant would be a loss of tenant occupying the 20,000 sq.ft of commercial space.**

**The impact on the County and Municipality would be loss of job creation and much needed weekday foot traffic within our City**

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.

**This project would not be feasible without the assistance of DCIDA**

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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?

NA

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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?

Yes, this project was an awarded RFP from the City Of Beacon.

This project conforms to the newly rezoned FCD and compliments the City's recently updated Comprehensive Plan

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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.

Yes. Although we will not be seeking certifications, the building will be constructed as a Class A structure equivalent to or exceeding Silver LEED standards

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Is the project of a speculative nature?

No

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Will the Project include leasing any equipment?       Yes       No

**C. Zoning of Project Site:**

Current	FCD
Proposed	

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Are any variances needed? If so, please list:  
Variances have been granted. See Attached

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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.

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

**3.144**

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

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

**New construction bldg.1 49,000 sqft +/- New construction bldg.2 2,000 sqft +/-**

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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: Spill Registered with DEC. Remediation Plan in Place

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

If yes, please explain

**City of Beacon Planning Board was declared lead agency for SEQRA**

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

**D. Project Construction Schedule**

What is the proposed date for commencement of acquisition or construction of the Project?  
**ASAP**

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Please indicate the actual or expected dates of :

Construction completion: **3/2021**

Occupancy: **1/2021**

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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.

**Purchase Agreement Contract with City of Beacon for the land.**

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**E. Investment (Uses and Sources)**

**Uses (Facility Costs)** Please give an accurate estimate of the costs of all of the following items. Applicants are encouraged to discuss the project with DCIDA in order to estimate costs.

<b>1. Real Estate</b> (Acquisition cost of land and /or existing structures)	200,000
<b>2. New Building Construction</b>	\$ 5,570,000
<b>3. New Building Addition</b>	_____
<b>4. Infrastructure Work</b>	\$ 1,182,000
<b>5. Reconstruction/Renovation</b>	\$ _____
<b>6. Equipment (Taxable)</b> (Spending that will be subject to sales tax – i.e. machinery and equipment)	\$ 3,376,000
<b>7. Other Tax Exempt</b> (non-construction spending that will not be subject to sales tax)	\$ _____
<b>8. Professional Services</b> (Architect, Legal Fees <sup>1</sup> , Engineering fees)	\$ 805,000
<b>9. Other Taxable</b>	\$ _____
<b>10. Other (please specify)</b> <b>Bank Closing, Interest, Carrying Cost</b>	\$ 918,000
<b>Total Project Cost</b>	<b>\$ 8,675,000</b>

**Uses (Financing, Legal, Miscellaneous)**

	<u>Estimated Fees</u>
IDA Administrative Fees (See page 1)	\$ 38,250
IDA Counsel	\$ 5,000
Applicant Counsel	\$ _____
Transaction Counsel	\$ _____
Bond Counsel	\$ _____
Underwriter Counsel	\$ _____
Trustee Counsel	\$ _____
Other Costs of Bond Issue (i.e. printing)	\$ _____
If this is a bond transaction, will you be refunding bonds? And if so state amount here	\$ _____

DCIDA costs such as public hearings and legal notice fees are the responsibility of the Applicant from the time an application is submitted.

**F. SOURCES**

Amount of equity	\$ 1,675,000
Amount of other conventional financing	\$ 7,000,000
Amount financed by bond issue	\$ 0.00
<b>Total Sources of Funds for Project Cost</b>	<b>\$ 8,675,000</b>

\*Identify each state and federal grant/credit

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

## 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<br><input checked="" type="checkbox"/> Meets NYS/DCIDA Requirements<br><input checked="" type="checkbox"/> SEQRA / Planning Approval<br>Approval Date: <u>July 9, 2019</u> | <input checked="" type="checkbox"/> Meets Project Use Definition<br><input checked="" type="checkbox"/> "But For" Requirement<br><input checked="" type="checkbox"/> Will Directly Retain or Create Jobs |
|---|--|

### 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 checked="" type="checkbox"/> Distressed Census Tract	<input checked="" 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 type="checkbox"/> 21-80
<input type="checkbox"/> Transit Oriented Development	<input type="checkbox"/> 17.6 – 25 million	<input checked="" type="checkbox"/> 81-120
<input type="checkbox"/> BID	<input type="checkbox"/> >25 million	<input type="checkbox"/> 121-180
<input checked="" type="checkbox"/> Neighborhood Plan		<input type="checkbox"/> > 180
<b>Identified Priority</b>	<b>Community Commitment</b>	<b>Retained Jobs</b>
<input checked="" type="checkbox"/> Tax Exempt	<input type="checkbox"/> MWBE/DBE Participation	<input type="checkbox"/> 3-40
<input checked="" type="checkbox"/> Vacant	<input type="checkbox"/> Veteran Participation	<input type="checkbox"/> 21-80
<input checked="" type="checkbox"/> Adaptive Re-use	<input type="checkbox"/> Workforce /Affordable Housing	<input type="checkbox"/> 81-120
<input type="checkbox"/> Community Catalyst	<input type="checkbox"/> Local Workforce	<input type="checkbox"/> 121-180
	<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 type="checkbox"/> Manufacturing / Distribution	<input type="checkbox"/> Resource Conservation	<input type="checkbox"/> 6-80
<input checked="" 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^**

$$\frac{\$3,376,000}{\text{Amount of Project Cost Subject to Tax}} \times \frac{.08125}{\text{Sales Tax Rate}} = \frac{\$274,300}{\text{Total}}$$

**2. Estimated Mortgage Recording Tax Exemption**

$$\frac{\$7,000,000}{\text{Projected Amount of Mortgage}} \times \frac{.0075}{\text{Mortgage Recording Tax}} = \frac{\$52,500.00}{\text{Total}}$$

*\*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>375,000 Per Parcel Access</u>
Current Property Taxes	<u>0.00</u>
Estimated Property Value after project completion	<u>TBD \$6,900,000 est. (S.L)</u>

Will the Project utilize the DCIDA's Uniform Tax Exemption Formula?  Yes  No

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

Estimated tax abatement resulting from this project \$ NA \$729,728 over 10 years. (S.L)  
 (Consult with DCIDA for assistance with this calculation)

*^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 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	0		3	226,000
Professional	0	0		35	70,200
Management	0	0		7	112,300
Administrative	0	0		40	51,000
Production	0	0			
Other	0	0		2	110,000
Total*	0	0		87	569,500

Are employees currently covered by a collective bargaining agreement?

If yes, Name and Local?

No

Are employees provided retirement benefits?

Yes     No

Are employees provided health benefits?

Yes     No

How many construction jobs are anticipated to be created? 100 +/-

**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 Labor Workforce Area 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.

If a "labor workforce plan" has been developed please include that plan as an addendum to this application.

How will the project developer seek out and use the local workforce.

NA  
\_\_\_\_\_  
\_\_\_\_\_

What specific approaches are to be used in your efforts to identify local workforce candidates if additional project workers are necessary?

NA  
\_\_\_\_\_  
\_\_\_\_\_

*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*

**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? \_\_\_\_\_NA\_% 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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

Docuware can't expand in their current location. After an extensive search 23-28 Creek drive became the most viable location in the area.

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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).

Please explain what market conditions support the construction of this multi-tenant facility:  
**Per the City Of Beacon Comprehensive and Economic Development Plan and Re Zoning, they are requesting more commercial space be provided. FCD required a minimum of 25% commercial. We are giving the City approximately 72% on this project.**

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Have any tenant leases been entered into for this project?

Yes     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)
Docuware	New Windsor NY 12553	18,700	72%	See attached

**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:

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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:**

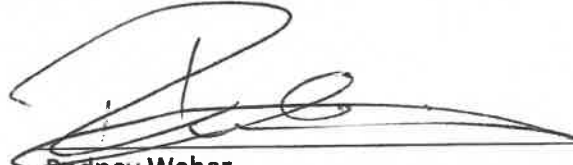
Month and year issued; Interest rate at year end; outstanding beginning of year; issued during year; principal payments during year; outstanding at end of year; and final maturity date. This information will be requested from you in January of each year.

- 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.

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.

Signature  
Print Name  
Title  
Date


  
\_\_\_\_\_  
Rodney Weber  
\_\_\_\_\_  
Managing Member  
\_\_\_\_\_  
2/12/2020  
\_\_\_\_\_



## 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  
Title  
Date

  
\_\_\_\_\_  
Rodney Weber  
\_\_\_\_\_  
Managing Member  
\_\_\_\_\_  
2/12/2020  
\_\_\_\_\_

**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 \_\_\_\_\_ Estimated Term \_\_\_\_\_

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

Date Required \_\_\_\_\_

**3) Certification**  
**To Be Completed for Bond Financing only**

---

\_\_\_\_\_ deposes and says that he/she is  
(Name of Officer of Company submitting application)

the \_\_\_\_\_ of \_\_\_\_\_  
(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

\_\_\_\_\_ 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.

\_\_\_\_\_  
(Chief Officer of Company submitting)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

NOTARY: Sworn to me before this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

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

\_\_\_\_\_  
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.

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

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Title

**DUTCHESS COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**Local Workforce Utilization Waiver Request**

The request to secure a waiver for use of non-local workforce utilization must be received in writing from the applicant, and must allow 60 days for processing and required due diligence.

Applicant Name: \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Reason for Request**

Warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers – **Explain**

Specialized construction for which qualified Local Workforce Area workers are not available - **Explain**

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 – **Explain (provide copies of all bids)**

No local Workforce available to meet the Local Workforce Area requirement - **Explain**

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

Number of Workers Needing Waiver \_\_\_\_\_

Amount of Contract Needing Waiver \_\_\_\_\_

Send completed form and attachments to:  
Dutchess County IDA, 3 Neptune Road, Poughkeepsie, NY 12601

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

### **Attachment 1 – 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, 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 2 – Additional Community Benefit Definitions

### Target Geography

#### *Distressed Census Tract*

Proposed project is located in a distressed census tract 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.

## **SECTION 1**

**H) 23-28 Creek Drive LLC is one of many entities owned and developed by Rodney Weber and managed by Weber Projects LLC. Our main operation is acquiring property and developing residential and commercial space within the City of Beacon. For this property we will be demolishing existing buildings on the premises in order to construct a new 4-story mixed-use building with an underground parking garage. We will also be building a small building to be used as a commercial Workshop/Garage rental with two parking spaces. The project includes a total of 20,000 square feet of commercial space, (including 18,700 square feet in the mixed-use building and 1,300 square feet in the workshop/garage), and 8 residential apartment units totaling 15,744+/- square feet. The commercial space and each of the residential units will have private balconies. Additionally, there are private rooftop decks for the three residential units located on the top floor. This project also includes an extension of the Greenway Trail running along the Fishkill Creek, and a large pocket park connected to the Trail that will be accessible to the public. This park will be constructed and maintained in perpetuity by the owner of this project.**

**I) Rodney Weber is the founder and CEO of Weber Projects, LLC. Since 2013 he has made Beacon the place where he wants to live and develop innovative multifamily and mixed-use properties to further Beacon's fiscal, social and environmentally responsible growth.**

**Weber Projects began working on mixed-use renovations of commercial buildings in Beacon, then directed its energy to the conversion of a former silk factory into loft-space condos. Thereafter, Weber Projects developed a larger project involving a 46-unit apartment building with a design that complements the traditional red-brick aesthetic of the City. Our latest project is an approved 246-unit apartment community on a 12-acre site near the Beacon train station of the Metro North Hudson Line. Rodney Weber has worked closely with the Beacon City Council and continues to execute projects that are consistent with the City's comprehensive plan, with attractive designs and environmental elements that reach standards equivalent to LEED ratings.**

## **SECTION 2**

**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).**

For this property we will be demolishing existing buildings on the premises in order to construct a new 4-story mixed-use building with an underground parking garage. We will also be building a small building to be used as a commercial Workshop/Garage rental with two parking spaces. The project includes a total of 20,000 square feet of commercial space, (including 18,700 square feet in the mixed-use building and 1,300 square feet in the workshop/garage) and 8 residential apartment units totaling 15,744+/- square feet.

Our Commercial space tenant will be DocuWare Corporation. They are currently located in New Windsor, NY. Once construction is complete, they will be closing their New Windsor office and moving to Beacon. DocuWare is a software development company that sells software/cloud services and offers support to end users with any issues they encounter with the software/cloud services. They provide consulting services to their resellers and end users, as well as provide training and education in the use of the software/ cloud services. They currently have Senior Management, Sales, Marketing, Support, Professional Services, Finance, HR and a Development and Quality Assurance Team.

### **Are any Variances Needed?**

**ALL VARIANCES LISTED BELOW HAVE BEEN GRANTED.**

- 1. Allow maximum building height of 53'-4" where 40'-0" is permitted. Requiring a height variance of 13'-4"**
  - 2. Allow maximum building height of 4 stories where 3 stories are permitted. Requiring a height variance of 1 story.**
  - 3. Allow a maximum dwelling unit size of 2,750 square feet for (2) of the proposed (8) apartment units where 2,000 square feet is permitted. Requiring a variance of 750 square feet for (2) units.**
  - 4. Allow a total of 93 Parking Spaces where 113 are required. Requiring a variance of 20 parking spaces.**
-

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

Agency Use Only (If applicable)  
 Project: 23-28 Creek Drive  
 Date: July 9, 2019

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

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

**Tips for completing Part 2:**

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

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

<b>2. Impact on Geological Features</b> The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part I. E.2.g) <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>3. Impacts on Surface Water</b> The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part I. D.2, E.2.h) <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------	-------------------------------------	--------------------------

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

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

g. Other impacts: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. (See Part I. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflouorocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part I. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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

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

**9. Impact on Aesthetic Resources**  
 The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)  
 If "Yes", answer questions a - g. If "No", go to Section 10.

NO       YES

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

**10. Impact on Historic and Archeological Resources**  
 The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)  
 If "Yes", answer questions a - e. If "No", go to Section 11.

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

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

**11. Impact on Open Space and Recreation**  
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.  NO  YES  
(See Part 1. C.2.c, E.1.c., E.2.q.)  
If "Yes", answer questions a - e. If "No", go to Section 12.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**12. Impact on Critical Environmental Areas**  
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)  NO  YES  
If "Yes", answer questions a - c. If "No", go to Section 13.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**  
 The proposed action may result in a change to existing transportation systems.  NO  YES  
 (See Part I. D.2.j)  
 If "Yes", answer questions a - f. If "No", go to Section 14.

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

**14. Impact on Energy**  
 The proposed action may cause an increase in the use of any form of energy.  NO  YES  
 (See Part I. D.2.k)  
 If "Yes", answer questions a - e. If "No", go to Section 15.

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

**15. Impact on Noise, Odor, and Light**  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES  
 (See Part I. D.2.m., n., and o.)  
 If "Yes", answer questions a - f. If "No", go to Section 16.

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

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

**16. Impact on Human Health**  
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part I.D.2.q., E.1. d. f. g. and h.)  NO  YES  
If "Yes", answer questions a - m. If "No", go to Section 17.

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

**17. Consistency with Community Plans**  
 The proposed action is not consistent with adopted land use plans.  
 (See Part I. C.1, C.2. and C.3.)  NO  YES  
*If "Yes", answer questions a - h. If "No", go to Section 18.*

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

**18. Consistency with Community Character**  
 The proposed project is inconsistent with the existing community character.  
 (See Part I. C.2, C.3, D.2, E.3)  NO  YES  
*If "Yes", answer questions a - g. If "No", proceed to Part 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3c, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FULL FORM**

Project : 23-29 Creek Drive

Date : July 9, 2019

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

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

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

**Reasons Supporting This Determination:**

To complete this section:

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

Please see attached.

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

SEQR Status:  Type 1  UnlistedIdentify portions of EAF completed for this Project:  Part 1  Part 2  Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information  
All application materials submitted by the Applicant, memoranda from City staff and consultants, agency and public comment, and testimony from meetings held on the application.

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

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

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

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

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

Name of Action: 23-28 Creek Drive

Name of Lead Agency: City of Beacon Planning Board

Name of Responsible Officer in Lead Agency: John Gunn

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:

Date: 7/10/19

Signature of Preparer (if different from Responsible Officer): Jennifer L. Gray, Esq., Keans & Beane, P.C.

Date: 7/7/19

**For Further Information:**

Contact Person: Etha Grogan, Planning Secretary

Address: 1 Municipal Plaza, Beacon, NY 12508

Telephone Number: 845-838-5002

E-mail: egrogan@cityofbeacon.org

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

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

Other involved agencies (if any)

Applicant (if any)

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

**PRINT FULL FORM**



**ATTACHMENT TO  
NEGATIVE DECLARATION  
REASONS SUPPORTING DETERMINATION**

**APPLICATION FOR CONCEPT PLAN, SITE PLAN, SUBDIVISION AND  
VARIANCE APPROVALS FOR 23-28 CREEK DRIVE**

Parcel No. 6054-37-037625

**CONCLUSIONS**

Based upon a review of Parts 1 and 2 of the Full Environmental Assessment Form (EAF) and all other application materials that were submitted in support of the Proposed Action (Unlisted), along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the City of Beacon Planning Board, undergoing an coordinated review, provides the following rationale for its SEQRA Determination.

**Project Description:**

The Proposed Action is to allow construction of a mixed-use development on the former City Department of Public Works (DPW) site with a total of eight (8) apartments and 20,000 square feet of commercial space (the "Proposed Action" or "Project") on property consisting of approximately 2.81 acres adjacent to Fishkill Creek and located at 23-28 Creek Drive in the Fishkill Creek Development (FCD) Zoning District (the "Property"). The Proposed Action includes a request for approval of a Concept Plan, Site Plan and Subdivision (lot line adjustment), and the following variances: (1) parking variance to allow 93 spaces where 113 are required; (2) building height variance to allow a 4-story building where a maximum of 3-stories are permitted; (3) building height variance to allow a 53.5' building where a maximum of 40' is permitted; and (4) a variance to permit two (2) of the eight (8) apartments to exceed the maximum size of 2,000 square feet. A Greenway Trail segment and public park are also proposed as part of the Project.

The Proposed Action is an Unlisted action. The Planning Board opened a public hearing to consider comments on the Proposed Action on April 9, 2019. The public hearing was closed on June 11, 2019.

**Summary of Rationale for Negative Declaration**

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

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

The Property is currently improved with several buildings previously used by the City DPW. The Project would include demolition of these buildings and to construct the proposed mixed-use development with grading and site work associated with such construction. 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 and Groundwater: The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.**

Since site disturbance will exceed 1-acre, a Stormwater Pollution Prevention Plan is required to obtain coverage under the NYSDEC SPDES General Permit GP-0-15-002. The Project will result in a slight decrease in impervious area as compared to existing conditions, so pursuant to NYSDEC Stormwater Manual requirements the Project requires water quality control for 25% of the impervious surface coverage, as well as erosion and sediment control measures.

A Preliminary Stormwater Pollution Prevention Plan, prepared by Hudson Land Design, has been reviewed by the Planning Board and the City Engineer. The City Engineer has confirmed that the general design of the SWPPP appears acceptable. Prior to finalizing the SWPPP, infiltration tests will need to be conducted at the locations of the two (2) proposed infiltration systems. Sizing information for the hydrodynamic separators will also be provided prior to finalizing the SWPPP.

See response re Human Health, below, concerning groundwater quality.

The Project does not include or require wastewater discharged 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 2,940 gallons per day. Adequate water supply and sewer capacity exist for these flows. A new sewer service connection will be provided at the proposed building and all existing service connections on-site will be disconnected to the City's mains and capped in place or removed. This will eliminate any inflow and infiltration issues that may be occurring as a result of the existing service connections.

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

- **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.**

Portions of the site are within the 100 year flood plain. The Project design avoids disturbances within the flood plain to the greatest extent practicable, but some areas in the flood plain are proposed to be disturbed. A portion of the proposed building is located within the 100 year flood plan which results in 312.16 cubic yards of fill within the flood plain. In accordance with Chapter 123 (Flood Damage Prevention) of the City Code, the fill in the floodplain is mitigated near the south end of the Site where 336.72 cubic yards of existing material is proposed to be removed for a net removal of 24.56 cubic yards. This provides additional available floodplain storage post-development.

A Flood Mitigation Calculation Plan, prepared by Hudson Land Design Professional Engineering, P.C., dated March 26, 2019, last revised May 28, 2019, was submitted to the Planning Board and reviewed by the City Engineer for conformance with the requirements of Chapter 123 (Flood Damage Prevention) of the City Code. The City Engineer confirmed that the Flood Mitigation Calculation Plan is in conformance with such requirements. No disturbances are proposed within the 100 year flood way. Based on a review of the Flood Mitigation Plan, the Project is not expected to impact or change the flood plain elevation of the Fishkill Creek.

Portions of the Greenway Trail are located below the floodplain elevation so those portions of the trail could be partially inundated during flood conditions.

Fishkill Creek is classified as "C" by NYSDEC and will not require a stream bank disturbance permit. However, two proposed stormwater outfalls will require certain permits. A joint application was submitted to the U.S Army Corps of Engineers (ACOE) and NYSDEC for the Nationwide Permit for Outfall Structures in connection with the two stormwater outfalls proposed to be constructed within the bank of Fishkill Creek. NYSDEC has issued a blanket Water Quality Certification dated May 22, 2019 after determining the Project is eligible for coverage under such blanket WQC. Any modification to the stormwater outfalls as shown on the plans received by NYSDEC on May 6, 2019 will require an updated determination from NYSDEC. Thus, an individual WQC permit is not required from NYSDEC. According to the Applicant, ACOE has acknowledged that the proposed disturbances to the streambank for floodplain mitigation are not within their jurisdiction and that the proposed work must be performed in accordance with FEMA and City of Beacon Regulations.

Therefore, the Project will not have a significant adverse impact 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.**

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.

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

Approximately twenty-eight (28) trees over 6" caliper are proposed to be removed within the limits of disturbance. All other major trees are proposed to remain. A Landscape Plan has been prepared which will be finalized during the Site Plan review stage. The Landscape Plan proposes the planting of approximately twenty-eight (28) new trees.

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

There are no agricultural resources in the vicinity of the Property.

- **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. The Proposed Action will be visible from Fishkill Creek but the aesthetics of the site will be far improved from the existing condition of a DPW facility. Further, public viewing of Fishkill Creek from the Site will be enhanced by providing a Greenway Trail segment and a public park at the south end of the site.

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

The Project is located in close proximity to the State and National Register eligible Upper Main Street Historic District. However, the Project is set back a distance from the Main Street/Churchill Street corridor. Moreover, the proposed architecture and

layout of the Project is not in direct conflict with the Upper Main Street Historic District.

By letter dated May 23, 2019, NYS Historic Preservation Office (SHPO) cited the Upper Main Street Historic District and found that the Project will have "No Adverse Effect" to historic and cultural resources. By email dated May 17, 2019, SHPO also confirmed that based on information concerning the historic disturbance and development on the Property, the potential for the presence of archeological resources is low.

Therefore, the Project 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 City of Beacon. 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 Applicant submitted a traffic report prepared by Maser Consulting P.A., dated March 25, 2019 to review the traffic impacts associated with the Project. Based on data provided by the Institute of Transportation Engineers (ITE) as contained in their publication Trip Generation, 10th Edition dated 2017, the Project is estimated to generate approximately 45 total trips during the AM Peak Hour and approximately 51 total trips during the PM Peak Hour. Capacity analyses were conducted utilizing Existing, No-Build and Build Traffic Volumes to determine the existing and future operating conditions in the vicinity of the Property. The results indicate that the site generated traffic can be accommodated on the area roadways without significant impacts to operating conditions at the study area intersections. The study area intersections included: (1) Tioronda Avenue & Main Street; (2) Churchill Street & Main Street; (3) Creek Road & Churchill Street; and (4) Churchill Street & Beacon City Municipal Lot/Site Access. The traffic report by Maser Consultant was reviewed by the City's Traffic Engineer, Creighton Manning Engineering, LLP. Creighton Manning

generally concurred with the results after confirming that the 2017 traffic data was appropriately adjusted to account for growth and new projects since 2017.

Based on the professional traffic impact review, the Project will not create a significant adverse traffic impact.

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

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

- **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.**

The Proposed Action is not anticipated to generate any noxious odors. Outdoor lighting will be consistent with typical residential lighting and will include building mounted lights and pole mounted lights. All lighting shall be shielded and pointed downward. Noise impacts associated with the proposed Project will be limited to temporary impacts generated during construction. Temporary noise impacts associated with construction will be mitigated by limiting construction activities to the hours between 7:00 a.m. and 5:00 p.m Monday-Friday, and 8 a.m. – 5 p.m on Saturday. It is not anticipated that blasting will be necessary during the proposed construction. If blasting does become necessary, it will be performed in accordance with all applicable state and local requirements. In addition, there will be no significant noise impacts post-construction.

- **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.**

Based upon soil testing conducted at the site, and the findings of those tests, a spill number was opened with NYSDEC by the Applicant's environmental engineer. Remediation of the site will be conducted where petroleum contamination was found, and the potential for groundwater contamination shall be assessed during remediation. The Applicant will prepare a remediation work plan for submittal to NYSDEC in accordance with NYSDEC requirements. A copy of the remediation work plan will also be submitted to the City of Beacon for informational purposes. No building permit should be issued for the Project until site remediation has been completed as determined by NYSDEC. Any additional contamination discovered during construction which requires remediation shall be remediated in accordance with all State and local laws, rules and regulations.

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

The Proposed Action is generally consistent with the Comprehensive Plan and City Zoning Code.

Based upon this information and the information in the Full Environmental Assessment Form, the Zoning Board of Appeals finds that the Proposed Action will not have any significant adverse impacts upon the environment. .

Adopted: July 9, 2019  
Beacon, New York

Motion by P. LAMBERT, seconded by R. WILLIAMS:

Gary Barrack	Voting: AYE	Jill Reynolds	Voting: AYE
David Burke	Voting: EXCUSED	Randall Williams	Voting: AYE
Patrick Lambert	Voting: AYE	John Gunn, Chairman	Voting: AYE
Rick Muscat	Voting: AYE		

Approved 6-0  
Denied \_\_\_\_\_