



McFarland Johnson

Innovative Solutions / Sustainable Results

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August 31, 2022

MJ Project No. 18974.00

Chairman Donald Massey and
Members of the Zoning Board of Appeals
P.O. Box 764
Schoharie, NY 12157

**Re: Zoning Board of Appeals Area Variance Application for
Highbridge Development Schoharie, LLC, Route 30A Development Site
(Tax ID 48.-4-22)**

Dear Chairman Massey and Members of the Zoning Board of Appeals:

On behalf of Highbridge Development Schoharie, LLC, we respectfully submit the enclosed Zoning Board of Appeals Application materials for a proposed project that involves the development of approximately 48 acres of vacant land along the east side of Route 30A and south side of Interstate 88 on the above referenced Property. The enclosed submission includes 7 copies (unless noted otherwise) of the following:

- 1) Town of Schoharie Required Submissions for Zoning Board of Appeals Application
- 2) Town of Schoharie Building and Zoning Permit Application.
- 3) Town of Schoharie Zoning Board of Appeals Area Variance Application.
- 4) Real Estate Brokerage Firm Letter.
- 5) Full Environmental Assessment Form.
- 6) Aerial View Map
- 7) Plot Plan to Scale: Proposed Layout Plan (1 full size and 7 - 11"x17")
- 8) Sketch or picture: Proposed Building Sections (1 full size and 7 - 11"x17")
- 9) Schoharie County GIS – Tax Parcel Map
- 10) Copy of Deed
- 11) ZBA Application Filing Fee: Not included, Applicant will provide \$50 check payable to Town of Schoharie under separate mailing (sent on 8/31/22).

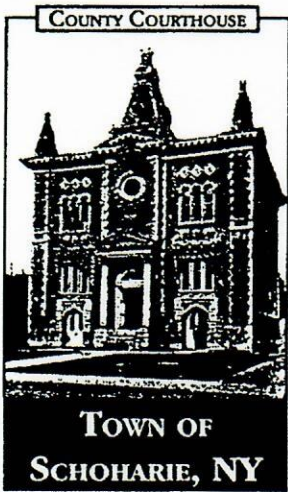
We respectfully request that this matter be placed on the Zoning Board of Appeals September 12th, 2022 meeting agenda for consideration. If you have any questions related to the enclosed information or if you require additional information, please contact our office.

Very truly yours,
MCFARLAND-JOHNSON, INC.

Timothy D. Bailey, P.E.
Senior Project Manager

cc: Alan Tavenner, Town Supervisor (Electronic Submission Only)
Kathryn M. Saddlemire, Planning Board Chairwoman (Electronic Submission Only)
Pamela Foland, Town Clerk (Electronic Submission Only)
Michael D. Harrington, P.E., Town Engineer (Electronic Submission Only)
Highbridge Development Schoharie, LLC, Applicant/Owner (Electronic Submission Only)

N:\18974.00 Highbridge Route 30A Site\Contract Deliverables\2022-08-31 ZBA Submittal\ZBA Submittal_08312022.docx



Town of Schoharie, NY 12157

OFFICE OF CODE ENFORCEMENT

Mail: PO Box 544 Office: 300 Main St.
Phone: 518-295-6572 Fax 295-7599

Required Submissions for ZBA (X)All Variances, (X)Special Use Permits and (X)Site Pan Reviews (Planning Board)

You need to submit the following in order for the review process to start
10 DAYS PRIOR TO THE DATE OF THE MEETING

No Exceptions.

Location of Property (911#): State Route 30A (currently vacant, no 911 #) **Date:** August 29, 2022

Applicant: Highbridge Development Schoharie, LLC **SBL Tax #:** 48.-4-22

Address of Applicant: 376 Broadway-Third Floor
Schenectady, NY 12305

Phone of Applicant: (518) 344-5400

Owners Name (If Different) _____

Address of Owner: _____

Phone of Applicant: _____ **Contact:** John Roth, Managing Member

() **Site Visit** by CEO & or Chairman Prior to 1st meeting. _____

(X) **Proposed Use- (Describe Fully)** The proposed uses will consist of a 540,000 square foot facility (floor area) with office space (61,200 square feet) and warehouse space (478,800 square feet); 4,800 square foot convenience store with 12 fuel pumps; and 2,625 square foot fast-food restaurant with a drive-up window.

(X) **Building and Zoning Permit application.** See Code Enforcement Officer.

(X) **Application to the Board of Appeals** () Interpretation () Use (X) Area () Other

(X) ~~Short Form SEQR~~ Long Form SEQR

(X) **Aerial View Map** See SC Real Property Tax for maps- 295-8349

(X) **Plot Plan to Scale:** Show all important features that may impact decision.

(X) **Sketch or picture** of proposed building. (Front and Side View).

(X) **Tax Map:** showing all properties within 500' of subject parcel with names and addresses. The Real Property Tax office @ 295-8349 may be able to assist you with this. (These owners will be notified via Certified Mail of your request.)

(X) **Copy of your deed.** (See Real Property).

(X) **Contact & phone #.** John Roth, Managing Member / (518) 344-5400

(X) **7 Copies** of all the above.

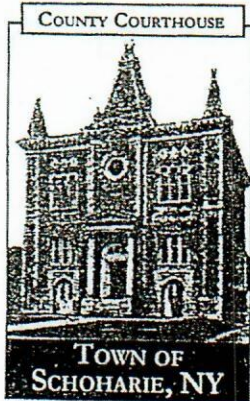
(X) **Return** to CEO -300 Main St. PO Box 544, Schoharie, NY 12157

() **Accepted Date:** _____

() **Rejected Date:** _____ **Reason:** _____

Resubmitted Date _____

Thank You Peter R. Irwin, CEO, ZO- NY State Reg. # 0196-7032B



Building & Zoning Permit

Town Of Schoharie, New York, 12157

300 Main St. • PO Box 544 • Schoharie • 518-295-6572 • Fax 518-295-7599
www.schohariecounty-ny.gov (on Home Page go to Town of Schoharie)

Office Hours: Tues & Thurs 9-11 am • Wed 12-2 pm Field Hours: Mon - Fri 8-4pm

1. Application is hereby made to: () use, (X) erect, () extend, () alter, () repair, () remove, () relocate, () demolish
() other _____

2. A structure or land at: (use 911 # only) State Route 30A (currently vacant, no official 911 #)

3. Tax ID#: 48.-4-22 Zoning District: C – Commercial Date: August 9, 2022

For the purpose of: () residence, (X) commercial business, () industrial, () other _____

Description of the use of this property: The proposed uses will consist of a 540,000 square foot facility (floor area) with office space (61,200 square feet) and warehouse space (478,800 square feet); 4,800 square foot convenience store with 12 fuel pumps; and 2,625 square foot fast-food restaurant with a drive-up window.

of Bedrms: 0 # of Kitchens 2 # of Bathrms 8-10 Heat Type TBD Fuel TBD Base Full Crawl Slab X Other

☐ Highway Approval
☐ State ☐ County ☐ Town
☐ Planning Board Approval
☐ ZBA Approval

☐ Wetlands #
☐ Flood Plain #
☐ S.C. Health #
☐ DEC Well #

☐ Ag. District #
☐ Site Plan
☐ Subdivision
☐ Other

Please
Print
All
Thank
You

Name & Address of Owner	Contractor & Address	Designer & Address
Highbridge Development Schoharie, LLC	To Be Determined	McFarland-Johnson, Inc.
376 Broadway-Third Floor		49 Court Street, Suite 240
Schenectady, NY 12305	Phone/Fax	Binghamton, NY 13901
Phone/Fax (518) 344-5400	<input type="checkbox"/> Workers Comp <input type="checkbox"/> Liability/Disability	Phone/Fax (607) 727-0800

THE MAIN STRUCTURE WILL BE AS FOLLOWS: Lot Size 48 Acres

Front Yard Set Back (from property boundary) 501 / 204 / 102 FT
Left Side SB 192 / 64 / 247 Right Side SB 264 / 833 / 738 Rear SB 251 / 1,975 / 1,993
Max Height 40' - 45' / 35' / 35' Construction Type Tilt-up w/inter. steel frame & flat roof / wood frame
1st Fl SF 453,600 2nd Fl SF 86,400 Base SF 0 Total SF 540,000
4,800 / 2,625 0 / 0 0 / 0 4,800 / 2,625

THE ACCESSORY STRUCTURE (Garage, Pool, Storage Shed, etc.)

Front Set Back 65' / 398' L/Side 88' / 737' R/Side 875' / 233' Rear 2,073 / 1,336
Height ☐ 15' / 35' 1st Fl 7,400 / 1,965 2nd Fl 0 / 0 Total 7,400 / 1,965

FEE TO BE COLLECTED BY TOWN CLERK

Value of Construction \$ 40,000,000 - 50,000,000
Building Fee \$
Zoning Fee \$
Other \$
Total \$
Receipt from Town Clerk
Includes: Site work, foundation, structures, water and septic systems.

STATE OF NEW YORK — COUNTY OF SCHOHARIE — TOWN OF SCHOHARIE

Applicant certifies that he / she is the owner (or his/her authorized agent) and has read and understands the Town of Schoharie Land Use Law and that the above information is accurate and complete.

Applicant Signature _____

Date 8/9/2022

Code Enforcement Officer _____

Date

Application for a () Zoning Permit () Building Permit

() Approved () Approved

() Denied () Denied

Denied because the application is not in conformance with the following provisions of the () Town Land Use Law or () NY Building Code or () other

CEO Signature _____

Date

White: Codes

Yellow: Applicant

Pink: Assessor

Application for Interpretation, Use Variance or Area Variance

Town of Schoharie Zoning Board of Appeals

Appeal # _____

Date application received complete _____

Note: Only fill in date when all necessary paperwork is received from applicant. ZBA then sets a hearing in a reasonable time period and has 62 days to make a decision after such hearing.

Town of Schoharie ZBA Use Only

(NOTE TO APPLICANT: The Town of Schoharie has a Zoning Law that was adopted to allow for growth in the Town and to maintain the character that we all enjoy as residents and property owners. When an action is denied it is because it does not comply with the Zoning Law. You are entitled to an appeal of such denial through the Town Zoning Board of Appeals (ZBA). The ZBA must abide by New York Town Law and only allow relief under certain circumstances. This strict adherence to the Law is necessary for the benefit of all residents and to uphold the purpose of the Zoning Law. The Town of Schoharie always considers landowner comments (good or bad) about the Zoning Law.

Dear applicant,

- ❖ Please read through the form and then complete all blanks.
- ❖ If an item is not applicable, write "n/a".
- ❖ Attach additional sheets if necessary.
- ❖ Submit this application form along with the additional items indicated on this form to: CEO
- ❖ When this application is received complete and the Town of Schoharie ZBA receives all additional forms, the date received blank located at the top of the form will be filled in by the ZBA Chair.
- ❖ Incomplete applications will not be considered.

I (We), Highbridge Development Schoharie, LLC, hereby appeal to the Town of Schoharie Zoning Board of Appeals for the following:

(In cases where area requirements are not met in a subdivision, site plan or special use permit application before the planning board, direct application for an area variance can be made to ZBA without denial of CEO.)

circle one [Use Variance] Area Variance [Interpretation] circle one

1. **Applicant:**

Name or Identifying Title: Highbridge Development Schoharie, LLC

Address: 376 Broadway-Third Floor, Schenectady, NY 12305

Telephone Number: (518) 344-5400

2. **Owner:**

Name or Identifying Title: Highbridge Development Schoharie, LLC

Address: 376 Broadway-Third Floor, Schenectady, NY 12305

Telephone Number: (518) 344-5400

3. **Property:**
Street Address: State Route 30A (currently vacant, no 911 #)
Tax Map Parcel #: 48.-4-22
Zoning District: C – Commercial

4. **Names and addresses of landowners within 500 feet of subject property (include other towns/village):**

Name: John P. & Corrie A. Schrader, 218 State Route 30A, Schoharie, NY 12157	Tax Map #: 48.-4-24
Name: Nathan Armstrong & Angela Ruckdeschel, 212 State Route 30A, Schoharie, NY 12157	Tax Map #: 48.-4-23
Name: BOCES, Counties of Albany, Schoharie, & Schenectady, 1015 Watervliet Shaker Rd, Albany, NY 12205	Tax Map #: 48.-4-21
Name: Schoharie Park LLC, 211 State Route 30A, Schoharie, NY 12157	Tax Map #: 48.-4-25.112
Name: Schoharie County, PO Box 9, Schoharie, NY 12157	Tax Map #: 48.-4-25.113
Name: Schoharie County, PO Box 9, Schoharie, NY 12157	Tax Map #: 48.-4-25.115
Name: 7 Summits, LLC, 77 Carefree Lane, Lake George, NY 12845	Tax Map #: 48.-4-25.114
Name: Ladain Milliron, 121 Park Place, Schoharie, NY 12157	Tax Map #: 48.-4-25.116
Name: Carlos Teixeira, 1607 Route 146, Rexford, NY 12148	Tax Map #: 48.-4-25.12
Name: Schoharie Eagle Properties LLC, PO Box 661, Schoharie, NY 12157	Tax Map #: 48.-4-25.117
Name: Schoharie Eagle Properties LLC, PO Box 661, Schoharie, NY 12157	Tax Map #: 48.-4-25.119
Name: Horace Stanton, PO Box 518, Schoharie, NY 12157	Tax Map #: 48.-4-26.1
Name: 7 Summits, LLC, 77 Carefree Lane, Lake George, NY 12845	Tax Map #: 48.-4-26.2
Name: BJ Hospitality, LLC, 160 Holiday Way, Schoharie, NY 12157	Tax Map #: 48.-4-25.2
Name: I-88 Truck Stop Inc., 28 Grove Street, Danbury, CT 06810	Tax Map #: 48.-4-28
Name: Erhard & Kathleen Kuntze, 3936 State Route 7, Schoharie, NY 12157	Tax Map #: 48.-4-32
Name: NYSDOT Right-Of-Way (I-88 & Route 30A),	Tax Map #: None

NOTE: Attach additional sheets if necessary. Submit with this application business envelopes addressed to each owner indicated with certified / return receipt postage attached.

5. **State Environmental Quality Review (SEQR)**

The applicant is responsible for completing the applicable SEQR Environmental Assessment Form (EAF) and submitting the EAF as part of this application.

Submitted with this application in accordance with SEQR is

- ☐ Part I of the Short Environmental Assessment Form-Attached
☒ Part I of the Full Environmental Assessment Form
☐ a Draft Environmental Impact Statement
☐ Nothing (This proposed action is a Type II exempt action under SEQR)

6. **Reason for Appeal**

A. **INTERPRETATION:**

Interpretation of the Zoning Ordinance or District Boundaries is required because: _____

B. **USE VARIANCE:**

Under current New York Town Law a Zoning Board of Appeals can only issue a use variance under certain strict circumstances. Please answer the following questions for the ZBA to consider your use variance request. If requesting a use variance, that is, permission to establish a use of the property not otherwise permitted in the zoning district, the applicant must prove "unnecessary hardship." To prove this, State law requires the applicant to answer all of the following:

(1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (actual "dollars and cents" proof must be submitted);
Not Applicable

(2) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; because,
Not Applicable

(3) The requested use variance, if granted will not alter the essential character of the neighborhood; because,
Not Applicable

(4) The alleged hardship has not been self-created; because,
Not Applicable

If any one or more of the above factors is not proven, State law requires that the ZBA must deny the variance.

C. AREA VARIANCE:

Under current New York Town Law a Zoning Board of Appeals can only issue an area variance after weighing certain evidence. Please answer the following questions for the ZBA to consider your area variance request:

(1) If the variance is granted, the applicant will have the following benefit:

A building with a minimum interior clear height of 36 feet can provide between 10% - 25% more storage area (capacity) than a building with a minimum 32 feet of clear height, depending on the racking being utilized by a company. This is due to the height of the racking system and how many racks the company is able to "stack." 36' clear height buildings are often a driving factor for companies as they select their sites. We therefore believe it is critical to the marketability of the site and bringing business to the community. Please refer to the attached letter provided by the real estate brokerage firm for additional information.

(2) If the area variance is granted there ~~(will)~~ will not be an undesirable change in the character of the neighborhood or a detriment to nearby properties; because,

An overall 5-10 feet increase in the office/warehouse building height will not have an undesirable change in the character of the neighborhood or a detriment to nearby properties as the proposed building will be developed in a low area on the property and the existing topography and proposed landscaping on the perimeter of the property will be higher and provide screening; and the proposed building will be set back over 500 feet from the road and behind two commercial retail buildings which will further minimize the visual impact of the increased building height.

(3) The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; because,

There is no other feasible method the applicant can pursue, it is critical to have a minimum interior clear height of 36 feet in order to remain competitive and attract the best initial user(s)/tenant(s) to the property as well as the potential to re-purposing the property for future user(s)/tenant(s) if needed. Please refer to the attached letter provided by the real estate brokerage firm for additional information.

(4) The requested area variance substantial; because,

The requested 5-10 feet increase in the office/warehouse building height will not be substantial and is the minimum necessary to provide an interior clear height of 36 feet and provide clearance of interior mechanical piping, structural framing/roof system, and rooftop mounted mechanical and HVAC systems.

(5) The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; because,

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district as the proposed building will be developed in a low area on the property and the existing topography and proposed landscaping on the perimeter of the property will be higher and provide screening; and the increased building height will allow for a decrease in the building foot print which will further minimize the overall physical and environmental (existing on-site wetlands) impacts on the property.

(6) The alleged difficulty was not self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance:

The need for the building height variance was not self-created, there is no other feasible method the applicant can pursue, it is critical to have a minimum interior clear height of 36 feet in order to remain competitive and attract the best initial user(s)/tenant(s) to the property as well as the potential to re-purposing the property for future user(s)/tenant(s) if needed. Please refer to the attached letter provided by the real estate brokerage firm for additional information.

Part 2 (For Zoning Board of Appeals Use Only)

1. For a complete application, did the applicant provide?

- a. A completed application form? Yes___ No___
- b. Business envelopes with postage for each landowner in #4? Yes___ No___
- c. Part I of the SEQR EAF? Yes___ No___
- d. For use variance, financial evidence as indicated in #6(B-1)? Yes___ No___

If 'No' is checked for any of the above, the application should not be dated as received until the applicant has been given the chance to provide the missing information. If applicant refuses to give information, a hearing can proceed as long as applicant is aware that missing information may increase his/her chance of an unfavorable outcome.

2. Is the parcel located in a mapped floodplain? Yes___ No___

3. Is the parcel 500 feet from:

(a) a town or village boundary?

Yes___ No___

(b) an existing or proposed county or state road or highway?

Yes___ No___

(c) an existing or proposed county or state park or other recreation area?

Yes___ No___

(d) an existing or proposed boundary of any county or state owned land on which a public building or institution is located?

Yes___ No___

(e) a boundary of a farm operation located in an agricultural district (not applicable for area variances)?

Yes___ No___

If 'Yes' is checked for any portion of #3, the proposed action must be referred to the Schoharie County Planning Commission before making a final decision. Public hearing can be held in the meantime.

4. Did you get a copy of the written denial from the CEO? Yes___ No___

If 'No' make sure the applicant has actually been denied a permit in order to have standing with the ZBA. In cases where area requirements are not met in a subdivision, site plan or special use permit application before the planning board, direct application for an area variance can be made to ZBA without denial of CEO.

5. For the hearing, was notice placed in the paper at least ten days prior to the hearing date? Yes___ No___

7. Ten days prior to hearing was a notice mailed out to all property owners within 500 feet of subject property? Yes___ No___

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Route 30A Development		
Project Location (describe, and attach a general location map): State Route 30A, Town of Schoharie, Schoharie County, New York		
Brief Description of Proposed Action (include purpose or need): The proposed action involves the development of approximately 48 acres of commercially zoned vacant land along the east side of Route 30A and south side of Interstate 88. The proposed speculative development consists of a 540,000 square foot facility (floor area) with office space (61,200 square feet) and warehouse space (478,800 square feet) including 154 loading dock/trailer spaces on the north and south sides of the building, and a 593-stall employee parking lot on the west side of the building; a 4,800 square foot pad site for a convenience store with a fuel island with up to 12 pumps and 28 parking stalls; and a 2,625 square foot pad site for a fast-food restaurant with a drive-up window and 15 parking stalls. Access to the facilities will be provided by two driveways located off Route 30A, a separate truck drive for the warehouse and a shared drive for access to the employee parking lot and convenience store/fast-food restaurant sites.		
Name of Applicant/Sponsor: Highbridge Development Schoharie, LLC / John Roth, Managing Member		Telephone: (518) 378-3165
		E-Mail: JRoth@PlankLLC.com
Address: 376 Broadway, Third Floor		
City/PO: Schenectady	State: New York	Zip Code: 12305
Project Contact (if not same as sponsor; give name and title/role): McFarland Johnson, Inc - Tim Bailey, PE (Senior Project Manager / Agent for Applicant)		Telephone: (607) 727-0800
		E-Mail: tbailey@mjinc.com
Address: 60 Railroad Place, Suite 402		
City/PO: Saratoga Springs	State: New York	Zip Code: 12866
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. City, Town or Village Planning Board or Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Town of Schoharie PB - SEQR Review, Site Plan Approval, and Special Use Permit	July 14, 2022
c. City, Town or Village Zoning Board of Appeals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Town of Schoharie ZBA - Height Variance Approval	July 14, 2022
d. Other local agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No	
e. County agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Schoharie County Planning Board - 239M Review (Recommendation Only)	To Be Determined
f. Regional agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No	
g. State agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No NYSDEC (Wetland/SPDES Permit), NYSHPO - Sign Off, NYSDOT - TIAS/Driveway Permit	NYSHPO - July 14, 2022; NYSDOT TIAS - July 18, 2022; NYSDEC - To Be Determined
h. Federal agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No USACE - Wetland Jurisdictional Determination and permitting.	To Be Determined
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none">If Yes, complete sections C, F and G.If No, proceed to question C.2 and complete all remaining sections and questions in Part 1	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Prefer to see new commercial development at the site (I-88/Route 30 intersection).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): NYS Heritage Areas: Mohawk Valley Heritage Corridor	
<hr/> <hr/> <hr/>	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
<hr/> <hr/> <hr/>	

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

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? <u>Commercial Mixed Uses (warehouse, office, convenience store with fuel pumps, and fast-food restaurant)</u>	
b. a. Total acreage of the site of the proposed action?	<u>48.20 +/-</u> acres
b. Total acreage to be physically disturbed?	<u>38.00 +/-</u> acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>48.20 +/-</u> acres
c. Is the proposed action an expansion of an existing project or use?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____	
ii. Is a cluster/conservation layout proposed?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
i. If No, anticipated period of construction:	
<u>18-24</u> months	
ii. If Yes:	
<ul style="list-style-type: none"> • Total number of phases anticipated _____ • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year • Anticipated completion date of final phase _____ month _____ year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ 	

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

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Total number of structures <u>3</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>+/- 45'</u> height; <u>360/40/35</u> width; and <u>1,260/120/75</u> length	
iii. Approximate extent of building space to be heated or cooled: <u>547,425</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: <u>Stormwater Detention/Infiltration Ponds</u>	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input checked="" type="checkbox"/> Other specify: <u>Stormwater Runoff</u>	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: <u>+/- 1.80</u> million gallons; surface area: <u>+/- 1.40</u> acres	
v. Dimensions of the proposed dam or impounding structure: <u>4-5 feet</u> height; <u>+/- 230</u> length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): <u>Earth Fill and Excavation of Ponds</u>	

D.2. Project Operations

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

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>Wetlands along the southern and eastern portion of the site will be affected and subject to ACOE review/approval/permitting.</u>	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
The proposed action will impact 0.29 acres of wetland by fill and subject to ACOE review/approval/permitting.

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

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

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

v. Describe any proposed reclamation/mitigation following disturbance: _____

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

i. Total anticipated water usage/demand per day: _____ 10,000 gallons/day

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

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

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

- Describe extensions or capacity expansions proposed to serve this project: _____
An extension of the existing water distribution main to the project site (approximately 550 feet). Construction of a third water supply well.
- Source(s) of supply for the district: Wells

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

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

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

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

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

i. Total anticipated liquid waste generation per day: _____ 10,000 gallons/day

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

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

- Name of wastewater treatment plant to be used: Town of Schoharie Business Park Wastewater Treatment Facility
- Name of district: Town of Schoharie Business Park Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? • Will a line extension within an existing district be necessary to serve the project? 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	
An extension of the existing sanitary sewer collection system to the project site (approximately 520 feet). Construction of a third leach field/bed at the existing WWTP is also proposed to increase capacity.	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or <u>25.3</u> acres (impervious surface) _____ Square feet or <u>48.2</u> acres (parcel size) ii. Describe types of new point sources. <u>Stormwater Management Detention/Infiltration Pond Outlets</u> iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? <u>On-site Stormwater Management Facilities and Structures; On-site Surface Water</u> 	
<ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ <u>Existing wetlands and stream (unnamed tributary to Schoharie Creek), then continue to off-site stream (Schoharie Creek).</u> • Will stormwater runoff flow to adjacent properties? _____ 	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify: <ul style="list-style-type: none"> i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) <u>Emissions from delivery vehicles</u> ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) <u>Emissions from temporary power generation, delivery vehicles, earth moving equipment, and potential for temporary heating of the building.</u> iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) <u>Potential for a back up generator.</u> 	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

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

If Yes:

i. Estimate methane generation in tons/year (metric): _____

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

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

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

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

If Yes:

i. When is the peak traffic expected (Check all that apply): ☒ Morning ☒ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____
135 semi-trailer trips per day.

iii. Parking spaces: Existing 0 Proposed +/- 636 Net increase/decrease Net Increase of +/- 636

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

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:
Modification of existing access point at truck entrance and new shared access point for employee parking/convenience store/fast-food restaurant.

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☒ Yes ☐ No

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

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

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

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
Warehouse Use = 2,630,000 kWh, Office Use = 840,000 kWh, Conv. Store Use = 271,000 kWh, Fast-Food Use = 194,000 kWh (Total = 3,935,000 kWh)

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
Via Grid/Local Utility (National Grid service area).

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☒ No
Tentatively checked No (currently coordinating with National Grid to determine if electrical infrastructure upgrades will be required)

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

<p>i. During Construction:</p> <ul style="list-style-type: none"> Monday - Friday: <u>6am - 8pm*</u> Saturday: <u>8am - 7pm*</u> Sunday: <u>None</u> Holidays: <u>None</u> 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> Monday - Friday: <u>24 Hours</u> Saturday: <u>24 Hours</u> Sunday: <u>24 Hours</u> Holidays: <u>24 Hours</u>
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*Except during continuous concrete pours.

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☒ Yes ☐ No
If yes:
i. Provide details including sources, time of day and duration:
During construction ambient noise levels will be exceeded during the times noted in section D.2(l.i.) which will be temporary. There is a potential for operational noise levels (passenger vehicle/motorcycle/semi-trailer traffic and HVAC units) to intermittently exceed ambient noise levels.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☒ No
Describe: _____

n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No
If yes:
i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
Area lights on poles and wall-mounted light fixtures. Lights will be directed to parking areas and pedestrian access ways and will be dark sky compliant.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No
Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No
If Yes:
i. Product(s) to be stored _____
ii. Volume(s) _____ per unit time _____ (e.g., month, year)
iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No
If Yes:
i. Describe proposed treatment(s): _____

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☒ Yes ☐ No
If Yes:
i. Describe any solid waste(s) to be generated during construction or operation of the facility:
• Construction: +/- 10 tons per Month (unit of time)
• Operation : +/- 65 tons per Month (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
• Construction: Recycling metal, plastics, wood, paper, and cardboard.
• Operation: Recycling metal, plastics, paper and cardboard.

iii. Proposed disposal methods/facilities for solid waste generated on-site:
• Construction: To be hauled off-site by a private hauler and disposed of in a legal manner at a solid waste landfill.
• Operation: To be hauled off-site by a private hauler and disposed of in a legal manner at a solid waste landfill.

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

☒ Forest ☒ Agriculture ☐ Aquatic ☒ Other (specify): Interstate Highway

ii. If mix of uses, generally describe: _____

Existing land is vacant, with commercial zoning. Surrounding the site are vacant (forested), agriculture, commercial and residential uses and an interstate highway.

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.05 AC	25.3 AC	+25.25 AC
• Forested	4.5 AC	4.0 AC	-0.5 AC
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	40.5 AC	15.34 AC	-25.16 AC
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.15 AC	0.85 AC	+0.7 AC
• Wetlands (freshwater or tidal)	3.0 AC	2.71 AC	-0.29 AC
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

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

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☒ Yes ☐ No
If Yes,
i. Identify Facilities:
Capital Region BOCES, Morning Star Learning Center, Schoharie County Office Annex (Aging Office, Community Mental Health Clinic)

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

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☒ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☒ No
If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ > 6 feet

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

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

Shoharie & Hudson Silt Loam (ShB)	59.9 %
Alluvial Land (Al)	13.9 %
Lakemont & Madalin Silty Clay Loam (LdB)	11.0 %

d. What is the average depth to the water table on the project site? Average: _____ 1.5-3 feet

e. Drainage status of project site soils: ☐ Well Drained: _____ % of site
☐ Moderately Well Drained: _____ % of site
☒ Poorly Drained 100 % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: _____ 92 % of site
☒ 10-15%: _____ 3 % of site
☒ 15% or greater: _____ 5 % of site

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

h. Surface water features.

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

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

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

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

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

• Streams:	Name	879-53	Classification	C
• Lakes or Ponds:	Name		Classification	
• Wetlands:	Name	Federal Waters, Federal Waters, Federal Waters,...	Approximate Size	3.0 acres
• Wetland No. (if regulated by DEC)				

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

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

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

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

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

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

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☒ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☒ Archaeological Site ☐ Historic Building or District

ii. Name: Eligible property: URS Survey #23021.002, Eligible property: LATE 19TH C. FARM COMPLEX

iii. Brief description of attributes on which listing is based:
 Past URS Survey noted above, project currently under review by NYSHPO (requested completed FEAF prior to issuance of final determination)

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☒ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☒ No

If Yes: Tentatively checked No, waiting for NYSHPO final determination to see if additional archaeological studies will be warranted

i. Describe possible resource(s):

ii. Basis for identification:

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☒ No

If Yes:

i. Identify resource:

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.):

iii. Distance between project and resource: miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No

If Yes:

i. Identify the name of the river and its designation:

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

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

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

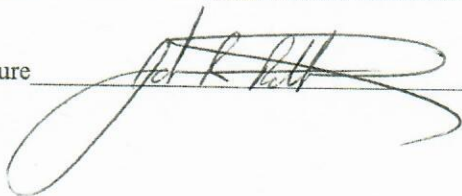
G. Verification

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

Applicant/Sponsor Name John Roth

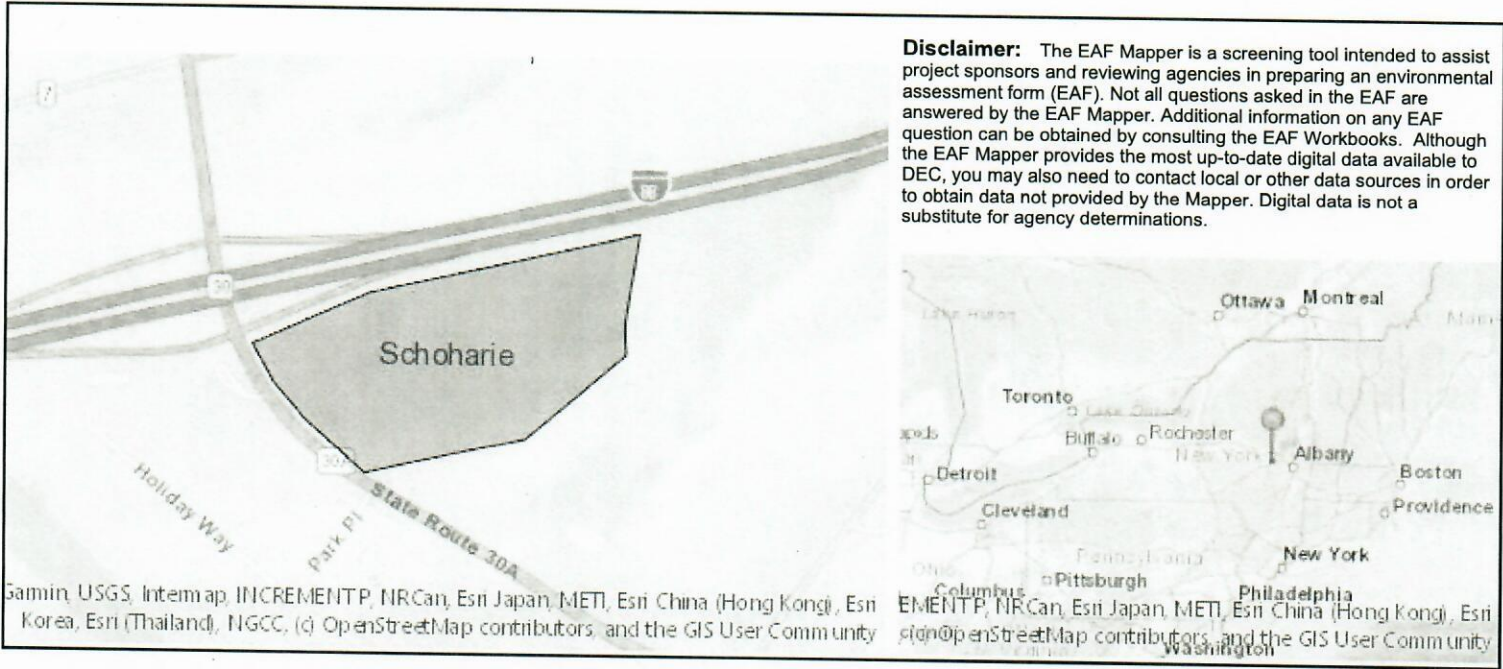
Date July 14, 2022

Signature



Title Managing Member

PRINT FORM



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	879-53
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No

E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Northern Long-eared Bat, Bald Eagle
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:URS Survey #23021.002, Eligible property:LATE 19TH C. FARM COMPLEX
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



Schoharie County Clerk
284 Main Street, PO Box 549
Schoharie, NY 12157

Return to:

JOHN SEEBOLD ESQ
1536 UNION STREET
SCHENECTADY NY 12309-6002

Instrument **Deed**

Document Number: 796492 **Book:** 1147 **Page:** 245 **Town:** Schoharie

Grantor

CONSTITUTION PIPELINE COMPANY LLC

Grantee

HIGHBRIDGE DEVELOPMENT SCHOHARIE LLC

Number of Pages: 4

Amount \$530000.00

Recorded Date/Time 09/29/2021 at 3:12 PM

Receipt Number 201065

Transfer Tax Receipt

Schoharie County Clerk Received:

Trans Tax # 234

.....\$2120.00

Note: **** DO NOT REMOVE - THIS PAGE IS PART OF THE DOCUMENT ****

THIS PAGE CONSTITUTES THE CLERK'S ENDORSEMENT, REQUIRED BY SECTION 316-a(5) &
319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK.

M. Indica Jaycox

M Indica Jaycox, County Clerk

BOOK 1147 PAGE 245

WARRANTY DEED

THIS INDENTURE, made this 26 day of JULY, 2021

BETWEEN

Constitution Pipeline Company, LLC, a Delaware limited liability company with a principal address of 2800 Post Oak Boulevard, Houston, Texas 77056;

DEVELOPMENT JR

party of the first part, and

Highbridge Schoharie LLC, with a principal address of 376 Broadway, Schenectady, New York 12305;

party of the second part,

WITNESSETH that the parties of the first part, in consideration of ONE and 00/100 DOLLAR (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the party of the second part, do hereby grant and release unto the party of the second part, their successors and assigns forever,

ALL THAT LOT, PIECE OR PARCEL OF LAND, as more fully described in Schedule "A" attached hereto and made a part hereof.

BEING the same premises conveyed to the parties of the first part by deed from Jennifer Stevens, Randy T. Wood II, and Nathen S. Wood dated November 19, 2014, and recorded in the Schoharie County Clerk's Office November 21, 2014, in Book of Deeds 986 at Page 195.

THIS CONVEYANCE is made subject to any and all covenants, conditions, easements and restrictions of record against the premises.

TOGETHER with the appurtenances and all the estate and rights of the parties of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, their successors and assigns forever.

AND the parties of the first part covenant as follows:

FIRST, that the party of the second part shall quietly enjoy the same premises;

SECOND, that the parties of the first part will forever Warrant the title to said premises.

THIRD, that, in Compliance with §13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the parties of the first part has hereunto set his hand and seals the day and year first above written.

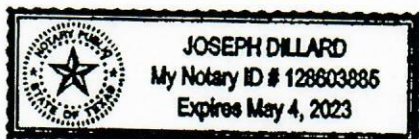
IN PRESENCE OF

CONSTITUTION PIPELINE COMPANY, LLC BY
WILLIAMS PIPELINE SERVICES LLC, ITS OPERATOR

Wendy Whitfill-Embry
BY: WENDY WHITFILL-EMBRY
ITS: AUTHORIZED REPRESENTATIVE

STATE OF Texas)
)SS.:
COUNTY OF Harris)

On this 26th day of July, in the year 2021, before me, the undersigned, personally appeared **Wendy Whitfill-Embry** personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.



Joseph Dillard
Notary Public

2 ER
John Seebold ESQ
1536 Union ST
Surrey, BC V3Z 3G9

BOOK 1147 PAGE 247

**Suggested Description
Lands now or formerly of
Constitution Pipeline Company, LLC
Tax Map ID: 48-4-22
Town of Schoharie, Schoharie County, State of New York
August 30, 2021**

All that tract, piece or parcel of land, situated the Town of Schoharie, County of Schoharie, State of New York, and being more particularly bounded and described as follows:

Beginning at a point on the easterly highway boundary of New York State Route 30A (S.H. 5195), at its intersection with the property division line between lands now or formerly of Constitution Pipeline Company, LLC, as described in Book 986 of Deeds at Page 195, on the north, and lands now or formerly of John P. Schrader and Corrie A. Schrader, as described in Book 802 of Deeds at Page 328, on the south; thence along said easterly highway boundary the following four (4) courses and distances:

1. North 30° 51' 15" West, a distance of 12.91 feet to a point,
2. North 48° 44' 49" West, a distance of 562.65 feet to a point,
3. North 39° 15' 13" West, a distance of 226.00 feet to a point, and
4. North 29° 35' 16" West, a distance of 271.39 feet to a point at its intersection with the southerly highway boundary of U.S. Interstate Route 88; thence along said southerly highway boundary the following two (2) courses and distances:

1. North 66° 15' 49" East, a distance of 797.46 feet to a point, and
2. North 77° 07' 25" East, a distance of 1,708.23 feet to a point at its intersection with the property division line between said lands of Constitution Pipeline Company, LLC, on the west and lands now or formerly of Board of Cooperative Educational Services, Sole Supervisory District of the Counties of Albany, Schoharie, and Schenectady, as described in Book 516 of Deeds at Page 183, on the east; thence along said property division line the following five (5) courses and distances:

1. South 09° 38' 54" West, a distance of 592.70 feet to a point,
2. South 00° 15' 06" East, a distance of 165.90 feet to a point,
3. South 49° 13' 54" West, a distance of 818.70 feet to a point,
4. South 80° 55' 54" West, a distance of 335.20 feet to a point, and
5. South 76° 07' 54" West, a distance of 72.30 feet to a point at its intersection with the property division line between said lands of Constitution Pipeline Company, LLC, on the north and lands now or formerly of Nathan Armstrong and Angela Ruckdeschel, as described in Book 982 of Deeds at Page 271, on the south; thence South 76° 41' 51" West, along said property division line, a distance of 294.05 feet to a point at its intersection with the first mentioned property division line between lands now or formerly of Constitution Pipeline Company, LLC, on the north, and lands now or formerly of John P. Schrader and Corrie A. Schrader, on the south; thence South 75° 41' 09" West, along said property division line, a distance of 291.69 feet to the point or place of beginning and being 48.23± acres of land, more or less.

Subject to any rights, covenants, easements, or restrictions of record.