SEQR RESOLUTION WALDEN CONSTRUCTION ENTERPRISE LLC PROJECT

A special meeting of Town of Montgomery Industrial Development Agency (the "Agency") was convened in public session at the Town of Montgomery Town Hall located at 110 Bracken Road in the Town of Montgomery, Orange County, New York on September 14, 2021 at 1:00 p.m., local time.

The meeting was called to order by the Chair of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Jeffrey D. Crist

John Dickson J. Thomas Jones

Matthew P. Stoddard

Edwin Williams

Chair

First Vice Chair and Member Second Vice Chair and Member

Treasurer and Member

Member

ABSENT:

Robert Santo

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Conor Eckert

Executive Director

Richard Golden

Agency Counsel

Meghan Hurlburt

Secretary

The following resolution was offered by Vice Chair John Dickson, seconded by Treasurer Matt Stoddard to wit:

Resolution No. 0914-2

RESOLUTION DETERMINING THAT ACTION TO UNDERTAKE A PROJECT FOR THE BENEFIT OF WALDEN CONSTRUCTION ENTERPRISE LLC WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

WHEREAS, the Town of Montgomery Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 527 of the 1974 Laws of New York, as amended, constituting Section 911-c of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, in June, 2021, Walden Construction Enterprise LLC, a New York limited liability company (the "Company"), submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately 6.2 acre parcel of land located at 120 and 126 North Montgomery Street in the Village of Walden, Town of Montgomery, Orange County, New York (tax map nos. 302-1-5.1 and 302-1-6) (collectively the "Land"), (2) the construction on the Land of an approximately 99,075 square foot senior citizen (age 55+) market rate rental housing building with sixty-nine (69) dwelling units and amenities and the reconstruction and the improvement of an approximately 1,040 square foot existing building to be used as an office for the senior housing building and an existing garage to be used as a maintenance shed all with related site work and exterior improvements (collectively, the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the "Equipment"), all of the foregoing to constitute a market rate senior rental housing facility (the Land, the Facility, and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on July 13, 2021 (the "Public Hearing Resolution"), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the "Public Hearing") pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on July 19, 2021 to the chief executive officers of the county and of each town, village and school district in which the Project Facility is to be located, (B) caused notice of the Public Hearing to be posted on a public bulletin board on July 15, 2021 at Town Hall located at 110 Bracken Road in the Town of Montgomery, Orange County, New York, as well as on the Agency's website, (C) caused notice of the Public Hearing to be published on July 22, 2021 in the Wallkill Valley Times, a newspaper of general circulation available to the residents of the Town of Montgomery, New York, (D) conducted the Public Hearing on August 18, 2021 at 5:30 p.m., local time at the Town of Montgomery Town Hall located at 110 Bracken Road, Town of Montgomery, Orange County, New York, and (E) prepared a report of the Public Hearing (the "Public Hearing Report") fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), the Agency must satisfy the requirements contained in SEQRA and in the Regulations prior to making a final determination whether to undertake the Project; and

WHEREAS, the Agency has been informed that the Village of Walden Planning Board (the "Planning Board") was designated to act as "lead agency" with respect to the Project, and has issued a Determination of Non- Significance on May 18, 2020 (the "Planning Board Negative Declaration"), determining that the acquisition, construction and installation of the Project Facility will not have a "significant effect on the environment"; and

WHEREAS, the Agency was not identified as an "involved agency" under SEQRA until after the Planning Board completed its SEQRA review and thus must conduct its own uncoordinated review of the Project to determine whether the Project may have a "significant effect on the environment" and therefore require the preparation of an environmental impact statement;

WHEREAS, to aid the Agency in determining whether the Project may have a significant effect upon the environment, the Company has submitted to the Agency the Planning Board's Negative Declaration and the documents on which it was based, including a Full Environmental Assessment Form Part One (the "EAF") with respect to the Project, a Stormwater Pollution Prevention Plan, Traffic Report, NYSDOT Drainage Report, and photographs and Photo Location Plan (collectively, the "SEQRA Documents"), copies of which were reviewed by the Agency and are on file at the office of the Agency; and

WHEREAS, the Agency has examined and reviewed the EAF and SEQRA Documents in order to make a determination as to the potential environmental significance of the Project; and

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

- Section 1. Based upon an examination of the EAF, the Planning Board Negative Declaration and SEQRA Documents, the criteria contained in 6 NYCRR § 617.7(c), and based further upon the Agency's knowledge of the action and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations pursuant to SEQRA:
- A. The Project constitutes an "Unlisted Action" (as said quoted term is defined in SEQRA), and therefore coordinated review is not required;
- B. The Agency hereby declares lead agency status in an "uncoordinated" review (as said quoted term is defined in SEQRA);
- C. The Project will not have a significant adverse effect on the environment, and the Agency hereby issues a negative declaration pursuant to SEQRA, attached hereto as Exhibit A, which shall be filed in the office of the Agency in a file that is readily accessible to the public.
- Section 2. A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.
- Section 3. The Executive Director of the Agency is hereby directed and authorized to distribute copies of this Resolution and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution, and to take all further actions deemed necessary and appropriate to fulfill the Agency's responsibilities under SEQRA.
 - <u>Section 4</u>. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

| Jeffrey D. Crist | VOTING | Aye |
|---------------------|--------|--------|
| John Dickson | VOTING | Aye |
| J. Thomas Jones | VOTING | Aye |
| Matthew P. Stoddard | VOTING | Aye |
| Robert Santo | VOTING | Absent |
| Edwin Williams | VOTING | Aye |

The foregoing Resolution was thereupon declared duly adopted.

| STATE OF NEW YORK |) |
|-------------------|--------|
| |) SS.: |
| COUNTY OF ORANGE |) |

I, the undersigned (Assistant) Secretary of the Town of Montgomery Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on September 14, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 14^{th} day of September 2021.

| (Assistant) Secr | etary |
|------------------|-------|

(SEAL)

EXHIBIT A: NEGATIVE DECLARATION (WITH FULL EAF PARTS 2 & 3)

State Environmental Quality Review Act NEGATIVE DECLARATION

Notice of Determination of Non-Significance

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law. The Town of Montgomery Industrial Development Agency, as Lead Agency in an Uncoordinated Review, has determined that the proposed action described below will not have any significant adverse environmental impacts and a Draft Environmental Impact Statement will not be prepared.

Name of Action:

Walden Construction Enterprises LLC Project

Lead Agency:

Town of Montgomery Industrial Development Agency

110 Bracken Road

Montgomery, New York 12549

Date of Action: September 14, 2021

SEOR Status:

Unlisted

Conditioned

Negative Declaration:

Description of Action: Walden Construction Enterprises LLC has requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately 6.2 acre parcel of land located at 120 and 126 North Montgomery Street in the Village of Walden, Town of Montgomery, Orange County, New York (tax map nos. 302-1-5.1 and 302-1-6) (collectively the "Land"), (2) the construction on the Land of an approximately 99,075 square foot senior citizen (age 55+) market rate rental housing building with sixty-nine (69) dwelling units and amenities and the reconstruction and the improvement of an approximately 1,040 square foot existing building to be used as an office for the senior housing building and an existing garage to be used as a maintenance shed all with related site work and exterior improvements (collectively, the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the "Equipment"), all of the foregoing to constitute a market rate senior rental housing facility (the Land, the Facility, and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

Location:

120 and 126 North Montgomery Street (NYS Route 52)

Village of Walden. Town of Montgomery, Orange County, New York

Tax Map Parcel # 302-1-5.1 & 6

Reasons Supporting this Determination:

The Town of Montgomery Industrial Development Agency (the "Agency") went over Part 2 of the Environmental Assessment Form for the Project, a copy of which is attached hereto. No questions on Part 2 of the Environmental Assessment Form identified an impact identified as potentially moderate to large. However, where there is a need to explain why a particular element of the proposed action will not result in a significant adverse environmental impact, the Agency required a Part 3 evaluation of the magnitude and importance of the proposed action's impacts.

Impact on Land: The proposed action may result in increased erosion from physical disturbance or vegetation removal. Although the proposed action includes the construction of approximately 3 acres of impervious surfaces (e.g., building, parking lot), runoff will be controlled with a Stormwater Pollution Prevention Plan (SWPPP), consistent with NYS Department of Environmental Conservation ("DEC") requirements, including preparation of an erosion and sediment control plan. As a result, and based upon the Applicant's compliance with the SWPPP, no significant adverse impacts to land are anticipated.

<u>Impact on Groundwater</u>: The proposed action will connect to an existing public water supply and existing public wastewater treatment system that have adequate capacity for the proposed uses. As a result, no significant adverse impacts to groundwater are anticipated.

<u>Impacts on Plants and Animals</u>: The DEC EAF Mapper did not identify any species of plant or animal listed by New York State or the Federal government as threatened or endangered, any areas identified as habitat for an endangered or threatened species, or any species of plant or animal that is listed by New York State as rare or a species of special concern on the project site.

As a result, no significant adverse impacts to plants and animals are anticipated.

Impact on Historic & Archeological Resources: 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 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. Additionally, 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. The property located at 73 North Montgomery Street contains a house that is eligible for listing on the National Register/State Register of Historic Places. The project site is located on the other side of North Montgomery Street and the proposed buildings will be set back on the property and screened by landscaping and existing buildings in the area. Additionally, the Village of Walden Planning Board Negative Declaration indicates that the NYS Office of Parks, Recreation and Historic Preservation has determined that the project will not have any adverse impacts on archeological resources are anticipated.

<u>Impact on Transportation</u>: The project does not exceed the thresholds for significant traffic increases set forth in the DEC Full EAF Workbook for apartments or offices. Additionally, the Applicant has submitted a Traffic Report that found the project is not anticipated to have a substantial impact on the existing traffic patterns along NYS Route 52. As discussed in the Traffic Report, the trip generation rates for senior housing do not typically coincide with the peak hour of adjacent street traffic, and the trip generation for the proposed office/maintenance building is consistent to that of the single-family dwelling that exist on the site. As a result, no significant adverse impacts on transportation are anticipated.

<u>Impact on Noise</u>, <u>Odor and Light</u>: The proposed action may produce sound above noise levels established by local regulation. Additionally, the proposed action may result in light shining onto adjoining properties. The increased noise levels are temporary and are only expected to occur during construction. The proposed

action will have outdoor lighting, but all fixtures will be downward facing and properly shielded to reduce spillover to neighboring properties. Additionally, the Applicant will maintain an existing landscaping buffer and has proposed additional landscape screening. As a result, no significant adverse environmental impacts to these resources are anticipated.

Consistency with Community Plans: The Village of Walden amended certain zoning regulations to accommodate the project and a side yard area variance was obtained from the Village of Walden Zoning Board of Appeals to allow the Applicant to change the use of an existing garage to a maintenance shed. The proposed action is therefore consistent with all applicable zoning regulations.

The Town of Montgomery Industrial Development Agency finds that the proposed action will not result in any significant adverse environmental impacts by its approval, and therefore no further environmental review is necessary.

For Further Information, Contact:

Conor Eckert, Executive Director Town of Montgomery Industrial Development Agency 110 Bracken Road Montgomery, New York 12549

Phone: 845-745-0349

Email: executivedirector@montgomeryida.com

A copy of this Notice has been filed with the Town of Montgomery Industrial Development Agency as SEQRA Lead Agency.

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

| | Agency Use Only [If applicable] |
|-----------|------------------------------------|
| Project : | Walden Construction Enterprise LLC |
| Date: | |
| | <u> </u> |

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) If "Yes", answer questions a - j. If "No", move on to Section 2. | □N(| | YES |
|--|-----------------------------------|-------------------------------|---|
| | 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 | Ø | |
| b. The proposed action may involve construction on slopes of 15% or greater. | E2f | Ø | |
| c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface. | E2a | Ø | П |
| d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. | D2a | Ø | |
| The proposed action may involve construction that continues for more than one year or in multiple phases. | D1e | Ø | |
| f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). | D2e, D2q | Ø | П |
| g. The proposed action is, or may be, located within a Coastal Erosion hazard area. | B1i | Ø | |
| h. Other impacts: | | П | |

| 2. Impact on Geological Features | | | |
|--|-----------------------------------|--|---|
| The proposed action may result in the modification or destruction of, or inhi access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) | bit 🔽 No | o [|]YES |
| If "Yes", answer questions a - c. If "No", move on to Section 3. | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. Identify the specific land form(s) attached: | E2g | | |
| b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: | E3c | | |
| c. Other impacts: | | | |
| | <u></u> | <u> </u> | |
| 3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) If "Yes", answer questions a - l. If "No", move on to Section 4. | Z NO |) 🗆 | YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may create a new water body. | D2b, D1h | | occur |
| 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 | 0 | |
| The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body. | D2a | | |
| d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body. | E2h | | |
| The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments. | D2a, D2h | О | |
| f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water. | D2c | | |
| g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s). | D2d | | |
| h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. | D2e | | |
| i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action. | E2h | | |
| The proposed action may involve the application of pesticides or herbicides in or around any water body. | D2q, E2h | | |
| c. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities. | D1a, D2d | | |

| 1. Other impacts: | | | |
|--|-----------------------------------|--|---|
| 4. Impact on groundwater The proposed ection many static and the state of the stat | | | |
| 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 aquif (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) If "Yes", answer questions a - h. If "No", move on to Section 5. | er. |) [/] | YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells. | D2c | Ø | |
| Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: | D2c | Z | |
| c. The proposed action may allow or result in residential uses in areas without water and sewer services. | D1a, D2c | Z | |
| d. The proposed action may include or require wastewater discharged to groundwater. | D2d, E21 | Z | |
| 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 | Ø | |
| f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer. | D2p, E21 | .ZI | П |
| g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources. | E2h, D2q, E2l, D2c | ⊠ | |
| h. Other impacts: | | | |
| 5 T | | | |
| 5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) If "Yes", answer questions a - g. If "No", move on to Section 6. | NO | | YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may result in development in a designated floodway. | E2i | | |
| b. The proposed action may result in development within a 100 year floodplain. | E2j | | |
| c. The proposed action may result in development within a 500 year floodplain. | E2k | | |
| d. The proposed action may result in, or require, modification of existing drainage patterns. | D2b, D2e | D | |
| e. The proposed action may change flood water flows that contribute to flooding. | D2b, E2i, E2j, E2k | | |
| f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade? | E1e | | |

| g. Other impacts: | | | D |
|---|--|--|---|
| 6. Impacts on Air The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) If "Yes", answer questions a - f. If "No", move on to Section 7. | ✓NC |) |]YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO₂) ii. More than 3.5 tons/year of nitrous oxide (N₂O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane | D2g D2g D2g D2g D2g D2g | :: :: :: :: :: | |
| b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants. | D2g | | |
| c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour. | D2f, D2g | | |
| d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above. | D2g | | |
| e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour. | D2s | D | |
| f. Other impacts: | | П | П |
| 7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. If "Yes", answer questions a - j. If "No", move on to Section 8. | mq.) | □NO | ✓ YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. | E2o | Z | |
| 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 | [2] | |
| 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 | Ø | |
| 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 | E2p | Ø | |

| e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect. | Е3с | Ø | |
|--|---|--|---|
| f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: | E2n | ☑ | |
| g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site. | E2m | Ø | |
| 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 | Ø | |
| i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides. | D2q | 127 | |
| j. Other impacts: | | | |
| | | | |
| 8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. a If "Yes", answer questions a - h. If "No", move on to Section 9. | Relevant Part I Question(s) | No, or small impact may occur | YES Moderate to large impact may occur |
| 8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1, E.3.a.) | Relevant Part I | No, or small impact | Moderate to large impact may |
| 8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. a If "Yes", answer questions a - h. If "No", move on to Section 9. a. The proposed action may impact soil classified within soil group 1 through 4 of the | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| 8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. a If "Yes", answer questions a - h. If "No", move on to Section 9. a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System. b. The proposed action may sever, cross or otherwise limit access to agricultural land. | Relevant Part I Question(s) E2c, E3b | No, or small impact may occur | Moderate to large impact may occur |
| 8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. a If "Yes", answer questions a - h. If "No", move on to Section 9. a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System. b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc). c. The proposed action may result in the excavation or compaction of the soil profile of | Relevant Part I Question(s) E2c, E3b E1a, Elb | No, or small impact may occur | Moderate to large impact may occur |
| 8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. a If "Yes", answer questions a - h. If "No", move on to Section 9. a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System. b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc). c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land. 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 | Relevant Part I Question(s) E2c, E3b E1a, Elb E3b | No, or small impact may occur | Moderate to large impact may occur |
| 8. Impact on Agricultural Resources | Relevant Part I Question(s) E2c, E3b E1a, E1b E3b E1b, E3a | No, or small impact may occur | Moderate to large impact may occur |
| 8. Impact on Agricultural Resources | Relevant Part I Question(s) E2c, E3b E1a, E1b E3b E1b, E3a E1 a, E1b C2c, C3, | No, or small impact may occur | Moderate to large impact may occur |

| 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 an 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. | ☑ N | о [|]YES |
|--|-----------------------------------|--|---|
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource. | E3h | | |
| b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views. | E3h, C2b | | |
| c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round | E3h | | |
| d. The situation or activity in which viewers are engaged while viewing the proposed action is: | E3h | | |
| i. Routine travel by residents, including travel to and from work | E2q, | | |
| ii. Recreational or tourism based activities | E1c | | |
| e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource. | E3h | □ □ | |
| f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½-3 mile 3-5 mile 5+ mile | D1a, E1a, D1f, D1g | | |
| g. Other impacts: | | | |
| 10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) If "Yes", answer questions a - e. If "No", go to Section 11. | □nc |) [| YES |
| a. The proposed action may occur wholly or partially within, or substantially contiguous | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| 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 | Z | |
| 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 | Z | |
| 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 | Ø | |

| d. Other impacts: | | | |
|---|---|-------------------------------|---|
| If any of the above (a-d) are answered "Moderate to large impact may e. occur", continue with the following questions to help support conclusions in Part 3: | | | |
| The proposed action may result in the destruction or alteration of all or part of the site or property. | E3e, E3g, E3f | | |
| The proposed action may result in the alteration of the property's setting or integrity. | E3e, E3f, E3g, E1a, E1b | | |
| iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting. | E3e, E3f, E3g, E3h, C2, C3 | | |
| 11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12. | V 1 | NO [| YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may |
| a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat. | D2e, E1b E2h, E2m, E2o, E2n, E2p | | |
| b. The proposed action may result in the loss of a current or future recreational resource. | C2a, E1c, C2c, E2q | | D |
| The proposed action may eliminate open space or recreational resource in an area with few such resources. | C2a, C2c E1c, E2q | | |
| d. The proposed action may result in loss of an area now used informally by the community as an open space resource. | C2c, E1c | | |
| e. Other impacts: | i | | |
| 12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13. | ✓ N | 0 | YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| . 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 | מ | |
| o. 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 | | П |
| Other impacts: | | | ū |

| 13. Impact on Transportation The proposed action may result in a change to existing transportation system (See Part 1. D.2.j) If "Yes", answer questions a - f. If "No", go to Section 14. | ns. | 10 | YES |
|---|-----------------------------------|--|---|
| | 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 | Z | |
| b. The proposed action may result in the construction of paved parking area for 500 or more vehicles. | D2j | Ø | |
| c. The proposed action will degrade existing transit access. | D2j | Ø | |
| d. The proposed action will degrade existing pedestrian or bicycle accommodations. | D2j | Ø | |
| e. The proposed action may alter the present pattern of movement of people or goods. | D2j | Ø | |
| f. Other impacts: | | | |
| 14. Impact on Energy The proposed action may cause an increase in the use of any form of energy. (See Part 1. D.2.k) If "Yes", answer questions a - e. If "No", go to Section 15. | | | YES |
| | 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 | Ø | |
| 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 | Ø | |
| c. The proposed action may utilize more than 2,500 MWhrs per year of electricity. | D2k | Ø | |
| d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed. | D1g | Ø | |
| e. Other Impacts: | | | П |
| 15. Impact on Noise, Odor, and Light The proposed action may result in an increase in noise, odors, or outdoor ligh (See Part 1. D.2.m., n., and o.) If "Yes", answer questions a - f. If "No", go to Section 16. | ting. NO | | YES |
| | 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 | Ø | |
| 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 | Ø | |
| c. The proposed action may result in routine odors for more than one hour per day. | D2o | Ŋ | П |

| d. The proposed action may result in light shining onto adjoining properties. | D2n | Z | |
|---|-----------------------------|---------------------------------------|---|
| e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions. | D2n, E1a | Ø | П |
| f. Other impacts: | | | |
| 16. Impact on Human Health The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. a If "Yes", answer questions a - m. If "No", go to Section 17. | and h.) | NO [| YES |
| | Relevant Part I Question(s) | No,or small impact may cccur | 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. | Eld | | |
| b. The site of the proposed action is currently undergoing remediation. | Elg, Elh | | |
| c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action. | Elg, Elh | | С |
| d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction). | Elg, Elh | | П |
| 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. | Elg, Elh | | |
| f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health. | D2t | | |
| g. The proposed action involves construction or modification of a solid waste management facility. | D2q, E1f | | |
| h. The proposed action may result in the unearthing of solid or hazardous waste. | D2q, E1f | | |
| . The proposed action may result in an increase in the rate of disposal, or processing, of solid waste. | D2r, D2s | | |
| . 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. | Elf, Elg Elh | | |
| c. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures. | Elf, Elg | | П |
| . The proposed action may result in the release of contaminated leachate from the project site. | D2s, E1f, D2r | | |
| n. Other impacts: | | | |
| | ļ | İ | ļ |

| The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) If "Yes", answer questions a - h. If "No", go to Section 18. | ✓NO | | YES |
|---|--|--|---|
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s). | C2, C3, D1a E1a, E1b | | |
| b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%. | C2 | | Ð |
| c. The proposed action is inconsistent with local land use plans or zoning regulations. | C2, C2, C3 | П | |
| d. The proposed action is inconsistent with any County plans, or other regional land use plans. | C2, C2 | | |
| e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure. | C3, D1c, D1d, D1f, D1d, Elb | | |
| f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure. | C4, D2c, D2d D2j | | |
| g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action) | C2a | | |
| h. Other: | | | |
| | | | |
| 18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3. | ✓NO | | YES |
| The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3. | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) | Relevant Part I | No, or small impact | Moderate to large impact may |
| The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3. a. The proposed action may replace or eliminate existing facilities, structures, or areas | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3. a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community. b. The proposed action may create a demand for additional community services (e.g. | Relevant Part I Question(s) E3e, E3f, E3g | No, or small impact may occur | Moderate to large impact may occur |
| The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3. a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community. b. The proposed action may create a demand for additional community services (e.g. schools, police and fire) c. The proposed action may displace affordable or low-income housing in an area where | Relevant Part I Question(s) E3e, E3f, E3g C4 C2, C3, D1f | No, or small impact may occur | Moderate to large impact may occur |
| The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3. a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community. b. The proposed action may create a demand for additional community services (e.g. schools, police and fire) c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing. d. The proposed action may interfere with the use or enjoyment of officially recognized | Relevant Part I Question(s) E3e, E3f, E3g C4 C2, C3, D1f D1g, E1a | No, or small impact may occur | Moderate to large impact may occur |
| The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3. a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community. b. The proposed action may create a demand for additional community services (e.g. schools, police and fire) c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing. d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources. e. The proposed action is inconsistent with the predominant architectural scale and | Relevant Part I Question(s) E3e, E3f, E3g C4 C2, C3, D1f D1g, E1a C2, E3 | No, or small impact may occur | Moderate to large impact may occur |

| Agency | Use | Only | [IfApplica | ıble] |
|------------|-----|------|------------|-------|
| | | | | |

Project : Walden Construction Enterprises LLC Date:

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

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
- 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 addition | al sheets, as needed. | The training of training of the training of th | | | |
|---|----------------------------|--|-------------|--------------|-----------|
| See attached Negative Declar | aration. | | | | |
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| Determination of Significance - Type 1 and Unlisted Actions | | | | | |
| SEQR Status: | | | -JPC Land O | mstea Achons | |
| | Type 1 | ✓ Unlisted | | | |
| Identify portions of EAF c | ompleted for this Project: | Part 1 | Part 2 | Part 3 | |
| | | | | | EEAE 2040 |

| Upon review of the information recorded on this EAF, as noted, plus this additional support i | information |
|--|--|
| and considering both the magnitude and importance of and its account its account in the considering both the magnitude and importance of and its account in the considering both the magnitude and importance of an account in the considering both the magnitude and importance of a considering both the conside | |
| and considering both the magnitude and importance of each identified potential impact, it is to the total street industrial Development Agency | he conclusion of theas lead agency that: |
| A. This project will result in no significant adverse impacts on the environment, and, the statement need not be prepared. Accordingly, this negative declaration is issued. | |
| B. Although this project could have a significant adverse impact on the environment, th substantially mitigated because of the following conditions which will be required by the lead | at impact will be avoided or agency: |
| | |
| There will, therefore, be no significant adverse impacts from the project as conditioned, and, the declaration is issued. A conditioned negative declaration may be used only for UNLISTED acceptable. | herefore, this conditioned negative ctions (see 6 NYCRR 617.7(d)). |
| C. This Project may result in one or more significant adverse impacts on the environment statement must be prepared to further assess the impact(s) and possible mitigation and to explaimpacts. Accordingly, this positive declaration is issued. | |
| Name of Action: Walden Construction Enterprises LLC | |
| Name of Lead Agency: Town of Montgomery Industrial Development Agency | |
| Name of Responsible Officer in Lead Agency: Conor Eckert | |
| Title of Responsible Officer: Executive Director | |
| Signature of Responsible Officer in Lead Agency: | Date: 9/15/21 |
| Signature of Preparer (if different from Responsible Officer) | Date: |
| For Further Information: | |
| Contact Person: Conor Eckert, | |
| Address: 110 Bracken Road, Montgomery, New York 12549 | |
| elephone Number: 845-745-0349 | |
| -mail: executivedirector@montgomeryida.com | |
| or Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to | : |
| Thief Executive Officer of the political subdivision in which the action will be principally located the involved agencies (if any) applicant (if any) applicant (if any) nvironmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html | |