



Meave M. Tooher, Partner
John L. Barone, Partner
William F. Demarest III, Associate
Helene G. Goldberger, Of Counsel

ROBINSON SQUARE, 313 HAMILTON STREET, ALBANY, NY 12210
TEL (518) 432-4100 • FAX (518) 432-4200

March 24, 2021

Via Email

Town of Vestal Town Board
W. John Schaffer, Supervisor
Jason Ellis, Councilman
Patty Fitzgerald, Councilwoman
Sue Messina, Councilwoman
John Fletcher, Councilman
605 Vestal Pkwy
West Vestal, NY 13850

**Re: Local Law A of 2021 “Rezoning Bunn Hill Road and Jensen Road”
Bunn Hill Road, Vestal, New York**

Dear Supervisor Schaffer and Town Board of the Town of Vestal:

As you are aware, this office represents Friends for Responsible Vestal Zoning, a group of neighbors, residents, and interested members of the community in the Bunn Hill Road area. Friends for Responsible Vestal Zoning, along with the majority of Town residents who have spoken and the more than 530 residents who have submitted letters, opposes the Proposed Planned Development District (“PDD”) at 833, 817, 813, 803, and 791 Bunn Hill Road, Vestal, New York and 161-unit apartment complex proposed to be built there (“the Project”), the approval of which is the subject of the proposed Local Law A of 2021 “Rezoning Bunn Hill Road and Jensen Road.” As that opposition has noted, the Project not only sets a bad precedent for the Town of Vestal but presents a huge environmental and community impact. We submit this letter in anticipation of the Town Board’s forthcoming determination of significance as lead agency under the State Environmental Quality Review Act (“SEQRA”) to highlight many of those impacts.

We note that according to the minutes of the Town Board’s March 10, 2021 meeting, Supervisor Schaffer advised that the Public Hearing for Local Law A would be reopened to review SEQR. The Town Board minutes do not reflect a formal vote on either the designation of the Project or the decision to act as lead agency at this point. However, this office recently received copies of Notices of Lead Agency sent to the Town Planning Board chair, the DEC, and the Army Corps of Engineers referencing that the Town Board “intends” to declare itself lead agency. Those letters are dated March 3, 2021 and, therefore, the 30-day period for those

agencies to respond has not expired.¹ Thus, it does not appear that this matter is ripe for the Town Board to conduct the full review of Part 2 under SEQRA at this evening's Public Hearing. However, Friends for Responsible Vestal Zoning submits these comments to aid the Town Board's SEQRA review at the appropriate time.

The Project is a very large multi-family residential development proposed for the Rural Residence (RR) District. The Project will disturb 24.5 acres, including the permanent removal of almost 22 acres of existing forest, over an acre of meadows, and over half an acre of wetland. This extensive natural environment is a potential habitat for an endangered and a threatened species. In place of that natural land, the Project will construct nearly 12 acres of impervious surfaces. The Project will take an estimated 12 months to construct the 161 units and the extension of the public water and sewer lines necessary to provide 77,000 gallons of water per day and remove the 77,000 gallons of wastewater per day. The property has shallow bedrock, poorly drained soils, a high-water table, and significant slopes across the site. Construction of the Project will require New York State Department of Environmental Conservation ("DEC") review of a Stormwater Pollution Prevention Plan (SWPPP) and an Army Corps of Engineers wetland disturbance permit. When completed the Project will add 700 beds on Bunn Hill Road without public transport, pedestrian sidewalks, or width for bicycles. This very large Project presents numerous significant environmental impacts that require review through an Environmental Impact Statement ("EIS").

The Environmental Assessment Form is Inaccurate and Incomplete

As noted in this office's prior letter, the Applicant belatedly provided a long-form Environmental Assessment Form ("EAF") as required for a Type 1 action. 6 NYCRR § 617.6(a)(2). However, the EAF includes several errors, including failure to identify that the Project is inconsistent with Broome County's comprehensive plan and failure to consistently identify water impoundments on site. Additionally, because the Applicant incorrectly and unbelievably concludes that the Project will not increase the level of noise beyond ambient levels (D.2.m) and will not substantially increase traffic (D.2.j), it fails to provide the rest of the required details in those sections. Thus, the EAF is incorrect and incomplete. To make its determination, the Town Board should require the Applicant to correct and complete the EAF. 6 NYCRR § 617.6 (b)(3)(ii).

The Project is Presumed to Have a Significant Environmental Impact

An action or project which has been listed as a Type I action "carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS." 6 NYCRR § 617.4(a)(1). SEQRA requires the preparation of an EIS for any

¹ The Planning Board meeting scheduled for March was canceled. So, the full Planning Board has not addressed or reviewed the Town Board's notice at this point.

action that “may have a significant effect on the environment.”² ECL § 8-0109(2). “The threshold at which the requirement that an EIS be prepared is triggered is relatively low: it need only be demonstrated that the action may have a significant effect on the environment.” Chinese Staff & Workers Ass’n v. City of New York, 68 N.Y.2d 359, 364-65, 502 N.E.2d 176 (1986). An EIS is intended to provide detailed information about the impact that the proposed action is likely to have on the environment, to list ways in which any adverse effects of such an action might be minimized, and to suggest alternatives to such an action to form the basis for a decision whether or not to undertake or approve such action. Town of Henrietta v. Dep’t of Env’tl. Conservation of New York, 76 A.D.2d 215, 220, 430 N.Y.S.2d 440 (4th Dep’t 1980). Given the size of the Project and its numerous impacts, an EIS is necessary.

Numerous Significant Environmental Impacts Exist

Once the Town Board has declared itself lead agency and completed the time period required for notice to involved agencies, the Town Board must complete parts 2 and 3 of the EAF and issue a declaration of significance. 6 NYCRR §§ 617.6(a)(2), 617.6(b)(3)(ii). Enclosed with this letter is a draft EAF Part 2 for the Town Board’s reference noting the significant impacts discussed below.

Impact on Land

The Project involves construction on land where the depth to the water table is less than 3 feet. (EAF Part 2 – 1a). The EAF notes that the average depth to the water table is 0.5-6.7 feet. Thus, clearly areas of construction will occur in areas of shallow water table. However, the Applicant’s submissions do not include a site plan with depths to the water table shown to indicate the amount of the site that will be in such areas. This requires further evaluation in an EIS. Notably, the DEC published SEQR Workbook³ notes that a “Residential development with full basements and high water table” is an example of a significant impact to land.

The Project involves construction on land where the bedrock is within 5 feet of ground surface. (EAF Part 2 – 1c). Specifically, the EAF notes that the average depth to bedrock is

² SEQR defines “environment” as “the physical conditions which will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance, existing patterns of population concentration, distribution, or growth, and existing community or neighborhood character.” ECL § 8-0105(6).

³ The DEC SEQR EAF Workbook is available through the DEC website at <https://www.dec.ny.gov/permits/90125.html>. The Workbooks “should be considered as helpful guidance documents that contain background information, links to data and maps, and answers to questions that a reviewing agency may have. They should be considered source books to assist and guide applicants and reviewers involved in a SEQR review.”

.833-3.33 feet. Again, no site plan showing the depth to bedrock has been presented requiring further evaluation through an EIS.

The Project may involve construction for more than one year. (EAF Part 2 – 1e). The EAF identifies the anticipated construction activities to last for 12 months. However, no explanation for this time frame has been provided. Given the size of the project, a 12-month construction period could be optimistic. Notably, the EAF and application materials provide almost no details regarding the additional sewer and water infrastructure needed. Thus, it is unclear whether such construction is included in this 12-month estimate. The Applicant should set forth in an EIS the schedule of planned construction and the basis for its estimated timeline. Obviously, the longer the construction period the more significant the impact on the surrounding properties due to the impacts from that phase of the Project (e.g., noise, truck traffic, road closure or repair, dust, etc).

Finally, the Project may result in increased erosion. (EAF Part 2 – 1f). The Project is on 24.56 acres and involves the removal of large areas of vegetation and development of impervious surfaces. Most of the site is identified as poorly drained soils. The project also proposes removal of .6 acres of wetland that otherwise could absorb some of the increased runoff from the impervious surfaces. The site involves slopes greater than 10% and some areas as great as 15+%. The Applicant has submitted a Preliminary Stormwater Management and Pollution Prevention Plan (SWPPP) that notes that DEC approval of a final SWPPP is necessary because the initial proposal “is not a conventional green infrastructure practice.” The EAF further notes that stormwater will be discharged onto adjacent properties and into the stream on site. Residents adjoining the stream have experience erosion impacts due to runoff from the top of Bunn Hill, adding this large development will likely exacerbate this existing issue. The DEC Workbook notes several examples of significant impacts including: where a SWPPP has not been developed and stormwater will discharge to adjacent properties, where large areas of vegetation will be removed, and where large portions of the development will occur on steep slope areas. Since the Project requires additional development and evaluation of a SWPPP and presents a risk of increased erosion, an EIS should be required to evaluate these potential impacts.

Impacts on Surface Water

The EAF notes a reduction of .6 acres of the existing wetlands. This amounts to 17.4% of the existing wetlands on-site. Therefore, the Project will result in a decrease of over 10% in the surface area of a body of water. (EAF Part 2 – 3b). The EAF Part 2 instructions note “[p]roposed 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’”. Moreover, the EAF and Wetland Impact Letter make clear that the loss of the wetlands is related to construction

within the wetlands requiring an Army Corps of Engineers wetland disturbance permit. (EAF Part 2 – 3d). This is a significant impact that requires an EIS to review in greater detail.

As noted above, the Project presents a risk of “soil erosion, or otherwise create[s] a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.” (EAF Part 2 – 3h). The DEC Workbook notes a possibly significant impact exists “when moderate to large areas of vegetation are removed and soils exposed and stormwater discharge may cause siltation.” It identifies a situation “when many impervious surfaces such as large parking lots and large-scale buildings are planned” as an example of a significant impact. This Project proposes replacing more than 22 acres of vegetated land with 10.25 acres of impervious surfaces in the form of parking lots and multifamily residences. This presents a significant risk of environmental impact.

Impacts on Plants and Animals

The Applicant has provided a Wildlife Habitat Assessment that notes that the property is potential habitat for one “Endangered”, one “Threatened”, and one “Species of Special Concern.” The assessment further notes that because of the Project “wildlife movement into and out of the project site is likely to be altered or reduced, as the site would function differently from its existing structure and may result in fewer opportunities for foraging and cover” and “may result in reduction of local (i.e., project site-scale) populations of some wildlife.” Thus, the Project presents a risk of reduction of population and habitat of threatened, endangered, or species of special concern. (EAF Part 2 – 7a-d). While the Wildlife Habitat Assessment notes that it is not known if the identified species are located on-site and proposes mitigation measures to limit impacts, this evidences the need for an EIS that further examines the likelihood the property is used as habitat for the listed species and to discuss potential impact mitigation measures.

The Wildlife Habitat Assessment noted numerous other species of wildlife on the property. As noted, the assessment clearly indicates that the Project will result in the loss of use of the property by the predominant species for “nesting/breeding, foraging, or over-winter habitat.” (EAF Part 2 – 7g). The DEC workbook notes that a significant impact to plants and animals exists where a large percentage of vegetation is removed, natural movement is prevented, or bright lights are placed on site. Thus, the Project presents a significant impact to wildlife currently using the forests currently on-site.

As noted, the EAF Part 2 instructions note a moderate to large impact exists when numerical thresholds are met. The EAF demonstrates that more than 10 acres of forest and grassland will be converted. (EAF Part 2 – 7h). Specifically, 21.8 acres of forest and 1.36 acres

of meadows will be converted to 10.25 acres of impervious surface, 12.11 acres of lawn, and 1.4 acres of stormwater impoundments.

Impact on Transportation

In the EAF the Applicant checked “No” in relation to the question “Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?” (EAF Part 1 – D.2.j). The DEC Workbook for answering D.2.j clearly notes that an increase in excess of 100 peak hour vehicle trips is a substantial increase that requires marking “Yes.” Thus, the Applicant should have marked “yes” and included the additional details in items (i) through (viii). The DEC Workbook provides that “If your project is at or exceeds the threshold [for a particular type of project], then your project should be considered to result in a substantial increase in traffic and you should answer 'yes’”. The Project involves 161 multi-family units, which exceeds the 150-unit threshold in the Workbook.⁴

The Applicant relies upon a traffic analysis to support its “No.” However, the facts set forth in the traffic analysis clearly establish a substantial increase in traffic. The study clearly indicates greater than 100 peak hour vehicle trips. Specifically, it estimates 112 vehicle trips during Morning Peak and 210 vehicle trips during evening peak. These numbers nearly double the number of vehicles currently on Bunn Hill road during these peak hours. The conclusion that the Project is a “minor traffic generator” is clearly ridiculous and contradicted by the study’s own findings. While the report highlights the limited use of Bunn Hill Road currently, it fails to acknowledge that because the road is in the RR District and subject to limited use, it is not designed for such significant traffic numbers. Thus, the study supports a substantial increase in traffic and the Applicant should have marked “Yes.”

The traffic analysis also demonstrates that the impacts from this substantial increase in traffic are significant. The study notes that increased traffic from the proposed Project will degrade several traffic intersections with Level of Service just meeting the “acceptable” standard to below “acceptable” levels. Specifically, during the evening peak hour, the study notes that the intersection of Bunn Hill Road and Route 434 will have a Level of Service impact for the westbound left turn, northbound left turn, and southbound through lanes. The study also shows additional decreases in Level of Service at Bunn Hill Road and Bunn Hill Access in the westbound left turn and at West Access Road in the westbound turning lane. The study also notes that the Level of Service for several intersections are only barely meeting “acceptable” levels currently. Thus, raising a significant question as to whether development at this location of this size is appropriate. Notably, the County § 239 response clearly notes that the traffic

⁴ Department of Environmental Conservation, Question D2-Project Operations-Full EAF (Part 1), Full Environmental Assessment Form (FEAF) Workbook, Answering Question D.w.j, available at <https://www.dec.ny.gov/permits/91660.html> (last accessed March 23, 2021).

study's conclusions regarding the current Levels of Service conflict with the County's own experience. The DEC Workbook notes that where there is a substantial increase in traffic and reduction in the Level of Service, there is a significant impact that requires further consideration in an EIS. (EAF Part 2 – 13a). Given the substantial increase in traffic and the impacts to the Level of Service at various intersections, the Project clearly presents a significant impact on transportation.

While the Applicant fails to include the additional information regarding parking spaces, given that the Project proposes 700 beds (traffic assessment assumed 666 vehicles), the Project will require construction of paved parking for more than 500 vehicles. (EAF Part 2 – 13b). As noted, the EAF Part 2 instructions provide “[p]roposed 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 Project will also present a demand for public transportation that does not currently exist. (EAF Part 2 – 13c). As noted by the Broome County Commissioner of Public Transportation in comments to the 2020 GML §239 and confirmed in recent discussions with this office, there is no public transportation to this location, nor is the site suited to large transportation buses. In the absence of significant alteration to Bunn Hill Road (e.g., widening, flattening the slope), the site is not accessible for a 40-foot transport bus and no current bus routes service this location. The lack of public bus routes raises significant concerns for this Project, which clearly is designed to accommodate students from Binghamton University.⁵ Parking on-campus is severely limited. Without pedestrian, bicycle, or public transport options to the Property, the need for the residents to drive to campus creates clear impacts to traffic, parking, and attractiveness of the property that are not adequately accounted for in the current design.

Finally, the Applicant's traffic study proposes addressing the impacts to the Level of Service at Bunn Hill Road and Route 434 by changing the timing sequence of the lights. This change in timing is left to the New York State Department of Transportation (“DOT”) “periodic[] review” and provides no interaction with DOT on this issue. Moreover, those timing changes show only minimal improvement back to the already unacceptable or barely acceptable levels and reduces the Level of Service in the westbound through/right line, which was previously unaffected. The DEC Workbook demonstrates that a significant impact exists when new or altered “intersections . . . access control or signal systems are required to handle the additional demand related to proposed project” such that they would alter the present pattern of movement of people. (EAF Part 2 – 13e).

The conclusions of the current traffic study are contrary to the SEQRA guidance, facts, and common sense. It fails to address the actual impacts of the number of units, residents and consequent traffic flow on the rural residential area surrounding Bunn Hill Road. Concerns

⁵ While the Applicant questionably asserts that this Project will also attract young professionals, it does not dispute that students are a significant part of its anticipated tenants.

regarding increased traffic congestion and other potential traffic impacts associated with the Project are an important part of a meaningful SEQRA review of the Project. Adirondack Historical Ass'n v. Vill. of Lake Placid/Lake Placid Vill., Inc., 161 A.D.3d 1256, 1259 (N.Y. App. Div. 2018). The actual findings of the traffic study demonstrate the Project will have a significant impact on transportation that needs to be reviewed as part of an EIS.

Impact on Energy

The Project is a “large residential development in a rural area,” which the DEC Workbook clearly identifies as likely having a significant environmental impact. The Project will create more than 50 residences (EAF Part 2 – 14b) and involve heating and cooling of more than 100,000 square feet of building area (EAF Part 2 – 14d). Thus, the Project presents a significant environmental impact. An EIS should be required to evaluate the amount of energy that will be required, the current infrastructure capacity, and potential energy-efficient design features and technologies.

Impact on Noise, Odor, and Light

Again, the Applicant indicated “No” in the EAF where it should have indicated “Yes” and thus failed to provide a complete response. The DEC workbook for section 15 notes that “If noises or odors will be produced or outdoor lighting used, answer 'Yes' to Question 15 and then continue to sub-questions (a) through (f).” Given the location of the Project within the RR District, it is incredible that a 700+ resident development will not increase the level of noise either during the extensive construction activities or the occupation of the development. In the case of noise impacts, the Applicant provides no study to support its assertion that noise will not exceed ambient levels. In relation to noise, the DEC Workbook notes a significant impact when “noise will be generated sporadically or continuously and there are residences . . . adjacent to the proposed project” or when “noise levels above ambient conditions will be produced long-term.” The Project clearly presents a significant impact from noise and an EIS and noise study is necessary to evaluate the full extent and manner of mitigating the impact. (EAF Part 2 – 15a or 15f).⁶

The Project proposes substantial outdoor lighting, including 30’ security lighting, that will be illuminated all night in a rural area without similar lighting. This clearly presents a likelihood of light shining onto adjoining properties (EAF Part 2 – 15d) and the creation of sky glow brighter than exists in the area (EAF Part 2 – 15e). This is a significant impact that needs to be evaluated. While the Applicant states “Exterior lighting fixtures . . . shall be full-cutoff, shielded and/or downward facing” no site plans showing the location and design of such fixtures has been provided. Nor has there been any study of anticipated light impacts or buffering done.

⁶ Question 15a asks whether noise levels will exceed established local regulations. The Town of Vestal has established construction related noise limits of 75 dBA between the hours of 7a.m. and 10p.m. and non-construction limits in the residential district of 60dBA. Vestal Code § 24-726.

Notably, the Planning Board's "recommendation" letter notes concerns regarding the separation (or lack thereof) to other properties in the RR District. In fact, the Planning Board proposes a fifty (50) foot wooded buffer to address potential light and noise impacts. However, only the western border meets or exceeds the Planning Board's recommendation of a 50-foot buffer. Most significantly, the buffer between the property and Bunn Hill Road is just 32 feet. The lack of substantial buffer fails to address both the significant visual and noise impact from the Project. An EIS is appropriate to address these impacts and measures to mitigate them for the surrounding residences.

Consistency with Community Plans and Community Character

The Project is incompatible with the existing neighborhood and contradicts the County's comprehensive plan that seeks to promote a "complete" streets approach allowing all modes of transport. The introduction of this very large student-housing development in the RR District will undoubtedly negatively impact the community character of the area. Adverse impacts to community character are clearly cognizable under SEQRA. Matter of Chinese Staff and Workers Association v. City of New York, 68 N.Y.2d 359 (1986); Jackson v. New York State Urban Dev. Corp., 67 N.Y.2d 400 (1986); Matter of Lane Construction, 1998 WL 389019 (N.Y. Dep't Env'tl. Conserv.).

Indeed, the term "environment" in SEQRA expressly includes "existing community or neighborhood character" and New York courts recognize that community character maintains its own meaning and identity in terms of environmental review. Impacts to community character can include neighborhood gentrification, a proposed development that would quadruple a town's present population, traffic and parking problems for a neighborhood arising from a proposed sports stadium, and lower property values and less future commercial development emanating from a proposed transfer station.

In the Matter of Palumbo Block Company, 2001 WL 651613, at 2 (N.Y. Dep't Env'tl. Conserv.) (citations omitted).

At times, the issue of community character may also intertwine and overlap with issues such as aesthetics, traffic, parking, cultural resources, and future commercial development, and accordingly, the issue of community character cannot necessarily be viewed in isolation and may include a myriad of diverse components. Id. See also Matter of Whibco Inc., 1998 WL 389014 (N.Y. Dep't Env'tl. Conserv.); Matter of Lane Construction Company, 1998 WL 389019 (N.Y. Dep't Env'tl. Conserv.), 3-4. Community character is uniquely and intimately linked to an area's natural, cultural, historic, aesthetic and community resources. Wal-Mart Stores Inc. v. Planning Bd. of Town of N. Elba, 238 A.D.2d 93, 668 N.Y.S.2d 774, 776 (3d Dep't 1998).

Placing this PDD and Project in the RR District is directly contrary to the intent of the RR zoning classification. The Project is markedly different from and in sharp contrast to the approved RR District uses and the present uses in the surrounding neighborhood. (EAF Part 2 – 17a). Town Code § 24-2 provides that the purpose of the Town’s zoning is “to encourage the most appropriate use of land, conserve the value of property, and promote the health, safety, morals and general welfare of the community.” Of note, multiple family dwellings, as proposed for the Project, are prohibited in the RR District even by special permit. (EAF Part 2 – 17c). The RR District in effect requires lot sizes greater than 1 acre per dwelling, yet, the Project proposes 161 dwellings on just 47 acres, more than 4 times the density permitted in the current zoning code. The Zoning Code explicitly provides that “[t]he town finds that it is desirable to limit and regulate the construction in rural residential areas.” Vestal Zoning Code § 24-183. The Code provides several concerns from the lack of public water and sewer, “the lack of permeable soil . . . in rural residential areas,” steep gradients, drainage hazards, and the costs and difficulty of providing emergency vehicles, especially in bad weather. Id.

The top of Bunn Hill Road remains largely wooded with approximately 24 well-spaced, single-family residences, a church, and a nature preserve. It is the essence of the RR District that the area where the PDD is proposed is not heavily populated. Instead of that being recognized as the significant impact that placement of the Project will cause, it has unfortunately led to comments that the limited populace in the area means that there is either limited opposition to or limited impact from the Project. The opposite is true.⁷

The large concentration of population presented in this student-housing complex is completely at odds with the community character of this single-family residential community. (EAF Part 2 – 18e). As noted above, the Project will double the traffic along Bunn Hill Road and cause a decline in the Level of Service at the intersection with Vestal Parkway. While these traffic impacts will of course be greatest at peak travel times, the nature of student housing will increase the use of Bunn Hill road throughout the day. The loss of forests to such a significant degree will change the aesthetics and feel of the RR District along Bunn Hill Road and Jenson Road. (EAF Part 2 – 18f). The Project property is not currently supported by existing infrastructure requiring significant expansion. To establish the public sewer and water, the Project will have to remove additional natural growth along Bunn Hill, further altering the rural nature of the neighborhood. (EAF Part 2 – 17e-f, 18f). The addition of 700 students (and young professionals) and security, parking, and building lights will cause significant noise and light impacts for the surrounding properties. (EAF Part 2 – 18f). There can be no doubt that the Project will result in a significant increase in police and fire services along the Bunn Hill Road, which the Town Code seeks to avoid. (EAF Part 2 – 18b).

⁷ As noted, the Town has received more than 530 letters from Town Residents within and outside the RR District in opposition to the Project. While 2 dozen residents spoke in opposition to the Project at the last Public Hearing, not including our office which represents a group of Vestal residents, in contrast to the 4 in favor, that was due to the instructions that public comment should not repeat and the limited capacity for the meeting, not a reflection of limited opposition.

In addition to being clearly inconsistent with the Town's zoning plans and community character, the Project is inconsistent with the Broome County Comprehensive Plan recommending development that encourages "complete streets" and "flexible housing options". (EAF Part 2 – 17d). Similarly, the Project develops a housing style that the 2017 Broome County Housing Study determined already exists in excessive numbers. Consequently, Broome County Planning has recommended denial of the Project.

In short, the sharp contrast between the Town's current zoning for the property and the existing uses along Bunn Hill Road and the 700 bed, student-housing Project would clearly create such significant impacts to the community character that cannot be overstated. Typically, when a municipality is considering large scale zoning changes, the municipality seeks public input through a working group or charrette process that seeks the input of those in the area to be altered. Before rezoning this portion of the RR District and imposing such a significant change to the community character in the RR District along Bunn Hill Road, the Applicant should be required to seek the input and opinions of those along Bunn Hill Road as part of the EIS process so that the Town Board can better grasp the impacts to the community and consider mitigation measures to minimize those impacts.

Sewer and Water

The Town Code requires that a PDD be attached to public sewer and water. However, neither currently exists at the site. The Applicant proposes to expand the piping from the existing Town infrastructure to the property. The proposed water access would come from the Jensen Road side of the property while the sewer access would be extended up the "right of way" along Bunn Hill road. While the EAF Part 2 does not specifically address sewer and water as a stand-alone section, the impacts that this infrastructure expansion would cause and the lack of any clear details regarding these actions supports specific discussion and consideration.

Construction of this infrastructure will involve alteration of land that is not addressed in the EAF details, application materials, or site plan. The attachment to public water, will require the Applicant to install piping across the stream that crosses the property and require easements that do not appear to currently exist. Broome County has denied use of the Bunn Hill roadway for placement of the sewer infrastructure due to road clearing concerns in winter. Thus, placement of such infrastructure will potentially result in damage to or removal of vegetation along Bunn Hill road on private property (even if within a right of way) including within the nature preserve. The infrastructure appears to have to cross several driveways on its way down Bunn Hill Road. These impacts should be further evaluated and addressed in an EIS.

Moreover, questions remain outstanding as to whether the proposed use of the water tower will be adequate to meet the water demands for a project this size. The Planning Board raised concerns regarding the capacity of the public water and wastewater systems to accommodate the size of the proposed project. The Applicant has not provided any data regarding the calculation of the water and wastewater quantities for the Project or the current capacity of the existing Town infrastructure nor has it provided any written evaluation by the

Town Water & Wastewater Superintendent. The Town of Vestal Zoning Code for the RR District expresses concern about Sewage treatment flow issues and water issues within the district. The Application and EAF is inadequate to address these concerns and impacts. An EIS is necessary to investigate these impacts, the feasibility of the proposed infrastructure, and potential mitigation.

Conclusion

The Project and consequent PDD rezoning present significant impacts to land, surface water, plants and animals, transportation, energy, noise and light, and community character. These environmental impacts confirm the presumption established for Type 1 actions under SEQRA. Therefore, the Town Board, in its role as lead agency, should issue a positive declaration of significance and require an EIS.

Thank you for your time, attention, and consideration of this matter. I request that this letter be included in the record of public comments regarding Local Law A of 2021.

Very truly yours,

A handwritten signature in blue ink that reads "William F. Demarest III". The signature is written in a cursive style with a distinct "III" at the end.

William F. Demarest III

Cc: David Berger, Esq., via email (dbergerattorney@gmail.com)
Andrea Kintner, via email (akintner@vestalny.com)
Client, via email

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

Project :

Date :

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

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

Tips for completing Part 2:

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

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

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	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	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

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

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

4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	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	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	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	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

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

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) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> 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 (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) 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 D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> 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	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

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

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

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>		

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

11. Impact on Open Space and Recreation			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> 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 an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> 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 a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation The proposed action may result in a change to existing transportation systems. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy The proposed action may cause an increase in the use of any form of energy. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light The proposed action may result in an increase in noise, odors, or outdoor lighting. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

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

16. Impact on Human Health			
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans			
The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> 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	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character			
The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>