

Project : _____

Date : _____

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

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

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

Reasons Supporting This Determination:

To complete this section:

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

See attached findings report.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

Submitted EIS (proactively requested, before a declaration was made), Traffic Study, Noise Study, SWPPP and Vibration Study. Links to all studies and documents can be found through the two links found at the bottom of the project web page here:
<https://www.stcplanning.org/tyoga-container-application-form/>

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Village of Painted Post Planning Board as lead agency that:

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

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

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

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

Name of Action: Tyoga Container Proposal

Name of Lead Agency: Village of Painted Post Planning Board

Name of Responsible Officer in Lead Agency: Marcia Weber

Title of Responsible Officer: Chair, Village of Painted Post Planning Board

Signature of Responsible Officer in Lead Agency:  Date: 3/1/21

Signature of Preparer (if different from Responsible Officer)  Date: 2/9/2021

For Further Information:

Contact Person: Chelsea Robertson, Executive Director of Southern Tier Central Regional Planning & Development Board (Consultant for this project)

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

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

Other involved agencies (if any)

Applicant (if any)

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

PRINT FULL FORM

**Village of Painted Post Planning Board
Determination of Significance
2/3/2021**

Tyoga Container Proposal for West Water Street Site

Part 1 (Full Environmental Assessment Form) of SEQR was completed by the applicant, Tyoga Container, and submitted for review to the Village of Painted Post Planning Board along with a Concept Plan on April 7, 2020. At the April 7, 2020 village planning board meeting, the planning board claimed lead agency status and classified the action as a Type I action. Further, they stated that they will conduct a coordinated review and listed the interested and involved agencies. Also at this meeting, the planning board indicated that while they weren't sure if this project would need an EIS, as they have not yet determined significance, they would like the applicant to proactively prepare one.

At the May 13, 2020 Planning Board meeting the village planning board walked through Part 2 of the Full Environmental Assessment Form and outlined to the applicant what should be included in the EIS that they have proactively requested. A full timeline and links to all submitted information can be found on the project website here:

<https://www.stcplanning.org/tyoga-container-application-form/> .

Once the EIS was completed, and as the project progressed with a preliminary site plan, final site plan and two public hearings, the planning board also requested additional studies. The SWPPP was required because more than 1 acre would be disturbed; additionally, the planning board requested a traffic study, a noise study and a vibration study. Through the EIS, the SWPPP, modifications made to the site plan through the three phases of the site plan submittals, and the additional studies, the below items were mitigated.

Further the original EIS prepared was for a slightly larger operation than the final approved site plan. The impacts as assessed in the submitted original EIS have been reduced based on a reduction in the project scope between concept plan and final site plan submittals.

Part 2 of the SEQR for the proposed Tyoga Container project identified the following as small to moderate or moderate to large impacts:

Small Impact on Land, Small to Moderate Impact on Surface Water

Identify Impact: Proposed project is adjacent to a water body and flood control structure(s).

Assess the importance of the impact: Construction activities will include excavation and soil disturbance that, should preventative controls not be taken,

may result in sedimentation runoff with stormwater and potential erosion concerns. Further, the project is adjacent to a flood control levee, and an easement on the project site exists for that levee.

Reason why the impact will not result in a significant adverse environmental impact: This project's potential impacts will be mitigated through implementation of erosion and sediment control plan best management practices that have been fully identified within the submitted SWPPP. The SWPPP outlines control measures both during construction (of the most concern) and post construction. NYS DEC has reviewed and positively responded to the SWPPP. Further the project will create a 15' buffer between the flood control structure and all construction and operations on the site.

Due to these mitigation efforts, as outlined in the EIS and the SWPPP, the Village of Painted Post planning board has deemed that the proposed project will not result in a significant adverse environmental impact as it relates to surface water.

Small Impact on Historic Resources

Identify Impact: The project can be considered substantially contiguous to a building, Painted Post High School, that has been determined to be eligible for listing on the State Register of Historic Places. It is historically and architecturally significant as an example of early 20th century classical revival public architecture, built in 1925.

Assess the importance of the impact: While there are certainly concerns over impacts on historic resources, the site was formerly an industrial use (former Ingersoll-Rand Foundry). The site has extensive deed restrictions; one of the only eligible activities on the site would be industrial use. The site has sat vacant since 1985.

Reason why the impact will not result in a significant adverse environmental impact: The proposed site plan outlines that the site will be fully fenced, there will be landscaping between the site and Hodgman park, screening the industrial activity from the park, and there will be a vegetative berm running the length of the proposed building in the front of the building and between the building and the street.

One of the impacts on historic resources that was brought up later in the public meeting process was the impact of truck traffic running along West Water Street. The trucks do not pass any buildings on the national or state register, however the planning board asked the applicant to prepare a vibration and noise study. The vibrations were deemed to potentially affect 4 homes on West Water Street and were deemed to not have any structural impact on those homes, though it was noted that some vibrations may be felt in the homes as trucks pass. To

mitigate the vibration and noise of passing trucks, the planning board added the following conditions to the Special Use Permit approval: reduced speed limit (20 mph), limited trucks (no more than 35 trucks/70 passes in a 16-hour day), hours of operation to be between 6am and 10pm only, one lighted cross walk installed across West Water Street. Due to these mitigation efforts, as outlined in the conditions of the approval, the EIS, the noise study, the vibration study and the traffic study, the Village of Painted Post planning board has deemed that the proposed project will not result in a significant adverse environmental impact as it related to Historic Resources.

Moderate to Large Impact on Transportation

Identify Impact: The original Tyoga Container proposal had a total of 50 trucks/100 truck trips a day going in and out of the proposed Tyoga Container site. This was identified as a moderate to large impact on transportation. In addition to the trucks the original proposal identified two 8-hour work shifts and 70 employees.

Assess the importance of the impact: This proposal as originally documented, later reduced, could have a potentially moderate to large impact on traffic along West Water Street and traffic congestion at on and off ramps to NY017. With no mitigating measures, there was not only a concern about congestion but also road usage on a village road (West Water Street). Further concerns related to truck traffic are identified under noise below. Also, important to note, the traffic would pass between an existing daycare and the existing Hodgman park. There was a concern about safely crossing the road and on-street parking.

Reason why the impact will not result in a significant adverse environmental impact: To evaluate the traffic concerns the planning board asked for a traffic study and hired their own engineer to review the submitted traffic study. As a part of the study, it was determined that to mitigate the negative impacts, a lighted crosswalk would be installed, the speed limit would be reduced to 20

mph and on-street parking would be removed from one side of West Water Street. Further, as there was a concern related to maintenance required on West Water Street due to the increase in use of the road, the Village Planning Board is requiring Tyoga Container to enter into a road use agreement with the village in order to help compensate the village for any road damage deemed to be caused by Tyoga Container's operations.

Due to the above-mentioned mitigation efforts along with the plans as outlined in the EIS, the traffic study, the noise study, the vibration study and the conditions placed on the Special Use Permit as approved by the village planning board, the village planning board has deemed that the proposed project will not result in significant adverse environmental concerns as related to traffic and transportation.

Small Impact on Noise, Odor and Light

Identify Impact: The concern about noise is directly related to the proposed truck traffic traveling up and down West Water Street. There is also anticipated to be some noise associated with construction for the approximately 12 months of expected construction.

Assess the importance of the impact: Noise is certainly a concern for the adjacent residents, as is vibration (outlined above under historic preservation). The planning board, concerned about noise, requested an independent noise and vibration study to assess the potential for noise.

Reason why the impact will not result in a significant adverse environmental impact: The conclusion of the noise study was that the truck noise would be under the allowed decibels as outlined in the Village of Painted Post Zoning law. The law allows for 55 dB at night and 65 dB during the day. The proposal will be under that threshold, and this was verified by the completed noise study. Regardless of already meeting the zoning law noise limits, the proposal has included a vegetative berm in front of the building to better buffer noise into the neighborhood and has agreed to a reduced speed limit along West Water Street. The Village has agreed to reduce and strictly enforce the West Water Street speed limit at 20 mph to help mitigate truck noise along West Water Street. Due to these mitigation efforts, as outlined in the conditions of the approval, the EIS, the noise study, the vibration study and the traffic study, the Village of Painted Post Planning Board has deemed that the proposed project will not result in a significant adverse environmental impact as related to Noise, Odor and Light.

Small Impact on Consistency with Community Character

Identify Impact: While the site is formerly the site of a busy industrial foundry, it has been vacant for over 30 years. The Village Planning Board did evaluate this as a vacant site rather than a former foundry, which did involve a more thorough review.

Assess the importance of the impact: Many of the overall impacts of this site will have an impact on community character and are outlined above. The use is an allowed use; the site is a brownfield with strict deed restrictions that limit most activities on the site to industrial activities. The site is industrially zoned and is bordered by an interstate highway, a park and a residential neighborhood. While the proposal is certainly consistent with the recently updated zoning and the recently revised and adopted comprehensive plan, development of a currently vacant site will obviously impact the community character for the adjacent residential zone. The site currently is fully fenced in and has broken up concrete

and former remnants of the old foundry, but it is relatively vacant. The proposal will develop the site and continue to have it fenced in. There will be a visual impact (where residents used to see a rail line and vacant brownfield, they now will see a rail line and a vegetative berm in front of a large warehouse building (depictions can be seen in the prepared EIS). Further impacts include noise and vibration caused by the truck traffic and potential traffic congestion caused by the truck traffic and the additional employee traffic. The village planning board requested additional studies outside of the submitted EIS. A traffic study, noise study and vibration study were all performed, and based on that study conditions were placed on the proposed project's Special Use Permit approval to help mitigate these negative impacts on community character.

Reason why the impact will not result in a significant adverse environmental impact: As a result of the studies mentioned above, the village planning board approved the Special Use Permit with eleven (11) conditions of the permit:

- Maximum of 35 trucks/70 truck trips during the hours of 6am and 10pm.
- Noise not to exceed 55dB at night and 65dBs during the day.
- 1 lighted crosswalk and additional signage paid for by Tyoga installed along West Water Street to enter the park.
- Hours of operation to be two shifts. 6am – 2:30pm and 2:30pm-10pm.
- Maximum number of trucks during defined peak hours to be 7 (peak hours are as follows: 7am-8am, noon-1pm and 2pm-3pm).
- Road Use agreement must be made between the Village and Tyoga to pay for any additional damage caused by Tyoga trucks. The Village will mill and repave West Water Street before Tyoga is operational. Tyoga and the Village will evaluate the road condition every 5 years to determine the extent of damage caused by Tyoga trucks, and Tyoga will be financially responsible for these repairs/re-pavement as determined by the Village of Painted Post.
- Removal of on-street parking along West Water street on the Southside from Steuben to Tyoga site prior to Tyoga becoming operational.
- Widening of the road at Tyoga site entrance, within the existing right of way.
- Fence around the site to be no more than 6' and no barbed wire on the fence.
- Maximum payload weight of truck – 42,000lbs.
- West Water Street speed limit to be reduced to 20mph, which must be enforced by the Village of Painted Post police.

The above conditions of the Special Use Permit will help to mitigate the potential negative impacts that the proposed development may have on community character. The most notable of these conditions is the reduction of allowed trucks to 35 in a 16-hour work day, the limitations on trucks during peak hours and the

maximum payload truck weight to be reduced to 42,000lbs. This will help to offset the noise and vibration concerns for the neighboring residents.

Due to the above mitigation efforts established in the Village's Special Use Permit approval the Village of Painted Post Planning Board deems that the impacts to community character will not result in significant adverse environmental impacts as related to community character.