

PROJECT AUTHORIZING RESOLUTION
(Water Works Center, LLC Project)

A regular meeting of the Schuyler County Industrial Development Agency was convened on Wednesday, June 20, 2012, at 5:00 p.m.

The following resolution was duly offered and seconded, to wit:

Resolution No. 2012 - 4

RESOLUTION OF THE SCHUYLER COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) APPOINTING WATER WORKS CENTER, LLC (THE "COMPANY") AS ITS AGENT TO UNDERTAKE THE PROJECT (AS MORE FULLY DESCRIBED BELOW); (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE PROVISION OF CERTAIN FINANCIAL ASSISTANCE TO THE COMPANY (AS FURTHER DEFINED HEREIN); (iv) AUTHORIZING THE EXECUTION OF A MORTGAGE AND RELATED DOCUMENTS; AND (v) RATIFYING SEQRA FINDINGS OF THE VILLAGE OF WATKINS GLEN PLANNING BOARD WITH RESPECT TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 21 of the Laws of 1971 of the State of New York, as amended (hereinafter collectively called the "Act"), **SCHUYLER COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, WATER WORKS CENTER, LLC, a New York limited liability company (the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of (i) the acquisition by the Agency of fee title to or a leasehold or other interest in all or portions of certain properties located at 64-65 Salt Point Road (and bordering Seneca Lake) in the Village of Watkins Glen, Schuyler County, New York (the "Land", being identified as TMID Nos. 64.08-3-67 and 64.08-3-68) and the existing improvements located thereon consisting principally of an approximately 11,500 square-foot four-story brick building used previously as the Village of Watkins Glen electric and water intake plant and related water dock (the "Existing Improvements"); (ii) the rehabilitation, reconstruction and renovation of the Existing Improvements located on the Land to accommodate mixed use commercial space and four (4) residential rental units; the planning, design, construction and operation of twelve (12) new townhouse residential rental units on the Land; the construction and installation of certain site

work, improvements and related amenities within and upon the Land, including driveway, parking, curbage, infrastructure, dockage and piers (collectively, the "Improvements"); and (iii) the acquisition of and installation in and around the Existing Improvements and Improvements of certain items of equipment and other tangible personal property (the "Equipment" and, collectively with the Land, the Existing Improvements and the Improvements, the "Facility"); and

WHEREAS, pursuant to a resolution adopted by the Agency on April 11, 2012 (the "Resolution") the Agency accepted the Application of the Company and (i) described the forms of Financial Assistance being contemplated by the Agency (as further defined herein), (ii) directed that a public hearing be held with respect to the Project in compliance with the Act, and (iii) authorized the negotiation of a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), and a payment-in-lieu-of-tax agreement (the "PILOT Agreement"), and related documents to be entered into with the Company; and

WHEREAS, pursuant to Section 859-a of the Act, on June 20, 2012, at 3:30 p.m, local time, at Watkins Glen Village Hall, 303 North Franklin Street, Watkins Glen, New York 14891, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views, a copy of the minutes of the Public Hearing along with the Notice of Public Hearing published and forwarded to the Village of Watkins Glen (the "Village"), the Town of Reading (the "Town"), the County of Schuyler (the "County"), and the Watkins Glen Central School District (the "School", and together with the Village, Town and County, the "Affected Tax Jurisdictions) at least thirty (30) days prior to said Public Hearing are attached hereto as **Exhibit A**; and

WHEREAS, on May 16, 2012, the Village of Watkins Glen Planning Board issued a negative declaration (the "Negative Declaration") under Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto by the Department of Environmental Conservation of the State (collectively, "SEQRA") with respect to the Project, a copy of which is attached hereto as **Exhibit B**; and

WHEREAS, in furtherance of the foregoing, the Agency desires to authorize (i) the appointment of the Company as agent of the Agency to undertake the Project; (ii) the execution and delivery of the Lease Agreement, the Leaseback Agreement, the PILOT Agreement, and related documents; and (iii) the provision of the Financial Assistance to the Company, which shall include (a) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included in or incorporated into the Facility or used in the rehabilitation, renovation and equipping of the Facility, (b) an exemption from all mortgage recording taxes imposed on the Facility by the State of New York or any political subdivision thereof, (c) the expenditure of up to \$50,000.00 in Agency funding to assist the Company undertake the development of the Project, and (d) a partial real property tax abatement through the execution of an agreement with the Agency regarding payments in lieu of real property taxes to be made for the benefit of the Affected Tax Jurisdictions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF SCHUYLER COUNTY INDUSTRIAL AGENCY AS FOLLOWS:

Section 1. Based upon a review of the Application and the Negative Declaration submitted to the Agency by the Company, the Agency hereby consents to and affirms the status of Village of Watkins Glen Planning Board as Lead Agency, within the meaning of, and for all purposes of complying with SEQRA; determines that the proceedings undertaken by the Village of Watkins Glen Planning Board under SEQRA with respect to the undertaking of the Project by the Company satisfies the requirements of SEQRA; ratifies such proceedings by the Village of Watkins Glen Planning Board; and determines that all of the provisions of SEQRA that are required to be complied with as a condition precedent to the approval of the Financial Assistance contemplated by the Agency with respect to the Project and the participation by the Agency in undertaking the Project have been satisfied.

Section 2. Subject to the Company executing the Leaseback Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the undertaking of the Project and hereby appoints the Company as the true and lawful agent of the Agency, pursuant to the provisions of the Leaseback Agreement: (i) to acquire, construct and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the agent appointment shall expire on **December 31, 2013**, unless extended for good cause by the Executive Director or other authorized representative of the Agency.

Section 3. The Chairman, Vice Chairman and/or Executive Director of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Lease Agreement, Leaseback Agreement, PILOT Agreement and related documents in the forms thereof approved by the Chairman, Vice Chairman and Executive Director with such changes (including without limitation any change in the dated date of such documents), variations, omissions and insertions as the Chairman, Vice Chairman and/or Executive Director shall approve. The execution of the Lease Agreement, Leaseback Agreement and related documents by the Chairman, Vice Chairman and/or Executive Director of the Agency shall constitute conclusive evidence of such approval.

Section 4. The Agency hereby authorizes the provision of the Financial Assistance to the Company in furtherance of the Project. The Chairman, Vice Chairman and/or Executive Director of the Agency are each hereby authorized, on behalf of the Agency, to execute and deliver (i) a Sales Tax Exemption Letter and related documents; (ii) checks for the expenditure of Agency funding in furtherance of the Project; and (iii) PILOT Agreement and any documents necessary and incidental thereto, including but not limited to NYS Form RP-412-a, "Application for Real Property Tax Exemption". The Secretary of the Agency is hereby authorized to affix the seal of the Agency thereto where appropriate and to attest the same, in the form as approved

by the Chairman, Vice Chairman and/or Executive Director. The execution of the PILOT Agreement and the Application for Real Property Tax Exemption by the Chairman, Vice Chairman and/or Executive Director of the Agency shall constitute conclusive evidence of such approval.

Section 5. The Chairman, Vice Chairman and/or the Executive Director of the Agency are hereby further authorized, on behalf of the Agency, to execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project and/or finance or re-finance acquisition and Project costs, equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement, PILOT Agreement and related documents, collectively, the "Agency Documents") and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chairman, Vice Chairman and/or the Executive Director of the Agency shall approve, the execution thereof by the Chairman, Vice Chairman or the Executive Director of the Agency to constitute conclusive evidence of such approval; provided, in all events, recourse against the Agency is limited to the Agency's interest in the Project.

Section 6. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 7. Due to the complex nature of this transaction, the Agency hereby authorizes its Chairman (or Vice Chairman) or Executive Director to approve, execute and deliver such further agreements, documents and certificates as the Agency may be advised by counsel to the Agency or Transaction Counsel to be necessary or desirable to effectuate the foregoing, such approval to be conclusively evidenced by the execution of any such agreements, documents or certificates by the Chairman (or Vice Chairman) or Executive Director of the Agency.

Section 8. These Resolutions 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:

	Yea	Nay	Absent	Abstain
Kevin Murphy	[✓]	[]	[]	[]
Carl L. Taber	[✓]	[]	[]	[]
Scott Welliver	[✓]	[]	[]	[]
Carl Blowers	[✓]	[]	[]	[]
Thomas Gifford	[✓]	[]	[]	[]
Richard Owlett	[✓]	[]	[]	[]
Jerold Marvel	[✓]	[]	[]	[]

The Resolutions were thereupon duly adopted.

STATE OF NEW YORK)
COUNTY OF SCHUYLER) SS:

I, the undersigned Secretary of the Schuyler County Industrial Development Agency, DO HEREBY CERTIFY:

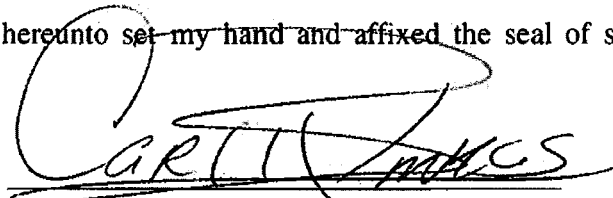
That I have compared the annexed extract of minutes of the meeting of the Schuyler County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on June 20, 2012, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that 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 modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this 20 day of June 20, 2012.


Secretary

[SEAL]

EXHIBIT A

[Notice Documents]

Attached Hereto

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Schuyler County Industrial Development Agency (the "Agency") on Wednesday, June 20, 2012, at 3:30 p.m. local time, at Watkins Glen Village Hall, 303 North Franklin Street, Watkins Glen, New York 14891, in connection with the following matter:

WATER WORKS CENTER, LLC, a New York limited liability company (the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of (i) the acquisition by the Agency of fee title to or a leasehold or other interest in all or portions of certain properties located at 64-65 Salt Point Road (and bordering Seneca Lake) in the Village of Watkins Glen, Schuyler County, New York (the "Land", being identified as TMID Nos. 64.08-3-67 and 64.08-3-68) and the existing improvements located thereon consisting principally of an approximately 11,500 square-foot four-story brick building used previously as the Village of Watkins Glen electric and water intake plant and related water dock (the "Existing Improvements"); (ii) the rehabilitation, reconstruction and renovation of the Existing Improvements located on the Land to accommodate mixed use commercial space and four (4) residential rental units; the planning, design, construction and operation of twelve (12) new townhouse residential rental units on the Land; the construction and installation of certain site work, improvements and related amenities within and upon the Land, including driveway, parking, curbage, infrastructure, dockage and piers (collectively, the "Improvements"); and (iii) the acquisition of and installation in and around the Existing Improvements and Improvements of certain items of equipment and other tangible personal property (the "Equipment" and, collectively with the Land, the Existing Improvements and the Improvements, the "Facility").

The Agency is considering whether to undertake the Project and to provide financial assistance with respect to the Project (the "Financial Assistance") in the form of (1) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included in or incorporated into the Facility or used in the rehabilitation, renovation and equipping of the Facility, (2) an exemption from all mortgage recording taxes imposed on the Facility by the State of New York or any political subdivision thereof, (3) the expenditure of Agency funding to assist the Company undertake the development of the Project, and (4) a partial real property tax abatement through the execution of an agreement with the Agency regarding payments in lieu of real property taxes to be made to each municipality and school district having taxing jurisdiction over the Facility (subject to compliance with the Agency's policies with respect to payment-in-lieu-of-tax agreements).

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's project application and hear and accept written and oral comments from all persons with views in favor of, opposed to, or otherwise relevant to the proposed financial assistance.

Dated: May 9, 2012

By: SCHUYLER COUNTY INDUSTRIAL
DEVELOPMENT AGENCY



SCHUYLER COUNTY INDUSTRIAL DEVELOPMENT AGENCY
2 NORTH FRANKLIN STREET, SUITE 330, WATKINS GLEN, NY 14891 • (607) 535-4341

NOTICE OF PUBLIC HEARING

May 13, 2012

Schuyler County Legislature
Attn: Chairman
County Office Building
105 Ninth Street, Unit 6
Watkins Glen, New York 14891

Schuyler County Administrator
County Office Building
105 Ninth Street, Unit 37
Watkins Glen, New York 14891

Town of Reading
Attn: Supervisor
c/o 3914 County Rt. 28
Watkins Glen, New York 14891

Village of Watkins Glen
Attn: Mayor
303 North Franklin Street
Watkins Glen, New York 14891

Watkins Glen School District
Attn: Superintendent
303 12th Street
Watkins Glen, New York 14891

**Re: Schuyler County Industrial Development Agency (the "Agency")
Water Works Center, LLC Project
Notice of Public Hearing and Proposed PILOT Deviation**

To Whom It May Concern:

WATER WORKS CENTER, LLC, a New York limited liability company (the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of (i) the acquisition by the Agency of fee title to or a leasehold or other interest in all or portions of certain properties located at 64-65 Salt Point Road (and bordering Seneca Lake) in the Village of Watkins Glen, Schuyler County, New York (the "Land", being identified as TMID Nos. 64.08-3-67 and 64.08-3-68) and the existing improvements located thereon consisting principally of an approximately 11,500 square-foot four-story brick building used previously as the Village of Watkins Glen electric and water intake plant and related water dock (the "Existing Improvements"); (ii) the rehabilitation, reconstruction and renovation of the Existing

Affected Tax Jurisdictions
May 13, 2012

Improvements located on the Land to accommodate mixed use commercial space and four (4) residential rental units; the planning, design, construction and operation of twelve (12) new townhouse residential rental units on the Land; the construction and installation of certain site work, improvements and related amenities within and upon the Land, including driveway, parking, curbage, infrastructure, dockage and piers (collectively, the "Improvements"); and (iii) the acquisition of and installation in and around the Existing Improvements and Improvements of certain items of equipment and other tangible personal property (the "Equipment" and, collectively with the Land, the Existing Improvements and the Improvements, the "Facility").

On June 20, 2012, at 3:30 p.m., local time, at Watkins Glen Village Hall, 303 North Franklin Street, Watkins Glen, New York 14891, the Agency will conduct a public hearing regarding the above-referenced project. Attached is a copy of the Notice of Public Hearing describing the Project and the financial assistance contemplated by the Agency. The Notice has been submitted to *The Watkins Review and Express* for publication.

You are welcome to attend such hearing at which time you will have an opportunity to review the project application and present your views, both orally and in writing, with respect to the project. The public hearing is being conducted pursuant to Section 859-a of the General Municipal Law. We are providing this notice to you, pursuant to General Municipal Law Section 859-a, as the chief executive officer of an affected tax jurisdiction within which the project is located.

The Agency will hold a meeting of its members following the above-described public hearing at the Agency's offices at 2 North Franklin Street, Suite 330, Watkins Glen, New York 14891 at 5:00 p.m. to consider the approval of the terms of a payment-in-lieu-of-tax-agreement (the "PILOT Agreement") between the Agency and the Company, the proposed terms of which contain a deviation from the Agency's Uniform Tax Exemption Policy (the "Policy").

The Agency proposes to provide financial assistance (the "Financial Assistance") to the Company in the form (1) a straight lease transaction, pursuant to which the Agency will acquire title to the Facility (or an interest therein) and sell or lease the Facility back to the Company for a period of up to Fifteen (15) years, (2) an exemption from all New York State and local sales and use taxes with respect to the qualifying personal property included in or incorporated into the Facility or used in the rehabilitation, renovation and equipping of the Facility, (3) an exemption from all mortgage recording taxes imposed on the Facility by the State or any political subdivision thereof, (4) the expenditure of Agency funding to assist the Company undertake the development of the Project, and (5) a partial real property tax abatement through the execution of the PILOT Agreement, which will govern payments in-lieu-of real property taxes to be made to each municipality and school district having taxing jurisdiction over the Facility.

The proposed Financial Assistance deviates from the Agency's Policy in the following respects: (i) the annual amount payable under the PILOT Agreement will be fixed at current assessment rates during PILOT Years 1 through 10 (100% abatement of Improved Value); and (ii) in PILOT Years 11 through 15, the real property tax abatement afforded will be reduced in

Affected Tax Jurisdictions
May 13, 2012

annual increments of twenty percent (20%) per year. After PILOT Year 15, the Facility will be subject to full real property taxes.

Upon due consideration of the Company's application, the various positive economic and social impacts of the Project, and the Project's general satisfaction of several considerations set forth within Section E of the Policy, including, but not limited to, the creation of employment, increased business activity, and the restoration/redevelopment of a historic, but underused property in Schuyler County, New York, the Agency desires to approve the proposed terms of the PILOT Agreement.

We are providing this letter to you, pursuant to Section 874 of the General Municipal Law, as the Chief Executive Officer of an affected tax jurisdiction within which the Facility is located to notify you of a proposed deviation from the Agency's Policy. Prior to the above-described meeting date, comments on the proposed deviation may be sent to the Agency to the attention of Kelsey Jones, Executive Director, at 2 North Franklin Street, Suite 330, Watkins Glen, New York 14891.

The Agency will review and respond to any correspondence received from any affected tax jurisdiction regarding such proposed deviation. The Agency will allow any representative of an affected tax jurisdiction present at the meeting to consider the proposed deviation to address the Agency regarding such proposed deviation.

Very truly yours,

SCHUYLER COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

Evidence of Mailing Water Works Notice/Deviation Letter

U.S. POSTAGE
CERTIFIED MAIL PERMIT NO. 14876
READING CENTER, NY 14876

OFFICIAL USE

7011 2970 0000 0393 6756

Water Works Hearing

Postage	\$ 0.45
Certified Fee	\$2.95
Return Receipt Fee (Endorsement Required)	\$2.35
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 5.75

0699
ROCHESTER NY
Postmark
MAY 21 2012
MOV-USA
05/21/2012

Sent to Marvin Switzer, Supervisor
Town of Reading
Street, Apt. No. or PO Box No. P.O. Box 5
City, State, ZIP+4 Reading Center, NY 14876

<p>SENDER, COMPLETE THIS SECTION</p> <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to: Marvin Switzer, Supervisor Town of Reading P.O. Box 5 Reading Center, NY 14876</p> <p>2. Article Number (Transfer from service label) 7011 2970 0000 0393 6756</p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <u>[Signature]</u> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Raymond H. Beck 592-18</u> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
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PS Form 3811, February 2004 Domestic Return Receipt Water Works Hearing 132595-02-M-1840

Evidence of Mailing Notice / Deviation Letter (Water Works)

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only) (First-Class, First-Class Permitted, and Priority Mail)
 For delivery information, visit our website at www.usps.com

7011 2970 0000 0394 1675

Official Use

Water Works Notice	Postage \$
	Certified Fee
	Return Receipt Fee (Endorsement Required)
	Restricted Delivery Fee (Endorsement Required)
	Total Postage & Fees \$

Schuyler County Administrator, County Office Bldg
 Unit 37
 Street, Apt. No., or PO Box No. 105 Ninth Street, Unit 37
 City, State, ZIP+4® Watkins Glen, NY 14891

POST OFFICE
 MAY 1 2012
 Postmark Here
 14892

<p>SENDER: COMPLETE THIS SECTION</p> <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to: Schuyler County Administrator County Office Building 105 Ninth Street, Unit 37 Watkins Glen, New York 14891</p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature * Peggy Tomassi <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) PEGGY TOMASSI</p> <p>C. Date of Delivery 5-15-12</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label) 7011 2970 0000 0394 1675</p>	
<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt Water Works Notice 102595-02-M-1540</p>	

Evidence of Mailing Notice / Deviation Letter (Water Works)

U.S. Postal Service
CERTIFIED MAIL
 (Postmark, date, and time of mailing are required for proof of mailing.)
 For delivery information visit our web about www.usps.com

OFFICIAL USE

7011 2970 0000 0394 1668

Water Works Notice

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	

Postmark: WATER MAIN OFFICE MAY 11 2012 Here 14892

Sent to: Village of Watkins Glen, Attn: Mayor

Street, Apt. No., or P.O. Box No.: 303 North Franklin Street
 City, State, ZIP+4: Watkins Glen, NY 14891

<p>SENDER: COMPLETE THIS SECTION</p> <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to: Village of Watkins Glen Attn: Mayor 303 North Franklin Street Watkins Glen, New York 14891</p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature: <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): <i>Rhonda E. Slater</i> Date of Delivery: <i>5/15/12</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7011 2970 0000 0394 1668</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt <i>Water Works Notice</i> 102598-02-M-1540</p>	

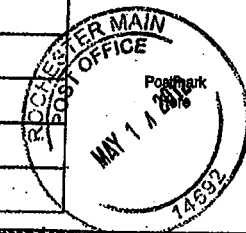
Evidence of Mailing Notice / Deviation Letter (Water Works)

7011 0470 0003 1589 3373

U.S. Postal Service
CERTIFIED MAIL - RECEIPT
(Domestic Mail Only. Return Receipt Coverage Required)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Watkins Glen SD, Attn: Superintendent

Street, Apt. No.; or PO Box No. 303 12th Street

City, State, ZIP+4[®] Watkins Glen, NY 14891

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to: Watkins Glen School District Attn: Superintendent 303 12th Street Watkins Glen, New York 14891</p>	<p>A. Signature <i>x Marie Keeter</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Print Name) <u>Marie Keeter</u> C. Date of Delivery <u>MAY 10 2012</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label) <u>7011 0470 0003 1589 3373</u></p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt <i>Waterworks Notice</i> 102595-02-M-1540</p>	

Evidence of Mailing Notice / Deviation Letter (Water Works)

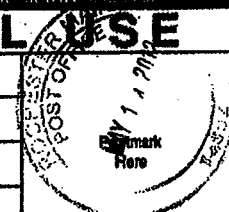
7011 2970 0000 0394 1705

U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mailpiece, Restricted Delivery)

For delivery, information and out-of-office notices, visit www.usps.com

OFFICIAL USE

Water Works Notice	Postage	\$	
	Certified Fee		
	Return Receipt Fee (Endorsement Required)		
	Restricted Delivery Fee (Endorsement Required)		
	Total Postage & Fees	\$	

Schuyler County Leg., Attn: Chairman, County Office Bldg.
Bldg 15

Street, Apt. No.;
or PO Box No.
Watkins Glen, NY 14891
City, State, ZIP+4

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) PEGGY TOMMASSI</p> <p>C. Date of Delivery 5-15-12</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p style="margin-left: 20px;">Schuyler County Legislature Attn: Chairman County Office Building 105 Ninth Street, Unit 6 Watkins Glen, New York 14891</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p> <p style="text-align: right; font-weight: bold; font-size: 1.2em;">7011 2970 0000 0394 1705</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
PS Form 3811, February 2004 Domestic Return Receipt Water Works Notice 102595-02-M-1840	

Diarris Beach

Proof of Publication
The REVIEW & EXPRESS
State of New York, County of Schuyler s.s.

Debra Lawson
of Dundee, N.Y., Yates County, being sworn doth depose and say that she is the Business Manager of The REVIEW & EXPRESS, a newspaper published weekly in the Village of Watkins Glen, Schuyler County, New York, and that the notice of which the annexed is a printed copy cut from said newspaper, was printed and published in the regular editions and issues of said newspaper 1 week(s), commencing on 5/16/12 and ending on 5/16/12

Debra Lawson

Subscribed and sworn to before me this 22nd Day of June 2012

Notary Public

MARY A. PIERCE
STATE OF NY, CO. OF YATES
NOTARY PUBLIC #01P6195036
COMM. EXPIRES OCT. 20, 2012

Watkins Glen
5-4331
26-3513
roy.com

RECORD

WEDNESDAY MAY 16, 2012

each charged with possession of three second (miscellaneous) prescription pills were issued to the jail cells. Appellants were issued to the charge of Watkins

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Glen State Park's
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OBITUARIES

HARRY F. BURVICH, 86, of Watkins Glen, passed away peacefully at home with his family on Tuesday, May 8, 2012. He is survived by seven children, a brother and sister and many grandchildren and great-grandchildren. Private services will be held at the convenience of the family.

You may express condolences to the family or "Light A Candle" in his memory online at www.Royce-Chedzoy.com. Arrangements by Royce-Chedzoy Funeral Home, Watkins Glen.

BOBBIE G. HEPKER, 83, of 517 Lerch Road, Geneva died on Thursday, May 10, 2012 at Geneva General Hospital.

In keeping with Bobbie's wishes, no public services will be held. A celebration of his life will be held at a later date. The family asks those who request wish to make a con-

tribution in Bobbie's memory to kindly consider the West Fayette Presbyterian Church, 1063 Route 526, Geneva, NY 14456. Bobbie was born in Wells, Ohio on July 1, 1928, a son of Ohn and Dorothy (Patterson).

Hepker. After graduating from high school, Bobbie enlisted in the U.S. Army and served his country for 20 years before retiring with the rank of Master Sergeant in 1966. The family settled in Caywood, NY. He worked at Schweizer Air Craft in Elmira for several months before accepting a position at the Seneca Army Depot. Bobbie worked in the maintenance division of Special Weapons and retired in 1983.

He is survived by his wife of 62 years, Onnolee Footie Hepker, two children, Craig (Debbie) Hepker of Penn Yan and Amy Hepker of Seneca Falls; two grandchildren, Danielle (John) Zeno of Penn Yan and Shannon Leonard-Smith of Watkins Glen; six great-grandchildren, Anthony, Ayrille, Kathryn, Elizabeth, Lauren, and Robert; a sister-in-law, Shirley Hepker of Olean, N.Y. and Robert (Layne) Foote of Idaho; several nieces and nephews.

In addition to his parents, Bobbie was preceded in death by a brother, William Hepker. Covert Funeral Home has assisted the family with arrangements. For additional information, please call 1-877-828-3411 or visit www.covertfuneralhome.com.

Thank You

We wish to express our deepest gratitude to all our relatives, friends and neighbors for all their kindness, sympathy and memorials sent at the time of our husband and father.

LEGAL NOTICES

LEGAL NOTICES

**LEGAL NOTICE
NOTICE OF PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Schuyler County Industrial Development Agency (the "Agency") on Wednesday, June 20, 2012, at 3:30 p.m. local time, at Watkins Glen Village Hall, 303 North Franklin Street, Watkins Glen, New York 14891, in connection with the following matter:

WATERWORKS CENTER, LLC, a New York limited liability company (the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of (i) the acquisition by the Agency of fee title to or a leasehold or other interest in all or portions of certain properties located at 64-65 Salt Point Road (and bordering Seneca Lake) in the Village of Watkins Glen, Schuyler County, New York (the "Land", being identified as TMD Nos. 64.08-3-67 and 64.08-3-68) and the existing improvements located thereon consisting principally of an approximately 11,500 square-foot four-story brick building used previously as the Village of Watkins Glen electric and water intake plant and related water dock (the "Existing Improvements"); (ii) the rehabilitation, reconstruction and renovation of the Existing Improvements located on the Land to accommodate mixed use commercial space and four (4) residential rental units; the planning, design, construction and operation of twelve (12) new townhouse residential rental units on the Land; the construction and installation of certain site work, improvements and related amenities within and upon the Land, including driveway, parking, curbside, infrastructure, dockage and pier (collectively, the "Improvements"); and (iii) the acquisition of and installation in and around the Existing Improvements and improvements of certain items of equipment and other tangible personal property (the "Equipment" and, collectively with the Land, the Existing Improvements and the Improvements, the "Facility").

The Agency is considering whether to undertake the Project and to provide financial assistance with respect to the Project (the "Financial Assistance") in the form of (1) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included in or incorporated into the Facility or used in the rehabilitation, renovation and equipping of the Facility, (2) an exemption from all mortgage recording taxes imposed on the Facility by the State of New York or any political subdivision thereof, (3) the expenditure of Agency funding to assist the Company undertake the development of the Project, and (4) a partial real property tax abatement through the execution of an agreement with the Agency regarding payments in lieu of real property taxes to be made to each municipality and school district having jurisdiction over the Facility (subject to compliance with the Agency's policies with respect to payment-in-lieu-of-tax agreements).

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's project application and hear and accept written and oral comments from all persons with views in favor of, opposed to, or otherwise relevant to the proposed financial assistance.
Dated: May 9, 2012

By: SCHUYLER COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

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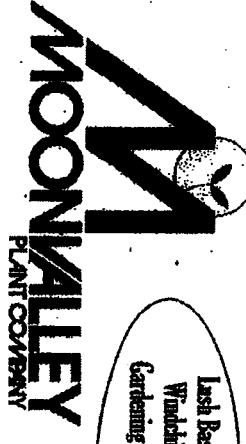
Subscribe online at: www.observer-review.com

View and Schuyler Hospital, Father Paul and Deacon Tom at St. Mary's Church and Haughey-Wood Funeral home. It is a comfort to know many share our loss.
The Family of John F. Cheroock, Sr.

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PUBLIC HEARING AGENDA
SCHUYLER COUNTY INDUSTRIAL DEVELOPMENT AGENCY

WATER WORKS CENTER L.L.C PROJECT

WEDNESDAY, JUNE 20, 2012, AT 3:30 P.M.
WATKINS GLEN VILLAGE HALL, WATKINS GLEN, NEW YORK 14891

ATTENDANCE LIST:

J. Kelsey Jones, Executive Director
Kevin Murphy, Schuyler County IDA
Thomas Gifford, Schuyler County Legislature
Carl H. Blowers, Schuyler County IDA
Tim O'Hearn, Schuyler County Administrator
Bruce Nelson, Nelson Development
Gayle Sedlack, Watkins Glen Central School District

CALL TO ORDER: (Time: 3:30 p.m.). J. Kelsey Jones opened the hearing.

PURPOSE:

Pursuant to and in accordance with General Municipal Law Section 859-a, the Schuyler County Industrial Development Agency (the "Agency") is conducting this public hearing in connection with the a certain proposed project, as more fully described below (the "Project"), to be undertaken by the Agency for the benefit of Water Works Center, LLC (the "Company")

The Agency published a Notice of Public Hearing in *The Review and Express* on October 14, 2009, and mailed a copy of the Notice of Public Hearing to each affected tax jurisdiction. An Affidavit of Publication of *The Review and Express* and Proof of Mailing are attached.

DISCUSSION:

J. Kelsey Jones read a description of the Project, as follows:

WATER WORKS CENTER, LLC, a New York limited liability company, has submitted an application to the Agency requesting the Agency's assistance with respect to a certain project consisting of (i) the acquisition by the Agency of fee title to or a leasehold or other interest in all or portions of certain properties located at 64-65 Salt Point Road in the Village of Watkins Glen, Schuyler County, New York and the existing improvements located thereon consisting principally of an approximately 11,500 square-foot four-story brick building used previously as the Village of Watkins Glen electric and water intake plant and related water dock (ii) the rehabilitation, reconstruction and renovation of the Existing Improvements located on the Land to accommodate mixed use commercial space and four (4) residential rental units; the planning, design, construction and operation of twelve (12) new townhouse residential rental units on the Land; the construction and installation of certain site work, improvements and related amenities

within and upon the Land, including driveway, parking, curbage, infrastructure, dockage and piers and (iii) the acquisition of and installation in and around the Existing Improvements and Improvements of certain items of equipment and other tangible personal property.

The Agency is considering whether to undertake the Project and to provide financial assistance with respect to the Project (the "Financial Assistance") in the form of (1) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included in or incorporated into the Facility or used in the rehabilitation, renovation and equipping of the Facility, (2) an exemption from all mortgage recording taxes imposed on the Facility by the State of New York or any political subdivision thereof, (3) the expenditure of Agency funding to assist the Company undertake the development of the Project, and (4) a partial real property tax abatement through the execution of an agreement with the Agency regarding payments in lieu of real property taxes to be made to each municipality and school district having taxing jurisdiction over the Facility (subject to compliance with the Agency's policies with respect to payment-in-lieu-of-tax agreements).

It is anticipated that at a subsequent meeting of the members of the Agency, the Agency will approve a PILOT Agreement, the terms of which are being negotiated.

PUBLIC COMMENT:

Gayle Sedlack representing the Watkins Glen Central School Board of Education requested the board reserve the right to take a roll call vote on all PILOT projects.

ADJOURNMENT (Time: 4:10 p.m.)

EXHIBIT B

[Negative Declaration of Village of Watkins Glen Planning Board]

Attached hereto

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:

Part 1

Part 2

Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a **negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

WATER WORKS CENTER LLC

Name of Action

VILLAGE OF WATKINS GLEN PLANNING BOARD

Name of Lead Agency

JOSEPH FAZZARY

Print or Type Name of Responsible Officer in Lead Agency

CHAIRMAN

Title of Responsible Officer

Joseph Fazzary
Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

4-18-12

Date

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be any impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

	1	2	3
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO YES

Examples that would apply to column 2

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO YES

• Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO YES

Examples that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
5. Will Proposed Action affect surface or groundwater quality or quantity? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES			
Examples that would apply to column 2			
• Proposed Action will require a discharge permit.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction or operation causing any contamination of a water supply system.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will adversely affect groundwater.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action would use water in excess of 20,000 gallons per day.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will allow residential uses in areas without water and/or sewer services.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO YES

Examples that would apply to column 2

- | | | | | |
|--------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON AIR

7. Will Proposed Action affect air quality?

NO YES

Examples that would apply to column 2

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

NO YES

Examples that would apply to column 2

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO YES

Examples that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

NO YES

Examples that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)
 NO YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
 NO YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1	2	3	
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

• Other impacts:

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO YES

Examples that would apply to column 2

- | | | | | |
|-------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • A major reduction of an open space important to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- | | | | | |
|-------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action to locate within the CEA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

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IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO YES

Examples that would apply to column 2

- | | | | | |
|----------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO YES

Examples that would apply to column 2

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • 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 major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO YES

Examples that would apply to column 2

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

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IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

NO YES

- | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

**IMPACT ON GROWTH AND CHARACTER
OF COMMUNITY OR NEIGHBORHOOD**

19. Will Proposed Action affect the character of the existing community?

NO YES

Examples that would apply to column 2

- | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will conflict with officially adopted plans or goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will cause a change in the density of land use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Development will create a demand for additional community services (e.g. schools, police and fire, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

NO YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

