

NEW YORK STATE ENVIRONMENTAL  
QUALITY REVIEW ACT STATEMENT OF FINDINGS

TOWN OF NICHOLS  
NICHOLS DISTRIBUTION CENTER AND SITE DEVELOPMENT

Pursuant to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of Nichols, as Lead or Involved Agency, makes the following findings.

Name of Action:

Nichols Distribution Center and Site Development

Description of Action:

The proposed action includes the development of an approximately 151-acre site for the purpose of constructing a 1.6 million square foot warehouse and regional distribution center to be completed by Best Buy, Inc. The project is part of the “Build Now” New York program. The project includes improvements to local infrastructure by Tioga County, Tioga County IDA and the Town of Nichols to support the development. These improvements include: construction of a wastewater treatment plant along the Susquehanna River; sewer and water lines along existing public rights-of-way; a 400,000 gallon water storage tank; parking facilities for approximately 325 cars and 1,200 tractor trailer vehicles; upgrades to local utilities; new natural gas service; and upgrading and relocation of access roads to the site.

Location:

The project area is located immediately east of Exit 63 of NYS Route 17 and south of Stanton Hill Road in the Town of Nichols, Tioga County, New York. The Distribution Center site is located near the hamlet of Lounsberry approximately one-half mile east of the Susquehanna River. The Village of Owego is located approximately four miles northeast of the project.

Agency Jurisdiction:

The Tioga County Industrial Development Agency assumed Lead Agency status in November 2001 based upon the fact that the IDA is the coordinating agency in seeking and administering the funding for the project from other involved agencies. In addition, the IDA owns the property on which the project would be developed and has been seeking this type of development on the property for more than eight years. The IDA has also established a working relationship with the Town of Nichols, where the project is located, and with the surrounding business community.

Date Final EIS Filed:

March 6, 2002

Facts and Conclusions:

The Tioga County Industrial Development Agency (IDA) as Lead Agency has conducted an environmental review of the impacts for the proposed project. This review included the preparation of a Full Environmental Assessment Form and subsequent Positive Declaration by the Tioga County IDA. The Positive Declaration required the preparation of a Draft Environmental Impact Statement (DEIS) which was filed on January 10, 2002 in compliance with the requirements of the State Environmental Quality Review Act. The SEQR process involved coordinated review with involved agencies, review by interested agencies and the public.

A public hearing on the DEIS for the proposed action was held on February 5, 2002 at the Nichols Town Hall in Nichols, New York. Agency and public review comments have been received on the DEIS. All substantive comments were addressed in the Final Environmental Impact Statement filed by the IDA on March 6, 2002.

#### Beneficial Impacts

##### Creation of Employment

The Best Buy project will create approximately 200 temporary construction jobs during site and infrastructure development and construction of the distribution center. Construction of the first phase of the project is anticipated to take approximately 20 months. It is expected that most of these construction jobs will be filled by local labor.

Once complete, the project will result in the creation of approximately 400 permanent jobs. Approximately three-fourths of these jobs will be full time positions. The remaining one fourth of these positions will be seasonal and/or part time. Of the total jobs created by the project, approximately 15 to 20 management positions will require relocation of employees from other Best Buy facilities. It is expected, however, that the majority of the other job opportunities will be filled by the local work force. Average annual incomes from these newly created positions will be approximately \$30,000.

##### Local Infrastructure Improvements

The project requires upgrading local infrastructure including widening, drainage and surface improvements to Stanton Hill Road near Exit 63 of NYS Route 17, Smith Creek Road and Hunts Creek Road. A portion of Hunts Creek Road that presently runs through the center of the distribution center site will be relocated to the east and join with a portion of Smith Creek Road east of the site to become Berry Road. Berry Road will be located around the distribution center site and have intersections with both Hunts Creek Road and Smith Creek Road. These roadway improvements will result in a more efficient and safer flow of traffic around the distribution center site.

Other improvements being made in support of the project include upgrades in local utility service including electrical service, and the provision of natural gas. The project area will also be served by a new water supply system and sewage treatment at a new wastewater treatment facility to be built along the Susquehanna River. The original location of the sewage treatment plant and outflow to the river has been relocated approximately 500 feet westerly of its original location to avoid a sensitive archeological area. The provision of these utilities will make this area more attractive to further economic development, thereby creating additional employment opportunities in the area and adding to the local tax base.

##### Unavoidable Adverse Impacts

The project will result in some unavoidable adverse impacts. However, none of the adverse impacts associated with the proposed project have been determined to be significant.

##### Change in Land Use

The project will alter existing land use in the area. This change in land use is consistent with local zoning by the Town of Nichols and the economic development goals the County has established for this area. The distribution center site is part of a proposed New York State Empire Zone that encourages this form of development. Nevertheless, the project will change the character of the immediate area from one that is predominantly rural and agricultural in nature to a more densely developed industrial character.

#### Increased Traffic

By the very nature of a distribution facility there will be a substantial increase in truck traffic in the area between Exit 63 of Route 17 and the primary site entrance located off Stanton Hill Road. This increase in vehicle traffic and site activity will also result in an increase in local ambient noise levels and exhaust emissions. These impacts are expected to be confined to the immediate vicinity of the site. Air emissions are not anticipated to exceed State and Federal standards for carbon monoxide, oxides of nitrogen, particulate matter and volatile organic compounds.

#### Site Conditions

The distribution center site will require re-grading and changes to local drainage patterns to accommodate the proposed facility and infrastructure. Site development will require the removal of agricultural soils and existing vegetation on site that is mostly agricultural fields and fallow fields. Topsoil will be stripped prior to site development and stockpiled for use elsewhere. The loss of vegetation will remove some wildlife habitat, but the loss is not significant. Both Hunts Creek and Smith Creek adjacent to the site will be protected from development and function as natural buffers to the project as well as wildlife corridors and open space.

#### Other Impacts and Mitigation Measures

Below is a brief summary of other potential impacts associated with the project and appropriate mitigation measures. The environmental studies completed for the proposed action have not identified any significant adverse environmental impacts.

#### Geology, Topography and Soils

The development of the distribution facility and local infrastructure will not result in significant adverse impacts upon local geology, topography and soils. The distribution center site is relatively flat and will not require large amounts of earthwork or cut and fill materials. The amounts of cut and fill needed for site development will be balanced. There appears to be no need for blasting in development of the project.

The development of the distribution center will cause the excavation of farmland soils and the removal of these lands from agricultural uses. However, this project is not located in an agricultural district. To mitigate the loss of quality topsoil it will be stripped and stockpiled on site for re-grading and landscaping or use elsewhere. Erosion control measures will be instituted during site construction.

#### Groundwater

Based upon known information and site testing the project will not result in significant adverse impacts upon groundwater resources, including water quantity or quality. Components of the project such as the wastewater treatment plant and on site stormwater management at the distribution center will protect against any potential cross contamination of potable water supplies. A Phase I Environmental Site Assessment determined that the project area is free of hazardous waste.

#### Surface Waters, Wetlands and Floodplains

Development of the distribution center and local infrastructure will not result in significant adverse impacts upon local surface waters, wetlands and floodplains. An intermittent stream on the site of the distribution center will be relocated. However, this is not a significant impact and will be mitigated by rerouting drainage from off-site wetlands east of the site to Smith Creek. Areas along the relocated stream will be deemed protected as natural buffers to protect off-site wetlands. Areas along both Smith Creek and Hunts Creek adjacent to the project will require streambank stabilization.

Approximately 0.37 acres of federal wetlands will be impacted by access road and parking area construction. This impact will be mitigated by constructing a new wetland area adjacent to existing wetland, consistent with the requirements of forthcoming Section 401 and 404 permits from NYS DEC and USACOE, respectively.

There will be no permanent adverse impacts at the wastewater treatment plant site. As at the distribution center site temporary soil erosion and water pollution control will involve the use of silt fences in work areas. Disturbed areas will be seeded and mulched to reduce erosion potential.

#### Rare, Threatened and Endangered Species

No rare, threatened and endangered species have been identified in the project area. No impacts are anticipated and thus, no mitigation is required.

#### Land Use and Zoning

The project will alter local land use patterns and density. The rural character of the project area will change from agricultural to industrial use. However, the development of this site is consistent with Town of Nichols zoning and County economic development goals. Both municipalities are supportive of the project.

#### Historic and Archeological Resources

Cultural resource investigations of the distribution center site, including approximately five acres along Hunts Creek that will be acquired from the NYS DOT, have determined that the project will not have a significant adverse impact on historic and archeological resources. The New York State Office of Parks and Historic Preservation (SHPO) has determined that no cultural resources are listed or eligible for inclusion in the National Register of Historic Places.

Archeological investigations of the sites of the wastewater treatment plant, the outfall route, water storage tank, and the routes of the sewer and water lines have been completed. A Phase 1A investigation determined that the archeological sensitivity of this site is high. A subsequent Phase 1B survey of these areas included standard shovel testing and a backhoe survey where archeological resources could occur.

The Phase 1B determined that surveyed locations for the outfall route, water storage tank, and the routes of the sewer and water lines did not contain evidence of archeological resources and that no further archeological investigation or resource avoidance was necessary. Following completion of the FEIS, further archeological investigations were undertaken, as more fully set forth in the attached comment letter received on the FEIS from Edward V. Curton, dated March 21, 2002, which revealed that the wastewater treatment site and the outfall route did contain evidence of archeological resources. Therefore, the wastewater treatment site and the outflow were relocated approximately 500 feet westerly of its original location. Further archeological investigations of this new route were also undertaken, as set forth in the letter referenced above. Those additional archeological investigations revealed that less sensitive archeological resources, in comparison to the previous route, were present for approximately 100-150 feet of the influent route, provided the sewer line was routed under the pavement of East River Road. Based upon this comment letter, attached as Exhibit 1 hereto, in order to minimize and avoid any potential impacts to archeological resources, the Agency shall incorporate into the Action an archeological data

recovery program, in which samples of the archeological site would be excavated, studied and reported, and the artifacts and field records curated for future archeological research and education programs, and monitoring occur during construction, all in accordance with the comment letter received. An historic period (nineteenth century) archeological site on the south side of East River Road east of Stanton Hill Road will be avoided by placing the water and sewer lines on the north side of East River Road.

#### Visual and Aesthetic Resources

The potential visual impacts of the proposed project are highly localized to the immediate project area. Given the scale of the project there will be a change in local visual character from rural agricultural to industrial use. This change in character is unavoidable and generally not mitigatable. Site landscaping and details of final project design will ensure an attractive development.

#### Transportation

No significant adverse impacts upon traffic have been identified. A capacity analysis indicated that the project may cause some delays, but these will be acceptable in terms of level-of-service. No mitigation is necessary.

#### Air Quality and Noise Resources

The project is not expected to result in significant air quality impacts. The distribution center is a relatively clean industrial use that will not result in undesirable air emissions. Increased emissions will result from truck traffic in the area and on site, however, this increase is not expected to exceed acceptable standards. Limiting the idling of vehicles will reduce exhaust emissions. Appropriate construction practices and soil erosion control during site construction will reduce the amount of fugitive dust. Air emissions from increased traffic will remain well below State and Federal standards.

The project is not expected to result in significant noise levels beyond the immediate vicinity of the site (approximately 300 feet). There will be increased levels of noise during construction, however possible mitigation includes limiting the hours of construction to daylight and placement and storage of vehicles and materials used during construction as far from adjacent residential properties as is practical.

#### Community Resources

The project is not anticipated to have a significant adverse impact upon community facilities and resources. These resources include wastewater treatment facilities, water supply, solid waste, police and emergency services. Beneficial impacts will result from improvements to local sewer and water service. The cost of construction of the water and sewer systems will be paid in full through various grants being secured by Tioga County, the Tioga County IDA and the Town of Nichols. Annual operation and maintenance costs will be paid by users of the two systems. The Nichols Distribution Center will be equipped with a state-of-the art fire suppression system. The effect of the project on local fire districts will not be significant. No mitigation is required.

#### CERTIFICATION OF FINDINGS:

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, this Statement of Findings certifies that:

Requirements of 6 NYCRR 617 have been met; and





**“REYNOLDS HOUSE”**

Branston signed a contract with Kittle Construction to tear down the old Reynolds house in a couple of weeks after front door is removed and stored. The Hwy crew will fill in cellar. Wagner would like to see a community Bulletin Board , bench and garbage can placed on site.

**WASTE OIL BURNER**

Kuhlman got a quote of \$3700 for burner vs the \$3900 gotten be Thetga. Info given to Thetga.

**PLANNING BOARD**

Discussion re: removal of Goble for never attending any meetings. They need another member besides Goble. The motion to appoint Dan Cofone as a Planning Board member to fill the unexpire term of Raab was made by Branston, 2<sup>nd</sup> by Wagner. Carried.

**INSURANCE**

Branston to ask Spraugue Ins the extra cost for insurance to cover Liability for proposed water tower.

**ADJOURN**

The motion to adjourn the mtg at 9:30 pm was made by Wagner, 2<sup>nd</sup> by Kuhlman. Carried.

Jean L. Dodge, Town Clerk