

Exhibit A – EAF Supplemental Information

Seneca Iron Works

Agricultural Manufacturing Facility

Name of Applicant

Earl Martin
Seneca Iron Works

Project Engineer

Jason T McCormick, PE
McCormick Engineering PC
294 Skuse Road
Geneva NY 14456
1 585 721 7219

Project Location

Corner of West Romulus RD (Old County Rd 135) and Fayette Rd
Romulus NY 14541
(Former Seneca Army Depot)

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1. Project and Sponsor Information

A. Name of Project

Seneca Iron Works along with its sister companies Seneca Dairy Systems LLC and Deer Haven Park LLC is the principle applicant for this project.

B. Project Location

This project is located in the Town of Romulus directly West of the Romulus Sewage Treatment Plant and within the bounds of the former Seneca Army Depot. The nearest roadways are West Romulus Rd (County Rd 135) and Fayette Rd. The Project Site is located south of West Romulus Rd and directly West of Fayette Rd. (See Attached Exhibit B)

C. Overview and description of the Project

The Seneca Iron Works (“SIW”) project is a proposed Agricultural manufacturing Facility along with other Agricultural projects to be completed over time in multiple construction phases. The project is to be constructed on a site (the “Project Site”) in the Town of Romulus, at the former Seneca Army Depot (the “Depot”), on part of tax map parcel number 2-1-01, bounded northerly by W. Romulus Road, and easterly by Fayette Road. SIW (the “Applicant”) intends to develop approximately 74.51 acres of the former Depot into modern contemporary manufacturing facilities (“Facility”).

The Project will be fully compliant with applicable solid waste, air, and other Environmental regulations administered by the New York State Department of Environmental Conservation (“NYSDEC”) and federal agencies. The Applicant will be submitting necessary applications to NYSDEC and other agencies in order to properly permit this Facility. The Town of Romulus has determined this portion of the Depot is zoned agricultural and we are undertaking a process of a zoning special use permit to allow this facility to be constructed on this site. The manufacturing operations of Seneca Iron Works support the agricultural industry not only locally in New York State, but also locations in the State of Michigan.

The Applicant has submitted a request to subdivide, per the Town of Romulus Subdivision Regulations, the Project Site from tax map parcel number 2-1-01 and this has been approved allowing SIW to initiate further steps. A zoning “special use permit” will be needed to permit this facility and the Applicant will be submitting a Special Use Permit Application, with the required Public Notification Form.

The following additional information, consisting of a narrative, exhibits and reports, is provided to involved agencies to assist them in review of the Project pursuant to State Environmental Quality Review Act (“SEQRA”). This document supplements the information provided in Part 1 of the Full Environmental Assessment Form.

Where appropriate, the summary provides references to the section of the EAF that contains the supporting information and/or documentation. The summary is qualified in its entirety by reference to the supporting information and documents, including all materials constituting appendices, and all materials incorporated by reference. This summary is not a complete summary of those materials but is provided in order to facilitate review.

D. Name and Address of the Applicant

Earl Martin 3236 Hoster RD Seneca Falls NY 13148

E. Detailed Project Description

The former Seneca Army Depot occupied approximately 10,587 acres with the Northern portion located in the Town of Varick and the Southern portion of located in the Town of Romulus. Construction of what is now called the Seneca Ordnance Depot began in 1941. Approximately 500 “igloos” were built, and 20 miles of fencing erected to seal off the property from unauthorized entry. Warehouses, housing, and administration buildings were added and ultimately the 5000 ft. airport runway, acquired from the Air force, was lengthened to 7000 ft. The peak civilian employment at the Depot in July 1943 amounted to 2511 people from 60 different communities. In Nov. 1946 civilian employment had sunk to 595. Then in 1956, a Special Weapons Project was initiated and established at what would ultimately be called the North Base. At this point, housing at the North Depot Activity became acute with 300 to 400 military personnel to be brought in, so in 1959, 125 Capehart Housing units were constructed. In 1961 the North Base Activity became part of the Seneca Ordnance Depot, and in 1963 the whole Depot was transferred to the U.S. Army Maintenance Command and was renamed the Seneca Army Depot. The US Army’s use of the base included receipt, storage, distribution, maintenance, and demilitarization of conventional ammunition, explosives and special weapons. On July 14, 1989, the United States Environmental Protection Agency (“USEPA”) proposed the Depot for inclusion on the National Priorities List (“NPL”). The USEPA recommendation was approved and finalized on August 30, 1990, when the Depot was listed in Group 14 of the Federal Facilities portion of the NPL. Once the Depot was listed on the NPL, the Army, the USEPA, and NYSDEC identified 57 solid waste management units (“SWMUs”) where historic data or information suggested, or evidence existed to support, that hazardous materials or hazardous wastes had been handled and may have been released and migrated into the environment. This list of SWMUs was subsequently expanded to include 72 sites. The Depot was a hazardous waste Generator and Treatment, Storage and Disposal Facility and thus, subject to regulation under the Resource Conservation and Recovery Act. Under this permit system, corrective action is required at all SWMUs, as needed. In 1995, the Depot was designated for closure under the Department of Defense Base Realignment and Closure (“BRAC”) process. With the Depot’s inclusion on the BRAC list, the Army’s emphasis expanded from expediting necessary investigations and remedial actions at

prioritized sites to include the release of non-affected portions of the Depot to the surrounding community for their reuse for non-military purposes (i.e., industrial, municipal, and residential). In 1992 the Army announced that the Depot’s work force would be further cut and the operation realigned. Seneca Army Depot Reuse Plan was started in 1995 by the Seneca Army Depot Local Redevelopment Authority (LRA), which was created by the Seneca County Board of Supervisors. The primary responsibility assigned to the LRA was the preparation of a plan for the redevelopment of the Depot. After a seven month long, comprehensive planning process initiated in March 1996 and assisted by outside organizations, a Reuse Plan and Implementation strategy was adopted by the LRA on October 8, 1996. This “Reuse Plan” was subsequently approved by the Seneca County Board of Supervisors on October 22, 1996 and then by the Romulus Town Board on July 16, 1997. This plan together with amendment #1 dated November 1997 serves as the comprehensive reuse plan for the depot area. It is this latter package, which is to be implemented by the LRAs successor group – the Seneca County Industrial Development Agency. After the review period, the board issued a negative declaration, meaning a full Environmental Impact Study would not be required. The board following by approving motions adopting the SEQR and negative declaration, and saying the project is compliant with the Public Authorities Accountability Act — after which the final motion was accepted. The contamination at the Depot is currently being managed by the United State Army Corps of Engineers (“USACE”), and the Depot is listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites (State Superfund List), as a Class 2 Site, Site No. 850006. Through the BRAC process, the U.S. Army issued a Finding of Suitability to Transfer portions of the Depot to Seneca County Industrial Development Agency (“SCIDA”), which it did in 2005 and 2011. Deer Haven Park, LLC purchased roughly 7,000 acres of the Depot from the SCIDA on May 2018 with the intent to construct an Agricultural manufacturing Facility along with implementing a plan to preserve the Rare Seneca County White deer.

2. Government Approvals

A. Government Approvals, Funding, or Sponsorship.

The building phase of this project will be funded through private investment and we will not seek investment from Seneca County or NY State grants. The listed entities are listed for permitting only and are not considered to be investing entities. As this project evolves and begins to come to fruition, we will be applying for and securing any permits necessary to stay in compliance with all regulating entities.

3. Planning and Zoning

A. Planning and zoning actions.

The “Reuse Plan” was approved by the Seneca County Board of Supervisors on October 22, 1996 and then by the Romulus Town Board on July 16, 1997. This plan together with amendment #1 dated November 1997 serves as the comprehensive reuse plan for the depot area. It is this latter package, which is to be implemented by

the LRAs successor group – the Seneca County Industrial Development Agency. After the review period, the board issued a negative declaration, meaning a Full Environmental Impact Study would not be required. The proposed land use for the (Facility) is consistent with the proposed land use of the site and neighboring zoning in the Town of Varick. The proposed land use is not consistent with zoning. Being that there is a contradiction between zoning and the accepted reuse plan a resolution is necessary. A zoning variance permit will be pursued for this reason.

B. Adopted land use plans.

This site is located in the Town of Romulus and pursuant to the Town of Romulus Comprehensive Plan that is currently in effect, revised for publishing on 11/7/01 and is in the process of being updated, this question is answered in the positive. Chapter iii specifically references the former Seneca Army Depot area (See Exhibit C).

This specific Site is not located directly in any local or regional special planning district and this Project is subject to local Zoning, Planning, and Building permits.

This site is not located in an area listed as an adopted Municipal open space plan nor is it enrolled in a farmland protection plan.

C. Zoning

The “Reuse Plan” was approved by the Seneca County Board of Supervisors on October 22, 1996 and then by the Romulus Town Board on July 16, 1997. This plan together with amendment #1 dated November 1997 serves as the comprehensive reuse plan for the depot area. It is this latter package, which is to be implemented by the LRAs successor group – the Seneca County Industrial Development Agency. After the review period, the board issued a negative declaration, meaning a Full Environmental Impact Study would not be required. The proposed land use for the (Facility) is consistent with the proposed land use of the site and neighboring zoning in the Town of Varick. The proposed land use is not consistent with zoning. Being that there is a contradiction between zoning and the accepted reuse plan a resolution is necessary. A special use permit will be pursued for this project because even though part of the Project site is Zoned Warehouse and Industrial, a portion of the site is zoned Agricultural. Because the Project needs to be constructed on parts of the property that is currently Zoned Agricultural, we are pursuing a special use permit and a zoning variance.

Upon approval of the zoning variance and special use permit, Agricultural Manufacturing would be an acceptable use for the property.

We are seeking a zoning Variance to allow for our Agricultural Manufacturing Facility on the grounds of unnecessary hardship should we have to relocate to a location elsewhere and have outlined the reasons for this hardship below.

- a. The property in question, specifically the “Project site” has a current zoning of Agricultural. When considering the potential for farming this area it is necessary to take a deep look at the minimum requirements to ensure a successful farming operation. The first thing we looked at for this site is the cost to prepare and develop this site into a productive agricultural venture. (See Exhibit D) The site needs additional clearing and site leveling to create a smooth and well graded field which would allow cultivation consistent with modern farming practices. To complete this step will require an investment of \$14,000.00 for the agriculturally zoned area on this site. The second step to make this into productive farm land will be to build up the soil to meet minimum levels to promote a reasonable crop. During the time that the US Army managed this property, they had certain objectives of which it was often necessary to disturb and move dirt and soils in a way that would suit their needs. Consequently, much of the soil on this site and other sites located within the confines of the former Seneca Army Depot have very poorly drained status along with high levels of subsoils on the surfaces and the microbial health of the soil is generally quite poor. To remediate these issues will require large investments to drain the sites as well as applying significant fertilizers and nutrients to the soil. Preliminary estimates for this will be approximately \$81,325.00 over a three year period of which the first two years would yield very poorly and unless there are additional benefits such as personal desires, this could well exceed the value of the land from a practical stand point. Additionally this site would require significant nitrogen and would have a very negative impact to Reeder Creek which already has high levels of Phosphorous. After considering the crops most likely to be a success in this region, the two most likely to be most profitable are soybeans and corn. Of the two we choose corn to further evaluate the site. The typical cost to plant, grow, harvest, and process corn in this region on this site specifically would generally be around \$21,245.00 in a three year period and the current price for corn with basis less drying is \$3.30 per bushel. The yield potential over a three year period on this site would be 5,800 bushels and when we add this together, we find the total three year income for this parcel to be \$22,040.00 while the expenses in that same period are \$116,570.00. If we do not invest in the clearing, draining, fertilizer application and the general good farm management practices, then the corn yields would be too low to generate any income and would also in fact be a consistent loss. Our careful analysis leads us to conclude that modern era farming will not lead to a state of profitability and even without the negative impact to Reeder creek; it is not sustainable to use this property in the manner it is currently zoned for.
- b. This property is uniquely impacted by several factors and when considered together leads us to conclude that this Site can clearly be recognized as being unique or very uncommon as a whole. When looking at the close proximity to Reeder Creek and considering that due to the land contour, almost anything we

do on this land will have a significant negative impact on Reeder creek, and without designing systems to prevent such an occurrence, we are limited in what we can do on this property. We also notice the unique history on this parcel which has together with additional actions from the controlling interests over the last 70 years which contributed to the lands condition and state being significantly different from similar type parcels located other places in the region. The property also has unique services and supporting facilities which include a railroad siding along with significant hardtop surfaces which leads us to believe the property is uniquely distinct and clearly can be found to be affected by unique and highly unusual circumstances.

- c. The property as it is located today is part of the former Seneca Army Depot and is surrounded by the Romulus Sewage Treatment Plant and over 50 acres of industrially zoned land on the East side. Additionally the land directly to the North and South also is zoned Industrial. The current character of this neighborhood given the many improvements from the US Army while they were operating the Depot as a storage facility to support the US war efforts along with the repurposing of the Sewage treatment plant, demonstrates the requested variance will not change the character of this neighborhood. It is also important to note; the nearest residential facility is separated by over 4,000 feet. The very secluded location of this Site also will reduce any impacts that would normally be present in an alternate setting. When considering these circumstances and conditions, we are concluding there will be no character changes in the neighborhood.
- d. When we began searching for a Site that would fit our specific needs, we determined the following features and services to be essential to the ongoing growth and development of our company. First, we looked at accessibility. The Site offered us direct access to the former County Road 135 and will not require us to develop, support, and maintain long one way lanes or roadways to access our property in the manner we needed. Second, we need access to a Site that is served with a significant source of potable water. In addition, we need to be able to locate on the property certain infrastructure including fire ponds that are critical to our objectives. This Site meets both of these criteria. Third is the need for heavy communications. This site is served with a Fiber trunk which is necessary for our business. Again, after searching our entire properties, we were unable to locate an alternate parcel that we could have access to Fiber communications that did not include a very significant cost to upgrade. Fourth was our need for Sewer service. There are only a few spots in the former Seneca Army Depot that have good access to sewer. The only place we have with sewer access that does not require significant investment. Fifth we had to consider our electrical needs. This Site is located in close proximity to an existing high power lines and consequently there is a minimal expense to provide the needed electrical service to this Site. To locate the Site elsewhere, would cost significantly more and would render the

project not feasible. Lastly, we need a gas service line to service our Site. The only gas lines available that can serve us are located near this Site. To move or relocate this Site will cause many additional delays along with excessive costs. When we consider these points, we conclude the hardship we are experiencing cannot be reduced or mitigated simply by relocating the Site.

If a special use permit is provided, we will be able to erect our manufacturing facility.

Our request in this application is for a zoning variance which will allow us to proceed with the construction of our Agricultural manufacturing facility.

D. Existing community services

This Project is located in the Romulus School District.

The NY State police along with the Seneca County Sheriff department patrol this area regularly. For the wildlife department we work hand in hand with NY State DEC.

Romulus Fire Department and South Seneca Ambulance both are the primary emergency service providers. In addition, through our efforts on this property, there may be future benefit for these Agencies in that they could utilize our infrastructure to pass through the Depot in order to save significant time and energy.

Samson State Park would be the closest State Park but in addition to Sampson, the Site is in close proximity to a park known as Deer Haven Park which is managed by Seneca Iron Works personnel and tours are operated and managed by Seneca White Deer (www.senecawhitedeer.org). This Park is not a public Park but is maintain for the primary purpose of preserving the Seneca White, white tailed deer along with other species.

4. Project Details

A. Proposed and Potential Development

The general purpose of this project is to continue to develop and grow our existing Agricultural manufacturing facility to better facilitate our customer's needs. The type of manufacturing we do and the customers we primarily service are in the dairy business. Dairy farmers all across the country are in need of equipment to provide housing for their animals. Our specialty is providing well engineered equipment designed to maximize cow comfort along with providing climate control systems for the dairy barns. We have proprietary equipment that can provide superior levels of comfort for the animals and demand for these products is increasing as more and more people recognize the need to focus on animal welfare.

The Site where we are locating our facility comprises 74.51 acres and is a mix of potential farmland, woodland, bushland, hard surface, wetlands, and industrial type of infrastructure. The actual acres that will be getting disturbed as part of this Project will be 9.9 acres. This will include the water retention areas. The surrounding contiguous properties we own total approximately 6,800 acres. Our nearest neighbors are Flaum Land Management and the Water Treatment Plant. All other neighbors live at approximately 4,000 feet or more away from our Site.

We are currently in business and have been for many years but this Site is a new Facility and is not an expansion of an existing facility.

The Project Site has been previously subdivided from the parent parcel. No additional subdivision of the Project site is proposed. We are not proposing cluster/conservation layout.

The project will be completed in phases and while the first phases will commence as soon as it is possible to begin, the final phase will take a bit more time. The complete time frame will be from MAY 2019 – DEC 2029. Phase one will include certain Site preparations along with an approximately 50,000 square foot manufacturing facility. After certain equipment installations in the first facility, we will be proceeding with the second phase of the project. The second phase will be to expand the manufacturing area by adding on to the immediate south of the phase one building. After set up in the phase two addition, we will be adding additional warehouse area to the north of the phase one building as part of the third phase of construction. For phase 4 we will be expanding the manufacturing wing to the south of phase 2.

There will be no residential facilities build on this site at this time. There will be non-residential structures built as part of this project however. The completed structure will be one structure even though periodically there may be multiple structures, erected during the phased construction but ultimately they will be consolidated into one structure. When complete, the total size of the structure will be approximately 202,500 square feet. The eve height is between 18' and 26' and the width generally will be 200' on average. The reason I am using 200' as an average is because the building vary in width from 150' in the warehouse area to 270' in the manufacturing area. The length will be approximately 950' when completely done.

The only impoundments will be storm water runoff. During construction there may be some surface water runoff from time to time throughout the project. Our solution for this will be silt fence and small settling ponds. Post construction, the roof water will be collected into concrete tanks and used for process water within our plant. We will direct all other storm water runoff into a large infiltration swale with Rip Rap check

dam systems to manage the flood water discharge. If there are any back to back storms that overwhelm or swale, the excess water from the infiltration swale will flow to an engineered storm water collection pond. Water will be discharged from the storm water retention pond through an outlet control structure that will slowly release the water into a watershed area on the Site. Our goal is to have zero water discharge from a 100 year storm event and to achieve that, we are building in several layers of redundancy.

B. Project Operations

There will be no mining or dredging on this Site either during or after construction. Any dirt that is relocated will be used on Site for landscaping needs. We will not have a need for de-watering or processing materials as after direct construction excavating is completed, all materials will be leveled and the site will be returned to driveways or water collection surfaces. Any remaining areas will be returned to their native state and planted with native grasses. This project will not increase water runoff into any wetlands or creeks above current levels and in most scenarios will reduce the runoff into these areas. During construction of this facility we will use water for making concrete and normal human consumption. We are anticipating a total water consumption of 50,000 gallons of water during the construction phase one which will occur from MAY 2019 – DEC 2019 which will be an average of 250 gallons per day during this time. When this Project is completed and is fully operational we will be using 2,000 gallons per day (gpd). We will be using as much rainwater as possible to reduce the burden on the public water system. This calculation has allowed us to significantly reduce our future reliance on the public water system. The public water is currently supplied by the Seneca County Water District and the current system is adequate for our needs short term and long term. The District has an 8" main that passes directly through the Site which will enable us to connect with no expansion to the system needed. Additionally we will not need to form a new water district to serve our Site because the current District is in close proximity to our Site.

We will be utilized the public wastewater treatment facilities for all our sanitary, wastewater, and sewage and based on current structure will utilize the Romulus/Five points Wastewater treatment plant which is in Sewer District two. When we are at full operational capacity we anticipate having 1,500 gallons of sanitary and sewage wastewater per day. Our source for this is toilets and sanitary hand washing stations. For a period of 4-6 years we anticipate between 400-800 gallons per day. There are no industrial waste streams planned at this time. Any industrial waste streams will be managed using a third party company like Safety Clean or comparable.

All storm waters will be directed toward an onsite infiltration area located on the project site within the 9.9 acre site. Additionally this infiltration swale will utilize Rip Rap check dams for maximum infiltration. From the infiltration swale, we will direct

the water to a storm water retention pond. The design of the infiltration swale will be adequate to support the entire project during the construction phase as well as during the operations phase. The storm water pond is designed into this system specifically for a fire pond and in the advent we experience a back to back type storm scenario which could overwhelm our swale. We will be collecting water from the facility roofs and storing those waters in large holding tanks. In addition to reducing the storm water runoff, this will also reduce our need for public water.

During the construction phase of this project, we will be operating certain large pieces of equipment. This equipment will primarily be used for site preparation along with building erection and site restoration. After we commence operations, most of the equipment we will be operating will be for material handling and delivery trucks. We will also have stationary sources during our operations. These would primarily be for heating, cooling, and process furnaces used within the facility.

Assuming all phases are completed and when the SIW Facility operates at full design capacity, the new Facility will increase employment over current SIW employment levels. The SIW work shift is 6:30 AM to 4:30 PM with incidental office staff staying till close of business at 5PM. Therefore employee traffic occurs outside the “normal” commuter peak hours. Additionally, SIW does encourage employee carpooling and a large population of current employees utilize ride sharing. This will also reduce the amount of traffic to the site.

Public transportation is not provided to this site and no bicycle trails exist currently on the site.

The Project (trucks only and at full build out) is estimated to generate approximately: 3-5 semi-trailer trucks/day; 4-5 small flatbed trailers pulled by a pickup truck; 1 scrap ferrous metal trucks/week. As with any business, incidental small package delivery (UPS or Fed-Ex) does also occur daily.

All intersections are projected to operate at LOS (Level of Service) “B” or better on all approaches during both peak hours under existing, background, and full build conditions. There are no significant changes in levels of service as a result of the Project, and no mitigation is warranted or recommended at any of the study area intersections.

As detailed above, after Phase 2 of the Project has been completed, and assuming the Project traffic would be limited to state highways (coming from the South on Routes 96 or 414, from the North via the New York State Thruway on Routes 96, 96A or 414,

or from the East and West on Route 5 (U.S. 20)), these roads are adequate to handle this modest level of truck traffic.

Therefore, based on the above, the Project will not result in a significant adverse impact on Transportation and there will be no significant traffic impact on the surrounding roadways and community.

Our energy demands will be 850,000 kWh per year and will be served from a local NYSEG substation located directly east of the Depot. There is adequate electricity available at this substation and there will be additional capacity with relatively small infrastructure upgrades.

Our normal operating hours will be from 7am-9pm for the construction phase and will run for 6 days per week. Our standard operating hours when the facility is in operation is from 6:30am-5pm.

While there will be some noise that will be above ambient noise levels, the noise levels that will be present during construction will not typically exceed current noise levels that are currently around the site. Also, when considering the distances from our site to the nearest residential area along with the noise canceling landscape that is present on the site, any noise levels that may be present will have a very small impact on the surrounding neighborhood.

Outdoor lighting will be for security purposes and would have a very minimal impact at the boundary of the Site. There will be lights at doorways and building perimeter lights. All lights will be LED dark sky compliant and will not cast light past property lines. Additionally trees and other shrubbery will serve as barriers for any extra lighting.

As outlined in regulation 6 NYCRR Part 613, we will not have any storage facilities on site either during the construction phase or the operational phase. On any petroleum or chemical storage that we would have whether now or in the future, we would be guided by regulation 6 NYCRR Part 613 in acquiring any applicable permits and following any general guidelines imposed by this regulation.

This project will generate some solid waste material. During the construction phase, the waste will be mostly plastic wraps, cardboard packaging material, and miscellaneous banding material. All waste material will be placed into dumpsters and sent to recycling centers where feasible. During operations we will have much the same type of waste and it will be handled the same way. All our solid waste will be recycled when recycling is a viable option.

We do not plan to generate hazardous waste as part of this project. We do understand that hazardous wastes could be generated if process errors occur. If there are any hazardous wastes created, we will utilize a service from a hazardous waste company such as Safety Clean to remove such waste and process it in accordance with the current laws of NY.

5. Site and Setting of Proposed Action

A. Land uses on and surrounding the project site

This Site is located in the former Seneca Army Depot. The Depot consists of mostly forested areas with some open fields, creeks, and wetlands. The areas surrounding the Site consist of Industrial, Commercial, Rural, Forest, and Agricultural. We believe our Agricultural Manufacturing Facility will blend very nicely with the neighboring uses.

This site which is strategically chosen has many types of cover types. The various cover types were developed by the Army over a period of many years. The result is that there are multiple roadways, forested areas, and some open areas that could be used in agriculture, wetlands, and bare rocks and earth areas.

There are no public uses of this site and there are no children, elderly, disabled, schools, hospitals, or day care centers in the near proximity to the project site. This property does not have any dams within the project site. This site has never been used as a solid waste facility and neither are there adjacent properties with solid waste facilities currently or in the past. While there are areas on the Depot that have been used for waste in the past, these sites have been remediated and no sites are adjacent to the Project site. There are also no current hazardous waste sites adjacent to the project site and we do not have any reported spills on this site. There are no NYSDEC Environmental Site Remediation areas located within 2,000' of the Project Site.

B. Natural Resources On or Near Project Site

On site field surveys have determined the bedrock levels as being an average of 6' below the surface. There are no known rock outcroppings present on the site other than the creek bottom that runs through part of the property. This creek does not run through the Project Site but does pass through the property.

Using the DEC soil maps, we find the three soil types that cover the Project site to be Romulus Silty Clay Loam, Darien Silt Loam 0-3% slope, and Angola Silt Loam 0-3% slope.

The 40% well drained portion of the Site would include areas that the Army has paved and ran ditches through along with the land directly adjacent to any ditches previously

dug by the Army Corps of Engineers. The moderately drained areas are primarily areas with up to 3% slope and some areas that are adjacent to roads and ditches. In addition there are some areas that do not have very thick top soil cover and during the summer get very dry. The poorly drained soils are primarily low areas and any wetlands that are on the property. There are no known wetlands on the Project Site however there is one area that is considered wetlands that while not being near the Project Site, it is on and adjacent to the Property. The entire Project Site is between 0-10% slopes.

Reeder Creek passes through the property in a northerly direction and while it is not directly in the Project Site, it is located on the property where the Project Site is located. Also located on the Property is an area that was created to be a wetland area. This area was created during the runway expansion at the Finger Lakes Regional Airport located in Seneca Falls NY. Again, while this area is located on the Property, it is not located on the Project Site. There are wetlands adjacent to the Property and the one hundred foot setback for those wetlands extends to the Property in the far Northeast corner of the property but does not encompass the Project Site. Reeder Creek is considered an impaired body and is referenced in Exhibit E.

There are no actual wildlife living on the Project Site however, the wildlife does use the current site for browsing, and hunting. The primary species would be white tailed deer and turkeys. There are no designated significant Natural Communities and the Site does not contain any endangered or threatened species.

C. Designated Public Resources On or Near the Public Site

This portion of the Seneca County Depot is not currently part of an Agricultural district and there are no highly productive soils on the Project Site. The Site is not part of any registered National Natural Landmark and is not part of any Critical Environmental Area.

There are some Archaeological sites located on the former Seneca Army Depot but none of the Archaeological sites are located on the Project Site. The Army has done extensive testing for Archaeological grounds in conjunction with certain schools and has not located any Archaeological sites on the Project Site.

This Project Site is located deep inside the former Seneca Army Depot and to the best of our abilities we have not found any officially designated and publicly accessible federal, state, or local scenic or aesthetic resources.

The Project Site is not located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666.

6. Additional Information

A. Exhibits A-F

These exhibits are included to demonstrate or better explain the answers provided in this document as well as the Long form EAF.

7. Verification

This data is a compilation of my research and is consistent and accurate to the very best of my ability. When we had any questions on the correct answers to any question, I did additional research to find the correct answers and when there has been any doubt, I generally used the more conservative answer available. For this reason, some answers may be more descriptive than necessary and even when not; it is our intention to provide the maximum clarity for the purpose of this project.

EXHIBIT B
SITE MAP

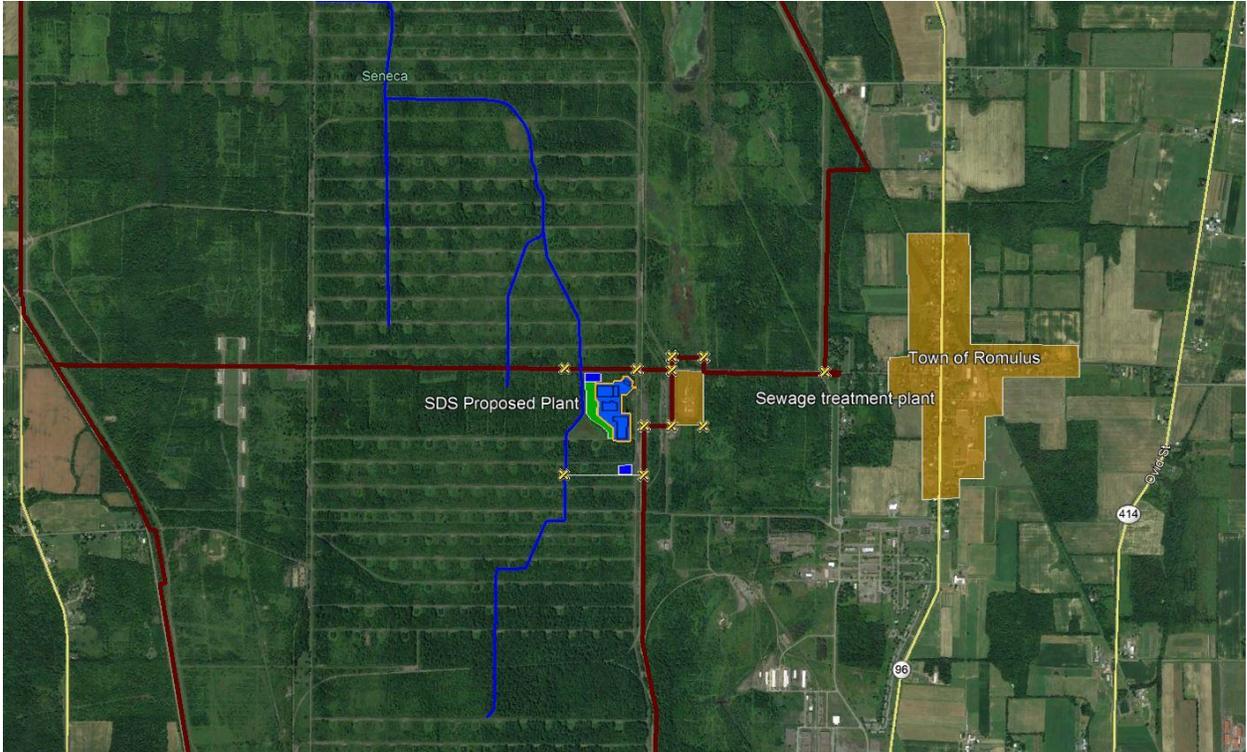


EXHIBIT C
Town of Romulus Comprehensive Plan

**TOWN OF ROMULUS
COMPREHENSIVE PLAN**
(Final Proposal)

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PHOTOS (Suggested
& Desired)

- (1) “Last RR Spike” at Romulus Station
- (2) Capt. Elijah Kinne house
- (3) Aerial Panoramic View (N-S) showing Town. Romulus, Seneca Lake & Cayuga L.
- (4) White Deer

- (5) Sampson State Park – Lake, boating, and recreational facilities
- (6) Amish Horse and Buggy

I. FORWARD

On July 16, 1997, the Town Board of the Town of Romulus appointed its Planning Board to prepare a Comprehensive Plan to promote the health, safety and general welfare of the people of the Town.

The Town of Romulus, Seneca County is a fantastically beautiful, largely rural and agricultural area, nestled between two of the finest of New York's Finger Lakes – Seneca and Cayuga. Many panoramic views are to be had on highways crossing the Town, some affording views of both lakes from the same spot.

The hamlet of Willard, at the southwestern corner of the Town, is the location of the Town Municipal Building. Adjacent thereto is the Willard Drug Treatment Center, the northern portion of which is in Romulus that provides employment to some local residents. Parts of the village of Ovid on the south and the hamlet of Romulus on the north are shared with adjacent towns. There are two other semi developed residential areas. One in the southeastern quadrant is named Hayts Corners. The other near the northwest corner of the Town is named Kendaia.

Assets include access to the lakes as provided by the 1, 852 acre Sampson State Park on Seneca Lake and Deans Cove on Cayuga Lake. Both of these offer public boat launching facilities, thereby being of great value to visitors as well as residents. In addition the former has a swimming area, 122 boat slips, 245 electrified campsites, a Naval Museum, a potential NY State Veterans burial site, and receives visits from over 250,000 people per year. Only a dozen or so miles away to the north in Seneca Falls are six scattered sites of the Women's Rights National Historical Park. Among other assets are the Wineries in the Town and region, which, benefiting from the climate and soil of this area between the lakes, offer some of the country's finest wines. Also beautiful, deep undeveloped stream corridors course down off the hill to the lakes, and an abundance of local wildlife includes a herd of white deer on the Depot property.

The shores of the lakes, where not inhibited by high, steep, rocky cliffs, are dotted with both permanent and summer residences. The latter swell the summer population with the influx of vacationers, and in season our clear lakes buzz with boating, fishing, and water sport activities. Held during the summer are a number of fishing derbies that take good advantage of the superb fishing in both Seneca and Cayuga Lakes. Another competition is that of sailboat racing, as seen by frequent regattas on both lakes.

The many horse and buggy rigs of the local Amish farmers, which are seen along the highways, lend an interesting aspect to the landscape. These industrious people have come to this area in substantial numbers and appear to be thriving.

There is a large 10,600 acre area near the center of the Town which, due to the imminent departure of the Seneca Army Depot, is subject to a current, intensively active effort to attract activities which will be compatible with our lifestyle, yet provide new additional jobs and attract desirable new permanent residents. That area benefits from a rail connection as well as from excellent highways, particularly north and south, which connect with the New York Thruway on the north and the Southern Tier Expressway on the south. Not too distant are top-notch schools of higher learning, which are a potential source of highly skilled employees. To the south is the city of Ithaca and to the north, the larger metropolitan areas of Rochester and Syracuse.

Various activities are envisioned and being proposed for the Depot property. Among them is a large law enforcement-training center in the area of the 7000 ft. airport runway that is already included in the '97 –'98 State budget.

The purpose of this plan is to develop and lay forth a land-use concept that protects, yet takes advantage of and builds upon, current assets. The plan takes into account the current desirable aspects of the Town of Romulus and then goes on to attempt to formulate a path for economically sound and orderly growth, which preserves the rural, agricultural and residential nature of the area and directs growth in the most desirable directions. Incorporated herein is a Map of recommended land use illustrating where it is believed that each would be most appropriate. Among the concepts embraced was one, which fosters quality residential development in and around existing hamlets and directs commercial, business and industrial growth to the suggested corridors if not to the preferred locations in the Depot redevelopment area. Development would be restricted along scenic routes, wetlands and deep wooded ravines. Provision is made for the protection of any sites or structures deemed to be of substantial historical, architectural, or archaeological nature and value. Over 2000 residents value their present way of living here and are looking for ways to enhance and further develop the Town.

In addition to defining the Town's goals, advantages of having this plan include:

- Informing builders and developers of the type and pattern of land use desired by the Town's residents
- Encouraging consistent decision-making regarding new development
- Providing the legal basis for the adoption and implementation of land-use tools
- Helping the Town with the expansion and development of further infrastructure and municipal services

The greatest advantage will be the sense of accomplishment that the community can share in the knowledge that future residents will continue to enjoy a high quality of life.

II. HISTORY

Before the first “settlers” arrived here, what is now the Town of Romulus was a wild and undeveloped land in the midst of Indian country, specifically that of the Iroquois Confederation, a “Nation” which included tribes such as the Cayuga’s and the Seneca’s. The first Europeans to come here were traders who roamed the area and dealt directly with those Indians. The influx of permanent residents, who migrated in to clear, develop and farm fertile land, didn’t really begin until the late 1700’s or after New York Revolutionary War soldiers had been awarded their Bounty Land (1782) in payment for their military service. This “military tract” was comprised of 1,500,000 acres in central New York and included what is now Romulus. Subsequently those veterans, or purchasers of their land, moved here from Pennsylvania, New England, and downstate New York to dwell permanently. The population quickly grew to about 2500 souls where it remains even until today. Purportedly Abram Brown was the first Romulus settler. Reportedly another of the very early settlers was Captain Abel Frisbee (1741-1823) who fought in the Revolutionary War, was a prisoner of the British for 7 years, and ended up as a tavern keeper and ferryman. Still another of the earliest settlers was Alda McMath who homesteaded just north of Rising (Indian) Creek but died only a few short years later. In years following 1791 they were joined in the area by many new residents, some with familiar names such as Covert, Kinne, Purdy, Seeley, Vorhees, Warne, Wilson, Wisner, and Wyckoff. The first white child born in Romulus was Elsie Fleming. Three Sutton children followed in 1793, 1803, and 1806.

The first task of the new settlers was the clearing of the land for agricultural purposes, although businesses such as saw mill, gristmill, distillery, blacksmith shop, store, and inn soon followed. Other vocations practiced were carpentry, cooper, and ferryman. Farming remains until today the primary occupation of Town residents, although a significant segment of the population now commutes to nearby cities to pursue their endeavors.

The Township of Romulus was formed in 1794 and has remained a Township until the present although much diminished in size and with hundreds of acres still owned by the State and Federal Governments.

The original housing was clearly primitive in nature and of the log cabin type. As years went by these accommodations were replaced by farmhouses of a more current construction. One of the earliest homes erected here, and still standing, is that of CAPTAIN ELIJAH KINNE, the original part of which was built in 1804. This home on Rt. 96A, owned in 1998 by Anne Getman, is a stately Greek revival house. It is believed that in 1842 Kinne built the large addition to the south that is now the main part of that house, all in the classic style of the period.

One of the four pillars on the front portico was removed because it obstructed view to the south, and, subsequently, the small south porch was enclosed and the pillars removed to make an extra room. Except for this, the structure remains largely unaltered. The CHAMBERLAIN home, now located at the corner of Wells Hollow and West Blaine Rds. was moved from Baptist Church Rd. when the Air force decided to build an airstrip for the then Sampson Airbase. Another home, one now owned by James McDonald and located on Seneca St. in the hamlet of Romulus, was reportedly once a “stop” on the “underground railroad”. The original structure, which at first appears to be a wing on the two-story portion of the building, is believed to have been build in 1822. A Dutch oven-fireplace combination in it is in a remarkable state of preservation.

Some of the earliest settlements were Romulus Ville, Plymouth, Romulus Center, and Bailey town. Most of these consisted of only a few houses and quickly faded from the scene.

Records show that the first schoolhouse was built in 1799, the location being one mile northeast of Lancaster (now Willard). From this point there was gradual growth until Romulus contained nine school districts, each with a frame schoolhouse and a licensed teacher, offering education to 683 children. Currently the Town of Romulus is served by just two central schools. One of these is located in the hamlet of Romulus and in 1994 that school, the Romulus Central School, had an enrollment of 595 students, 49 teachers and approximately the same number in the support staff. The other school is in Ovid, and this district when originally formed in 1938 by absorbing the Willard, Hayts Corners, and other small school districts became the Ovid Central School. In 1968 when further combined with Interlaken the enlarged district became the South Seneca Central School.

The construction of the State Agricultural College at the location now known as Willard was begun in 1857 with the cornerstone laid in 1858 at a site on 686 acres of land partly in the Town of Ovid and partly in Romulus. Subsequently opened, this school lost favor shortly to the new Cornell Agricultural School which had thereafter been established in Ithaca by Ezra Cornell. In 1865, with the school having ceased operation, it was decided that the use of the facility be redirected toward care for the chronic insane, and in 1869 the **WILLARD ASYLUM FOR THE INSANE** was opened. This institution was named after Dr. Sylvester D. Willard who had investigated and reported on this need at the direction of the State. As late as the 1950’s, there were over 3000 patients being cared for there. Recently the Willard Psychiatric Center has been totally shut down, and in its place the Willard Drug Treatment Center has been installed. That facility is intended to house up to 1000 inmates and operates as a modified shock facility; the inmates receive education, counseling, and physical activity during their 90 day treatment regimen.

It was in 1873 that the last spike was driven to complete the track connection at Romulus for the Geneva, Ithaca, and Syre, Pa. Railroad from the north with that of the Lehigh Valley from the south. Later in that decade the Lehigh Railroad gained full control of this whole segment. A 1907 map indicates that the Lehigh Railroad had its main north-south line near Willard, the route of the “Black Diamond” passenger train through Hayts Corners, and a spur from the latter hamlet through Ovid to Willard. These sections were reputedly abandoned as follows: the Willard spur somewhere around 1940, the Hayts Corners to Ovid section in 1957, and the NS track through Hayts Corners in the 1960’s. The only remnant of these railroads is that portion of the Lehigh main line, which has become a little active spur from Geneva down into the Seneca Army Depot property operated by the Finger Lakes Railway Company.

Construction of what is now called the **SENECA ORDINANCE DEPOT** began in 1941. Approximately 500 “igloos” were built and 20 miles of fencing erected to seal off the property from unauthorized entry. Warehouses, housing, and administration buildings were added and ultimately the 5000 ft. airport runway, acquired from the Air force, was lengthened to 7000 ft. The peak civilian employment at the Depot was reached in July 1943 when 2511 people from 60 different communities were employed there. In Nov. 1946 civilian employment had sunk to 595. Then in 1956, a Special Weapons Project was initiated and established at what would ultimately be called the North Base. At this point, housing at the North Depot Activity became acute with 300 to 400 military personnel to be brought in, so in 1959 125 Capehart Housing units were constructed. In 1961 the North Base Activity became part of the Seneca Ordinance Depot, and in 1963 the whole Depot was transferred to the U.S. Army Maintenance Command and was renamed the **SENECA ARMY DEPOT**. Then in 1992 the Army announced that the Depot’s work force would be further cut and the operation realigned. Today (1998) the Depot has only a skeleton crew working while awaiting its final complete closure in the next couple of years.

After the outbreak of **WW II**, quiet farm life along the shore of Seneca Lake was forced to give way to make for the 2nd largest **NAVAL TRAINING STATION** in the country. This installation called **SAMPSON** existed throughout the duration of that war. In the late 1940’s Sampson State College was established, and it existed there on the main portion of the base until that activity was transferred to Plattsburgh. Subsequently, the US Air force took over the complex and operated a training center there until 1955 during which time the airfield (later transferred to the Army) was built. During much of these periods the south or hospital area of the old base had various State of NY functions addressing the needs of TB and then later mental patients. The last and current use of Sampson began in 1960 when the State of New York acquired it and converted it into the present State Park, which has many fine recreational facilities. A few of the original buildings have been reconditioned and among them is one containing a Naval Historical Museum.

Since its beginning, The Town of Romulus has had post offices in seven locations, namely Romulus, Baileytown, Romulus Centre, Kendaia, Hayts Corners, Willard, and Sampson. At the present time two of these remain active.

Fire protection was a concern of early residents and the organizations subsequently established for that purpose have evolved over the years into the currently remaining two fire districts.

On February 6, 1897, the businessmen of the hamlet of Romulus took action and the Romulus Protective consisting of 30 members was formed. Its first truck was a hand drawn hook and ladder. In 1913 a fire district was organized, and a two wheeled truck with chemical tanks mounted on it was purchased. Then in 1943 the department was again reorganized and incorporated under the name of Romulus Volunteer Fire Department, Inc. That Department has had a number of "firsts": In 1973 a woman firefighter, and in 1991 a school bus converted into a command post.

Despite its name, the Romulus Volunteer Fire Department does not provide protection for the entire Town. As a matter of fact about $\frac{3}{4}$ of it, all except the NE quarter and the Hamlet of Romulus, is under the protection of the Ovid Volunteer Fire Department. The latter organization was organized in 1844 and incorporated in 1938.

The **BAPTIST CHURCH** of Romulus, constituted in June 1795, was the first church organized in Seneca County. This church, of a square white frame Colonial style, was originally arranged with the communicants facing a high old-fashioned pulpit and the doors behind that. This was changed after the doors blew open in a south wind and livestock wandered in. The meetinghouse was remodeled in 1849 after as many as 100 new members had been added. The final service was in 1941 and in October the Federal government took possession of the church property, except for the Kendaia cemetery, for incorporation into the Depot being established there. The present **PRESBYTERIAN CHURCH** of Romulus is located in the hamlet of Romulus, although it is actually just over the Town line into Varick. It was organized in 1802 and was originally in the Town of Romulus until Varick was split off. It is the oldest Presbyterian organization in Seneca County and remains active. The current edifice was built in 1838. **CHRIST EPISCOPAL** Church was established in Willard in 1877, and the Rev. Charles W. MacNish held services house to house. After the schoolhouse was built in Willard in 1880, services were then held there. The cornerstone of the present church was laid on June 18, 1886, and on November 12, 1886 that church was consecrated. In July 1976 a number of families began meeting together with the announced intention of beginning another local church ministry in the hamlet of Romulus. The first service of this new **SENECA COMMUNITY CHURCH** was held on Nov. 21, 1976.

The oldest cemetery in the Town of Romulus, and possibly Seneca County, has been known by various names, first as the Bailey Town Burying Grounds and then as the Rising Cemetery. There are at least 80 graves there, and we have evidence that it had been deeded to the First Baptist Church and Society of Romulus. This cemetery is located in the southwest corner of the Town.

Early burials there were in 1796 and they continued to possibly 1865. VanVleet Cemetery lies just off Rt. 96A within the borders of Sampson State Park. The David Covert Cemetery is located on the eastern side of the Town just off Rt. 89 and not far from Cayuga Lake. Burials in the latter plot seem to have taken place between 1817 and 1873. The Willard Cemetery sits above Seneca Lake and the old East Lake Road. It was used for many years for burial of residents of the Willard Asylum who had no families nearby. The Kendaia Cemetery lies wholly within

The confines of the Seneca Army Depot. The first burials there were in 1816 with occasionally a few more in the recent past. Lastly, the Mount Green Cemetery is the largest serving this local area. It is located within the hamlet of Romulus on the west end of Seneca St., although actually in the Town of Varick.

The earliest Romulus settlers were attracted by inexpensive land, good soil, and plentiful water. Our vision for our future is one that seeks to retain and protect, possibly even enhance, the beauty and ambiance of this still largely rural between-the-lakes area that nonetheless has the advantages of being relatively close to metropolitan cities. The maintenance of sites and objects of a historical nature, as well as the scenic natural habitat of a variety of wildlife, is to be encouraged for the benefit of all, particularly visitors to our area.

III. SENECA ARMY DEPOT

In order to deal with the negative employment and economic impacts associated with the closure of the Depot, the Seneca County Board of Supervisors established (October 1995) the Seneca Army Depot Local Redevelopment Authority (LRA). The primary responsibility assigned to the LRA was the preparation of a plan for the redevelopment of the Depot.

After a seven month long comprehensive planning process initiated in March 1996 and assisted by outside organizations, a Reuse Plan and Implementation strategy was adopted by the LRA on October 8, 1996. The reuse plan was subsequently approved by the Seneca County Board of Supervisors on October 22, 1996 and then by the Romulus Town Board on July 16, 1997. This plan together with amendment #1 dated November 1997 serves as the comprehensive reuse plan for the depot area. It is this latter package, which is to be implemented by the LRAs successor group – the Seneca County Industrial Development Agency.

IV. OPEN SPACES/NATURAL RESOURCES

There are a number of special areas that are sensitive, or at least not well suited to new development, yet are important to the long-term economic viability of the Town. These include flood plains, steep slopes, species habitats, wetlands, stream corridors and ground water aquifers. Besides their ecological and economic functions, many of these add to the Town's natural beauty and provide areas for residents and visitors to enjoy the outdoors. To protect these resources, the Plan continues the Town's policy of allowing only the least possible development in the most sensitive areas.

V. ECONOMIC TRENDS AND DEVELOPMENT

During the past 50 plus years the Town of Romulus has been heavily dependent upon, and constrained by, government sector type facilities and employment. Subsequently, the economic health of the Township has encountered some big setbacks with the closing of all three of the large government employers – Sampson Naval Base (and its successors), the Willard Psychiatric Center, and the Seneca Army Depot – and these areas have remained off the tax rolls. The most recent closure, that of the Depot, will when completed, be highly detrimental, and it is coming just as the country is beginning to pull out of a downturn. Seneca County has also experienced the loss of manufacturing jobs at Phillips/Sylvania, although it has gained jobs in other areas.

This plan envisions the movement of the Town from a dependency on an economy which is government driven to one which is a more privately based. A limited economic impact of government agencies will remain, but it is thought that the Town will be strengthened by maintaining its strong agricultural base while diversifying through the attraction of other business activity primarily into the designated areas in the Depot. Guiding new

Development to the designated locations will also assist in protecting the Town's rural character and hopefully help by supporting costs of infrastructure now and in the future.

To the advantage of, and for support in, establishment of projected new endeavors is an excellent primary and secondary school system, many of whose graduates go on for advanced education. Also in proximity are sources of important technical support as well as graduates capable of filling employment needs. These are top-notch schools of higher education such as Cornell University, Ithaca College, and Hobart William Smith.

VI. RECOMMENDED LAND USE AREAS

1. HAMLET RESIDENTIAL (gray)

Concentrated areas of residential housing; small business enterprises; churches; and public buildings including hamlets, villages, and Elliot Acres on the Depot. Growth would be encouraged in these areas because of the ready availability of utilities. However, density would be dependent upon the existing capacity of the infrastructure.

2. CONSERVATION AND RECREATION (dark green)

Areas where development is prohibited to protect plant and/or animal life or to promote recreational activities for the public. All public places such as both the 2300-acre conservation area in the Depot and Sampson Park would be promoted for recreational purposes, i.e. biking, skiing, hiking, etc.

3. AGRICULTURAL (light green)

Areas now dedicated to the production of crops and to animal husbandry. Every effort would be undertaken to maintain the status quo of these areas in order to retain the rural character of our town and to comply with State and Federal Laws. If future development (i.e. residential) were proposed on a portion of these lands it would be carefully reviewed to determine the impact on the entire.

Town and County. Wineries are included in this agricultural category while noting that they also engage in the brewing process (industrial) as well as the direct retail sales to the public (commercial). Also included are small home businesses often related to agriculture.

4. LAKESHORE RESIDENTIAL (blue)

Residential areas along our Cayuga and Seneca Lake shorelines plus adjacent areas that might also be prone to similar development including the 120-acre Depot housing area long Seneca Lake.

It would also include associated business enterprises, i.e. marinas (including boat fueling), tackle shops, ect... and lakeside wineries that presently draws a substantial amount of tourist business. In truth wineries can exist in agricultural, commercial, as well as lakeshore areas. Any structure inappropriate to the area would be discouraged. Finally, additional public areas to the lakes would be promoted.

5. INDUSTRIAL/WAREHOUSE AREA (yellow/red)

Every type of legitimate small commercial or professional enterprise would be encouraged in designated areas. Large industrial or commercial businesses would be directed to appropriate areas within the depot, designated for warehouse and distribution activities. The IDA will be aggressively marketing this parcel with the intent to ease or convey as soon as the necessary environmental documentation is completed.

6. INSTITUTIONAL/GOVERNMENTAL (brown/med. green)

The IDA will be taking conveyance of this approximate 500-acre parcel. Current plans call for some type of law enforcement training presence at this location. The Coast Guard will be taking conveyance of this approximate 180-acre parcel via a Fed-to-Fed transfer.

A. TRANSPORTATION

The Town of Romulus enjoys an efficient and serviceable highway system that generally gives ready access to all parts of the Town as well as to nearby areas even though east and west travel into and out of the Township is inhibited by the presence of Seneca and Cayuga Lakes. The area is traversed by several high quality north/south highways maintained by the New York State Highway Department. These roads provide convenient access to the shopping areas in northern Seneca County and to the Ithaca and Elmira areas in the Southern Tier. The re-opening of a road from the hamlet of Romulus west to the Kendaia area is a desired eventuality.

All of the above areas can be reached in approximately one hour or less of travel time. In addition, the NY Thruway is located only about 25 miles north of the Town and Route 17 is only about 50 miles away to the south at Elmira. These north/south highways are suitable for heavy truck travel, and they are used regularly to reach the metropolitan areas of the larger cities to the north.

Not only are our highways well maintained and kept open in winter but they are virtually all paved – “dirt” roads being largely a thing of the past. The presence of a large stone quarry and blacktop plant in the middle of Seneca County facilitates the acquisition and hauling in of road building and maintenance material at a more reasonable cost than incurred by many other areas.

Railroad service has not been available locally for many years and most freight is hauled by truck. Insofar as commercial air service, that is available at Ithaca and in the Elmira area where there are connecting flights to larger cities. Or one may travel to Syracuse or Rochester for major airline connections. A smaller locally owned airport south of Seneca Falls serves industries and private interests.

B. UTILITIES

The following illustrates the current status and expansion possibilities of public utilities serving the Town of Romulus.

WATER

The hamlet of Romulus is now supplied by an 8” main from the Seneca Army Depot, which in turn obtains its water from Seneca Lake. A new 12” main has recently been installed by the Town of Varick to connect from an existing main to the Depot intake pump station on Seneca Lake. Upon completion of this work the water supply for the Depot will be transferred to the new main, which originates in the Waterloo water district.

The Hamlet of Willard is supplied from the Willard Corrections Complex through a 6” line.

That area of the Town of Romulus adjacent to and a part of the Village of Ovid is served by the Ovid Water District. Water is pumped from two sources, one being wells and the other being Seneca Lake. That Districts new water tower has a capacity of 75,000 gallons. The current average daily use is 70,000 gallons whereas the system has the capacity to deliver 200,000 gal./day.

All three of these water systems have more than adequate capacity for present and immediate future requirements.

The balance of the Town is supplied primarily by individual wells, although many lakeshore residents also pump water directly from their respective lakes.

SEWER:

South Depot has a 250,000 GPD system, which serves the Hamlet of Romulus and the southern end of the Depot. Average daily capacity is approximately 180,000 GPD.

District #1 operates a 700,000 tertiary facility within the Willard Corrections complex. It serves the Depot housing on the lake, Sampson State Park, the hamlet of Willard, and the villages of Ovid and Lodi.

ELECTRIC:

Electricity is available throughout the entire town. The service is above ground. Most roads within the Town have adequate aerial construction to accommodate extensions by NYSEG where necessary.

TELEPHONE:

The Town is within the Trumansburg Home Telephone Co. franchise area & Verizon franchise area. Adequate telephone service and capacity for expansion thereof is available with ability to link up to fiber optics.

GENERAL:

From a Utility standpoint it seems appropriate to recommend limiting growth to areas adjacent to the hamlets. Underground utility installations would definitely be the first option in any and all improvements and expansions of service.

EXHIBIT D
Cost Analysis for Farming the Project Site

This demonstration is to convert 20 acres of land into fully functioning farm land. The calculations are for a three year period and are intended to demonstrate the feasibility of converting the land. Currently 15 acres are currently semi clear and need additional clearing and leveling. The cost to perform this is approximately \$5,500.00 and would require removing several acres of trees and doing some site work to level the field and remove tree stumps and excess roots.

5 acres are currently wooded that would need to be cleared and graded to level and would include removing trees from the entire site and then removing the tree stumps along with all buried roots and underbrush. The approximate cost to perform this would be \$8,500.00.

The next major cost would be to tile the land. Due to the excessive disturbance of the soils over the past 70 years, we would need to install drainage tile on the 20 acres. The cost to perform this as quoted will be \$33,325.00 and would in effect drain the entire 20 acres to a standard needed for farming.

The soil recovery is quite possibly the most difficult thing we would need to accomplish on this site. Due to years of mismanagement, the microbial health of the soil is extremely poor. To ensure a good crop yield, we need to build the soil using a program such as Flora Stim to balance the microbes and applying Soluble Sulfur, Calcium, Potassium, Boron, Manganese, Copper, Zinc, Aluminum, Phosphorus, and Nitrogen. We are using a three year plan for this study because it is not possible to get the soil to where it needs to be in less than three years. The cost for this program is \$800.00 per acre per year. Using the 20 acre area, the total three year cost for this program will be \$48,000.00. After three years, the cost would settle in at more of a normalized fertilizer plan.

Using our example of corn for an average crop, we have put together a cost analysis for planting through harvesting a traditional corn crop. The rates we used are from leading custom farm rates publications and for the purpose of this analysis we used median rates for all calculations.

The first thing we would be doing would be chisel plowing the fields. The going rate for plowing is \$17.25 per acre per year which adds up to \$1035.00 for the three year period.

Disking the chiseled fields is \$18.50 per acre per year which adds up to \$1,110.00 for a three year period.

Planting the corn will cost \$20.50 per acre per year which adds up to \$1,230.00 for the three year period. The actual corn seed will cost \$300.00 per bag which would require 20 bags over the three year period which will cost \$6,000.00.

Between spraying the fields, applying the fertilizer, and purchasing the spray material the total three year cost will be \$3,690.00 for the total area. Harvesting the crop will cost \$38.00 per acre per year adding up to \$2,280.00 for the three year period. Trucking the corn will cost \$3,000.00 for the three year period. Drying the corn will cost \$.50 per bushel after compensating for shrinkage and based on a three year total yield of 5800 bushels for the three year period. This will be a total three year cost of \$2,900.00 for drying the corn. The total income for three years using a market price of \$3.80 per bushel, adds up to a total three year income of \$22,040.00.

EXHIBIT E
Outlines of Reeder Creek

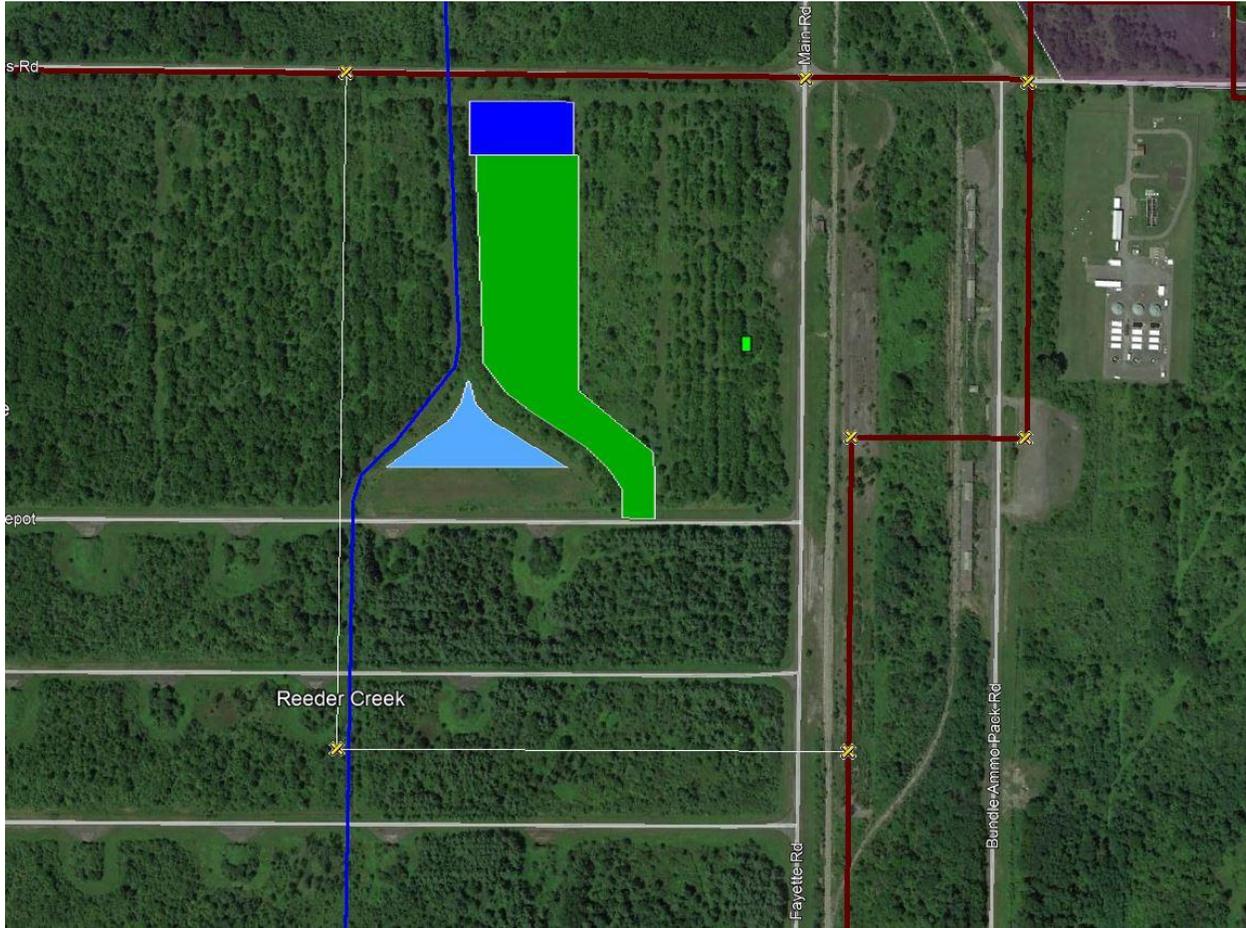


EXHIBIT F
Guidelines for Zoning Board of Appeals

Guidelines for Applicants to the
Zoning Board of Appeals
JAMES A. COON LOCAL GOVERNMENT TECHNICAL SERIES

A Division of the New York Department of State

Andrew M. Cuomo, Governor

Rossana Rosado, Secretary of State

Guidelines for Applicants To the Zoning Board of Appeals

This publication has been written to aid potential applicants in understanding and appreciating the appeals process, and to provide an explanation of the rules and standards under which appeals and variance decisions must be made. Applicants and their representatives should be guided in advance by the standards in deciding whether an appeal would be appropriate. These standards have been set forth in law and by the courts of the State, and cannot be modified by the Zoning Board of Appeals.

Why might you consider an appeal to the Zoning Board of Appeals?

A person may want to appeal to the Zoning Board of Appeals (ZBA) for two basic reasons. First, he or she may disagree with a decision the enforcement officer has made or an action he or she has taken. Second, the appealing party may believe that an exception (variance) to the zoning laws should be made for his or her property.

How is the appeals process initiated?

Either the applicant or the applicant's representative must file a Notice of Appeal with the ZBA within 60 days after the enforcement officer has filed his or her decision or action. The enforcement officer's decision is filed in his or her office, unless the municipal governing board has authorized it to be filed instead in the municipal clerk's office. A copy of the Notice of Appeal must also be filed with the enforcement officer.

Under what circumstances may an appeal be made to the Zoning Board of Appeals?

Except in certain instances, an applicant must be "aggrieved" by an actual decision or action taken by the enforcement officer. The exceptions occur where an applicant has already submitted an application for subdivision, site plan, or special use permit approval which requires an area variance in connection with that approval. In those instances, no decision of the enforcement officer is necessary. The applicant may simply file a Notice of Appeal directly with the ZBA.

Who may apply to the ZBA for relief?

Anyone who could be "aggrieved" by the decision or action of the enforcement officer, has standing to take an appeal before the ZBA. A person is "aggrieved" if his or her property value is affected negatively by the enforcement officer's action. Commonly, a property owner who either has been refused a permit or has been served with an enforcement action, is the "aggrieved party." Also note, as stated above, that a landowner who has submitted an application for subdivision, site plan, or special use permit approval, may apply to the ZBA for an area variance without a decision of the enforcement officer. A neighboring landowner may also be an "aggrieved party", if he or she believes the enforcement officer's decision in issuing a permit was improper, and will negatively affect their property

value. In addition, any officer, board or commission of the municipality may appeal a decision of the enforcement officer, whether or not that officer, board or commission is aggrieved.

What decisions or actions are appealable?

Any decision or action issued in writing by the enforcement officer, which affects anyone's rights, is appealable. These decisions include: the grant or denial of a permit, the issuance of an appearance ticket or summons, or any order which mandates certain action, such as a cease-and-desist or stop-work order.

I'm a resident who lives near the proposed project. What happens if I find out about the project more than 60 days after the permit is filed?

If you are a "third party", such as a nearby resident, you may still bring an appeal more than 60 days after the permit is filed, if you file within 60 days after you've had a reasonable opportunity to find out about the planned project. For example, you would have 60 days from the time a sign is posted on the property announcing the future construction of a new business (whether or not you actually see the sign), if the sign is posted after the permit has been issued.

What types of relief can the ZBA grant?

The ZBA can grant (or deny) two types of relief: interpretive and variance. In either case, the ZBA will either affirm, reverse, or modify the enforcement officer's decision. In so doing, it will either grant or deny the requested relief. If the appeal is for an interpretation, the ZBA's decision will be based on the municipal zoning regulations. On the other hand, if the appeal is for a variance, the ZBA's decision will be based on the standards of proof contained in the following state statutes: §267-b of the New York State Town Law, §7-712-b of the Village Law, or §81-b of the General City Law.

Because of the range of powers the ZBA has, it is essential that the applicant (or the applicant's representative) know what type of relief to request when making application to the ZBA. If the applicant believes the enforcement officer's decision is incorrect, the appropriate request is for an interpretation reversing the officer's decision. If the applicant (in this case, the landowner) believes that the officer's decision may be correct, but that he or she can show proof under the statutes that a variance is warranted, then the appropriate request is for a decision granting a variance. It is also possible for an applicant to make a request for an interpretation, and, in the same application, ask for a variance if a favorable interpretation is not granted.

After a Notice of Appeal has been filed, what must happen?

After a Notice of Appeal has been filed, the ZBA will take up the matter at a future meeting. The ZBA is required to schedule a hearing on the applicant's appeal within a reasonable time, and give notice of the hearing to the applicant. If a variance is requested, the ZBA may be required to take some preliminary steps before it may hear the case.

First, the ZBA may have to make a determination of significance under the State's Environmental Quality Review Act (SEQRA). Based on this determination, an Environmental Impact Statement (EIS) may or may not be required. If an EIS is required, the case cannot be heard until the EIS has been completed and accepted by the ZBA. Environmental review is not necessary for interpretations of the zoning regulations or for area variances relating to setbacks and lot lines, or for area variances relating to one-, two-, or three-family residences.

Second, depending on the location of the property, the ZBA may be required by State law to refer requests for variances to the county planning agency for a preliminary recommendation. If such a referral is required, the ZBA must give the county 30 days to respond. It is also possible that the county's recommendation could result in an increase in the number of votes needed for the ZBA to approve the variance. Appeals for interpretations need not be referred to the county.

What is the responsibility of the applicant at the hearing?

At the hearing, the applicant may submit written evidence and/or argument to support his or her case. Obviously, the sooner that written testimony or material is received, the more time ZBA members will have to consider the case and reach a proper decision. Therefore, it is a good idea to submit written material with the application, or as soon thereafter as possible, so that it can be sent to ZBA members prior to the hearing. (Please note that the applicant can present written evidence at any time up to the close of the hearing, or even after the hearing if the ZBA allows the record to remain open.)

At the hearing, the ZBA will offer the applicant and/or the applicant's representative the opportunity to present a case for relief. The applicant may personally testify, call witnesses, or submit written evidence, including drawings and graphics. Because an appeal is an adversarial proceeding, the ZBA will offer the municipality an equal opportunity to present its side of the case (the side which supports the enforcement officer's decision). Each side will be given an opportunity to question the other, or the other's witnesses. In addition, ZBA members may ask questions.

After the applicant and the municipality have presented their cases, any other interested persons will be given the opportunity to speak and/or submit written material. If necessary, the hearing may be adjourned and continued at a later date. When all parties and interested persons have been granted the opportunity to be heard, the hearing will be closed.

Will the ZBA make a decision the night of the hearing?

Once the hearing is closed, the ZBA may begin discussing the case and reach a decision, or may postpone discussion and/or its decision until a later meeting. If the ZBA deems it necessary, the hearing may be reopened at any time. Once the hearing has been finally closed, the ZBA must make its decision within 62 days.

What is the basis for the ZBA's decision on an interpretation?

If requesting a reversal on an interpretative basis, the applicant must prove that the enforcement officer's decision was incorrect, according to a proper reading of the municipality's zoning regulations. If the ZBA has heard a case in the past which involved an interpretation of the same provision, the ZBA's decision will be consistent with its prior ruling. If the ZBA has never interpreted the particular provision at issue, it will use its best judgment as to the municipal governing board's original intent in enacting the provision. Secondly, the ZBA will try to arrive at the best practical solution for future application by the enforcement officer.

Careful and thorough reference will be given to all definitions and other provisions of the regulations. If necessary, the ZBA will refer to authoritative publications on planning and zoning law. The applicant may, of course, use those resources in presenting his own case as well.

What must be proven in order to be granted a use variance?

If requesting a use variance, that is, permission to establish a use of property not otherwise permitted in the zoning district, the applicant must prove "unnecessary hardship." To prove this, State law requires the applicant to show all of the following:

- (1) that the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district (actual "dollars and cents" proof must be submitted);
 - (2) that the property is being affected by unique, or at least highly uncommon circumstances;
 - (3) that the variance, if granted, will not alter the essential character of the neighborhood;
- and
- (4) that the hardship is not self-created.

If any one or more of the above factors is not proven, State law requires that the ZBA must deny the variance.

What must be proven in order to be granted an area variance?

If requesting an area variance, that is, permission to build in an otherwise restricted portion of the property (such as in the required front, side or rear yards, or above the required building height, or in excess of the lot coverage regulations), then State law requires the applicant to show that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community. State law requires the ZBA to take the following factors into consideration in making its determination:

- (1) whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;

- (2) whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;
- (3) whether the requested area variance is substantial;
- (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5) whether an alleged difficulty is self-created.

Unlike the use variance test, the ZBA need not find in favor of the applicant on every one of the above questions. Rather, the ZBA must merely take each one of the factors into account. The ZBA may also decide that a lesser variance than the one requested would be appropriate, or may decide that there are alternatives available to the applicant which would not require a variance.

Must the variance, if granted, be exactly what was applied for by the applicant?

Whether the ZBA decides to grant a use or area variance, State law requires the ZBA to grant the minimum variance necessary to provide relief, while at the same time taking care to protect the character of the neighborhood and the health, safety and welfare of the community. For these same reasons, the ZBA may also impose reasonable conditions on the grant of any variance.

If there is no opposition to my variance request, must the ZBA grant the request?

The above rules and standards have been set forth in law and by the courts of the State, and cannot be modified by the Zoning Board of Appeals. If they are not followed, the municipality would be subject to costly lawsuits. The public is entitled to speak in favor of, or against, a proposed project, but opinions in and of themselves are not enough.

Applicants and their representatives should be guided in advance by the appropriate legal standards in deciding whether an appeal would be appropriate. If an appeal is taken, the applicant should present clear, definite facts showing that the standards have been met. The ZBA cannot grant relief where proper legal proof is not adequately presented.

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Andrew M. Cuomo, Governor

Cesar A. Perales, Secretary of State 2015

We are seeking a zoning Variance to allow for our Agricultural Manufacturing Facility on the grounds of unnecessary hardship should we have to relocate to a location elsewhere and have outlined the reasons for this hardship below.

- a. The property in question, specifically the "Project site" has a current zoning of Agricultural. When considering the potential for farming this area it is necessary to take a deep look at the minimum requirements to ensure a successful farming operation. The first thing we looked at for this site is the cost to prepare and develop this site into a productive agricultural venture. (See Exhibit D) The site needs additional clearing and site leveling to create a smooth and well graded field which would allow cultivation consistent with modern farming practices. To complete this step will require an investment of \$14,000.00 for the agriculturally zoned area on this site. The second step to make this into productive farm land will be to build up the soil to meet minimum levels to promote a reasonable crop. During the time that the US Army managed this property, they had certain objectives of which it was often necessary to disturb and move dirt and soils in a way that would suit their needs. Consequently, much of the soil on this site and other sites located within the confines of the former Seneca Army Depot have very poorly drained status along with high levels of subsoils on the surfaces and the microbial health of the soil is generally quite poor. To remediate these issues will require large investments to drain the sites as well as applying significant fertilizers and nutrients to the soil. Preliminary estimates for this will be approximately \$81,325.00 over a three year period of which the first two years would yield very poorly and unless there are additional benefits such as personal desires, this could well exceed the value of the land from a practical stand point. Additionally this site would require significant nitrogen and would have a very negative impact to Reeder Creek which already has high levels of Phosphorous. After considering the crops most likely to be a success in this region, the two most likely to be most profitable are soybeans and corn. Of the two we choose corn to further evaluate the site. The typical cost to plant, grow, harvest, and process corn in this region on this site specifically would generally be around \$21,245.00 in a three year period and the current price for corn with basis drying is \$3.30 per bushel. The yield potential over a three year period on this site would be 5,800 bushels and when we add this together, we find the total three year income for this parcel to be \$22,040.00 while the expenses in that same period are \$116,570.00. If we do not invest in the clearing, draining, fertilizer application and the general good farm management practices, then the corn yields would be too low to generate any income and would also in fact be a consistent loss. Our careful analysis leads us to conclude that modern era farming will not lead to a state of profitability and even without the negative impact to Reeder creek; it is not sustainable to use this property in the manner it is currently zoned for.
- b. This property is uniquely impacted by several factors and when considered together leads us to conclude that this Site can clearly be recognized as being unique or very uncommon as a whole. When looking at the close proximity to Reeder Creek and considering that due to the land contour, almost anything we do on this land will have a significant negative impact on Reeder creek, and without designing systems to prevent such an occurrence, we are limited in what we can do on this property. We also notice the unique history on this parcel which has together with additional actions from the controlling interests over the last 70 years which contributed to the lands condition and state being significantly different from similar type parcels located other places in the region. The property also has unique services and supporting facilities which include a railroad siding along with significant hardtop surfaces which leads us to believe the

property is uniquely distinct and clearly can be found to be affected by unique and highly unusual circumstances.

- c. The property as it is located today is part of the former Seneca Army Depot and is surrounded by the Romulus Sewage Treatment Plant and over 50 acres of industrially zoned land on the East side. Additionally the land directly to the North and South also is zoned Industrial. The current character of this neighborhood given the many improvements from the US Army while they were operating the Depot as a storage facility to support the US war efforts along with the repurposing of the Sewage treatment plant, demonstrates the requested variance will not change the character of this neighborhood. It is also important to note; the nearest residential facility is separated by over 4,000 feet. The very secluded location of this Site also will reduce any impacts that would normally be present in an alternate setting. When considering these circumstances and conditions, we are concluding there will be no character changes in the neighborhood.
- d. When we began searching for a Site that would fit our specific needs, we determined the following features and services to be essential to the ongoing growth and development of our company. First, we looked at accessibility. The Site offered us direct access to the former County Road 135 and will not require us to develop, support, and maintain long one way lanes or roadways to access our property in the manner we needed. Second, we need access to a Site that is served with a significant source of potable water. In addition, we need to be able to locate on the property certain infrastructure including fire ponds that are critical to our objectives. This Site meets both of these criteria. Third is the need for heavy communications. This site is served with a Fiber trunk which is necessary for our business. Again, after searching our entire properties, we were unable to locate an alternate parcel that we could have access to Fiber communications that did not include a very significant cost to upgrade. Fourth was our need for Sewer service. There are only a few spots in the former Seneca Army Depot that have good access to sewer. The only place we have with sewer access that does not require significant investment. Fifth we had to consider our electrical needs. This Site is located in close proximity to an existing high power lines and consequently there is a minimal expense to provide the needed electrical service to this Site. To locate the Site elsewhere, would cost significantly more and would render the project not feasible. Lastly, we need a gas service line to service our Site. The only gas lines available that can serve us are located near this Site. To move or relocate this Site will cause many additional delays along with excessive costs. When we consider these points, we conclude the hardship we are experiencing cannot be reduced or mitigated simply by relocating the Site.