

20 November 2023

Eric Mead, Town Supervisor
Town of Florida
214 Ft. Hunter Rd
Amsterdam, NY 12010

RE: Proposed Nadler/Francisco Planned Unit Development - Route 30 and Belldons Road
Response to Public Hearing Comments (12 October 2023)

Dear Mr. Mead:

After listening intently to the participants of the 12 October 2023 public hearing and reviewing submitted comments related to the above application, the Applicants wish to continue dialogue with the Town Board by addressing a number of opinions and perspectives that were raised. We took detailed notes and also electronically recorded the comments in the event we wanted to revisit specific comments to better understand the context of a participant's position

The concerns raised by participants were sorted, then organized into main categories. Our responses are presented below.

1. Preserve Farmland and Protect Town Character

- Several speakers expressed concern that the Town's entire stock of agriculturally-zoned land and farmland would be at risk and the global food supply would be in peril if this proposed PUD was approved. There was also concern raised over not being able to allow the next generation of farmers to continue in this occupation. Only 2% of the town's residents are currently employed in agriculturally-related work and there remains 21,129 acres of land in the Agricultural District.
- In examining the Town's development patterns over the last 25 years using Montgomery County geographic information system mapped data, land classified as agriculture represents 68.02%. From 2011 to 2022, there was an addition of three large industrial users within the 5S corridor resulting in a negligible shift of industrial land in town from 1.9% to 2.08%. Similarly, with 21,129 acres of agricultural land in the Town of Florida, the fully implemented development under the proposed PUD (assuming the maximum size of buildings) would represent a negligible loss of 0.006% of agricultural lands.
- Residential development appears to be the primary threat to the loss of farmland and agriculturally-zoned land. Many of the speakers expressing opposition to this proposed PUD benefitted from the subdivision of prime farmland and the construction of a single-family home. Single-family homes are allowed in the R-1 Residential, R-M Mobile Home and A-Agricultural District by right. The combination of these 3 zones constitutes the majority of land in town. Furthermore, residential development, particularly single-family homes, represents a significant burden on taxes, mainly due to the cost of educating public school children and the fact that taxes from a single home will not cover the cost of educating one child, let alone the average number of children per household. The town's zoning regulations encourage traditional single-family development as opposed to open space subdivisions or cluster residential development. Both of these approaches were widely adopted by towns across the country beginning in the 1990s to preserve town character.

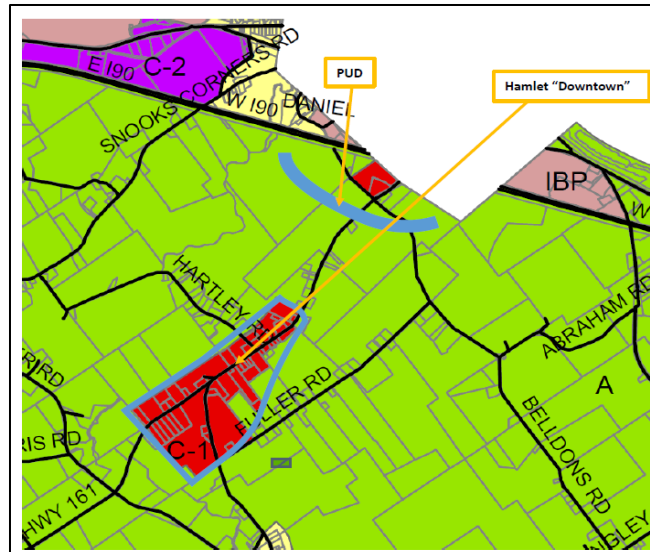
- Because of the extent of rural and agricultural land in town, the transition to industrial and commercial land uses in specific, planned locations has not negatively impacted the town's character—nor will the land uses proposed under the Nadler PUD. At full build, development in the PUD will occupy 25% of the total PUD district. This is exactly the type of balance needed for the town to grow its economy while retaining its character.

2. Development Will Continue Beyond the District Boundaries

- Several speakers seemed to believe that with the approval of the PUD, the type of development being proposed would be allowed anywhere in town and would be allowed to proceed without any further reviews, approvals or conditions. The town's zoning ordinance and associated zoning districts are already in place to ensure that this does not happen.
- The PUD regulation in the Town of Florida's zoning ordinance quite clearly outlines the process by which a PUD is implemented. Site plan review and approval by the Planning Board will be required for each and every proposed building or cluster of buildings intended to be constructed. Each site plan application will be accompanied by supporting documentation including more detailed traffic and infrastructure evaluations consistent with the proposed building use. NYS Department of Transportation review and approval will be required and, as needed, other state reviews/approvals. Development cannot occur beyond the approved PUD boundary.

3. Inconsistency with Comprehensive Plan

- Several speakers made reference to the proposed PUD being inconsistent with the Town's Comprehensive Plan. The Applicants thoroughly and repeatedly addressed consistency during Planning Board proceedings. There was one meeting where there was a declaration by the Planning Board Chair that the PUD was consistent with the Plan after he reviewed each of the points made by the Applicant with the other Board members. The Planning Board's opinion was based in part on its interpretation of zoning regulations that a residential use must be included in a PUD. The Applicant has entered into the record a qualified legal opinion soundly refuting the notion that a PUD needs to include residential use. Furthermore, the Town Board's criteria for rendering a decision on a PUD as outlined in Section 6.1-3 of the town's zoning ordinance does not stipulate a consistency determination as did the Planning Board's review criteria.
- The Town's Comprehensive Plan must be taken in its totality, as it is evident that the intent is to balance economic growth and preservation. Throughout the Plan and its amendments, preserving the agricultural character of the town is a goal, but language throughout the Plan references the need to continue to attract business, grow the tax base, and provide new (and now emerging) employment opportunities for residents.
- The 2011 Amendments to the Comprehensive Plan "Issues" present considerations for future amendments to the zoning ordinance. In Chapter 8. Future Zoning, Issue #7 "Future Commercial/Industrial Development in Town" states that industrial growth would continue to be concentrated in the IBP District *but there are no goals or objectives that restrict development elsewhere*. Issue #7 also addresses the desire to create a "downtown" or an area of concentrated commercial activity somewhere along Rt 30 from The Amsterdam line to the Route 30/Route 161 split by creating a "Mixed Use Hamlet District". The proposed PUD would not interfere with the rezoning of this area to allow creation of a Mixed-Use Hamlet District nor subsequent development. As show by the graphic below, these two areas are completely distinct locations:



4. Purpose and Need of the PUD

- The application before you is for the rezoning of a very specific area of town, one that we believe makes sound planning sense and avoids many of the concerns residents have previously expressed related to development along the 5S corridor. There are only very specific areas where industrial and commercial end-users would have interest- close proximity to an interchange is the most desirable. The Town's geographic proximity in relation to other metropolitan areas, and its supporting transportation network have sustained the interest for additional development sites and without a proactive strategy, the Town should anticipate ongoing development pressure without the benefit of a coordinated and focused location.
- The proposed PUD is an ideal location to limit impacts on the Town's character because of its immediate proximity to Exit 27 of the NYS Thruway. The northeastern and northwestern legs of the on/off ramps are within the City of Amsterdam and are already substantially developed. This strategic location adjacent to the NYS Thruway will direct development to where it can be supported by infrastructure rather than within the town on local roads that weave through neighborhoods.
- In June 2022, the Montgomery County Business Development Center released a market strategy to focus business attraction within the specific sectors of advanced manufacturing, food manufacturing, warehousing, and logistics. The Nadler-Francisco PUD would be positioned to attract development in all of these sectors.
- The proposed sketch plan represents the most intense level of development but the intent of the PUD is to allow flexibility across multiple commercial and industrial uses as allowed under the zoning ordinance. A critical aspect of this flexibility is to respond to changing market conditions. Numerous speakers referenced warehousing during their comments, yet the intent of the proposed PUD is to provide a foundation for flexible development interests that could include multiple uses allowed in the Town's C-1, C-2 and IBP zoning districts. The flexibility is desired because of the specific nature of uses outlined in the zoning ordinance in these three categories, and the requirement to obtain a special permit in several cases.

5. Traffic Impacts

- We understand that traffic is an emotional lightning-rod. Although this is a request for a zone change not a site plan application, an initial traffic impact report has been prepared based on

assumed traffic generation based on the methodology required by the NYS Department of Transportation (NYDOT) We had to assume the maximum amount of building and the maximum traffic volumes. In addition to approvals from NYDOT the Exit 27 on-off ramps are under the jurisdiction of the NYS Thruway Authority. This means that no development can proceed without review and approval from both of these agencies.

- If the PUD is approved, the site plan review process for each phase will require close coordination with the DOT. Based on the preliminary traffic study, developers are likely to be required to design and fund improvements that mitigate traffic impacts, where warranted. The improvements may include but are not limited to the following:
 - Upgrades to Route 30-turning/climbing lanes, wider shoulders, directional signage, etc.
 - Safety improvements to Thruway Drive and Belldons Road
 - New signalized intersection at Route 30/Belldons Road to support safe operations of the development.
 - Adjustment of signalization at Exit 27
- Truck traffic circulating through neighborhoods was also raised. The proximity of the PUD to Exit 27 eliminates operational traffic from using short cuts through neighborhoods. Truck drivers in particular do not favor narrow, local roads. The quicker the access to an interstate, the faster cargo is delivered to its intended destination.
- During the hearing, participants expressed concern over current road conditions. If these conditions truly are creating dangerous conditions affecting public health, safety and welfare immediate attention from the County and State is warranted.

6. Infrastructure

- Development cannot proceed with the PUD without the supporting infrastructure. In fact, availability and capacity is one of the first things prospective end-users ask. The town's site plan regulations also require that infrastructure be designed to provide adequate capacity to support a proposed development.
- The City of Amsterdam provides public water and sewer to the Town of Florida under an operating agreement. These utilities are currently located on the north side of the NYS Thruway on Venner Road Amsterdam. Utilities would need to be extended under the Thruway into the site, and the idea of an extension was first examined in January 2006. Given the lead time that is anticipated to be needed to extend these utilities, coordination with the City and Montgomery County was initiated early. In March 2021, City of Amsterdam officials were given an overview of the project, and the City indicated that there was adequate capacity in the City of Amsterdam's water and sewer system to support the proposed development.
- Additional options for water and sewer are being considered. The underlying geotechnical characteristics may be suitable for on-site septic and private well(s) for specific uses of certain size. If feasible and consistent with state public health codes, a development could be underway with in the PUD as approvals for the utility extensions proceed.
- An on-site stormwater management system will also be installed with an overall design to address full-build but each respective phase to be appropriately sized and constructed. The system will control stormwater runoff and water quality prior to discharge. During and after construction, stormwater will be managed, treated and discharged in accordance with the requirements set forth in NYSDEC State Pollution Discharge Elimination System ("SPDES") general stormwater permit (GP-0-15-002) and an approved Stormwater Pollution Prevention Plan ("SWPPP"). During construction, erosion and sediment control, soil stabilization, dewatering and pollution prevention measures will

be installed, implemented and maintained on the Site as set forth in the SWPPP to minimize the discharge of erosion of sediment and prevent a violation of the State's water quality standards.

- Post-construction stormwater management will conform to applicable requirements in the NYSDEC general stormwater permit and the standards provided by the New York State Stormwater Management Design Manual. The installation, implementation and maintenance of permanent stormwater management practices to meet the standards in the Design Manual will be required for each development with the PUD so that all discharges comply with the State's water quality and quantity standards.

7. No Economic Benefits

- A number of speakers made claims that there would be nothing in the development that would benefit town residents and the proposal was only intended to make money for the developer. Comments such as these are not consistent with the on-going efforts of Montgomery County to attract development, expand the tax base and provide new and emerging employment opportunities.
- A fiscal impact study prepared as part of the PUD application estimated new tax revenue at full build. Conservatively assuming only 50% of the development is built, wages alone would translate to approximately \$50 million annually. If employees spend only 2% of their wages in town (gas, food, etc.) the sales to local businesses would be \$1.2 million.
- A few speakers mentioned that there is a severe labor shortage and existing companies are struggling to attract workers. Though we cannot speak to the recruitment and training practices on behalf of a future tenants, we do know that the situation has spurred expanded training, higher wages, better benefits. Montgomery County economic development representatives have also been working to examine transportation options for workers, and both the County and State have been developing strategies to bolster recruitment.

8. PUD Development Would Burden Emergency Response

- As part of the fiscal impact study, the increase in emergency response was examined in coordination with local emergency response personnel. At full build, 60-70 emergency response calls may be associated annually with the new development. The cost of this level of response would range from \$44,700 to \$52,100. The estimated annual tax revenue directly to the Florida Fire District is \$97,789—nearly double the increase in cost.

9. Negative Impact on Property Values

- Home values should not decrease near non-residential facilities unless there is an issue related to pollution, noxious odors or blighted appearance.
- A case in point is the Joann Way/Jackie Court subdivision created after Beechnut relocated to Route 5S. The presence of Beechnut did not deter interest in lots being sold and homes being built. The homes have some of the higher assessments in town and this subdivision continues to expand as it is considered a highly-desirable neighborhood.

10. Rezoning Will Result in Environmental Impacts

- The proposed project will be designed to minimize impacts on natural resources. Wetlands and mature stands of vegetation have been avoided. Soil disturbances will be controlled and mitigated by an extensive network of erosion and sedimentation controls and use of Best Management Practices as required by local, state and federal regulations.

- No sensitive or endangered species will be impacted based on consultation with NYS databases and field investigations. The habitat and natural communities associated with now fallow but previously farmed area that would be directly impacted by development is substantially represented by 75% of the land cover within the town. Displaced faunal communities would be expected to find suitable habitat within the PUD or in close proximity given that only 25% of the area will be ultimately altered by development.
- Siting of larger buildings will take into account viewsheds and where possible the building would be sited within natural slopes to reduce views from the road or adjacent properties. Robust vegetative buffers are envisioned to be included in the PUD regulation and design standards to further mitigate building appearance. Buildings will be designed with color schemes to minimize stark contrasts with adjacent landscape. Non-reflective materials will be used to eliminate glare.
- Requirements of the State Historic Preservation Office will be met to ensure protection of historic resources.
- The only areas within the PUD subject to flooding are located immediately adjacent to the South Chuctanunda Creek. These areas will not be affected by development and in fact will be used partially for a trail.
- Although the specific end-users are not known at this point, any development regardless of its location in the town must adhere to local, state and federal regulations pertaining to noise, dust, water quality, air quality, hazardous material storage/handling, waste management and other operational provisions. Development in the PUD will be no exception.

Next Steps

The Applicants are looking forward to meaningful dialogue with the Town Board. We believe there are options that can be discussed with the Town that will further afford protection of the 75% of the district that will remain undeveloped. Designating the remaining undeveloped land as open space or some type of conservation easement may the acreage from agricultural use. If there is an opportunity to continue to farm within the PUD, we believe this would be worthy of further investigation and discussion.

We also know that there are concerns about expanding solar arrays in Town. The Applicants as the landowners and long-term farmers will need to make a decision that is best for them. At the onset of the application in 2022, they thought a PUD would be an approach that would be mutually beneficial. Depending on the outcome of the Town Board's decision, there will be a need to re-evaluate if any other options exist.

The Applicants also acknowledge the location of the PUD in relation to what is considered a visible gateway/arrival to the town. Incorporating a smaller scale, agriculturally-based use such as a farmer's market along with arrival/gateway treatment has been introduced during prior meetings. This type of land use could be included within a more technical discussion of dimensional requirements and design standards for the PUD as a whole that can be drafted to address Town Board concerns.

Respectfully,



Valarie Ferro, AICP
President