

Summary
of
Update to the FGEIS

**Seneca Turnpike/Commercial Drive/
Middle Settlement Road
Study Area**

prepared for
Town of New Hartford

prepared by
peter j smith & company, inc

July 2008

Table of Contents

1.0	General Findings	1
1.1	Development Initiatives.....	3
2.0	Proposed Land Uses in 1991 and Today (2008)	6
2.1	Impacts from Development that Occurred 1992 to Today (2008)	9
2.2	Specific Impacts.....	10
2.2.1	Sanitary and Stormwater Management	10
2.2.2	Transportation	10
2.2.3	Community Services.....	11
2.3	Impacts Mitigated	14
2.4	Future Mitigation Measures	15
2.4.1	Transportation Mitigation Measures	16
3.0	Voluntary Fees in Lieu of Mitigation (FILM).....	16
3.1	Updated Mitigation Cost Categories	17
3.1.1	Calculation of Voluntary Fees.....	17
4.0	Conclusions and Recommendations.....	26
4.1	Guidelines for Determining Projects' Eligibility	27
4.2	Procedure for FILM Implementation	27
4.2.1	Existing Procedure.....	27
4.2.2	Future FILM Collection and Expenditure Procedure	29

Tables

Table 1-1	Projects Approved & Pending in 1991: Current Status (2008).....	4
Table 2-1	Comparison of Levels of Development.....	8
Table 2-2	Projected Growth from 1992through 2010 (from 1991 FGEIS)	13
Table 3-1	–Existing Developable Land in the Study Area	18
Table 3-2	–Flow Demand Basis for Establishment of Fee Schedule	20
Table 3-3	–New Transportation & Stormwater Projects	23
Table 3-4	– Summary of Existing and Proposed Voluntary FILM	25

1.0 General Findings

The purpose of preparing an update to the 1991 FGEIS is to review the anticipated impacts from proposed projects that have since been developed in the Seneca Turnpike/Commercial Drive/Middle Settlement Road Study Area (see Figure 1). A second purpose of the Update is to review the voluntary fees in lieu of mitigation (FILM) schedule and improvement categories that were presented in the 1991 FGEIS as a proposed funding mechanism to mitigate impacts to the existing environment resultant from proposed development. This review was to further update the rates (if/where necessary) to reflect present day dollars, and to recommend a revised list of categories by which voluntary fees could be disseminated for necessary improvements, capital purchases, and/or upgrades to an existing fleet (i.e. police force), for example. This revised fee schedule is presented in this summary as Table 3-4.

The Update does not serve as a Supplemental as defined at 617.10(d)(4) which states that a “supplement to the final GEIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts.” Development within the Study Area has occurred and some of the recommendations and land use policies have been implemented (i.e. landscape ordinance, open space designation). However, the Findings Statement also stated that “development projects will be allowed to proceed if the minimal acceptable levels of service for public facilities are in place, and any additional improvements have been programmed.” To date, infrastructure (stormwater and sanitary sewer improvements; transportation network) have been compromised as a result of the development that has since occurred, and thus, a supplemental GEIS may be a measure that the Town decides to progress to reassess those impacts that were anticipated and to-date have resulted, however have not been quantifiably assessed to determine specific mitigation measures. The mitigation measures presented in this Update for those impacts that have occurred and that are expected with continued development are an extension of the measures presented in the 1992 Findings Statement and not a result of any additional analyses, i.e. traffic analysis, stormwater/sanitary sewer analysis.

The following conclusions have been made upon a review of the Update of the FGEIS of the Seneca Turnpike/Commercial Drive/Middle Settlement Road Study Area:

The Town of New Hartford Planning Board determined that the capital improvement mitigation measures identified by the Update (and further detailed in the 1991 FGEIS) are correct and necessary. Therefore the Planning Board as Lead Agency having prepared the 1991 Draft and Final GEIS, subsequent Findings Statement, and the 2008 Update to the FGEIS, finds that:

- The action set forth in the 1991 FGEIS and Update has resulted in adverse environmental impacts to the social, economic, and environmental conditions of the Study Area due primarily to the allowing of continued development that has compromised the existing roadway network (however has been mitigated to some degree through since constructed improvements) and the stormwater/sanitary sewer system.

- Adverse environmental effects that continue to remain of concern in the Study Area will be minimized or avoided by incorporating mitigation measures identified as practicable, consistent with social, economic, and other considerations.
- The Update was comprehensive and/or made reference to the FGEIS for further information, and contained facts and conclusions relied upon to support the Planning Board findings and indicated the social, economic, and other factors along with standards which formed the basis of its findings.
- Future development in the Study Area has the potential of individually and cumulatively impacting existing natural and built environment while also providing beneficial economic opportunities to landowners, businesses, employees, and consumers.
- Potential impacts to the natural environment can be avoided or minimized through implementation of site plan review and mitigated or “offset” in other situations. Impacts that are unavoidable, irretrievable, and inherent to development include the loss of vacant brush land and arable land.
- Cumulative impacts primarily consist of those upon the infrastructure, including the existing transportation network and sanitary/stormwater sewer capacity. Some of the identified transportation impacts have since been remedied as spelled out in the Update and summarized in this Summary, however implementation of additional traffic improvements and specific capital improvements related to stormwater and sanitary sewer have yet to be done and as such, impacts to these elements are being experienced today within the Study Area and areas situated nearby.
- The 1991 FGEIS proposed as a transitional measure the implementation of the proposed highway improvement program to include an extension to the Judd Road Connector (Route 840) and a new collector street parallel to Route 5 between town line and Woods Road. These improvements have since been constructed. It was anticipated that these improvements would alleviate the Clinton Street/Middle Settlement Road intersection and adequately accommodate traffic flows.
- A capital improvement program was recommended for adoption by the Town; this recommendation remains viable and appropriate today, especially with respect to the necessary improvements to the transportation network and stormwater/sanitary sewer issues. The purpose of the plan is to weigh further development projects against necessary improvements to capital services and facilities as a result of the development. Development would only be allowed to progress if minimal acceptable levels of service for the public services/facilities are in-place prior to construction; if not in-place, the Town then has a viable program insuring installation of the necessary capital improvements.
- Presently the general municipal services within the Town of New Hartford are under continuous demand and are constrained. Development that has occurred to-date coupled with the shopping population places a strain on the police, fire, and emergency medical treatment forces and facilities. Consequently, the secondary support facilities (i.e. court) are equally strained and compromised from the need to process traffic infractions and/or domestic/criminal fines and penalties. Additional staff and associated work space is needed. The 1991 FGEIS indicated that the Town would be required to expend municipal funds via property taxes to off-set anticipated impacts. It

further indicated that since the Town stated the required improvements would exceed such revenues, an alternative to increased taxes could be implementation of voluntary fees in lieu of mitigation. The Update to the FGEIS finds that these same funding alternatives are appropriate and relevant for continued development in the Study Area.

1.1 Development Initiatives

In 1990 the Town of New Hartford Planning Board reviewed development plans for retail space consisting of more than half a million square feet of new retail space. This followed a major expansion of one shopping center and two proposed housing developments resulting in 800 new homes. In addition, numerous smaller development proposals continued in the area. Since then, the Study Area has seen much development occur as specified in Table 1-1.

Table 1-1 Projects Approved & Pending in 1991: Current Status (2008)

Alternative II - Approved Projects in 1991						
	Location	Type of development	# of units/lots	Portion Built-out	Status 2008	
Seneca Woods -Phase II	NW Study Area; bordered by Woods Road	subdivision	15 lots		Complete	
Applewood – Phase II	NW Study Area; adjacent to Seneca Woods	subdivision	270		Complete	
Cherrywood - Phase I and Phase II	West border of Study Area; South of Seneca Turnpike	subdivision	385		Phase I under construction	
Un-built “paper lots”/subdivisions:	East of Middle Settlement Road	subdivision	25 est.		None	
	North of Seneca Turnpike and west of Woods Road	subdivision	70 est.		None	
Alternative III - Pending Projects in 1991						
Dunkin Donuts	Seneca Turnpike	Commercial	Addtl. 13 pkg. spaces		unknown	
Tehan’s	Commercial Drive	Commercial	8,500 SF warehouse 3,500 SF warehouse		Complete	
Sangertown Square	Seneca Turnpike	Commercial	110,000 SF mall expansion		Complete	
Feketa	Seneca Turnpike	Commercial	1,608 acre parcel 1,615 acre parcel		None	

Alt. III – Pending Projects

	Location	Type of development	# of units/lots	Portion Built-out	Status 2008
Kids R Us	Commercial Drive	Commercial	27,000 SF		Complete
Benderson Development	Commercial Drive	Commercial	560,000 SF shopping center		Complete
Karuse Medical	Route 5B	Medical office	1,500 SF storage		Complete
Razzberry's	Seneca Turnpike	Restaurant	2,000 SF addition		Complete
Ski & Surf Shop	Seneca Turnpike	Commercial	Residential conversion		Complete
Car Wash	Seneca Turnpike	Commercial	8 bays		unknown
Seafood Market	Commercial Drive	Commercial	Residential conversion		unknown
Presbyterian Home	Route 5B	Residential	150 units		Complete
Preswick Glen	Route 12B	Residential	160 units	124 units	36 units to construct
Millgate Meadows	Rear of Applewood	Residential	115 units	115 units	Complete
Lowe's	Middle Settlement Road	Commercial	150,000 SF	142,500 SF	7,500 SF remaining
The Orchard	Clinton Street	Commercial	266,200 SF	246,200 SF	20,000 SF remaining
The Hartford	Route 840	Business	129,000 SF		Under construction
NHBP	Woods Highway	Business	750,000 SF		Under construction
Aspen Dental	Commercial Drive	Commercial	8,500 SF	6,400 SF	2,100 SF
Price Chopper	Commercial Drive	Commercial	17,000 SF		Complete

Projects that were proposed, however are currently either not built or the status is unknown include:

- Un-built paper lots totaling approximately 95 lots and located east of Middle Settlement Road (25 lots) and north of Seneca Turnpike and west of Woods Road (70 lots) – status is unknown
- Feketa- proposed development of two lots totaling 3,223 acres for commercial use: currently not developed
- Car Wash – 8 bays: status is unknown
- Seafood Market – residential conversion: status is unknown

2.0 Proposed Land Uses in 1991 and Today (2008)

In 1991 Route 5A and Seneca Turnpike from Route 12 to Route 5A was already developed for commercial use. General concepts were developed to support a proposed land use plan which served as the basis for the environmental review under SEQRA. The General Concepts included:

- Maintain the integrity of existing neighborhoods
- Focus high activity commercial uses in the Seneca Turnpike and Commercial Drive corridors near Sangertown Square
- Stabilize the transitional residential/commercial uses along Seneca Turnpike west of Par Technology
- Encourage low density residential uses north of Seneca Turnpike and west of Woods Road
- Provide a low density planned business zone along Woods Road; include broad site design controls for sensitive development of this area
- Formally designate open space areas, including the wetland and waterway network, to maintain environmental quality and provide visual relief.
- Support continued agricultural use of existing orchards and use agricultural zoning and related measures to support its economic viability.

Land use controls that were proposed to implement the above included:

- **Zoning revisions:** create four new zoning districts: low density residential, agriculture, planned business park, and planned highway business.
 - **Residential lot sizes** could be a minimum of between 35,000 square feet and one acre
 - **Agriculture district** would be a new district to encourage continued agriculture use and maintain open space
 - **Planned business park district** would provide for “clean” industry, office, and related uses in an attractive low density setting
 - **Planned highway business district** would manage trend of strip highway development along Seneca Turnpike west of Commercial Drive
- **Open space:** lands designated as open space included wetlands, associated buffers, and floodplains. They are not to be zoned as ‘open space’, but are regulated by agencies

that do not allow development. As such, designating these areas on the land use plan is recommended to document the intent of conserving these resources.

The FGEIS identified six land use development scenarios, including two proposed growth options, for review by the Town Planning Board in terms of impacts each could have on the existing built and natural character of the Town, and the economic consequences. The six scenarios included:

- No growth – Alternative I
- Approved projects – Alternative II
- Pending projects – Alternative III
- Build-out of existing zoning – Alternative IV
- Build-out of proposed land use plan – Alternative V
- Projected level of development of proposed land use plan (Year 2010) – Alternative VI

Table 2-1 presents a comparison of the levels of development that could occur in each scenario. The numbers represent the conditions that were present in January 1991.

Table 2-1 Comparison of Levels of Development

Scenario/Alternative	Single Family Home	Multi-family Unit	Office (SF)	Industry (SF)	Retail (SF)	Other (SF)
I. No Growth	0	0	0	0	0	0
II. Approved Projects	715	0	0	0	0	0
III. Pending Projects	735	150	0	0	227,000	14,000
IV. Build-out Existing Zoning	2,849	49	550,000	558,000	6,603,000	0
V. Build-out Proposed Land Use Plan	1,161	0	1,250,000	290,000	1,307,000	75,000
VI. Year 2010 Development Projection	595	0	625,000	145,000	699,000	--

The 1992 Findings Statement indicated that “development projects will be allowed to proceed if the minimal acceptable levels of service for public facilities are in place, and any additional improvements have been programmed.”¹ The Findings further stated, “developers will be able to negotiate financial contributions in lieu of infrastructure improvements.”²

The proposed land use plan presented in the FGEIS and summarized in the Findings Statement called for a balance of economic development, natural resource protection, and a practical minimum of public investment. The Findings indicated that the anticipated Town Master Plan would “develop comprehensive new zoning and land development regulations by 1993 that can be used to implement the proposed land use plan.”³ It indicated that transitional measures would be needed to coordinate development with incremental infrastructure improvements, while allowing appropriate development to occur (without a moratorium) before the completion of the new regulations in 1993.

To that end, the Findings Statement indicated that “...a mechanism is needed for promoting appropriate development within the Study Area, acquiring property and “banking” land not otherwise suitable for development. Coordination with existing agencies is the most promising area to explore.”⁴

¹ Statement of Findings, GEIS for Seneca Turnpike (NYS RT 5) – Commercial Drive (NYS RT 5A) – Middle Settlement Road (NYS RT 5B Cty Rt 30), February 10, 1992, p.5

² Ibid

³ Ibid, p.6

⁴ Ibid

2.1 Impacts from Development that Occurred 1992 to Today (2008)

The review of the FGEIS and Findings Statement in comparison to the development that has since occurred and the manner in which it has been allowed to develop was the crux of the Update to the FGEIS. It was determined that development did indeed occur within the Study Area with little to no regard for its collective impact to the existing infrastructure and as such, impacts to stormwater management from increased runoff due to development that covers permeable surfaces, has become a major issue within the Town. Equally concerning is the impact development has on the management of sanitary sewers. New Hartford has a combined stormwater/sanitary sewer system and as such, when stormwater overcomes pumping capacity at existing stations, the pretreatment facilities that handle sanitary sewer wastes become inundated with the combined storm and sewer flow. As a result of an increase in stormwater runoff, raw sewage discharges into the Mohawk River untreated.

Existing problem areas that were identified in the 1991 FGEIS and have been found to remain as problem areas today included:

- Stormwater drainage problems at Mud Creek drainage basin
- Transitional land uses along Seneca Turnpike
- Congestion at four highway intersections:
 - Routes 5/5A/Commercial Drive (at Jay-K Lumber)
 - Routes 5/Middle Settlement Road/5B
 - Routes 5/12/12B
 - Clinton Street/Henderson Street/New Hartford Street
 - Clinton Street/Main Street/Burrstone Road

In light of the existing and anticipated further impacts to the transportation network, the 1992 Findings recommended that a capital improvement program be prepared along with detailed design of projects that would be developed to accommodate future growth. The Update to the FGEIS has found that neither of these recommendations occurred.

The Update to the FGEIS has also found that the following recommendations presented in the February 1992 Findings Statement have not occurred:

- Creation of a land banking procedure to acquire land otherwise planned for development, for temporary or permanent open space. The areas cannot be designated as wetlands or floodplains and would be held until large enough areas are assembled for an appropriate use.
- Creation of an Economic Development Corporation for the Town to aid in implementation of the land banking as well as promote appropriate development in the Town.
- Preparation and implementation of a capital improvement program.

Impacts that are still relevant today that were identified in the 1991 FGEIS include:

- Traffic congestion
- Flooding
- Compromised Mud Creek ecological system
- Inadequate public water and sewer capacity

- Stressed community services (police, fire) from an influx of people to the area typically on weekends as a result of frequenting Sangertown Square shopping complex.
- Visual blight from unplanned development causing transitional land uses that impact surrounding natural scenic vistas

On a positive note, favorable attributes of the Study Area that remain include:

- Mud Creek and associated wetlands
- Strong regional retail base that has served as an economic stimulus
- Noteworthy historical features
- Ample developable land to support growth for the next 20 years and beyond

2.2 Specific Impacts

This section presents the specific impacts that have occurred to the Study Area as a result of the development that was proposed, pending approval, and/or approved by the Town Planning Board in 1991.

2.2.1 Sanitary and Stormwater Management

All areas within the Sewer District are served by Town owned sewer mains, which in turn drain to the Oneida County Sewer District (OCSD) owned interceptor sewers for transport to the waste water treatment plant (WWTP). A recent consent order issued by the New York State Department of Environmental Conservation (NYSDEC) to the OCSD is essentially limiting the development which can occur outside of the existing town sewer district. In order for new development to occur, and gain the approval of both consent order parties, infiltration and inflow (I/I) removal projects must be identified and undertaken to remove 5 gallons of I/I for every 1 gallon of wastewater introduced into the system.

Cumulative impacts to the sanitary sewers were expected from existing, approved, and proposed development. Indeed these impacts have occurred and are the impetus for the aforementioned consent order. The FGEIS, however, did indicate that the impacts would be best addressed on a regional basis within the Study Area and that these impacts could be mitigated by new sanitary sewer upgrades. Each new development would be responsible for a proportion of the sanitary sewer upgrades. Voluntary contributions from developers were offered as a means to mitigate impacts that proposed development would have on the sanitary sewers. These contributions (voluntary fees in lieu of mitigation) were collected and set aside in a designated account held by the Town for use in making upgrades to the sewer system. To date, some improvements have been made to the stormwater and sanitary sewer system in the Town of New Hartford, however they have not fully mitigated the problems that remain, especially during heavy rain events.

2.2.2 Transportation

Improvements to the transportation network within the Study Area has resulted in some alleviation of congestion, especially with the construction of the Judd Road Extension – Route 840). This extension has helped Route 5 west of PAR Technology and Woods Road such that capacity of these roads has not been exceeded. Additionally, a new collector street parallel to Route 5 between the town line and Woods Road has also aided in alleviating congestion associated with traffic volume on Route 5 and Woods Road. In November 2006, Woods Road

was the focus of a NYSDOT study that identified the improvements for the following intersections and roadways:

- Route 5 @ Route 5A
- Middle Settlement Road @Clinton Street
- Clinton Street @ Rt 840 East-bound ramps
- Clinton Street Extension
- Clinton Street Extension and Business Park
- Woods Highway @ Clinton Street Extension
- Woods Highway @ Route 5
- Woods Highway at Route 5/Route 5A intersection
- Woods Highway @ Business Park Driveway
- Realignment of Woods Highway to connect to Route 840

The specific details of each improvement area are presented in the Update. The FGEIS indicated that at the time no highway improvements were programmed and as such interim measures would be necessary for the Study Area. One specific item was the creation of a transportation development district (TDD) that would include major traffic generators. The purpose of the TDD would be to finance remedial improvements required by existing traffic generated by uses within the district. Determination of the necessary improvements would be assessed based on anticipated usage of area highways as a result of generated traffic from each development. The establishment of a TDD would further serve as the administrator of the mitigation costs.

While the creation of a TDD was presented and touted as a good measure to recover costs associated with necessary transportation improvements, and the Town of New Hartford proceeded with getting the necessary legislative approval to designate an area as a TDD, it never became a reality. Establishment of a TDD remains a viable alternative for funding transportation improvements necessary for mitigating impacts associated with existing and any further development.

Major generators of traffic that were identified in the FGEIS included the Oneida County Airport, Sangertown Square, and various employment centers. Further, other retail commercial establishments were noted as primary destinations of most traffic coming into the Study Area. These areas continue to be generators of traffic through New Hartford. With continued development of the Study Area consisting of commercial land use, specifically, and to a lesser degree, residential, traffic volume on area roads and highways will continue to rise.

2.2.3 Community Services

Services provided to residents in the Study Area by the municipality consist of schools, police, fire, emergency health, recreation, solid waste disposal, hazardous material control, and general town administrative services.

Schools

The FGEIS indicated that the Study Area had enough land area to accommodate another school in New Hartford if the need arose. It was determined that if full build out occurred under

existing zoning, New Hartford and Clinton school districts could experience significant increases in school-age population. To date, these school districts have not reached the need for additional schools. If this occurs, the Town of New Hartford presently has no means to collect voluntary fees in lieu of mitigation on behalf of the school districts. The 1991 FGEIS indicated that establishment of a fee schedule for purchase of land for construction of a school building ought to be an item that the Town of New Hartford should consider in their updates to the 1991 voluntary fees. Table 3-2 shows revised improvement categories along with adjusted 2008 rates; however, schools have not been identified as an applicable mitigation cost category because it is unknown whether new school facilities will be necessary as a result of further development in the Study Area. Given that the majority of the Study Area is commercial (and not residential), any increase in population within the Study Area would probably be from shoppers rather than from new families which would typically place a stress on existing school facilities.

Fire and Police Protection

The Update indicated that development would put a strain on fire, police, and emergency medical services. A fourth patrol zone serving the commercial core and major highways would be needed. Otherwise, service in the Town would be reduced. A Special Use District was an option that the Town of New Hartford could have adopted for funding additional resources, however it was not created. One of the improvement categories identified in the FILM schedule of the Findings Statement was police protection. Fire protection services would be impacted in the commercial areas further placing a strain on existing equipment. Three districts serve the Study Area (Village of New Hartford Fire Department; New York Mills Fire Department; and Willowvale Fire Department). The need for a fire station in the Study Area was considered and it was indicated that the Route 5/Route 12 interchange was an area of most concern. This category, however, did not spell out what particular items the voluntary fees could be used for. The Update suggests the following items for which the voluntary fees under the police protection category can be used, based upon a review of other programs where enabling legislation facilitates the collection and distribution of voluntary fees:

- Police facilities (building structures)
- Police officer uniforms
- Fire facilities
- Fire vehicles
- Firefighting protective clothing

Predicted Growth

The FGEIS projected the following growth would occur from 1992 through 2010 in the Study Area:

Table 2-2 Projected Growth from 1992 through 2010 (from 1991 FGEIS)

Land Use Type	Projected Growth
Retail	31.7%
Business (office & light industrial)	24.7%
Industrial	36.4%
Residential	33.6%

Average annual retail growth was predicted to be approximately 37,000 SF over an 11 - year period from 1980-1991. Estimated future capacity was anticipated at 1,315,221 SF. Average annual retail growth from 1980 through 1991 was 36,779 SF. Presently, there is approximately 9.6 million SF available for commercial development and 414,000 SF for industrial development within the Town of New Hartford's portion of the Study Area. These estimates were determined from the total square footage of commercial development Study Area-wide.

Growth projections for office and light industry were forecasted at 52% during 1992 and 2010. Beyond 2010 it was predicted growth would occur at just over 48%. As of 2008, the number of building permits that were sought for commercial development was 170. Permits for mobile homes totaled 342 and 85 permits were sought for single dwelling residential. Collectively, mobile home development outweighed new development in the Study Area as determined from building permit information.

Industrial growth projections were based on an assumption that 50% of future capacity (299,836 SF) may be developed for industrial use during the period from 1992-1999 and the balance during 2000-2010. This would leave no space available after 2010.

Single-family residential dwelling projections were based on an overall projection of New Hartford's population to decline from 1991-1995, however job growth in retail and business development would spur a demand for housing and as such, it was assumed that 50% will locate in the Study Area:

As of 2008, population in New Hartford has seen a gradual decline over the period from 1990 to 2006 (of approximately 1%). Population in New Hartford was 21,640 in 1990, and 21,157 in 2006, for an overall decline of 483 persons. Conversely, households during the period 1990 to 2000 rose from 8,460 to 8,601, respectively. This is an indication of people relocating to presumed new houses within the Town, rather than an influx of new resident population.

A recent determination of developable land based on GIS data indicates that within the Study Area there is 18, 550, 211 SF, or enough available land for 1,119 units. With respect to commercial and industrial, it was determined there is just under 10 million SF combined available space for this type of development. Collectively, there is approximately 28.6 million SF of vacant and agricultural land available for development in the Study Area.

Natural Environmental Systems

The Update found that stormwater could be managed within the Study Area through a creative use of existing wetlands. It would provide a more cost-effective mechanism than the creation of on-site retention basins. The Update found that mitigation measures presented in the FGEIS still apply today:

- Establish a basin-wide ecological system by incorporating Mud Creek and its tributaries into a wildlife/riparian zone network such that the aquatic ecosystem maintains its viability and is linked to the forest and wetland areas within the basin.
- Assess the ecological functions of existing and potential wetland areas at development sites such that development and subsequent implementation of a wetland management plan for Mud Creek can be established.
- As part of maintaining a town-wide open space system, land owners and developers should be encouraged to identify the location of remnant climax forest areas.
- Promote adoption of low-herbicide and low-pesticide landscape maintenance practices among the residents of the Mud Creek watershed. Encourage native plantings rather than high-maintenance ornamental landscaping whenever appropriate.

With respect to the existing terrain and geologic conditions, the Update found that the following continues to pertain to the Study Area for any future development:

- Require erosion control plans for simultaneous review during the subdivision and site plan review process.
- Prohibit the development, or removal of existing ground cover, below the top of any slope found to be potentially unstable.
- Require all collected storm or foundation drainage be directed to the bottom of all slopes and adequately designed and sized structures. In most cases ditches or swales should be lined with crushed stones, riprap and/or erosion control fabrics.
- Insure site development promotes positive drainage to prevent the impoundment or ponding of stormwater runoff. If recharge basins are found to be required for a specific site, a detailed analysis of groundwater from such structures as well as any impacts on adjacent slopes will be required.

2.3 Impacts Mitigated

The Update to the FGEIS indicated that the following impacts have been mitigated:

Transportation

- NY State Route 840 (Judd Road Connector/New York Mills Bypass) at Route 5A/Middle Settlement Road/Clinton Street/Halsey Road has been constructed and a study to extend the corridor to Woods Highway was prepared in November 2006. The intent of the extension is to further alleviate the existing traffic congestion that occurs in the Route 5A/ Middle Settlement Road/Clinton Street area where commercial development

continues and currently consists of Lowes Home Improvement Center and a mixed use development (commercial, office, manufacturing, single family homes, and hotel space) that is presently under construction.

- A portion of Commercial Drive (State Route 5A) between K-Mart Plaza and Seneca Turnpike was reconstructed this past summer by the NYSDOT to improve approximately one mile of the roadway in terms of traffic congestion by making signal improvements, widening the existing roadway, and improving existing drainage systems.
- Geometry upgrades to the intersection of Burrstone Road/Main Street/Clinton Street have since been made in efforts to bring this intersection up to an acceptable level of service.

In the fall of 2007 the NYSDOT announced that the Jay-K intersection would undergo reconstruction that may involve widening of roads to ease traffic congestion. A study is currently underway (February 2008) to assess possible options for improving the Commercial Drive and Seneca Turnpike intersection. If approved, an approximate \$2 million may be spent to improve traffic flow. This particular part of the Study Area has seen significant growth with the addition of Consumer Square and The Orchard. In addition, the Town plans to extend Woods Highway from Seneca Turnpike to State Route 840 for the currently developing new business park. The highway would undergo upgrades to make it capable of serving an anticipated increase in travel from the full build-out of the business park. The business park is the subject of a separate Supplemental GEIS that is currently undergoing preparation.

2.4 Future Mitigation Measures

Mitigation measures identified in the FGEIS that remain relevant today include:

- Requirement of each development proposal to be reviewed for conformance with the findings and recommendations of the FGEIS to determine whether adverse impacts will occur from each development;
- Potential need for a site-specific review of a development proposal to determine environmental impacts from the proposed land use and site design to be employed;
- Avoidance of impacts to water quality, aquatic habitat, and wetland integrity of areas within the Mud Creek watershed;
- Implementation of voluntary fees in lieu of mitigation to help in payment of infrastructure improvements warranted as a result of proposed development;⁵ and
- Implementation of policy changes, specifically to measure and address impacts to town services
- Future development within the Study Area has the potential of individually and cumulatively impacting the existing natural and built environment. However, continued development presents beneficial economic opportunities to landowners, businesses, employees, and consumers.
- Cumulative impacts of future development consist of potentially adverse effects upon the existing infrastructure. Most, if not all, of these impacts can be mitigated with specific capital improvements identified in the FGEIS. This will require voluntary fees to be

⁵ The 1991 FGEIS explored a variety of funding mechanisms including fees in lieu of mitigation, special use districts (i.e. local share), development excise tax, and negotiated developer contributions.

assessed for each specific applicant's share of a particular improvement, held in a dedicated fund by the town, and used to implement the capital improvement program adopted by the town.

- Continued development will also place additional demand on general municipal services; some can be mitigated with policy measures, however, others, typically the operating cost component of municipal services, are unavoidable. The increased revenue from property taxes is projected to offset these potential impacts.
- Many of the parcels within the Study Area have potential site specific environmental impacts that were not fully identified during the GEIS process. Because of this, a planning data base was established for all of the parcels within the Study Area, and site specific concerns were identified for resolution during the development review process of proposed projects.

2.4.1 Transportation Mitigation Measures

Traffic impacts that are anticipated from future development were addressed in a November 2006 traffic study titled "Middle Settlement Road/Woods Highway/Route 840 Connector Link Study". This report addressed existing and anticipated development in the Study Area and identified the following impacts and mitigation measures:

- Continued development in the area of the existing new Lowes Home Improvement Center and associated development will require highway improvements on Middle Settlement Road (entranceways to plaza) and improvements to the signal equipment at Route 5/Middle Settlement Road intersection.
- Development of a business park in the area of Woods Highway is expected to have a large impact on surrounding roadways. Traffic generated is expected to result in unacceptable LOS at the intersections of Woods Highway/Route 5 and at Woods Highway/Clark Mills Road intersection. Mitigation measures include creation of an at-grade connection from Woods Highway to Route 840; dedicated turn lanes and a signalized entranceway to the business park; and additional turn lanes on Woods Highway and Route 5.

While there have been no subsequent studies prepared to address other potential impacts, i.e. stormwater and wetlands, air quality, visual blight, etc. associated with continued development in the Study Area, it can be relatively certain that the impacts addressed in the Update and this Summary will be similar to those that can be expected with continued development of the Study Area by projects not yet identified. It therefore is in the best interest of the Town to institute a scheduled review and update to the Updated GEIS such that any new or proposed development can be properly assessed and mitigation costs can continue to be reflective of current dollars and anticipated impact categories.

3.0 Voluntary Fees in Lieu of Mitigation (FILM)

Many of the cumulative impacts upon existing infrastructure can be mitigated with specific capital improvements that were identified in the FGEIS and Update. This remains a viable option today for mitigating cumulative impacts on the infrastructure that have since resulted and will continue to exacerbate in the Study Area with future development. Although the Town has not prepared a capital improvement plan, collection of FILM has occurred according to the

mitigation cost schedules that were presented in the FGEIS. These voluntary fees have been kept in a separate account and used according to the various categories for which they were collected. To date, the voluntary fees have been used by the Police and Highway departments and some for improvements to sanitary and stormwater management.

The rates were generated based on determining the total developable land available in the Study Area for residential, commercial, and industrial. Order of magnitude costs were calculated for stormwater, sanitary, and highway improvements (including sidewalks) as delineated in the FGEIS and Update. For sanitary/stormwater improvements, the 1994 rates were based on 1,800 SF of permeable space consumed by the unit. All other improvement categories in Table 3-1 are charged according to the unit presented in the FGEIS.

3.1 Updated Mitigation Cost Categories

The establishment of updated mitigation cost categories and voluntary fees is based upon a review of the existing concerns within the Town of New Hartford, i.e. traffic congestion, stormwater/sanitary sewer capacity, that have occurred from past development in the Study Area, the necessary improvements to remedy further impacts to the infrastructure, and a review of mitigation costs that are applied in other communities where enabling legislation provides the vehicle for municipalities to offer developers the option of voluntarily contributing fees in lieu of mitigation. Collectively, this review has resulted in a revised set of mitigation cost categories along with a methodology for calculating the voluntary fee for residential and commercial/industrial development. Additionally, apportionment of the voluntary fees was calculated and is discussed further in section 3.1.1.1. Table 3-4 presents the updated improvement categories for which voluntary fees in lieu of mitigation can be applied to residential and commercial/industrial development as an option to developers for mitigating anticipated impacts as a result of proposed development.

3.1.1 Calculation of Voluntary Fees

In determining the rates per development type, two categories were established: residential and commercial. Each of these categories were then further divided among the improvements identified as necessary for mitigating anticipated impacts from future development of the Study Area. The voluntary fee rates for each land use category was determined from calculating the available land mass for residential and commercial development as dictated by current zoning (see Table 3-1). Through a GIS analysis, the total square footage for residential and commercial was determined from which the total number of residential units was then calculated (based on existing zoning districts and corresponding minimum lot sizes) and commercial space (square footage) was calculated based also on existing zoning districts (including industrial).

This information was then used to determine the apportionment of fees for each of the two land use categories. Table 3-2 presents the apportioned costs that were determined and subsequently used for calculating the voluntary fees.

Table 3-1 – Existing Developable Land in the Study Area

Commercial Drive Area				
Minimum				
Zoning District	Area (Sq.ft.)	Lot Size (Sq.ft.)	Residential Units	
LDR	15,022,112	18,000	835	
MDR	3,157,861	15,000	211	
HDR		10,000	0	
PDMH	370,238	5,000	74	
			Total Residential Units	
			1,119	
Zoning District	Area (Sq.ft.)	Maximum Building Coverage (%)	Commercial Space (Sq.ft.)	
RB1	1,995,096	50	997,548	
RB2		50	0	
RB3	3,851,705	30	1,155,511	
PHB	1,173,515	50	586,757	
PDMU	4,411,743	50	2,205,871	
PDP	9,378,889	50	4,689,445	
			Total Commercial Space (Sq.ft.)	
			9,635,133	
Zoning District	Area (Sq.ft.)	Maximum Building Coverage (%)	Industrial Space (Sq.ft.)	
M	828,922	50	414,461	
			Total Industrial Space (Sq.ft.)	
			414,461	

Table 3-2 Summary of Apportioned Costs for Calculating Voluntary Fees

Mitigation Category	Total Project Costs	Residential Share (total dollars and %)	Commercial Share (total dollars and %)
Highway	\$42,279,479	\$1,268,384 (3%)	\$41,011,094 (97%)
Domestic Water	\$2,997,853	\$929,334 (31%)	\$2,068,518 (69%)
Sanitary	\$4,087,005	\$1,266,971 (31%)	\$2,820,033 (69%)
Stormwater	\$7,125,000	\$2,208,750 (31%)	\$4,916,250 (69%)
Safety	\$50,956	\$1,528 (3%)	\$49,427 (97%)

The improvement categories that were identified as still applicable to mitigating impacts to the Study Area from future development are listed below. Along with each category, the basis for establishment of the voluntary fee per residential and commercial land use is also presented. For purposes of this analysis, commercial and industrial uses are combined and regarded as commercial. The decision to combine industrial with commercial is based on the Town of New Hartford's mitigation fee schedule updated in 1994 that indicates highway and stormwater management improvement categories are divided into residential and commercial share.

Highway: based on the number of trips each land use type is expected to generate (from residential or commercial) divided by the total trips that can be expected from full build out of the Study Area (as residential and commercial combined). The assumption is each residential unit will generate 9.55 trips per day and each 1,000 square feet of commercial space will generate 42.92 trips per day⁶. Total trips that can be generated based on full build out is equal to total commercial (43 x 10,049SF = 432,107 trips per 1,000 SF) plus total residential (10 x 1,119 units = 11,190 trips per unit). Total trips that can be generated in the Study Area = 443,297. Apportionment of total highway costs is as follows:

$$432,107/443,297 = 97\% \text{ of total costs attributed to commercial development}$$

$$11,190/443,297 = 3\% \text{ of total costs attributed to residential development}$$

$$97\% \text{ of } \$42,279,479 = \$41,011,094 \text{ (commercial share)}$$

$$3\% \text{ of } \$42,279,479 = \$1,268,384 \text{ (residential share)}$$

Domestic Water/Sanitary/Storm: based on flow demand: residential is per bedroom; commercial is per square footage. Total combined (residential and commercial) flow demand (in gallons per day {gpd}) is then divided by each land use type total flow demand rate (residential or commercial) to determine percentage of total improvement cost to be allocated toward residential and commercial.

A flow demand of 400 gallons per day was established as the basis for determination of the apportionment of voluntary fees for residential development. This is based upon a flow demand of 400 gpd which is the rate for a three bedroom home, typical of what currently exists in the Study Area and what is anticipated as future construction. The commercial calculation was based upon a flow demand of 0.1 gpd per square foot.

The following table summarizes the breakdown for domestic water, sanitary sewer and storm water:

Table 3-3–Flow Demand Basis for Establishment of Fee Schedule

Land Use Type	Quantity Developable	Flow Demand	Total Flow Demand (gpd)/ Combined total	Apportionment
Residential	1,119 units (18,550,211 SF)	400 gpd	447,600 / 1,452,559	31%
Commercial	10,049,594 SF	0.1 gpd/SF	1,004,959 / 1,452,559	69%

⁶ Institute of Transportation Engineers, Trip Generation Manual, 7th Edition

Domestic Water:

Total costs for improvements to mitigate impacts is: \$2,997,853

69% of \$2,997,853 = \$2,068,518 (commercial share)

31% of \$2,997,853 = \$929,334 (residential share)

Sanitary Sewer:

Total costs for improvements to mitigate impacts is: \$4,087,005

69% of \$4,087,005 = \$2,820,033 (commercial share)

31% of \$4,087,005 = \$1,266,971 (residential share)

Stormwater:

Total costs for improvements to mitigate impacts is \$7,125,000

69% of \$7,125,000 = \$4,916,250 (commercial share)

31% of \$7,125,000 = \$2,208,750 (residential share)

Police/Fire/EMT: same as highway, based on the number of trips that a residential and/or commercial development can be expected to generate as established by the Institute of Transportation Engineers (ITE).

Total cost for safety = \$50,956

Total trips generated by commercial development = 42.92 trips per 1,000 SF (43 trips)

Total trips generated by residential development = 9.55 trips per unit (10 trips)

Total combined trips that can be generated from full build out as commercial and residential = 443,297. Cost are apportioned as follows:

$432,107/443,297 = 97\%$ of total costs can be attributed to commercial development

$11,190/443,297 = 3\%$ of total costs can be attributed to residential development

Total cost of improvements = \$50,956

97% of \$50,956 = \$49,427 (commercial share)

3% of \$50,956 = \$1,528 (residential share)

3.1.1.1 Additional Mitigation Projects in the Study Area

In addition to projects identified by the 1991 FGEIS, the Table 3-4 summarizes new projects recommended, which consist of transportation and stormwater improvements. Table 3-5

presents a summary of existing and proposed FILM. The following clarifying points are to be noted in reviewing Table 3-5:

- Proposed new fee schedule reflects the local share portion of the “Amount Remaining” column. The local share percentage of total project cost per improvement category was established in the 1991 FGEIS as follows:

Highway:	10%
Potable water:	100%
Sanitary:	25%
Storm:	86%
Safety:	100%

- The highway category includes \$19,850,000 as ‘new costs’ for sidewalks throughout the Study Area where they currently do not exist.
- The remaining costs in the highway category reflects a reduction of \$2 million for the potential NYSDOT-funded improvement of Commercial Drive/Seneca Turnpike intersection (study presently underway, February 2008).
- The residential unit rate reflects a home that occupies a building footprint of 1,800 SF.
- The “Costs of Projects Yet to be Completed” column reflects rates that have been inflated to 2007 dollars.
- For the “GEIS and Unassigned” mitigation category, the dollars have NOT been inflated as they represent money already spent.

Table 3-4 –New Transportation & Stormwater Projects

Location	Improvement	Unit	# of Units	Unit Cost	Total	Local Share*
NY5A - Intersection with Commercial Dr. to the Northeast	Sidewalks - Both Sides	Linear Feet	4,000	\$ 500	\$ 2,000,000	\$200,000
Seneca Turnpike from west boundary to Wood Road	Sidewalks - Both Sides	Linear Feet	9,500	\$ 500	\$ 4,750,000	\$475,000
Seneca Turnpike from Wood Road to Middle Settlement	Sidewalks - Both Sides	Linear Feet	2,000	\$ 500	\$ 1,000,000	\$100,000
Seneca Turnpike from Middle Settlement 3500 feet east	Sidewalks - Both Sides	Linear Feet	3,500	\$ 500	\$ 1,750,000	\$175,000
Middle Settlement from south boundary to Seneca Turnpike	Sidewalks - Both Sides	Linear Feet	6,700	\$ 500	\$ 3,350,000	\$335,000
Wood Road from north boundary to Seneca Turnpike	New Road Section with lighting, drainage, curb, sidewalk	Linear Feet	5,300	\$ 1,640	\$ 8,692,000	\$869,200
Middle Settlement Road from Seneca Turnpike to Clinton Street	New Road Section with lighting, drainage, curb, sidewalk	Linear Feet	3,400	\$ 1,640	\$ 5,576,000	\$557,600
Clinton Street Extension	New Road Section with lighting, drainage, curb, sidewalk	Linear Feet	4,600	\$ 1,640	\$ 7,544,000	\$754,400
Connect Woods Highway to Rt 840	New Road Section with lighting, drainage, curb, sidewalk	Linear Feet	700	\$ 1,640	\$ 1,148,000	\$114,800
Intersection of Clinton and Rt. 840	at eastbound ramp, add 3 lanes	Each	1	\$ 300,000	\$ 300,000	\$30,000

Location	Improvement	Unit	# of Units	Unit Cost	Total	Local Share*
Intersection of Woods Highway and proposed Clinton Street Extension	Lighted intersection and turn lane	Each	1	\$ 300,000	\$ 300,000	\$30,000
Intersection of Woods Highway and proposed business park driveway	Lighted intersection and one turn lane	Each	1	\$ 300,000	\$ 300,000	\$30,000
Intersection of Seneca Turnpike and Woods Highway	Lighted intersection and 2 turn lanes	Each	1	\$ 400,000	\$ 400,000	\$40,000
Intersection of Seneca Turnpike and Middle Settlement Road	Roundabout	Each	1	\$ 2,000,000	\$ 2,000,000	\$200,000
Intersection of Seneca Turnpike and NY5A	Add Southbound left turn lane	Each	1	\$100,000	\$100,000	\$10,000
Intersection of Middle Settlement Road and Clinton Street	Redo intersection with additional turn lanes	Each	1	\$700,000	\$700,000	\$70,000
Intersection of Rt 840 and Clark Mills Road	Lighted intersection with 4 turn lanes	Each	1	\$600,000	\$600,000	\$60,000
NY5A between Seneca Turnpike and Clinton Street	Storm retention ponds (large)	Each	5	\$500,000	\$2,500,000	\$2,150,000
Total: \$43,010,000						\$6,201,000

*Local share amount is 10% of total cost for highway improvements and 86% of total cost for storm retention ponds. This rate was established in the 1991 FGEIS and is carried forward to this Update. Local share total for all new projects listed in this table is \$6,201,000

Table 3-5 – Summary of Existing and Proposed Voluntary FILM

	New Costs		Cost of projects yet to be completed*		Fees in Lieu Collected to 6/30/2006		Amount Remaining		1994 Fees		Existing Fees Inflated		Proposed New Fee Schedule		Land Use		Proposed Rate Measure	
Highway	\$38,510,000		\$3,951,990	\$182,511	\$42,279,479	\$0.35	\$0.39	\$0.05	Commercial	Per foot ²								
					Local share = \$4,227,947	\$0.09/1800 SF	\$0.14	\$113	Residential	Per unit								
GEIS and unassigned			\$3,000,000	\$370,449	\$2,629,551	\$0.50	\$0.50	\$0.50	Residential & Commercial	Per foot ²								
						\$0.48/SF	\$0.73	\$288	Commercial	Per foot ²								
Potable Water			\$3,327,750	\$329,897	\$2,997,853				Residential	Per unit								
						\$0.15/SF	\$0.23	\$0.07	Commercial	Per foot ²								
Sanitary			\$4,184,550	\$97,545	\$4,087,005				Residential	Per unit								
					Local share = \$1,021,751	\$1.64	\$2.50	\$0.42	Commercial	Per foot ²								
Storm	\$2,500,000		\$5,661,000	\$1,036,000	\$7,125,000	\$0.46/SF	\$0.70	\$1,697	Residential	Per unit								
					Local share = \$6,127,500	\$0.38	\$0.58	--	Other	Per foot ²								
Safety			\$61,200	\$10,244	\$50,956	\$0.01	\$0.01	\$0.005	Commercial	Per 1,000 foot ²								
							\$0.01	\$1.37	Residential	Per unit								

4.0 Conclusions and Recommendations

Among the purposes of the Update to the 1991 FGEIS was to review the voluntary fee categories as they related to existing and forecasted future impacts to the Study Area from continued development. Another purpose was to update the voluntary fee amounts to reflect current dollars. An overall goal of the Update was to review the impacts that have occurred to date in the Study Area as a result of development and to assess the effectiveness of the option of voluntary fees in lieu of mitigation along with providing suggested revisions to the improvement categories to best reflect the impacts and mitigative measures necessary today (2008) for ongoing and further anticipated impacts.

The Town of New Hartford needs to make a decision whether to use inflated 1994 rates (and associated categories) for continued implementation of voluntary fees in lieu of mitigation, or, to adopt and implement the suggested updated categories and rates shown in Table 3-5 for future development of the Study Area.

In making this determination, a few items need to be kept in mind:

- The new/updated highway improvement voluntary fee rates are based on trip generation rates that can typically be expected from residential and commercial development rather than specific and actual trip generation rates from the Study Area. The 1991 FGEIS presented trip generation rates that were reflective of a traffic analysis study consisting of 16 separate traffic counts conducted over a four day period. The updated rates are not a reflection of actual traffic counts in the Study Area
- The improvement categories that were presented in the 1994 FGEIS and subsequently implemented were relatively broad categories, allowing the Town to administer voluntary fees collected for anticipated and unanticipated mitigative measures, within each category. It is recommended that a similar approach in adopting and utilizing voluntary fees be continued with the new improvement categories. Research of other municipalities that have enabling legislation to facilitate voluntary contribution of fees in lieu of mitigation typically use 5 – 6 broad categories for voluntary fee collection. This seems to afford the towns more leverage when determining allowable uses of the voluntary fees. That is not to say, however, that this can take the place of preparing a capital improvement plan. Development of a capital improvements plan is of utmost importance and will better facilitate dissemination of the collected voluntary fees. A Town-wide plan could apportion capital improvements within and outside of the three GEIS study areas and establish additional projects subject to FILM.
- The GEIS and FILM schedule should be revisited regularly and appropriately updated.
- An overall recommendation is for the Town to give consideration to conducting a traffic analysis to gain real-time information about current traffic conditions, trip generation rates, and determination of level of service for some of the local roadways.

4.1 Guidelines for Determining Projects' Eligibility

It is generally acknowledged that the FILM are designated for capital costs. These include construction but not maintenance or the staff to operate them. Therefore, expenditures to build a road, sidewalk or trail is a traditional and generally accepted use of fees, the cost associated with equipment to maintain them is generally not an accepted use of the fees.

Many impacts of development can be anticipated but some are not. Application of FILM to emergency or unanticipated impacts that occur may be an appropriate use of the FILM, particularly where damage to property may be abated or prevented.

Land acquisition in the public interest may be an appropriate expenditure of fees, particularly for future wetland mitigation, trails, and roads; however, there is no mechanism under the law for FILM to be used for purchase of land for schools as school districts (outside of the state's major cities) are separate taxing jurisdictions and would presumably have to issue their own positive declarations, perform their own GEIS studies and develop their own fee schedules.

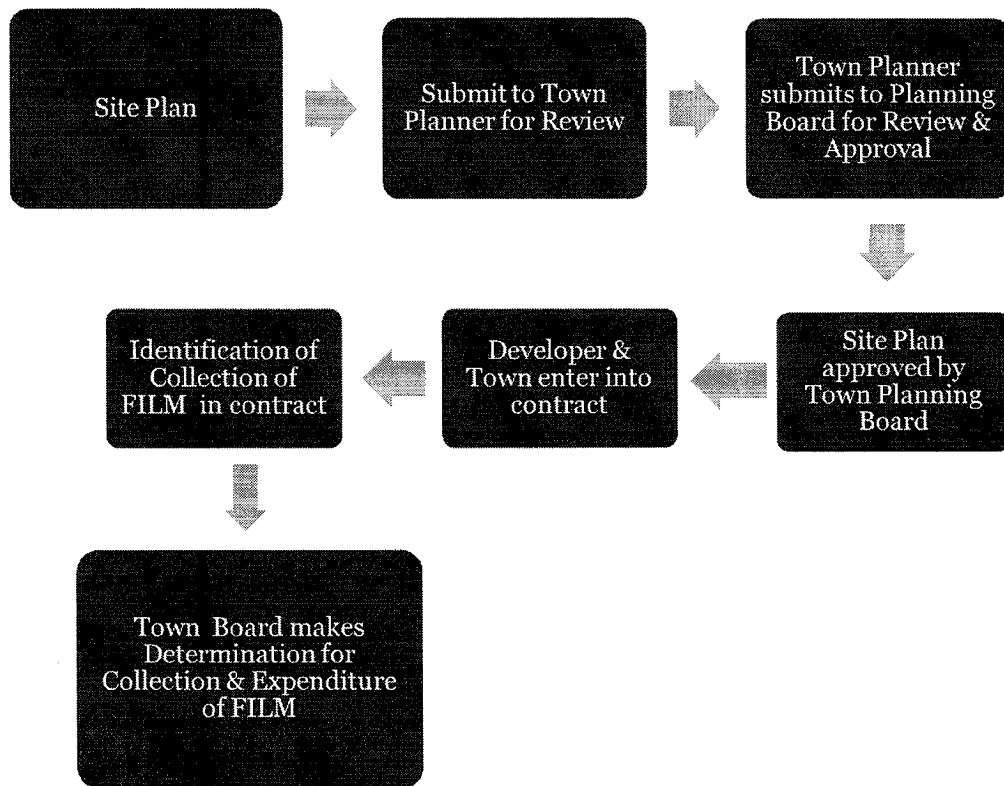
A capital improvement plan updated annually will be most helpful in establishing projects eligible for fees and determining the apportionment of FILM, funding projects that are appropriate, and providing transparency to the residents and taxpayers in the Town of New Hartford, as well as developers, that a fair, predictable and reasonable standard is applied in the expenditure and apportionment of fees.

4.2 Procedure for FILM Implementation

4.2.1 Existing Procedure

Under its current arrangement, the collection of voluntary fees in lieu of mitigation (FILM) within the two Generic Environmental Impact Statement (GEIS) areas is done through the development approvals process. In these areas, upon site plan approval, the developer and the Town of New Hartford enter into a contract. The contract stipulates the voluntary contribution of FILM, if any, from the developer. Expenditure of the fees lies within the authority of the Town Board. The flow chart on the following page portrays the current process for collection of FILM:

Existing Procedure



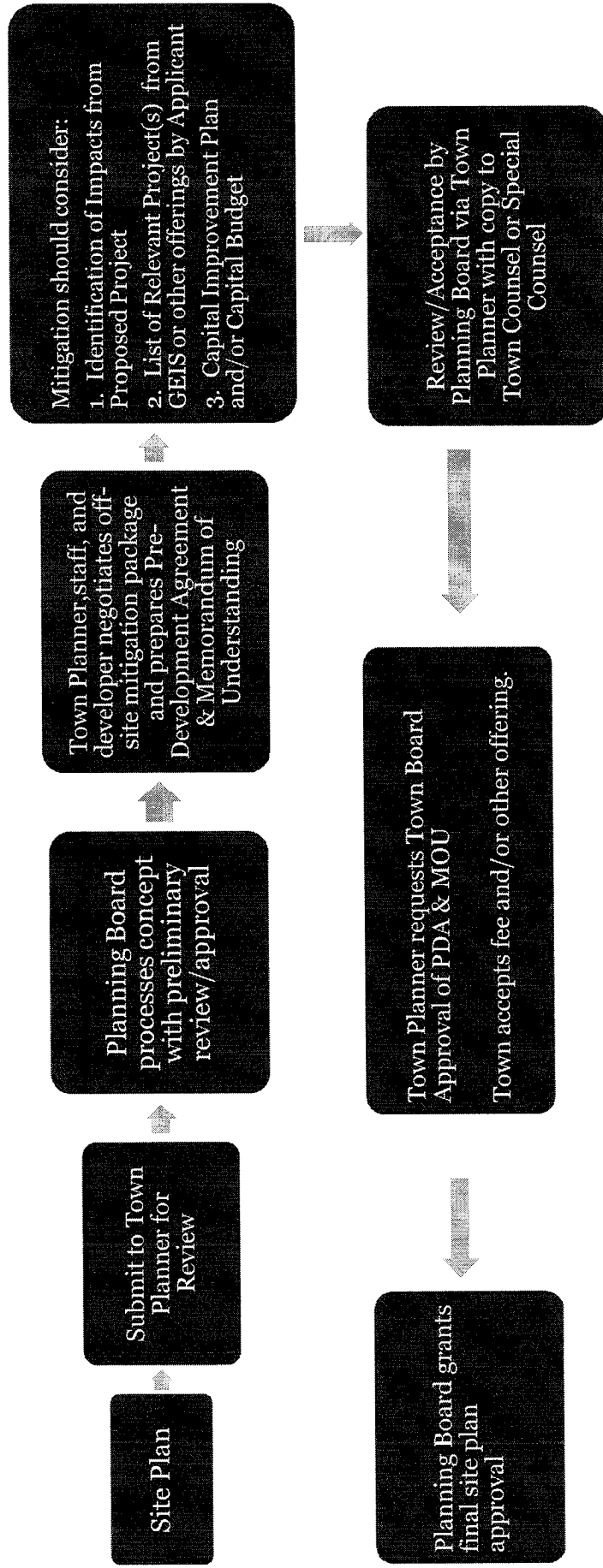
4.2.2 Future FILM Collection and Expenditure Procedure

Future FILM Collection and Expenditure Procedure

The Town of New Hartford has demonstrated through its GEIS updates that it is appropriate for the Town to continue to collect the voluntary FILM to mitigate the cumulative impacts of development. The Town wants to ensure its expenditure of the fees it has collected is transparent and rational. The most rational vehicle for the expenditure of the fees is a capital improvement plan or an established capital budget. A collection and expenditure process should follow a process such as the one outlined below and graphically depicted in the flow chart on the following page.

- A **capital improvement plan** identifying projects that will serve as mitigative measures for anticipated impacts as a result of development should be prepared by the Town. This plan will serve as a guide for how FILM is expended along with a prioritization of projects. In the absence of a capital improvement plan, the Town **capital budget** could serve as the mechanism for identifying and prioritizing improvement projects.
- The Town should prepare an **implementation matrix** that lists known or anticipated projects as a result of expected impacts of development. This matrix will simplify the process of identifying and prioritizing projects along with dissemination of FILM.
- Developer submits a **site plan** to the **Town Planner** for review. If the site plan meets Town Planner satisfaction, Town Planner then submits it to the Town Planning Board for approval.
- Town Planner, staff, and developer negotiate off-site mitigation package and prepare a **Pre-Development Agreement (PDA) and Memorandum of Understanding (MOU)**. The mitigation package should include an identification of impacts from the proposed project (where, if able), a list of relevant project (s) from the GEIS, or a capital improvement plan and/or capital budget.
- The **Town Planning Board and Town Planner reviews for acceptance** the mitigation package and identification of impacts; it is then **presented to counsel for review**.
- If the package **meets counsel approval**, it is submitted to **Town Board for approval** and then to **Town Planning Board for final site plan approval**.

Recommended Procedure for Processing FILM for Development



Future Use of FILM

This Update Summary presents those impacts that either still exist within the Study Area, and/or can be expected to occur as a result of continued development in the Study Area. This Update serves as the identification of improvements (or projects) that may be needed to support continued development. Effort has been made to address all anticipated impacts that may occur both within and outside of the Study Area. However, the need for projects as development continues may arise from time to time that may not currently be identified in this Update and thus, the following procedure is provided to facilitate utilization of the FILM for projects that may or may not be identified in this Update and may or may not be within the GEIS Study Area, however have displayed a connection to the GEIS Study Area via impacts either from or to the GEIS Study Area.

1. Town Planner or Superintendent of Highway **identifies project from GEIS and/or Town-prepared CIP or capital budget**
2. **Concurrence from Town Comptroller** that project is eligible to be funded through FILM, that the GEIS statement area is contributing to or being impacted by the issues, and therefore project can be in or outside GEIS Statement area
3. **Prepare resolution** for Town Board regarding project
4. **Prepare resolution for Town Board transferring funds** from segregated account into operating budget
5. **Town constructs improvement**

