

RECEIVED

APR 15 2024

BY:

Initial:

Petition to Amend the Zoning Map of the Town of Franklinville, New York

TO: Franklinville Town Board

Pursuant to New York Town Law § 265 and Town of Franklinville Zoning Law § 15.1, the undersigned, as Project Attorney, duly authorized by Authorization at Exhibit 1, annexed hereto, by Schwab Land Holdings, LLC, as owner of the real property, and Great Lakes Cheese Company, Inc., as authorized entity to seek this Amendment, hereby requests that the Zoning Map of the Town of Franklinville be amended as follows:

1. Location of Real Property to be Rezoned

41.75± acres of Vacant Land on Pine Street in the Town of Franklinville, bearing SBL 40.003-2-2.11, as shown on the Cattaraugus County GIS Map and Property Information, annexed hereto as Exhibit 2 and as shown on the Town of Franklinville Zoning Map annexed hereto as Exhibit 3. The legal description of the Property is annexed hereto as Exhibit 4.

2. Owner / Petitioner / Applicant

Schwab Land Holdings, LLC
10090 Pigeon Hill Road
Delevan, New York 14042

3. Project Attorney

Peter J. Sorgi, Esq.
Hopkins Sorgi & McCarthy PLLC
726 Main Street, Suite B
East Aurora, New York 14052

4. Project Engineer

Christopher Wood, PE
Carmina Wood Design
487 Main Street, Suite 500
Buffalo, New York 14203

Any reference to Kingsbury Hill Road is hereby amended to Pine Street.
(Pine Street becomes Kingsbury Hill Road, but frontage of Project Site is on Pine Street.)

5. Current Zoning Classification of Property

Agricultural - Residential A R

6. Proposed Zoning Classification of Property

Industrial – I

7. Proposed Use of Property / Project Description

Schwab Land Holdings, LLC, the property owner, is seeking to rezone approximately 41.75 acres from Agricultural - Residential A R to Industrial (I). Approximately 11.5 acres will be utilized as a Heavy Equipment Storage and Service Facility and the remaining approximately 30.25 acres will continue to be farmed but it is anticipated that in the future, some of the approximately 30.25 acres will be used for an industrial or manufacturing use. The Property is contiguous to the Great Lakes Cheese Facility and this Property is ideal for the anticipated businesses that will be developed as a result of the Great Lakes Cheese Facility. Schwab Land Holdings, LLC has been working with Corey Wiktor, Cattaraugus County Industrial Development Agency Executive Director, and Mr. Wiktor has a potential industrial or manufacturing user for approximately five acres of the Property. The potential industrial or manufacturing user would be located to Cattaraugus County from outside of Western New York and good jobs will be one of many positive results from this potential project.

T.L. Schwab Transport, LLC is proposing the construction of an approximately 52,000 square feet building with parking areas and related site infrastructure on approximately 11.5 acres of an approximately 41.75 acres site which is zoned Agricultural-Residential (AR). The proposed use is a Heavy Equipment Storage and Service Facility which is allowed in the AR Zoning District with a Special Use Permit from the Town of Franklinville Zoning Board of Appeals.

T.L. Schwab Transport, LLC's Project Site will be utilized for the storage and service of trucks and trailers used to haul goods and materials. The primary access will be through an easement to the Great Lakes Cheese Facility which is located directly to the North of the Project Site with access onto NYS Route 16 through the southernmost driveway onto the Great Lakes Cheese Site. Much of the goods and materials being hauled will be to and from Great Lakes Cheese. The Project Site has a secondary access onto Kingsbury

Hill Road which will be used primarily for employee and visitor access in their personal vehicles. There is also access from Fay Street via Pine Street which will be used sparingly for employee and visitor access in their personal vehicles.

The Conceptual Site Plan is annexed hereto as Exhibit 5. Proper screening and buffering from residential properties for the currently proposed T.L. Schwab Transport LLC project and any future projects will occur and require Site Plan Approval from the Franklinville Town Board and approvals from other government entities.

8. Justification for the Rezoning

The Legal Criteria for a Rezoning is set forth in New York Town Law § 272-a(11)(a) which states that "All land use regulations must be in accordance with a comprehensive plan adopted pursuant to the section."

The Town of Franklinville has an adopted comprehensive plan which is entitled "Town and Village of Franklinville Comprehensive Plan" dated February 2000 ("Comprehensive Plan"). Pursuant to New York Town Law § 272-a(2)(a), the purpose of the Comprehensive Plan is to "identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town." Page 3 of the Comprehensive Plan elaborates on this purpose as follows: "These directives clearly portray the comprehensive plan as the central document on which all land use decisions should be based." Accordingly, the Comprehensive Plan identifies numerous goals that are clearly met by this Project.

Great Lakes Cheese Project

The Franklinville Town Board agreed to rezone the portion of the Great Lakes Cheese Project in the Town of Franklinville and granted Site Plan Approval and the Town of Franklinville Zoning Board of Appeals granted necessary area variances for the Project.

The magnitude of the Great Lakes Cheese Project, which of is a 486,000 square foot cheese manufacturing and packaging facility on a 130 acres site and which will employ over 500 people, is the largest Project of its kind in Cattaraugus County. In fact, Great Lakes Cheese sought to rezone its Franklinville parcel, it said in its Rezoning Petition, a copy of which is annexed hereto as Exhibit 6, that

“there will be related job and economic growth in the Town and surrounding areas from this Project.” The T.L. Schwab Transport, LLC Project is a part of the “related job and economic growth in the Town.” The balance of the property is rezoned to properly zoned property for additional businesses that will be seeking to build near Great Lakes Cheese.

Again, this opportunity for economic development as a result of the Great Lakes Cheese Project was known by the Town of Franklinville when it rezoned Great Lakes Cheese’s Property to Industrial in 2021. A March 4, 2024 article in Business First interviewed Corey Wiktor, Cattaraugus County Industrial Development Agency Executive Director, and Mr. Wiktor explained how the Great Lakes Cheese Project would be a catalyst for economic development in the Town of Franklinville and other nearby areas as follows: “The IDA is meeting with ancillary companies and developers, to leverage the cheese plant as a catalyst for regional growth. To attract more people and companies to the region, he said, the county is highlighting affordability, “the beautiful land settings, safe communities and a great school system. Also near the plant, there are some 20- to 30-acre parcels that could be used for commercial or industrial development.”

A copy of the March 4, 2024 article in Business First is annexed hereto as Exhibit 7.

Comprehensive Plan Goal: Economic

The primary way this Project is consistent with the Comprehensive Plan is through the creation of substantial and sustainable economic development. The T.L. Schwab Transport, LLC Project will create jobs, as will the other anticipated projects. This is consistent with Goal 1 at page 19 of the Comprehensive Plan is “Increase employment opportunities in the Town and Village.”

Comprehensive Plan Goal: Promote Development in the Village of Franklinville Central Business District

This Comprehensive Plan states the following policy: “Encourage new businesses and services to locate in the Franklinville CBD.” The reality is that businesses in a village center / traditional Main Street are dependent upon economic growth and a regular influx of substantially more people to the area, which is

Petition to Amend the Zoning Map of the Town of Franklinville, New York

Applicant: Schwab Land Holdings, LLC

Property: 41.75± acres of Vacant Land on Pine Street in the Town of Franklinville, bearing SBL 40.003-2-2.11

March 12, 2024

accomplished by the T.L. Schwab Transport, LLC Project will create jobs, as well as the other anticipated projects.

Comprehensive Plan Goal: Infrastructure

Goal 1 at Page 9 of the Comprehensive Plan states: "Ensure that municipal water and sewer systems can adequately serve existing and new development occurring in Franklinville." This is consistent with the Comprehensive Plan as the Village Water System and Franklinville Village Sewer System were extended to the Great Lakes Cheese Project and the Schwab Land Holdings, LLC Property will be able to connect to public water and sewer.

Comprehensive Plan Regional Economic Planning Initiatives

Page 84 of the Comprehensive Plan states that "Cattaraugus County places great importance on NYS Route 16 as a vital transportation corridor with considerable economic development potential." The Schwab Land Holdings, LLC Property is in proximity to NYS Route 16 and will connect to NYS Route 16 through Great Lakes Cheese' southern access point onto NYS Route 16.

9. SEQR

The Full Environmental Assessment Form pursuant to the New York State Environmental Quality Review Act is attached as Exhibit 8.

10. Conclusion

In conclusion, this Petition meets the legal criteria for the requested rezoning and we respectfully request that this Petition be granted.

Petition to Amend the Zoning Map of the Town of Franklinville, New York

Applicant: Schwab Land Holdings, LLC

Property: 41.75± acres of Vacant Land on Pine Street in the Town of Franklinville, bearing SBL 40.003-2-2.11

March 12, 2024

Submitted by:

HOPKINS SORGI & MCCARTHY PLLC (Project Attorneys)

A handwritten signature in dark ink, appearing to read "P. Sorgi", is positioned above a solid horizontal line.

Peter J. Sorgi, Esq.

726 Main Street, Suite B

East Aurora, New York 14052

psorgi@hsmlegal.com / 716.908.3289

Date: March 12, 2024

Enc.

Exhibit 1

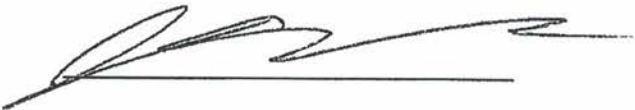
Authorization

AUTHORIZATION

Schwab Land Holdings, LLC, as the record owner of 41.75± acres real property with frontage on Pine Street and Kingsbury Hill Road, Town of Franklinville, NY, bearing SBL No. 40.003-2-2.11, hereby authorizes T.L. Schwab Transport, LLC, as the entity that will be leasing the above referenced real property, to file any required land use approval regarding the aforementioned real property and to execute any required documentation regarding the aforementioned real property with the Town of Franklinville and Cattaraugus County Planning Board, along with applications for any other approvals/permits required from the Town of Franklinville and other governmental agencies in connection with the proposed development of the aforementioned real property.

T.L. Schwab Transport, LLC hereby authorizes Hopkins Sorgi & McCarthy PLLC (Project Attorney) and CarminaWood Design (Project Engineer) to file any required land use approval regarding the aforementioned real property and to execute any required documentation regarding the aforementioned real property with the Town of Franklinville and Cattaraugus County Planning Board, along with applications for any other approvals/permits required from the Town of Franklinville and other governmental agencies in connection with the proposed development of the aforementioned real property.

Schwab Land Holdings, LLC

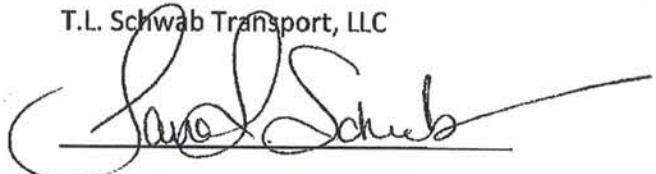


Name: Jason E. Schwab

Title: Member

Date: 2-20-24

T.L. Schwab Transport, LLC



Name: Tarra L. Schwab

Title: Member

Date: 2/20/24

Exhibit 2

Cattaraugus County GIS Map and Property Information



Image Mate Online

Residential

Property Info

Owner/Sales

Inventory

Improvements

Tax Info

Tax Calculator

Report

Comparables

Download RP5217 Form

Download RP5217 Editor

Parcel History

[View parcel history data](#)

Municipality of Franklinville

SWIS: 044089

Tax ID: 40.003-2-2.11

Tax Map ID / Property Data

Status: Active

Roll Section: Taxable

Address: Pine St

Property Class: 105 - Vac farmland

Site Property Class: 105 - Vac farmland

Ownership Code:

Site: N/A

Zoning Code:

Bldg. Style: 0

Neighborhood: 40100 -

School District: Franklinville

Total Acreage/Size: 41.75

Equalization Rate: ----

Land Assessment: 2024 - *Tentative \$142,700
2023 - \$20,900

Total Assessment: 2024 - *Tentative \$142,700
2023 - \$20,900

Full Market Value: 2024 - *Tentative \$142,700
2023 - \$46,444

Deed Book: 20221

Deed Page: 7744

Grid East: 1184510

Grid North: 854880

Special Districts for 2024 (*Tentative)

Description	Units	Percent	Type	Value
FD400-Fire district	0	0%		0

Special Districts for 2023

Description	Units	Percent	Type	Value
FD400-Fire district	0	0%		0

Photographs

No Photo Available

Documents

- [RP5217 06/2022](#)

Maps

CLICK HERE for information on purchasing tax maps.

[View Tax Map](#)

[Pin Property on GIS Map](#)

Land Types

Type	Size
Tillable	40.20 acres
Woodland	1.55 acres

Exhibit 3

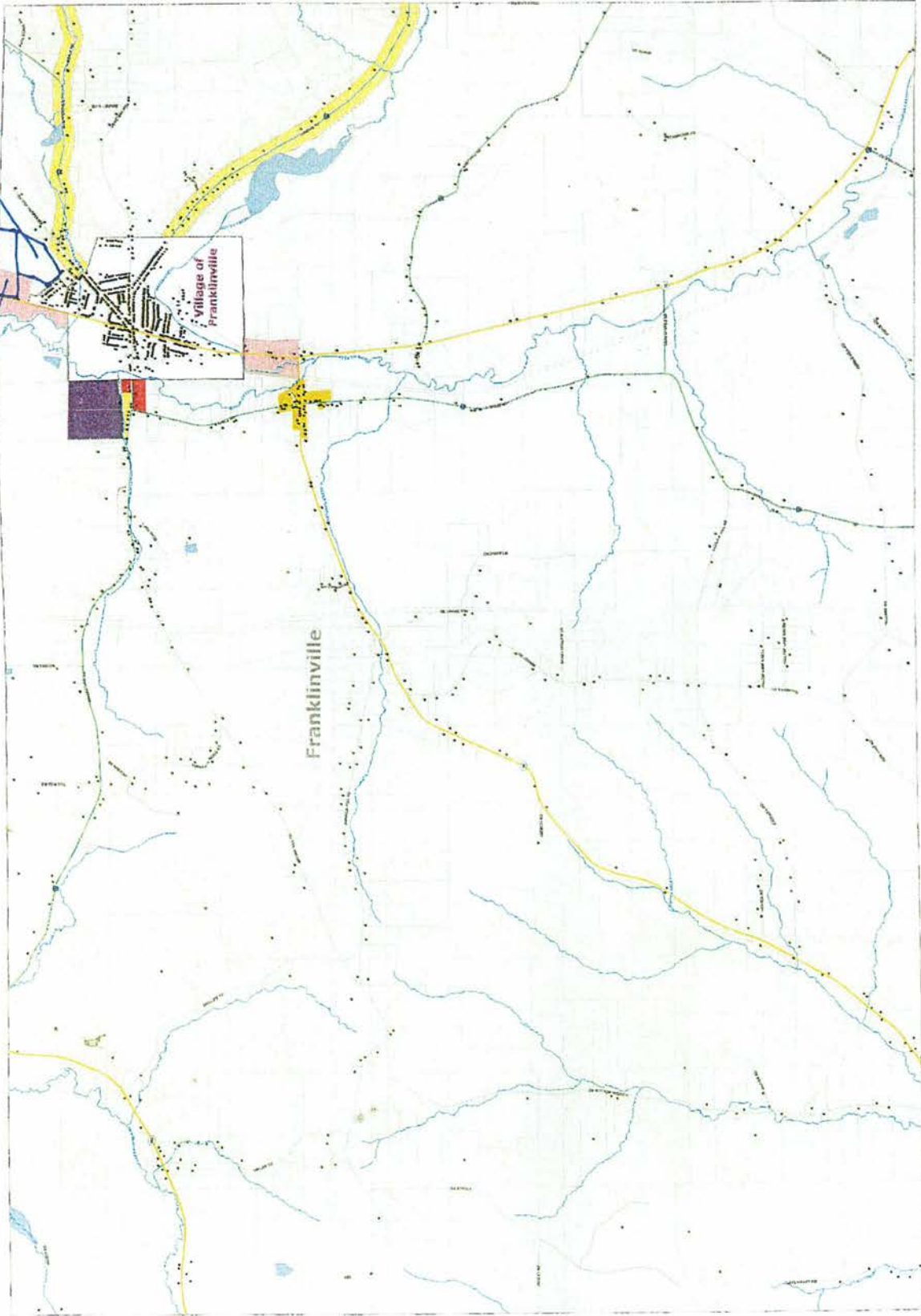
Town of Franklinville Zoning Map

Rezoned to Industrial-2021

Farmersville

Machias

Project Site



Town of Franklinville Cattaraugus County, NY

Zoning Map

Buildings
Parcel Lines
Waterbodies
Streams

Streets

Town/Village Roads
County Roads
DEC Forest Roads
DEC Forest Roads, Gated
State Roads

Zoning

Agricultural - Residential - AR
General Business - B-1
Business Industrial - B-2
Hamlet Residential - HR
Industrial - I
Rural Residential - RR



Population	100,000+	50,000-99,999	25,000-49,999	10,000-24,999	5,000-9,999	1,000-4,999	Under 1,000
Area	100+ sq. miles	50-99 sq. miles	25-49 sq. miles	10-24 sq. miles	5-9 sq. miles	1-4 sq. miles	Under 1 sq. mile
Land Use	Urban	Suburban	Hamlet	Rural	Forest	Water	Other
Population Density	100+ per sq. mile	50-99 per sq. mile	25-49 per sq. mile	10-24 per sq. mile	5-9 per sq. mile	1-4 per sq. mile	Under 1 per sq. mile
Area Density	100+ per sq. mile	50-99 per sq. mile	25-49 per sq. mile	10-24 per sq. mile	5-9 per sq. mile	1-4 per sq. mile	Under 1 per sq. mile
Land Use Density	100+ per sq. mile	50-99 per sq. mile	25-49 per sq. mile	10-24 per sq. mile	5-9 per sq. mile	1-4 per sq. mile	Under 1 per sq. mile
Population Density	100+ per sq. mile	50-99 per sq. mile	25-49 per sq. mile	10-24 per sq. mile	5-9 per sq. mile	1-4 per sq. mile	Under 1 per sq. mile
Area Density	100+ per sq. mile	50-99 per sq. mile	25-49 per sq. mile	10-24 per sq. mile	5-9 per sq. mile	1-4 per sq. mile	Under 1 per sq. mile
Land Use Density	100+ per sq. mile	50-99 per sq. mile	25-49 per sq. mile	10-24 per sq. mile	5-9 per sq. mile	1-4 per sq. mile	Under 1 per sq. mile

Map scale: 1 inch = 1 mile

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Humphrey

Ischua



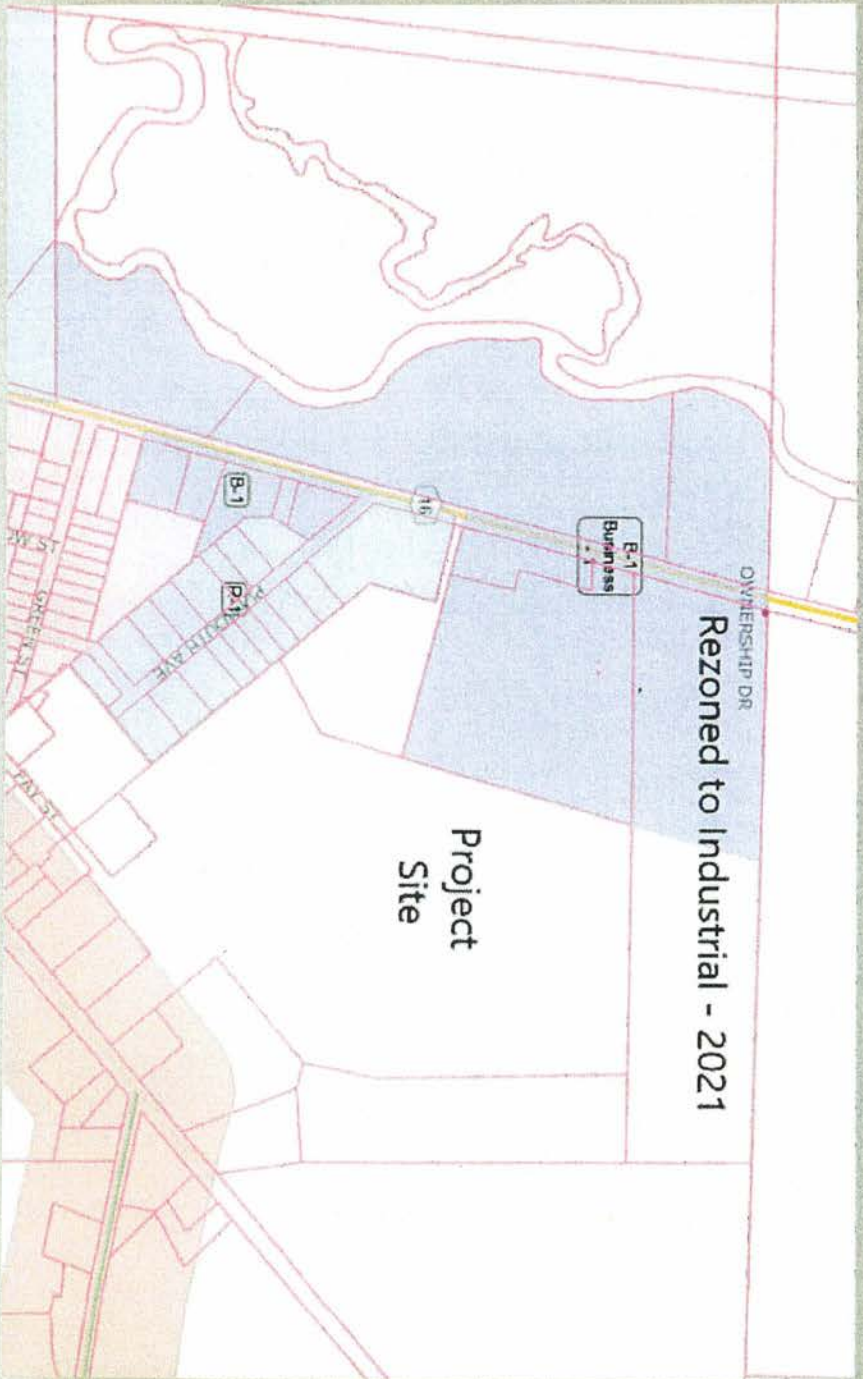


Exhibit 4

Legal Description

Exhibit 5

Conceptual Site Plan

Exhibit 6

Great Lakes Cheese Rezoning
Petition to Town of Franklinville

Petition to Amend the Zoning Map of the Town of Franklinville, New York

TO: Franklinville Town Board

Pursuant to New York Town Law § 265 and Town of Franklinville Zoning Law § 15.1, the undersigned, as Project Attorney, duly authorized by Authorization at Exhibit A, annexed hereto, by Schwab Land Holdings, LLC, as owner of the real property, and Great Lakes Cheese Company, Inc., as authorized entity to seek this Amendment, hereby requests that the Zoning Map of the Town of Franklinville be amended as follows:

1. Location of Real Property to be Rezoned:

20± acres of Vacant Land on NYS Route 16 in Town of Franklinville, bearing SBL 40.002-3-1, as shown on the Cattaraugus County GIS Map and Property Information, annexed hereto as Exhibit B and as shown on the Town of Franklinville Zoning Map annexed hereto as Exhibit C.

2. Owner:

Schwab Land Holdings, LLC
10090 Pigeon Hill Road
Delevan, New York 14042

3. Petitioner / Applicant:

Great Lakes Cheese Company, Inc.
17955 Great Lakes Parkway
Hiram, Ohio 44234

4. Project Attorney:

Peter J. Sorgi, Esq.
Hopkins Sorgi & McCarthy PLLC
726 Main Street, Suite B
East Aurora, New York 14052

RECEIVED

JUN 18 2021

BY: A. Sorgi

Initial: _____

5. Project Engineer:

Frazer Daly
Dennis Group
1537 Main Street
Springfield, Massachusetts 01103

6. Current Zoning Classification of Property:

General Business B-1 (western portion of property fronting on NYS Route 16) and
Agricultural - Residential A R (eastern portion of property to rear of property)

7. Proposed Zoning Classification of Property:

Industrial – I

8. Proposed Use of Property / Project Description:

This Project will relocate Great Lakes Cheese Company Inc.'s cheese manufacturing and packaging plant in Cuba, New York which will enable the approximately 230 existing employees at the Cuba Plant to retain their jobs and it will add approximately 200 jobs by adding a packaging component to the facility. This expansion represents an approximately 100% increase in production as demonstrated by the following table:

	EXISTING FACILITY	NEW FACILITY
Jobs	230	430
Milk Used Per Day from WNY Farms	2 Million Pounds	4 Million Pounds
Cows Needed for Milk Production from WNY Farms per day	30,000	60,000

The Project consists of a proposed construction of a 486,000 square foot cheese manufacturing and packaging facility for Great Lakes Cheese Company, Inc. on a 130± acre site in the Towns of Farmersville and Franklinville. 20 acres of the site is located within the Town of Franklinville and the remaining land is located within the Town of Farmersville. The facility will be divided into office space, process space, and a process tower. In addition to the main process building, there will be various employee and truck parking areas, a guard shack, and a wastewater treatment facility with a treatment building and various tanks and impoundments (an additional footprint of ~50,000 SF). The Project Site has frontage on NYS Route 16 where primary access will be provided.

The Conceptual Site Plan is annexed hereto as Exhibit D.

9. Justification for the Rezoning:

The Legal Criteria for a Rezoning is set forth in New York Town Law § 272-a(11)(a) which states that "All land use regulations must be in accordance with a comprehensive plan adopted pursuant to the section."

The Town of Franklinville has an adopted comprehensive plan which is entitled "Town and Village of Franklinville Comprehensive Plan" dated February 2000 ("Comprehensive Plan"). Pursuant to New York Town Law § 272-a(2)(a), the purpose of the Comprehensive Plan is to "identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town." Page 3 of the Comprehensive Plan elaborates on this purpose as follows: "These directives clearly portray the comprehensive plan as the central document on which all land use decisions should be based." Accordingly, the Comprehensive Plan identifies numerous goals that are clearly met by this Project.

Comprehensive Plan Goal: Economic

The primary way this Project is consistent with the Comprehensive Plan is through the creation of substantial and sustainable economic development. This Project is an approximately \$500 Million investment in the Towns of Farmersville and Franklinville and is a commitment to sustained economic development.

Goal 1 at page 19 of the Comprehensive Plan is "Increase employment opportunities in the Town and Village." As set forth in the table above, this Project adds 200 new jobs to the Community. By contrast, the Comprehensive Plan stated that the amount of industrial jobs in the Town and Village of Franklinville in 2000 was approximately 177 (See Pages 79-80) and also stated that "for all industrial sectors [Cattaraugus] County's employment growth was slower than the region's growth rate" (See Page 83).

Additionally, there will be related job and economic growth in the Town and surrounding areas from this Project, especially in dairy farming, as the demand for milk by this Project is 4 Million pounds per day which requires 60,000 cows, as well as crop land to feed the cows. Due to transportation costs, this demand will primarily be filled by dairy farms near the Project Site.

Comprehensive Plan Goal: Land Use

Goal 1 at Page 15 of the Comprehensive Plans is to "maintain and enhance the rural character of Franklinville." This goal emphasizes preservation of the agricultural character of the Town and the best way to accomplish this is to provide a market for agricultural products such as milk and corn, which, as set forth above, this Project clearly accomplishes. This substantially greater demand will help existing farms remain agricultural and provide for expansion and new farms, thereby maintaining and enhancing the agricultural character of the Town.

Comprehensive Plan Goal: Promote Development in the Village of Franklinville Central Business District

This Comprehensive Plan states the following policy: "Encourage new businesses and services to locate in the Franklinville CBD." The reality is that businesses in a village center / traditional Main Street are dependent upon economic growth and a regular influx of substantially more people to the area, which is accomplished by this Project.

Comprehensive Plan Goal: Infrastructure

Goal 1 at Page 9 of the Comprehensive Plan states: "Ensure that municipal water and sewer systems can adequately serve existing and new development occurring in Franklinville." This is consistent with the Comprehensive Plan as the Village Water System will be extended to the Project Site which will provide properties on either side of NYS Route 16 with the ability to access water service. Additionally, the Village Water System will be expanded into the Town of Farmersville as recommended by Policy 1.2, Action 1.2.3 at Page 9 of the Comprehensive Plan.

Comprehensive Plan Regional Economic Planning Initiatives

Page 84 of the Comprehensive Plan states that "Cattaraugus County places great importance on NYS Route 16 as a vital transportation corridor with considerable economic development potential." The Project Site is on NYS Route 16.

In conclusion, this Petition meets the legal criteria for the requested rezoning and we respectfully request that this Petition be granted.

Submitted by:

HOPKINS SORGI & MCCARTHY PLLC (Project Attorneys)

A handwritten signature in blue ink, appearing to be 'PS' or 'P.S.', is written over a horizontal line.

Peter J. Sorgi, Esq.
726 Main Street, Suite B
East Aurora, New York 14052
psorgi@hsmlegal.com / 716.908.3289

Date: July 13, 2021

Exhibit 7

Buffalo Business First Article

FOR THE EXCLUSIVE USE OF PSORGI@HSMLEGAL.COM

From the Buffalo Business First:

<https://www.bizjournals.com/buffalo/news/2024/03/04/great-lakes-cheese-cattaraugus-720-million.html>

SUBSCRIBER CONTENT:

Manufacturing

Why the price tag for a cheese plant went up by \$200 million



An aerial shot of Great Lakes Cheese's new \$720 million plant in Franklinville in Cattaraugus County.

PHOTO COURTESY OF GREAT LAKES CHEESE



By Katie Anderson – Reporter, Buffalo Business First
Mar 4, 2024



Great Lakes Cheese Co. Inc. has started relocating employees from the current plant in Cuba to the new \$720-million plant in Cattaraugus County - a 28-minute and 18-mile trip from old to new.

The north side of the facility, where products will be packaged, is largely completed and some operations and employees are there now, according to Matt Wilkinson, vice president of the company.

Manufacturing at the cheese plant will begin at year-end, he said.

The Cuba plant has about 260 employees, and "most will come over with us," Wilkinson said. Once cheese manufacturing begins, the plant will have about 410 employees and at full capacity, will need about 500.

"The Cuba facility is on its last legs," Wilkinson said. "It's about 70 years old and didn't have much life left in it."

The company, based in Hiram, Ohio, is owned by the Epprecht family. Wilkinson said the family didn't want to leave its more than 200 employees without a job, so they committed to building the new facility within a 30-mile radius.

The project started as a 486,000-square-foot plant with a \$500 million price tag. Now the building is more than 500,000 square feet at a cost of about \$720 million.

Wilkinson said there's only been small changes, but construction labor and materials have driven up the cost.

"The vast majority of what we've seen is that in Western New York, the contract labor available is far fewer than what we expected," he said. "We've had to bring workers in from out of state."

Corey Wiktor, executive director of the Cattaraugus County Industrial Development Agency, said the plant will require an additional 32,000 dairy cows from the region, as

the plant will use 4.5 million pounds of raw milk daily to make a variety of bulk Italian cheeses to sell on the East Coast. Local farmers and milk co-ops are working on that.

“New York has always been in the top 10 for dairy,” Wiktor said. “The quality of milk that our dairy cows produce is absolutely prime and sought after in the industry.”

Wiktor said Great Lakes Cheese has done some hiring outreach in local school districts and BOCES in anticipation of workforce needs.

The IDA is meeting with ancillary companies and developers, to leverage the cheese plant as a catalyst for regional growth. To attract more people and companies to the region, he said, the county is highlighting affordability, “the beautiful land settings, safe communities and a great school system.”

“Also near the plant, there are some 20- to 30-acre parcels that could be used for commercial or industrial development,” he said. “It’s a game-changer on multiple fronts. It’s a 24/7, three-shift operation. It will never close. It just puts more density into this region.”

Exhibit 8

Full Environmental Assessment Form (“FEAF”)

*Full Environmental Assessment Form
Part 1 - Project and Setting*

Instructions for Completing Part 1

AMENDED 3.12.2024 TO ADD REZONING

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: T.L. Schwab Transport, LLC Heavy Equipment Storage and Service <i>and Schwab Land Holdings, LLC rezoning</i>		
Project Location (describe, and attach a general location map): Vacant Land with frontage on Pine Street / Kingsbury Hill Road and Kay Street, Town of Franklinville, NY; SBL No. 40.003-2-2.11		
Brief Description of Proposed Action (include purpose or need): See Attached Exhibit A		
Name of Applicant/Sponsor: T.L. Schwab Transport, LLC <i>and Schwab Land Holdings, LLC</i>		Telephone: 716.353.8398
Address: 10090 Pigeon Hill Road		E-Mail: lschwab@theschwabcompanies.com
City/PO: Delevan	State: NY	Zip Code: 14042
Project Contact (if not same as sponsor; give name and title/role): Peter J. Sorgi, Esq., Project Attorney		Telephone: 716.908.3289
Address: 726 Main Street, Suite B		E-Mail: psorgi@hsmlegal.com
City/PO: East Aurora	State: NY	Zip Code: 14052
Property Owner (if not same as sponsor): Schwab Land Holdings, LLC		Telephone: 716.353.8398
Address: 10090 Pigeon Hill Road		E-Mail: jschwab@theschwabcompanies.com
City/PO: Delevan	State: NY	Zip Code: 14042

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	See Attached Exhibit B	See Attached Exhibit B
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	See Attached Exhibit B	See Attached Exhibit B
c. City, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	See Attached Exhibit B	See Attached Exhibit B
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Attached Exhibit B	See Attached Exhibit B
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Attached Exhibit B	See Attached Exhibit B
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Attached Exhibit B	See Attached Exhibit B
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Attached Exhibit B	See Attached Exhibit B
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☒ No

If Yes, what is the zoning classification(s) including any applicable overlay district?

Agricultural - Residential - AR is present zoning which allows the Heavy Equipment Storage and Service Use but rezoning is sought for future development.

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☒ No

c. Is a zoning change requested as part of the proposed action? ☒ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? Industrial - I

C.4. Existing community services.

a. In what school district is the project site located? Franklinville Central School District

b. What police or other public protection forces serve the project site?

Village of Franklinville Police Department, Cattaraugus County Sheriff and NYS Police

c. Which fire protection and emergency medical services serve the project site?

Town of Franklinville Fire Department

d. What parks serve the project site?

N/A

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Commerical

b. a. Total acreage of the site of the proposed action? 11.5 acres

b. Total acreage to be physically disturbed? 11.5 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 41.75 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % Units:

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed?

iv. Minimum and maximum proposed lot sizes? Minimum Maximum

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 6 months

ii. If Yes:

• Total number of phases anticipated

• Anticipated commencement date of phase 1 (including demolition) month year

• Anticipated completion date of final phase month year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Total number of structures <u>1</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>20</u> height; <u>130</u> width; and <u>400</u> length	
iii. Approximate extent of building space to be heated or cooled: <u>52,000</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ 	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☐ No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water?

☒ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ 750 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☒ Yes ☐ No

If Yes:

- Name of district or service area: Village of Franklinville
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☒ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes?

☒ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ 750 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities?

☒ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: Franklinville Sewage Treatment
- Name of district: Franklinville
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? If Yes: <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? If Yes: <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____		
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____		
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? If Yes: <ul style="list-style-type: none"> i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or <u>7.7</u> acres (impervious surface) _____ Square feet or <u>26.5</u> acres (parcel size) ii. Describe types of new point sources. <u>Stormwater management pond outfall</u> iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? <u>on-site stormwater management facility</u> • If to surface waters, identify receiving water bodies or wetlands: _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? If Yes, identify: <ul style="list-style-type: none"> i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? If Yes: <ul style="list-style-type: none"> i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ii. In addition to emissions as calculated in the application, the project will generate: <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing 0 Proposed 50 Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☒ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☒ Yes ☐ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
TBD. Additional demand for the new building will be minimal.

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
via grid/local utility

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☒ No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____ 24 hours
- Saturday: _____ 7 AM - 7 PM
- Sunday: _____ 24 hours
- Holidays: _____ 24 hours

ii. During Operations:

- Monday - Friday: _____ 7 AM - 7 PM
- Saturday: _____ Closed
- Sunday: _____ Closed
- Holidays: _____ Closed

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☒ Yes ☐ No
If yes:
i. Provide details including sources, time of day and duration:
Typical construction noise during the hours listed in the previous item.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☒ No
Describe: _____

n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No
If yes:
i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
Parking lot and building mounted lights, dark sky fixtures, 20' max. mounting height, directed down at pavement. Approx. 150' from nearest occupied structure.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No
Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☒ Yes ☐ No
If Yes:
i. Product(s) to be stored petroleum
ii. Volume(s) 40,000 per unit time month (e.g., month, year)
iii. Generally, describe the proposed storage facilities:
20,000 gallon above ground tank with self-containment -- will meet NYSDEC standards

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No
If Yes:
i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☒ No
If Yes:
i. Describe any solid waste(s) to be generated during construction or operation of the facility:
• Construction: _____ tons per _____ (unit of time)
• Operation: _____ tons per _____ (unit of time)
ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
• Construction: _____
• Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:
• Construction: _____
• Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing: _____

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☒ Rural (non-farm)

☒ Forest ☒ Agriculture ☐ Aquatic ☐ Other (specify): Athletic Fields, Mobile Home Park

ii. If mix of uses, generally describe: _____

Area is mixed use with both high density and low density residential uses and non-residential uses, however location of Project Site adjoins Great Lakes Cheese Plant and Forested area.

b. Land uses and coverts on the project site.

Land use or Coverttype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	11.5	+11.5
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	41.75	30.25	-11.5
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____	0	0	0

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☒ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☒ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ > 7 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Clean silt loam	_____	25.2 %
Chenango gravelly silt	_____	47.9 %
Chenango channery silt	_____	17.3 %

d. What is the average depth to the water table on the project site? Average: _____ > 5 feet

e. Drainage status of project site soils: ☒ Well Drained: _____ 74 % of site
☐ Moderately Well Drained: _____ % of site
☒ Poorly Drained: _____ 26 % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: _____ 100 % of site
☐ 10-15%: _____ % of site
☐ 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☒ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No
If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name small drainage ditch along north property line Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☒ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☒ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☒ Yes ☐ No
If Yes:

i. Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site:
 wildlife typically found in this area _____ potentially bald eagle per DEC Mapper _____

n. Does the project site contain a designated significant natural community? ☐ Yes ☒ No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____
 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☒ Yes ☐ No
 If Yes:
 i. Species and listing (endangered or threatened): _____
 Bald Eagle _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☒ No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☒ No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☒ Yes ☐ No
 If Yes, provide county plus district name/number: CATTcn5

b. Are agricultural lands consisting of highly productive soils present? ☒ Yes ☐ No
 i. If Yes: acreage(s) on project site? 41.75
 ii. Source(s) of soil rating(s): United States Department of Agriculture -- See Attached Exhibit C

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No
 If Yes:
 i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☒ No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☒ Yes ☐ No
 If Yes:
 i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District
 ii. Name: Eligible property: Saint Philomena Roman Catholic Church
 iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☒ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☒ No
 If Yes:
 i. Describe possible resource(s): _____
 ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☒ No
 If Yes:
 i. Identify resource: _____
 ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____
 iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No
 If Yes:
 i. Identify the name of the river and its designation: _____
 ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name T.L. Schwab Transport, LLC Date 2.21.2024
and Schwab Land Holdings, LLC

Signature P.J. Sorgi Peter J. Sorgi, Esq. (see attached authorization) Title Project Attorney

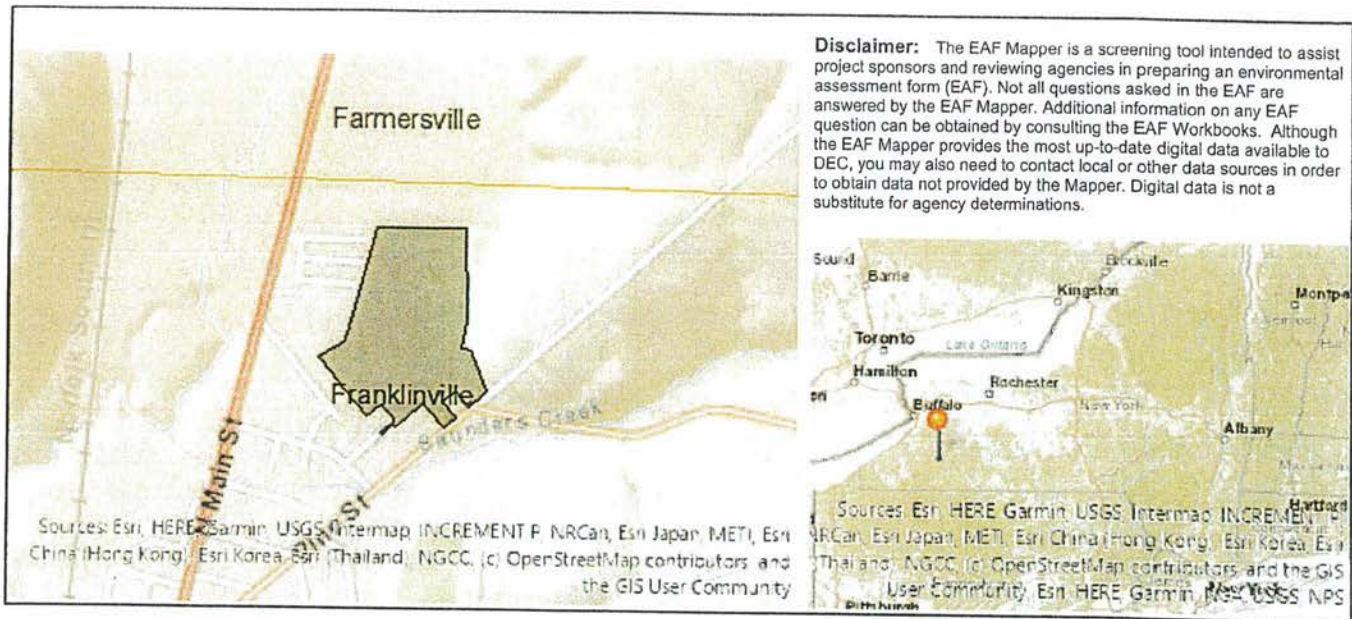
Amended 3.12.2024

P.J. Sorgi
 Peter J. Sorgi, Esq.

PRINT FORM

EAF Mapper Summary Report

Monday, February 19, 2024 10:20 AM



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No

E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Bald Eagle
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	CATTcn5
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property: Saint Philomena Roman Catholic Church
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Exhibit A to FEAF

Brief Description of Proposed Action:

Schwab Land Holdings, LLC, the property owner, is seeking to rezone approximately 41.75 acres from Agricultural - Residential A R to Industrial (I). Approximately 11.5 acres will be utilized as a Heavy Equipment Storage and Service Facility and the remaining approximately 30.25 acres will continue to be farmed but it is anticipated that in the future, some of the approximately 30.25 acres will be used for an industrial or manufacturing use. The Property is contiguous to the Great Lakes Cheese Facility and this Property is ideal for the anticipated businesses that will be developed as a result of the Great Lakes Cheese Facility. Schwab Land Holdings, LLC has been working with Corey Wiktor, Cattaraugus County Industrial Development Agency Executive Director, and Mr. Wiktor has a potential industrial or manufacturing user for approximately five acres of the Property. The potential industrial or manufacturing user would be located to Cattaraugus County from outside of Western New York and good jobs will be one of many positive results from this potential project.

T.L. Schwab Transport, LLC is proposing the construction of an approximately 52,000 square feet building with parking areas and related site infrastructure on approximately 11.5 acres of an approximately 41.75 acres site which is zoned Agricultural-Residential (AR). The proposed use is a Heavy Equipment Storage and Service Facility which is allowed in the AR Zoning District with a Special Use Permit from the Town of Franklinville Zoning Board of Appeals.

T.L. Schwab Transport, LLC's Project Site will be utilized for the storage and service of trucks and trailers used to haul goods and materials. The primary access will be through an easement to the Great Lakes Cheese Facility which is located directly to the North of the Project Site with access onto NYS Route 16 through the southernmost driveway onto the Great Lakes Cheese Site. Much of the goods and materials being hauled will be to and from Great Lakes Cheese. The Project Site has a secondary access onto Kingsbury Hill Road which will be used primarily for employee and visitor access in their personal vehicles. There is also access from Fay Street via Pine Street which will be used sparingly for employee and visitor access in their personal vehicles.

Proper screening and buffering from residential properties for the currently proposed T.L. Schwab Transport LLC project and any future projects will occur and require Site Plan Approval from the Franklinville Town Board and approvals from other government entities.

EXHIBIT B TO FEAF

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	Yes or No	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board or Village Board of Trustees	Yes	Franklinville Town Board – Site Plan Rezoning Application	2.2024 3.2024
b. City, Town or Village Planning Board or Commission	No		
c. City, Town or Village Zoning Board of Appeals	Yes	Franklinville Zoning Board of Appeals – Special Use Permit	2.2024
d. Other Local Agencies	Yes	Town of Franklinville Building Department – Building Permit; Village of Franklinville Department of Public Works – Sewer and Water	4.2024 3.2024
e. County Agencies	Yes	Cattaraugus County Industrial Development Agency – Financial Assistance Cattaraugus County Department of Economic Development, Planning and Tourism – Ag Data Statement Cattaraugus County Department of Health – septic and well (if public sewer and/or public water are not available).	2.2024 2.2024 3.2024 (if needed)
f. Regional Agencies	No		

g. State Agencies	Yes	NYS Department of Environmental Conservation – SPDES	2.2024
		NYS Department Environmental Conservation -- Bulk Petroleum Permit	3.2024
		NYS Department Environmental Conservation – Endangered Species	2.2024
		NYS Office of Parks, Recreation and Historic Preservation – Archeology / Historic Resources	2.2024
		NYS Department of Agriculture and Markets – Ag Data Statement	2.2024
h. Federal Agencies	Yes	US Department of Fish & Wildlife – Endangered Species	2.2024

Farmland Classification—Cattaraugus County, New York









































Web Soil Survey
National Cooperative Soil Survey

2/26/2024
Page 1 of 5

MAP LEGEND








- MAP LEGEND**

 Area of Interest (AOI)	 Prime farmland if subsoiled, completely removing the root inhibiting soil layer	 Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season	 Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium	 Farmland of unique importance
Soils	 Not rated or not available			
Soil Rating Polygons				Soil Rating Lines
 Not prime farmland	 Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60	 Farmland of statewide importance, if irrigated and drained	 Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season	 Not prime farmland
 All areas are prime farmland	 Prime farmland if irrigated and reclaimed of excess salts and sodium	 Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season	 Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season	 All areas are prime farmland
 Prime farmland if drained	 Farmland of statewide importance			 Prime farmland if drained
 Prime farmland if protected from flooding or not frequently flooded during the growing season	 Farmland of statewide importance, if drained	 Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer	 Farmland of statewide importance, if warm enough	 Prime farmland if protected from flooding or not frequently flooded during the growing season
 Prime farmland if irrigated	 Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season	 Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60	 Farmland of statewide importance, if warm enough	 Prime farmland if irrigated
 Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season	 Farmland of statewide importance, if irrigated		 Farmland of statewide importance, if thawed	 Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
 Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season			 Farmland of local importance	 Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
			 Farmland of local importance, if irrigated	 Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

Farmland Classification—Cattaraugus County, New York

<ul style="list-style-type: none"> Prime farmland if subsoiled, completely removing the root inhibiting soil layer Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60 Prime farmland if irrigated and reclaimed of excess salts and sodium Farmland of statewide importance Farmland of statewide importance, if drained Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if irrigated 	<ul style="list-style-type: none"> Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if irrigated and drained Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60 	<ul style="list-style-type: none"> Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if warm enough Farmland of statewide importance, if thawed Farmland of local importance Farmland of local importance, if irrigated 	<ul style="list-style-type: none"> Farmland of unique importance Not rated or not available <p>Soil Rating Points</p> <ul style="list-style-type: none"> Not prime farmland All areas are prime farmland Prime farmland if drained Prime farmland if protected from flooding or not frequently flooded during the growing season Prime farmland if irrigated Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season Prime farmland if irrigated and drained Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season 	<ul style="list-style-type: none"> Prime farmland if subsoiled, completely removing the root inhibiting soil layer Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60 Prime farmland if irrigated and reclaimed of excess salts and sodium Farmland of statewide importance Farmland of statewide importance, if drained Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if irrigated
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Farmland Classification—Cattaraugus County, New York

<p><input checked="" type="checkbox"/> Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season</p> <p><input checked="" type="checkbox"/> Farmland of statewide importance, if irrigated and drained</p> <p><input checked="" type="checkbox"/> Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season</p> <p><input type="checkbox"/> Farmland of statewide importance, if subsolled, completely removing the root inhibiting soil layer</p> <p><input checked="" type="checkbox"/> Farmland of statewide importance, if irrigated and the product of I (soil erodibility) $\times C$ (climate factor) does not exceed 60</p>	<p><input checked="" type="checkbox"/> Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium</p> <p><input type="checkbox"/> Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season</p> <p><input checked="" type="checkbox"/> Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season</p> <p><input checked="" type="checkbox"/> Farmland of statewide importance, if warm enough</p> <p><input checked="" type="checkbox"/> Farmland of statewide importance, if thawed</p> <p><input checked="" type="checkbox"/> Farmland of local importance</p> <p><input checked="" type="checkbox"/> Farmland of local importance, if irrigated</p>	<p><input checked="" type="checkbox"/> Farmland of unique importance</p> <p><input type="checkbox"/> Not rated or not available</p> <p>Water Features</p> <p> Streams and Canals</p> <p>Transportation</p> <p> Rails</p> <p> Interstate Highways</p> <p> US Routes</p> <p> Major Roads</p> <p> Local Roads</p> <p>Background</p> <p> Aerial Photography</p>	<p>The soil surveys that comprise your AOI were mapped at 1:24,000.</p> <p>Warning: Soil Map may not be valid at this scale.</p> <p>Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.</p> <p>Please rely on the bar scale on each map sheet for map measurements.</p> <p>Source of Map: Natural Resources Conservation Service Web Soil Survey URL: Coordinate System: Web Mercator (EPSG:3857)</p> <p>Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.</p> <p>This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.</p> <p>Soil Survey Area: Cattaraugus County, New York Survey Area Date: Version 24, Sep 5, 2023</p> <p>Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.</p> <p>Date(s) aerial images were photographed: Jun 15, 2020—Jun 17, 2020</p> <p>The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p>
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Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
19A	Olean silt loam, 0 to 3 percent slopes	All areas are prime farmland	10.4	26.4%
25A	Chenango gravelly silt loam, 0 to 3 percent slopes	All areas are prime farmland	19.5	49.3%
26A	Chenango channery silt loam, fan, 0 to 3 percent slopes	All areas are prime farmland	5.6	14.3%
26B	Chenango channery silt loam, fan, 3 to 8 percent slopes	All areas are prime farmland	3.7	9.2%
27A	Castile gravelly silt loam, 0 to 3 percent slopes	All areas are prime farmland	0.3	0.8%
Totals for Area of Interest			39.5	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower