

# THE AGENCY

BROOME COUNTY IDA / LDC

## APPLICATION FOR BENEFITS / IDA

### INSTRUCTIONS

1. The Agency/IDA will not consider any application unless, in the judgment of the Agency/IDA, said application contains sufficient information upon which to base a decision whether to approve or tentatively approve an action.
2. Fill in all blanks, using "none" or "not applicable" or "N/A" where the question is not appropriate to the project which is the subject of this application (the Project).
3. If an estimate is given as the answer to a question, put "est." after the figure or answer, which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return one (1) hard copy of this application and one (1) electronic copy to the Agency/IDA at the address indicated on the application.
6. The Agency/IDA will not give final approval to the application until it receives a completed environmental assessment form concerning the Project which is the subject of this application.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency/IDA (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are certain elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant's competitive position, the applicant may identify such elements in writing and request such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The Agency/IDA has established a non-refundable application fee of One Thousand (\$1,000) Dollars to cover the anticipated costs of processing this application. A check or money order payable to the Agency/IDA must accompany each application. **THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY/IDA UNLESS ACCOMPANIED BY THE APPLICATION FEE.**
9. The Agency/IDA has established a project fee for each project in which the Agency/IDA participates. **THIS PROJECT FEE of 1% of the total Project cost IS REQUIRED TO BE PAID BY THE APPLICANT AT OR PRIOR TO THE GRANTING OF ANY FINANCIAL ASSISTANCE BY THE AGENCY/IDA.** The applicant will also be expected to pay to the Agency/IDA all actual costs incurred in connection with the application including all costs incurred by general counsel and bond counsel.
10. The Agency/IDA will charge annually an administrative fee of \$1,500 to cover ongoing compliance and oversight; the fee shall be payable January 1 of each year until all financing documents shall terminate and be discharged and satisfied.
11. Chapter 59 of the Laws of 2013 (Part J), effective March 26, 2013 (the "2013 Budget Law"), established new record keeping, reporting, and recapture requirements for industrial development agencies that receive sales tax exemptions. The new law requires the following: 1) to keep records of the amount of sales tax benefits provided to each Project and make those records available to the State upon request; 2) that within 30 days after providing financial assistance to a Project, the Agency/IDA must report the amount of sales tax benefits intended to be provided to a Project; and 3) a requirement that the Agency/IDA post on the Internet and make available without charge copies of its resolutions and Project agreements.
12. The 2013 Budget Law also requires that the Agency/IDA recapture State sales tax benefits where: 1) the Project is not entitled to receive those benefits; 2) the exemptions exceed the amount authorized or claimed for unauthorized property or services; or 3) the Project operator failed to use property or services in a manner required by its agreement with the Agency/IDA.
13. The Applicant requesting a sales tax exemption from the Agency/IDA must include in the application a realistic estimate of the value of the savings anticipated to be received by the applicant. **EACH APPLICANT IS HEREBY ADVISED TO PROVIDE REALISTIC SALES TAX ESTIMATES IN THE APPLICATION, as the 2013 Budget Law and the regulations expected to be enacted thereunder are expected to require that the Agency/IDA recapture any benefit that exceeds the amount listed in the application.**
14. Project Applicants as a condition to receiving Financial Assistance (including a sales tax exemption, mortgage tax exemption, real property tax abatement, and/or bond proceeds) from the Agency/IDA will be required to utilize qualified local labor and/or contractors as defined in the Appendix A of the application, for all projects involving the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (collectively, the "Project Site").

## APPLICATION FOR FINANCIAL ASSISTANCE

### APPLICANT

NAME: Dick's Merchandising & Supply Chain, Inc.

APPLICANT'S STREET ADDRESS: 345 Court Street

CITY: Coraopolis

STATE: PA

ZIP: 15108

PHONE: 724-273-5705

NAME OF PERSON(S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO THIS APPLICATION:

Tyler Bronson

PHONE: 724-373-5705

TITLE: Sr. Dir. of Distribution Strategy & Support

EMAIL: tyler.bronson@dcsg.com

### APPLICANT'S COUNSEL

NAME: Matthew Irvin

FIRM: Sr. Corporate Counsel, Dick's Sporting Goods

EMAIL: matthew.irvin@dcsg.com

ADDRESS: 345 Court Street

CITY: Coraopolis

STATE: PA

ZIP: 15108

PHONE:

### APPLICANT'S ACCOUNTANT

NAME: Todd Hipwell

FIRM: VP-Tax & Payroll, Dick's Sporting Goods

EMAIL: Todd.Hipwell@dcsg.com

ADDRESS: 345 Court Street

CITY: Coraopolis

STATE: PA

ZIP: 15108

PHONE:

PLEASE OUTLINE ON A SEPARATE SHEET OF PAPER ANY OTHER PROFESSIONALS INVOLVED IN THE PROJECT (I.E. DESIGN PROFESSIONAL, GENERAL CONTRACTOR).

## PROJECT SUMMARY

A: TYPE OF PROJECT: ☐ MANUFACTURING ☒ WAREHOUSE/DISTRIBUTION ☐ COMMERCIAL  
☐ NOT-FOR-PROFIT ☐ OTHER-SPECIFY

B: EMPLOYMENT IMPACT (@BROOME COUNTY):  
EXISTING JOBS:   
NEW JOBS:

C: PROJECT COST \$  D: TYPE OF FINANCING: ☐ TAX-EXEMPT ☒ TAXABLE ☐ STRAIGHT LEASE

E: AMOUNT OF BONDS REQUESTED: \$  F: AMOUNT OF NEW MORTGAGE(S) REQUIRED FOR PROJECT: \$

G: PROJECT-RELATED COSTS SUBJECT TO SALES TAX: \$

H: ESTIMATED VALUE OF TAX EXEMPTIONS:  
NYS SALES AND COMPENSATING USE TAX \$  MORTGAGE RECORDING TAXES \$   
REAL PROPERTY TAX EXEMPTIONS \$   
OTHER (PLEASE SPECIFY)  \$

## APPLICANT INFORMATION

EMPLOYER'S FEDERAL ID NO.  NAICS CODE

1. INDICATE TYPE OF BUSINESS ORGANIZATION OF APPLICANT:

A. ☒ CORPORATION INCORPORATED IN WHAT COUNTRY  WHAT STATE   
DATE INCORPORATED  TYPE OF CORPORATION   
AUTHORIZED TO DO BUSINESS IN NEW YORK: ☐ YES ☒ NO

B. ☐ PARTNERSHIP TYPE OF PARTNERSHIP  # OF GENERAL PARTNERS  # OF LIMITED PARTNERS

C. ☐ SOLE PROPRIETORSHIP

D. ☐ LIMITED LIABILITY APPLICANT DATE CREATED

2. IS THE APPLICANT A SUBSIDIARY OR DIRECT OR INDIRECT AFFILIATE OF ANY OTHER ORGANIZATION(S)? IF SO, NAME OF RELATED ORGANIZATION(S) AND RELATIONSHIP:

## MANAGEMENT OF APPLICANT

List all owners, directors and partners

NAME AND HOME ADDRESS	OFFICE HELD	OTHER PRINCIPAL BUSINESS
Lee Belitsky	President	
George Glacobbe	Executive Vice President	
Ron Balme	Executive Vice President	
Alex Tomey	Executive Vice President	

WITHIN THE PAST FIVE YEARS HAS THE APPLICANT, ANY AFFILIATE, ANY PREDECESSOR COMPANY OR ENTITY, OWNER, DIRECTOR, OFFICER, PARTNER OR ANY CONTRACTOR AFFILIATED WITH THE PROPOSED PROJECT BEEN THE SUBJECT OF:

1. an indictment, judgment, conviction, or a grant of immunity, including pending actions, for any business-related conduct constituting a crime?

☐ YES ☒ NO

2. a government suspension or debarment, rejection of any bid or disapproval of any proposed contract, including pending actions, or for lack of responsibility?

☐ YES ☒ NO

3. any final governmental determination of a violation of any public works law or regulation, or labor law regulation?

☐ YES ☒ NO

4. a consent order with the NYS Dept. of Environmental Conservation?

☐ YES ☒ NO

5. an unsatisfied judgment, injunction or lien for any business-related conduct obtained by any federal, state or local government agency including, but not limited to, judgments based on taxes owed and fines and penalties assessed?

☐ YES ☒ NO

6. Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated in a bankruptcy?

☐ YES ☒ NO

IF THE ANSWER TO ANY QUESTION 1 THROUGH 6 ABOVE IS YES, PLEASE FURNISH DETAILS ON A SEPARATE ATTACHMENT.

IS THE APPLICANT PUBLICLY HELD? ☐ YES ☒ NO

LIST EXCHANGES WHERE STOCK IS TRADED AND LIST ALL STOCKHOLDERS HAVING A 5% OR MORE INTEREST IN THE APPLICANT.

NAME	ADDRESS	PERCENTAGE OF HOLDING

**APPLICANT'S PRINCIPAL BANK(S) OF ACCOUNT** Wells Fargo Bank

## PROJECT DATA

1. Attach a complete narrative description of Project including location, proposed product lines and market projections, square feet by usage, type of construction, machinery for products, machinery for building, office and parking

2. Attach a photo of the site or existing facility to be improved.

3. Attach copies of preliminary plans or sketches of proposed construction or floor plan of existing facility.

4. Are utilities on site or must they be brought in? If so, which ones?

Utilities must be brought to the site.

5. Who presently is legal owner of building or site? Broome County; Neelon Transportation, Inc; JS Pierce Development Co., LLC

6. Is there a purchase option in force or other legal or common control in the project?  
If so, furnish details in a separate attachment.

☐ YES ☒ NO

Is there an existing or proposed lease for all or a portion of the project?

☐ YES ☒ NO

7. If applicant will not occupy 100% of the building in a real estate related transaction, provide information on tenant(s) on a separate sheet including: name, present address, employer fed. ID no., percentage of project to be leased, type of business organization, relationship to applicant, date and term of lease.

8. Is owner or tenant(s) responsible for payment of real property taxes?

OWNER

DMSC will be responsible

TENANT

n/a

9. Zoning district in which Project is located

Economic Development Zone; District: Susquehanna Valley; Special District FF204 LT210 SS201 SS202 VARIOUS

10. Are there any variances or special permits required? If yes, please explain:

☒ YES ☐ NO

Special use permit for the Town of Conklin

11. Will the completion of the Project result in the removal of a plant or facility of the Applicant or another proposed occupant of the project from one area of the State of New York to another area of the State? If yes, please explain:

☐ YES ☒ NO

n/a

12. Will the completion of the Project result in the abandonment/disposal of one or more plants or facilities of the Applicant located in New York state? If yes, please explain:

☐ YES ☒ NO

n/a

13. If the answer to question 11 or 12 is yes, indicate whether any of the following apply to the Project:

A. Is the Project reasonably necessary to preserve the competitive position of the Applicant or such Project Occupant? If yes, please explain:

☐ YES ☒ NO

n/a

B. Is the Project reasonably necessary to discourage the Applicant or such Project Occupant from relocating outside of New York state? If yes, please explain:

☐ YES ☒ NO

n/a

14. Does the Project include facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities? If yes, please explain:

☐ YES ☒ NO

n/a

15. If the answer to question 14 is yes, what percentage of the cost of the Project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project?

0 %

16. If the answer to question 14 is yes, and the answer to question 15 is more than 33.33%, indicate whether any of the following apply to the Project:

A. Will the Project be operated by a not-for-profit corporation? If yes, please explain

☐ YES ☒ NO

n/a

B. Will the Project likely attract a significant number of visitors from outside the economic development region in which the Project will be located? If yes, please explain:

☐ YES ☒ NO

n/a

C. Would the Project Occupant, but for the contemplated financial assistance from The Agency, locate the related jobs outside New York state? If yes, please explain:

☐ YES ☒ NO

n/a

D. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services? If yes, please explain:

☐ YES ☒ NO

n/a

**E. Will the Project be located in one of the following: 1) an area designed as an economic development zone pursuant to Article 18-B of the General Municipal Law; or 2) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most Recent census data, has a poverty rate of at least 20% for the year in which the data relates, or at least 20% of households receiving public assistance; and 3) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates? If yes, please explain:**

☐ YES ☒ NO

**F. If the answers to any of subdivisions c. through e. of question 16 is yes, will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?**

☐ YES ☒ NO

**17. Please indicate all other local agencies, boards, authorities, districts, commissions or governing bodies (including any federal, city, county and other political subdivision of the State of New York and all state departments, agencies, boards, public benefit corporations, public authorities or commissions) involved in approving or funding or directly undertaking action with respect to the Project. For example, do you need a municipal building permit to undertake the Project? State Historic Preservation? Do you need a zoning approval to undertake the Project? If so, you would list the appropriate municipal building department or planning or zoning commission which would give said approvals.**

Financial Assistance Approvals: Empire State Development; Upstate Revitalization Initiative; NYS Home and Community Renewal - NYS CDBG; NYSEDA Energy Program; and NYSDOL Job Training Program. No historic preservation. Town of Conklin, County of Broome, New York State Dept. of Environmental Conservation.

**18. Describe the nature of the involvement of the federal, state or local agencies described above:**

Financial Assistance Approvals: Empire State Development; Upstate Revitalization Initiative; NYS Home and Community Renewal - NYS CDBG; NYSEDA Energy Program; and NYSDOL Job Training Program.

**19. Has construction work on this project begun? If yes, please discuss in detail the approximate extent of construction and the extent of completion. Indicate in your answer whether such specific steps have been completed as site clearance and preparation, completion of foundations, installation of footings, etc.**

☐ YES ☒ NO

**20. Please indicate amount of funds expended on this Project by the Applicant in the past three (3) years and the purposes of such expenditures:**

Only design schemes for various options under consideration.

## PROJECT BENEFITS/COSTS

### 1. NAME OF PROJECT BENEFICIARY ("APPLICANT"):

Dick's Merchandising & Supply Chain, Inc

### 2. ESTIMATED AMOUNT OF PROJECT BENEFITS SOUGHT:

A. Amount of Bonds Sought	\$ 0
B. Value of Sales Tax Exemption Sought	\$ 4,500,000 est
C. Value of Real Property Tax Exemption Sought	\$ 19,400,000 est
D. Value of Mortgage Recording Tax Exemption Sought	\$ 0
E. Interest Savings IRB Issue	\$ 0

### 3. PROJECTED PROJECT INVESTMENT:

#### A. Land-Related Costs

1. Land acquisition	\$ 3,800,000
2. Site preparation	\$ 10,241,790
3. Landscaping	\$ 236,249
4. Utilities and infrastructure development	\$ Included in site prep
5. Access roads and parking development	\$ 5,514,810
6. Other land-related costs (describe)	\$

#### B. Building-Related Costs

1. Acquisition of existing structures	\$ 0
2. Renovation of existing structures	\$ 0
3. New construction costs	\$ 30,863,038

#### C. Machinery and Equipment Costs

\$ 25,000,000 est

#### D. Furniture and Fixture Costs

\$ 1,733,226

#### E. Working Capital Costs

\$



**F. Professional Services/Development Costs**

1. Architecture and Engineering	\$ 6,283,367
2. Accounting/legal	\$
3. Development Fee	\$
4. Other service-related costs (describe)	\$ 335,000
5. The Agency/IDA Fees	\$

**G. Other Costs**

\$

**H. Summary of Expenditures**

1. Total Land-Related Costs	\$ 19,792,849
2. Total Building-Related Costs	\$ 30,863,038
3. Total Machinery and Equipment Costs	\$ 25,000,000 est
4. Total Furniture and Fixture Costs	\$ 1,733,226
5. Total Working Capital Costs	\$
6. Total Professional Services/Development Costs	\$ 6,618,367
7. Total Other Costs	\$

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**TOTAL PROJECT EXPENDITURES \$ 84,007,480**

Have any of the above expenditures already been made by the applicant?

☒

YES

☐

NO

If yes, please provide details:

Some preliminary design work, legal fees, consulting expense

Please list any non-financial public benefits that the project will provide:

The business has a history of working collaboratively with local communities matching the needs of the local workforce. Positions will be posted internally, externally, and through State and Local job boards. There will be a large cross-section of employees needed for the facility, and business will seek to identify low-to-moderate income individuals to employ at the proposed location. The business offers comprehensive training to all of its new employees, which will in turn strengthen the local workforce.

## PROJECTED CONSTRUCTION EMPLOYMENT IMPACT

Please provide estimates of total construction jobs at the Project:

YEAR	CONSTRUCTION JOBS (Annual wages and benefits \$40,000 and under)	CONSTRUCTION JOBS (Annual wages and benefits over \$40,000)
CURRENT	0	0
YEAR 1	500	500
YEAR 2		
YEAR 3		

Please provide estimates of total annual wages and benefits of total construction jobs at the project:

YEAR	TOTAL ANNUAL WAGES AND BENEFITS
CURRENT	\$0
YEAR 1	\$20,000,000
YEAR 2	\$
YEAR 3	\$

*It is the policy of The Agency/TDA to require the Applicant to use local labor, contractors and suppliers in projects that The Agency/TDA is providing financial assistance for. Please refer to the Appendix A (page 16). Local labor, contractors and suppliers shall be defined as employees and companies residing in the following Counties: Broome, Chemung, Chenango, Cortland, Delaware, Otsego, Schuyler, Steuben, Tioga, and Tompkins.*

## PROJECTED PERMANENT EMPLOYMENT IMPACT

CURRENT EMPLOYMENT FIGURES - YEAR ONE	UNDER \$30,000	\$30,000 – \$50,000	\$50,000 – \$75,000	OVER \$75,000
Number of Full-Time Employees (FTE) earning	0	0	0	0
Number of Part-Time Employees earning	0	0	0	0

Total Payroll For Full-Time Employees	\$ 0	0	0	0
Total Payroll For Part-Time Employees	\$ 0	0	0	0
Total Payroll For All Employees	\$ 0	0	0	0

PROJECTED EMPLOYMENT FIGURES - YEAR ONE	UNDER \$30,000	\$30,000 – \$50,000	\$50,000 – \$75,000	OVER \$75,000
Number of Full-Time Employees (FTE) earning	123	34	9	4
Number of Part-Time Employees earning	TBD	TBD	TBD	TBD

Total Payroll For Full-Time Employees	\$ 3,075,000	1,380,000	562,500	330,000
Total Payroll For Part-Time Employees	\$ TBD	TBD	TBD	TBD
Total Payroll For All Employees	\$ 3,075,000	1,360,000	562,500	330,000

PROJECTED EMPLOYMENT FIGURES - YEAR TWO	UNDER \$30,000	\$30,000 – \$50,000	\$50,000 – \$75,000	OVER \$75,000
Number of Full-Time Employees (FTE) earning	178	39	9	4
Number of Part-Time Employees earning	4,450,000	1,560,000	562,500	330,000

Total Payroll For Full-Time Employees	\$ 4,450,000	1,560,000	562,500	330,000
Total Payroll For Part-Time Employees	\$ TBD	TBD	TBD	TBD
Total Payroll For All Employees	\$ 4,450,000	1,560,000	562,500	330,000

**Projected Employment Figures – Year Three**

	Under \$30,000	\$30,000 - \$50,000	\$50,000 - \$75,000	Over \$75,00
Number of FT Employees earning	205	42	9	4
Number of PT Employees earning	TBD	TBD	TBD	TBD
Total Payroll for FT Employees	\$5,125,000.00	\$1,680,000.00	\$562,500.00	\$330,000.00
Total Payroll for PT Employees	TBD	TBD	TBD	TBD
Total Payroll for All Employees	\$5,125,000.00	\$1,680,000.00	\$562,500.00	\$330,000.00

**Projected Employment Figures – Year Four**

	Under \$30,000	\$30,000 - \$50,000	\$50,000 - \$75,000	Over \$75,00
Number of FT Employees earning	241	46	9	4
Number of PT Employees earning	TBD	TBD	TBD	TBD
Total Payroll for FT Employees	\$ 6,025,000.00	\$ 1,840,000.00	\$ 562,500.00	\$ 330,000.00
Total Payroll for PT Employees	TBD	TBD	TBD	TBD
Total Payroll for All Employees	\$ 6,025,000.00	\$ 1,840,000.00	\$ 562,500.00	\$ 330,000.00

**Projected Employment Figures – Year Five**

	Under \$30,000	\$30,000 - \$50,000	\$50,000 - \$75,000	Over \$75,00
Number of FT Employees earning	390	63	9	4
Number of PT Employees earning	TBD	TBD	TBD	TBD
Total Payroll for FT Employees	\$ 9,750,000.00	\$ 2,520,000.00	\$ 562,500.00	\$ 330,000.00
Total Payroll for PT Employees	TBD	TBD	TBD	TBD
Total Payroll for All Employees	\$ 9,750,000.00	\$ 2,520,000.00	\$ 562,500.00	\$ 330,000.00

## REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency/IDA as follows:

- 1. JOB LISTINGS:** Except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOC") and with the administrative entity (collectively with the DOC, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.
- 2. FIRST CONSIDERATION FOR EMPLOYMENT:** In accordance with Section 868-b(2) of the New York General Municipal Law, Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency/IDA, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- 3. ANNUAL SALES TAX FILINGS:** In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency/IDA, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
- 4. EMPLOYMENT:** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency/IDA, the Applicant agrees to file, or cause to be filed, with the Agency/IDA, on an annual basis, reports regarding the number of people employed at the Project site. The Chief Executive Office shall submit to the Agency/IDA prior to February 1 of each year, a written certification setting forth
  - Number of full-time employees at the Project location in the preceding calendar year;
  - Number of part-time employees at the Project location in the preceding calendar year;
  - Gross payroll of all employees at the Project location in the preceding calendar year.
- 5. RECAPTURE POLICY:** The Agency/IDA reserves the right to include in the transaction documents the recapturing of the total value of real property/sales tax exemptions approved for a Project if any of the following conditions arise:
  - a. The Project Facility as defined in the PILOT/Lease Agreement is sold or closed and the Applicant leaves or departs Broome County.
  - b. There is a significant change in the use of the Project Facility and/or business activities of the Applicant.
  - c. There is a significant reduction in the number of full/part-time jobs at the Project Facility in comparison to what was estimated in the Applicant's Project Application that are not reflective of the Applicant's normal business cycle or national economic conditions.
  - d. The Applicant fails to fully comply with all periodic and/or annual reporting requirements of the Agency/IDA, State or Federal government.
  - e. The Applicant failed to achieve any minimal new job creation figures specified by and within the timeframes specified by the Agency/IDA.
- 6. ABSENCE OF CONFLICTS OF INTEREST:** The Applicant has reviewed from the Agency/IDA a list of the members, officers and employees, which is publicly viewable at [www.theagency-ny.com](http://www.theagency-ny.com). No member, officer or employee of the Agency/IDA has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

No conflicts

7. APPARENT CONFLICTS: Has the Applicant provided any personal gifts, loans or campaign contributions to any local or State political party or elected individual in the preceding 12 months?

☐ YES ☒ NO IF YES, PLEASE DESCRIBE:

8. FEES: This Application must be submitted with a non-refundable \$1,000 application fee to the Agency/IDA.

The Agency/IDA has established a general Agency fee in the amount of 1% of the total cost of the project.

The Agency/IDA will charge annually an administrative fee of \$1,500 to cover ongoing compliance and oversight; the fee shall be payable January 1 of each year until all financing documents shall terminated and be discharged and satisfied.

DSMC, INC



Applicant

By:

Tyler Bronson

Title:

Sr. Director

## DOCUMENT LISTS

(A copy of this list should be provided to Applicant's legal counsel)

Please ensure that the following items are delivered with the application:

1. A \$1,000 Application Fee. ☒ YES ☐ NO
2. An EAF (Environmental Assessment Form). ☒ YES ☐ NO
3. Have financing arrangements been made ☒ YES ☐ NO

Prior to the closing of this transaction, Applicant shall deliver the following documentation (where applicable to the project) to The Agency/IDA's legal counsel:

1. Insurance Certificate  
Certificate of Worker's Compensation Insurance (The Agency/IDA named as additional insured). ☐ YES ☐ NO  
  
Certificate of General Liability Insurance (The Agency/IDA named as additional insured), Limits not less than \$1,000,000 per occurrence/accident and a blanket excess liability not less than \$3,000,000. ☐ YES ☐ NO  
  
Certificate of Insurance against loss/damage by fire, lightning or other casualties with a uniform standard extended coverage endorsement in an amount not less than the full replacement value of the Facility (The Agency/IDA named as additional insured). ☐ YES ☐ NO
2. Certificate of Incorporation/Articles of Organization together with all amendments or restatements thereto. ☐ YES ☐ NO
3. By-Laws/Operating Agreement together with any amendments thereto. ☐ YES ☐ NO
4. Good Standing Certificate(s) issued by the State of Incorporation/Organization of the Applicant and NYS. ☐ YES ☐ NO
5. Resolutions of the Board of Directors/Members of the Applicant approving the Project. ☐ YES ☐ NO
6. List of all Material Pending Litigation of the Applicant. ☐ YES ☐ NO
7. List of all Underground Storage Tanks containing Hazardous Materials at the Project. ☐ YES ☒ NO
8. List of all Required Environmental Permits for the Project. ☐ YES ☐ NO
9. Legal Description of the Project Premises. ☐ YES ☐ NO
10. Name and title of person signing on behalf of the Applicant. ☐ YES ☐ NO
11. Copy of the proposed Mortgage (if any). ☐ YES ☐ NO
12. Applicant's Federal Tax ID Number (EIN). ☐ YES ☐ NO
13. Tax Map Number of Parcel(s) comprising the Project. ☐ YES ☐ NO
14. Copy of the Certificate of Occupancy (as soon as available) ☐ YES ☐ NO

## CERTIFICATION

The Information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentations made in this Application constitute an act of fraud, resulting in revocation of benefits.

The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which own a minimum of 20% of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term on any agreements made in connection with the Application.

Applicant hereby releases The Agency/IDA and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "Agency/IDA") from, agrees that the Agency/IDA shall not be liable for and agrees to indemnify, defend and hold the Agency/IDA harmless from and against any and all liability arising from or expense incurred by: (I) the Agency/IDA's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the issue of bonds requested therein are favorably acted upon by the Agency/IDA; and (II) the Agency/IDA's financing of the Project described therein, including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency/IDA or the Applicant are unable to find buyers willing to purchase the total bond issue requested, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency/IDA, its agents or assigns, all actual costs incurred by the Agency/IDA in the processing of the Application, including attorneys' fees, if any.

By: \_\_\_\_\_

*DMSC, Inc*

(Applicant)

Sworn to before me this

19 day of July, 2016.

*Natalie Abbadessa*

(Notary Public)

NATALIE ABBADESSA Notary Public, State of New York Registration #01AB6221930 Qualified In Broome County Commission Expires May 10, 2018
---



APPLICANT: **Dick's Merchandising & Supply Chain, Inc**

REPRESENTATIVE FOR CONTRACT BIDS/AWARDS: **Tyler Bronson**

ADDRESS: **345 Court Street**

CITY: **Coraopolis**

STATE: **PA**

ZIP:

**15108**

PHONE: **724-273-5705**

EMAIL: **tyler.bronson@dcsg.com**

PROJECT ADDRESS: **100-140 Broome Corporate Parkway, Conklin, NY 13748**

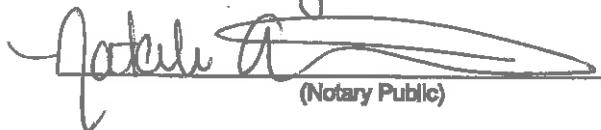
AUTHORIZED REPRESENTATIVE: **Tyler Bronson**

TITLE: **Sr. Dir. of Distribution Strategy & Support**

SIGNATURE: 

Sworn to before me this

19 day of July, 2016.

  
(Notary Public)

NATALIE ABBADESSA  
Notary Public, State of New York  
Registration #01AB6221930  
Qualified In Broome County  
Commission Expires May 10, 2018

The following organizations must be solicited for the purpose of meeting the requirements of this Agreement:

**ASSOCIATED BUILDING CONTRACTORS OF THE TRIPLE CITIES**  
15 Belden Street  
Binghamton, NY 13903

**SOUTHERN TIER BUILDING TRADES COUNCIL**  
1200 Clemens Center Parkway  
Elmira, NY 14901

**BINGHAMTON/ONEONTA BUILDING TRADES COUNCIL**  
11 Griswold Street  
Binghamton, NY 13904

**DODGE REPORTS**  
<http://construction.com/dodge/submit-project.asp>

**TOMPKINS-CORTLAND BUILDING TRADES COUNCIL**  
622 West State Street  
Ithaca, NY 14850

## APPENDIX A - ATTACHMENT TO APPLICATION FOR FINANCIAL ASSISTANCE

### Local General Contractor, Subcontractor, Trades and Labor Policy

It is the goal of the The Agency/IDA to maximize the use of local labor for each project that receives benefits from the Agency/IDA. This policy applies to general contractors, subcontractors, trade professionals, and their employees. The Agency/IDA's Local Labor Area consists of the following New York State counties: Broome, Chemung, Chenango, Cortland, Delaware, Otsego, Schuyler, Steuben, Tioga and Tompkins.

Every applicant is obligated to provide written proof and data (see attached ... forms) to the Agency/IDA as to the physical location of all the contractors who will work on the project.

The Agency/IDA will review the data provided and determine, on a case-by-case basis and in a fully transparent manner, whether the Applicant has substantially conformed to the policy.

An Applicant will not be deficient if the proposed project requires specifically skilled labor that is unavailable in the Local Labor Area.

An Applicant will not be deficient if the proposed project utilizes parts and supplies assembled elsewhere because no such assembly is available in the Local Labor Area.

An Applicant will be held non-compliant with the Labor Policy if it imports labor from outside the Local Labor Area when equal labor that is ready, willing, cost competitive, etc. resides in the Local Labor Area.

*The Agency/IDA may determine on a case-by-case basis to waive any portion of this policy for a project or a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services, documented lack of workers meeting the Local Labor Requirement or if other compelling circumstances exist.*

In consideration of the extension of financial assistance by the Agency/IDA Dick's Merchandising & Supply Chain, Inc. (the Applicant) understands the Local Labor Policy and agrees to submit either or both a Local Labor Utilization Report or a Non Local Labor Utilization Report at the time that construction begins on the project to the Agency and as part of a request to extend the valid date of the Agency/IDA's tax-exempt certificate for the DC / Warehouse / Fulfillment Project (the project).

The Applicant understands an Agency/IDA tax-exempt certificate is valid for 90 days effective the date of the project inducement and extended for 90 day periods thereafter upon request by the Applicant.

The Applicant further understands any request for a waiver to this policy must be submitted in writing and approved by the Agency/IDA before a tax-exempt certificate is issued or extended.

The Applicant further understands that if the required forms are not submitted to the Agency/IDA, the Agency/IDA shall have the authority to immediately terminate any and all Financial Assistance being provided to the Project.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the Project as of 7/19/16 (date).

**LOCAL LABOR UTILIZATION REPORT**

To be completed for all contractors residing within the Broome County IDA Local Labor Area

APPLICANT: **Dick's Merchandising & Supply Chain, Inc.**PROJECT ADDRESS: **100-140 Broome Corporate Parkway**CITY: **Conklin**STATE: **NY** ZIP: **13748**EMAIL: **tyler.bronson@dcsg.com**PHONE: **724-273-5705**

GENERAL CONTRACTOR/CONSTRUCTION MANAGER:

CONTACT:

ADDRESS:

CITY:

STATE:

ZIP:

EMAIL:

PHONE:

ITEM	CONTRACT/SUB	ADDRESS	EMAIL	PHONE	AMOUNT
Site/Demo					
Foundation/Footings					
Building					
Masonry					
Metals					
Wood/Casework					
Thermal/Moisture					
Doors, Windows & Glazing					
Finishes					
Electrical					
HVAC					
Plumbing					
Specialties					
M&E					
FF & E					
Utilities					
Paving/Landscaping					

CHECK IF CONSTRUCTION IS COMPLETE

CHECK IF THIS IS YOUR FINAL REPORT

I CERTIFY THAT THIS IS AN ACCURATE ACCOUNTING OF THE CONTRACTORS THAT ARE WORKING AT THE PROJECT SITE.

  
\_\_\_\_\_  
Company Representative**7/19/16**  
\_\_\_\_\_  
Date

**NON LOCAL LABOR UTILIZATION REPORT** To be completed for all contractors not residing within the Broome County IDA Local Labor Area

APPLICANT **Dick's Merchandising & Supply Chain, Inc.**

PROJECT ADDRESS: 100-140 Broome Corporate Parkway CITY: **Conklin** STATE: **NY** ZIP: **13748**

EMAIL: **tyler.bronson@dcsbg.com** PHONE: **724-273-5705**

GENERAL CONTRACTOR/CONSTRUCTION MANAGER:

CONTACT:

ADDRESS: CITY: **Conklin** STATE: **NY** ZIP: **13748**

EMAIL: **tyler.bronson@dcsbg.com** PHONE: **724-273-5705**

ITEM	CONTRACT/SUB	ADDRESS	EMAIL	PHONE	AMOUNT
Site/Demo					
Foundation/Footings					
Building					
Masonry					
Metals					
Wood/Casework					
Thermal/Moisture					
Doors, Windows & Glazing					
Finishes					
Electrical					
HVAC					
Plumbing					
Specialties					
M&E					
FF & E					
Utilities					
Paving/Landscaping					

CHECK IF CONSTRUCTION IS COMPLETE ☐

CHECK IF THIS IS YOUR FINAL REPORT ☐

I CERTIFY THAT THIS IS AN ACCURATE ACCOUNTING OF THE CONTRACTORS THAT ARE WORKING AT THE PROJECT SITE.

\_\_\_\_\_  
Company Representative

\_\_\_\_\_  
Date

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

**Instructions for Completing Part 1**

**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 project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: Broome County IDA Facility		
Project Location (describe, and attach a general location map): The Project is located within Broome County Corporate Park. See Site Location Map.		
Brief Description of Proposed Action (include purpose or need): The Broome County Industrial Development Agency (BCIDA) is proposing to construct a distribution center located in the Broome County Corporate Park in the Town of Conklin, Broome County, New York. The Project Site is approximately 130 acres within Broome County Corporate Park (although construction will only occur on approximately 75 acres within the site). The Project Site is generally bounded to the west by Broome County Corporate Parkway and to the east by Norfolk Southern Rail Road. The primary component of this project is a new distribution center. In addition to this new building, the Project also includes the following support and ancillary components: Adjacent Parking Lots, Associated Utilities, Access Roads, Stormwater Management Systems.		
Name of Applicant/Sponsor: Broome County Industrial Development Agency		Telephone: (607) 584-9000
		E-Mail:
Address: 60 Hawley Street, 5th floor		
City/PO: Binghamton	State: New York	Zip Code: 13901
Project Contact (if not same as sponsor; give name and title/role): Kevin McLaughlin, Executive Director		Telephone: (607) 584-9000
		E-Mail:
Address: 60 Hawley Street, 5th floor		
City/PO: Binghamton, NY	State: New York	Zip Code: 13901
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

## 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	Town Board- Special Use Permit	May or June 2016
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Town of Conklin Planning Board - Special Permit recommendation	May or June 2016
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	New York State Department of Environmental Conservation - Article 24 Permit	May 2016
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	U.S. Army Corps of Engineers - Nationwide Permit	May 2016
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"> <li>If Yes, complete sections C, F and G.</li> <li>If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): <u>Per the 2004 Town of Conklin Comprehensive Plan, the Project is within Broome Corporate Park which is located in the Economic Development District.</u>	
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?  
Economic Development District

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? \_\_\_\_\_

### C.4. Existing community services.

a. In what school district is the project site located? Susquehanna Valley School District

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

Broome County Sheriff, NYS Police Department

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

Conklin Fire Department

d. What parks serve the project site?

None

### 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)? Commercial

b. a. Total acreage of the site of the proposed action? 130 acres

b. Total acreage to be physically disturbed? 73.2 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 112.59 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 proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 15 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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>			
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)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Total number of structures <u>1</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>46'</u> height; <u>471'</u> width; and <u>1404'</u> length	
iii. Approximate extent of building space to be heated or cooled: <u>650,000, build out to 900,000</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? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Purpose of the impoundment: <u>Stormwater runoff control</u>	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input checked="" 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: <u>5.4</u> million gallons; surface area: <u>2</u> acres	
v. Dimensions of the proposed dam or impounding structure: <u>6'</u> height; <u>1,000'</u> length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): <u>Excavation and slope stabilization.</u>	

### D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? <u>Construction of facility, roads and infrastructure.</u>	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): <u>Approx. 800,000 cy excavated, majority will remain on site.</u>	
• Over what duration of time? <u>Off site removals will be isolated</u>	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. <u>Intent is to have balance of cut and fill.</u>	
iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If yes, describe. <u>Dewatering pits implemented as needed to discharge clean stormwater outside of the construction area. All dewatering to be discharged into a sediment trapping device.</u>	
v. What is the total area to be dredged or excavated? <u>77</u> acres	
vi. What is the maximum area to be worked at any one time? <u>50</u> acres	
vii. What would be the maximum depth of excavation or dredging? <u>40</u> feet	
viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
ix. Summarize site reclamation goals and plan: <u>The site will go through a cut and fill operation and building/ancillary components will cover the majority of the site. The balance of the the site will be mitigated through stormwater management and regulated wetlands.</u>	

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? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>NYSDEC wetland BE-5 and USACE wetlands PUBFh, PUBHh, PEM1Fx. Additionally, an unnamed NYSDEC unprotected stream that flows into the Susquehanna River.</u>	



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:  
Minor fill and excavation (approximately 0.191 acres) required for construction of the Project. Additionally, permanent disturbance of stream bed and banks (approximately 0.023 acres) required for construction of embedded culvert.

iii. Will proposed action cause or result in disturbance to bottom sediments? ☒ Yes ☐ No

If Yes, describe: Construction of an embedded culvert over the unnamed NYSDEC unprotected stream.

iv. Will 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: \_\_\_\_\_

Project will include approximately one acre of additional wetland expansion on-site.

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: \_\_\_\_\_ 6,400 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: Town of Conklin Water Department
- 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), 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: \_\_\_\_\_ 4,800 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): \_\_\_\_\_

All for sanitary system.

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: Binghamton -Johnson City Joint Sewage Treatment Plant
- Name of district: Town of Conklin
- 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"> <li>• Do existing sewer lines serve the project site? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Will line extension within an existing district be necessary to serve the project? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	
<p>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):</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p>	
<p>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? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p>_____ Square feet or _____ 51 acres (impervious surface)</p> <p>_____ Square feet or _____ 130 acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>Diversion ditches and swales will be used to direct runoff.</u></p> <p>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)?</p> <p><u>To bioretention and sediment basins on the east side of the Project Site. Basins ultimately lead to groundwater or adjacent river.</u></p> <p>_____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____ <u>Susquehanna River.</u></li> <li>• Will stormwater runoff flow to adjacent properties? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> </ul>	
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>	
<p>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? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p><u>Construction equipment and delivery vehicles.</u></p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>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) <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	

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 semi-trailer truck trips/day: \_\_\_\_\_  
iii. Parking spaces: Existing 0 Proposed 686 Net increase/decrease +686

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:  
New access from Broome County Corporate Parkway and NYS Route 7.

vi. Are public/private transportation service(s) or facilities available within 1/2 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: \_\_\_\_\_  
Four 3,000 amp services for a total of 12,000 amps (3 phase, 4 wire, 480/277 volt).

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
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: 7am - 7pm
- Saturday: 7am - 7pm
- Sunday: \_\_\_\_\_
- Holidays: \_\_\_\_\_

ii. During Operations:

- Monday - Friday: 6am - 3:30am
- Saturday: 7am - 7pm\*
- Sunday: 7am - 7pm\*
- Holidays: 7am - 7pm\*

\*During peak periods only

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:  <u>Construction may result in temporary minor increases in noise levels during daytime hours only.</u></p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  <u>Outdoor lighting along access roads and within adjacent parking lots. Outdoor lighting will comply with local code.</u></p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>	
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ 300 tons per _____ month (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: <u>The owner will utilize recycling programs (i.e. cardboard paper recycling to minimize solid waste). Much of the generated waste will be recycled.</u></li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: <u>Local and regional recycling programs. Licensed solid waste facilities and landfills.</u></li> </ul>	

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 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): Successional communities (old field) and second growth forest

ii. If mix of uses, generally describe: \_\_\_\_\_

The Project is located within Broome Corporate Park in a generally rural location surrounded by industrial and commercial land uses and non-farm residences within 1000 feet.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	10.5	55.7	+45.2
• Forested	18.0	10	-8.0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	82.0	45	-37.0
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)	20.0	19.8	-0.2
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

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: \_\_\_\_\_ 15 (before decommissioning) feet  
• Dam length: \_\_\_\_\_ 1,000 (before decommissioning) feet  
• Surface area: \_\_\_\_\_ 4 (before decommissioning) acres  
• Volume impounded: \_\_\_\_\_ 0 gallons OR acre-feet  
ii. Dam's existing hazard classification: Class D - No hazard  
iii. Provide date and summarize results of last inspection:  
Broome Corporate Park Pond Dam #1, DEC Dam ID#: 096-4909 hazard classification was changed from Class B - Intermediate Hazard to Class D - No Hazard on January 26, 2016.

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): 704013  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
NYSDEC Environmental Site Remediation ID number 704013 has been properly closed but requires continued site management consisting of operation, maintenance and/or monitoring.

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: \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ varies, >10 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:

Canaseraga silt loam, 8-15% slopes	49 %
Chenango and Howard gravelly loam	26 %
Wailington silt loam	6 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 8 feet

e. Drainage status of project site soils: ☒ Well Drained: \_\_\_\_\_ 26 % of site  
☒ Moderately Well Drained: \_\_\_\_\_ 50 % of site  
☒ Poorly Drained: \_\_\_\_\_ 1.4 % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: \_\_\_\_\_ 50 % of site  
☒ 10-15%: \_\_\_\_\_ 50 % of site  
☐ 15% or greater: \_\_\_\_\_ % of site

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

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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	931-902	Classification	C
• Lakes or Ponds:	Name		Classification	
• Wetlands:	Name	Federal Waters, Federal Waters, Federal Waters,...	Approximate Size	NYS Wetland (in a...)
• Wetland No. (if regulated by DEC)	BE-5			

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: \_\_\_\_\_

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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: Sole Source Aquifer Names: Clinton Street Ballpark SSA, Principal Aquifer

<b>m. Identify the predominant wildlife species that occupy or use the project site:</b> <div style="display: flex; justify-content: space-between;"> <div> <u>white-tailed deer</u>  <u>gray squirrel</u> </div> <div> <u>Various song birds</u>  <u>beaver</u> </div> <div> <u>Canada goose</u>  <u>mallards</u> </div> </div>	
<b>n. Does the project site contain a designated significant natural community?</b> <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> <b>If Yes:</b> <i>i. Describe the habitat/community (composition, function, and basis for designation):</i> _____ <i>ii. Source(s) of description or evaluation:</i> _____ <i>iii. Extent of community/habitat:</i> <div style="display: flex; justify-content: space-between;"> <div> <ul style="list-style-type: none"> <li>• Currently: _____</li> <li>• Following completion of project as proposed: _____</li> <li>• Gain or loss (indicate + or -): _____</li> </ul> </div> <div style="text-align: right;">           acres            acres            acres         </div> </div>	
<b>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?</b> <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>  <small>The USFWS IPaC database lists northern long-eared bat as a threatened species that could occur in the region. However, no known hibernaculum or maternity roost sites are located within Broome County. The NHP listed the state threatened green floater and unlisted yellow lampmussel species that occur within the vicinity of the Project Site. However, based on descriptions of preferred habitat, these species are not anticipated to be impacted.</small>	
<b>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?</b> <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
<b>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?</b> <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> <b>If yes, give a brief description of how the proposed action may affect that use:</b> _____ _____	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
<b>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?</b> <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> <b>If Yes, provide county plus district name/number:</b> _____	
<b>b. Are agricultural lands consisting of highly productive soils present?</b> <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> <i>i. If Yes: acreage(s) on project site?</i> _____ <i>ii. Source(s) of soil rating(s):</i> _____	
<b>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?</b> <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> <b>If Yes:</b> <i>i. Nature of the natural landmark:</i> <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii. Provide brief description of landmark, including values behind designation and approximate size/extent:</i> _____ _____	
<b>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?</b> <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> <b>If Yes:</b> <i>i. CEA name:</i> _____ <i>ii. Basis for designation:</i> _____ <i>iii. Designating agency and date:</i> _____	



e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐ Yes ☒ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

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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

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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: \_\_\_\_\_

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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.

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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 BROOME COUNTY IDA

Date 6/10/16

Signature [Signature]

Title EXECUTIVE DIRECTOR

PRINT FORM



## Broome County IDA Facility

Town of Conklin, Broome County

### Project Location

May 2016

 Project Location

Notes: 1. Basemap: NYS ITS GIS Program Office "2014 Digital Orthorectification Program" Web Service.  
2. This is a color graphic. Reproduction in grayscale may misrepresent the data.



[www.edrnp.com](http://www.edrnp.com)

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Division of Fish, Wildlife & Marine Resources**  
**New York Natural Heritage Program**  
625 Broadway, 5<sup>th</sup> Floor, Albany, New York 12233-4757  
Phone: (518) 402-8935 • Fax: (518) 402-8925  
Website: [www.dec.ny.gov](http://www.dec.ny.gov)



February 09, 2016

Jacob Runner  
EDR  
217 Montgomery Street, Suite 1000  
Syracuse, NY 13202

Re: Broome County Corporate Park Facility (EDR Project No. 15075)  
Town/City: Conklin. County: Broome.

Dear Jacob Runner:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the immediate vicinity of your site in the Susquehanna River.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

Our database is continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at [www.dec.ny.gov/about/39381.html](http://www.dec.ny.gov/about/39381.html).

Sincerely,

*Andrea Chaloux*

Andrea Chaloux  
Environmental Review Specialist  
New York Natural Heritage Program



**The following state-listed animals have been documented  
in the vicinity of your project site.**

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing.

**For information about any permit considerations for your project, contact the Permits staff at the NYSDEC Region 7 Office. For information about potential impacts of your project on these species, and how to avoid, minimize, or mitigate any impacts, contact the Wildlife Manager.**

**A listing of Regional Offices is at <http://www.dec.ny.gov/about/558.html>.**

**The following species have been documented within 0.1 mile of the project site in the Susquehanna River. Potential onsite and offsite impacts from the project may need to be addressed.**

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
<b>Freshwater Mussels</b>			
<b>Green Floater</b>	<i>Lasmigona subviridis</i>	Threatened	8867

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), and from NYSDEC at [www.dec.ny.gov/animals/7494.html](http://www.dec.ny.gov/animals/7494.html).



**The following rare animals have been documented  
in the vicinity of your project site.**

We recommend that potential onsite and offsite impacts of the proposed project on these species be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

**The following animals, while not listed by New York State as Endangered or Threatened, are of conservation concern to the state, and are considered rare by the New York Natural Heritage Program.**

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
<b>Freshwater Mussels</b>			
<b>Yellow Lampmussel</b>	<i>Lampsilis cariosa</i>	Unlisted	Vulnerable in NYS
Susquehanna River, Kirkwood, <b>within 0.1 mile of project site</b> , 1997-08-01.			

6389

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), from NatureServe Explorer at [www.natureserve.org/explorer](http://www.natureserve.org/explorer), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).





## Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO  
Governor

ROSE HARVEY  
Commissioner

February 24, 2016

Mr. Grant Johnson  
Senior Cultural Resources Specialist  
Environmental Design & Research, D.P.C. (EDR)  
217 Montgomery Street  
Suite 1000  
Syracuse, NY 13210

Re: USACE  
Broome County Corporate Park Facility  
Broome Parkway, Town of Conklin, Broome County, NY  
16PR00355

Dear Mr. Johnson:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

SHPO has reviewed the Phase I archaeological survey report for this project – *Phase 1A/1B Cultural Resource Survey, Broome County Corporate Park Project, Town of Conklin, Broome County, New York* (Public Archaeology Facility, 12 February 2016). Based on the information provided, SHPO recommends that the planned project will have **No Effect** on historic properties listed or eligible for listing on the National Register of Historic Places. This recommendation pertains only to the Area of Potential Effects (APE) examined during the above-referenced investigation. It is not applicable to any other portion of the project property. Should the project design be changed SHPO recommends further consultation with this office.

If you have any questions please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst - Archaeology Unit  
Phone: 518-268-2175  
e-mail: [philip.perazio@parks.ny.gov](mailto:philip.perazio@parks.ny.gov)

via e-mail only

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Division for Historic Preservation

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## memorandum

**To:** Mr. Tyler Bronson  
Dick's Sporting Goods, Inc. and  
Dick's Merchandising & Supply Chain, Inc.  
&  
Mr. Dave Kennicutt, P.E.  
Delta Engineers, Architects and Land  
Surveyors

**From:** Gregory S. Liberman

**Date:** June 30, 2016

**Reference:** Project Mario - Wetland Delineation Addendum

**EDR Project No:** 15075

In the summer and fall of 2015, Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. (EDR) completed wetland delineations at the proposed the Broome County Corporate Park Facility in the Town of Conklin, Broome County, New York. On December 15, 2015, EDR ecologists walked the delineated wetlands with representatives from the U.S. Army Corps of Engineers (Corps) and the New York State Department of Environmental Conservation (NYSDEC). These wetland boundaries were generally agreed upon by those in attendance, although some minor shifts to a few flags were requested. As result, EDR finalized the delineations and prepared a Wetland Delineation Report dated January 2016.

The previous wetland delineations were conducted on a roughly 109-acres study area. Recently, Delta Engineers, Architects & Land Surveyors requested that EDR also identify wetlands on two developed parcels directly adjacent to the original study area (see Figure 1) which were not included in the previous study. The two additional sites (Site 1 and Site 2) are located to the southwest and southeast of the original study area respectively and consist of industrial development (i.e., warehousing, distribution facilities). This memorandum summarizes our review of background data, field visit and methodology for identifying potential wetlands on the two adjacent sites. Supporting figures, along with representative photos of the sites, are attached.

### Review of Background Data

A review of existing wetland databases (National Wetland Inventory [NWI] and New York State Department of Environmental Conservation [NYSDEC] mapped wetlands) did not indicate the presence of mapped wetlands or streams within the two additional sites. However, the Susquehanna River runs approximately 1000 feet to the east of the southeastern most site.

### Field Visit and Methodology

On June 16, 2016, EDR biologists visited the additional sites to determine if any wetlands exist on-site, and delineate the extent of any wetlands. The identification of wetland boundaries was made based on the methodology described in the *U.S. Army Corps of Engineers (the Corps) Wetland Delineation Manual* (Environmental Laboratory, 1987). The determination of wetland boundaries was also guided by the methodologies presented in the *Regional Supplement to*

( Landscape Architecture • Civil Engineering • Regulatory Compliance • Ecological Resource Management  
Cultural Resource Management • Visual Impact Assessment • Community Planning • Golf Course Architecture )

*the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0)* (USACE, 2012). According to the Corps methodologies, wetland hydrology, when combined with hydrophyte plant communities and hydric soils, indicate the presence of a wetland. Attention was also given to the identification of potential hydrologic connections between wetlands and areas that could influence their jurisdictional status.

### Findings

At Site 1, EDR identified a drainage swale feature within the site. This swale appears to be a man-made drainage feature that parallels an existing paved parking lot between the developed site and Broome County Corporate Parkway. The narrow swale (Figure 2) contained scattered clumps of lawn and an herbaceous layer. The herbaceous layer appeared to consist primarily of Rushes (*Juncus* spp.) and narrow-leaved cattail (*Typha angustifolia*). Evidence of wetland hydrology within this wetland consisted of saturations, surface water, sparsely vegetated concave surface, thin muck surface, and drainage patterns. However, soils within the swale appeared to be disturbed, likely due to the constructed nature of this swale adjacent to the asphalt parking area.

In general, the swale appears to collect surface water run-off from the parking area and roadway and direct it around the site infrastructure. The drainage appears to dissipate at the swale terminus and a direct connection to down gradient wetlands was not identified.

Uplands adjacent to the swale did not display any evidence of wetland hydrology, or hydric soils. Vegetation was dominated by common upland grasses (*Graminoid* spp.) and other upland plants such as *Gallium mollugo* and *Vicia* spp. One facultative wetland species (*Phalaris arundinacea*) was observed, but there were no additional dominant wetland vegetation or indicators such as wetland hydrology and hydric soils that would lead to any alternative conclusions.

No additional wetlands were identified on the Site 2. This site consists of the developed industrial facility adjacent to Route 7. The site consists of a large building/structure with extensive paved surfaces. The remaining vegetated areas consists of upland old field and mowed lawn. Reference is made to the attached photolog.

### Conclusion

On June 16, 2016, EDR biological staff visited two sites adjacent to the Broome County Corporate Park Facility. The purpose of this visit was to identify additional wetlands or stream resources at these sites. During this visit, EDR identified one swale on the southwestern site (Site 1). The swale appeared to be man-made and generally drains upland parking areas and roadside. While evidence of hydrology and scattered hydrophytic vegetation are present, the soils appeared to be disturbed and are somewhat granular, likely due to the proximity to the asphalt parking lot and associated gravel subbase. Further, the drainage dissipates at the swale terminus and does not drain to an adjacent wetland resource. As a result, the swale is considered to be a non-jurisdictional isolated feature (i.e., ditch) not subject to regulation under the Corps Sections 10 or 404 of the Clean Water Act or require a NYSDEC Article 15 Protection of Waters Permit.

### List of Attachments:

- Figure 1. Project Site
- Figure 2. Location of Swale
- Photos of Representative Wetland Communities



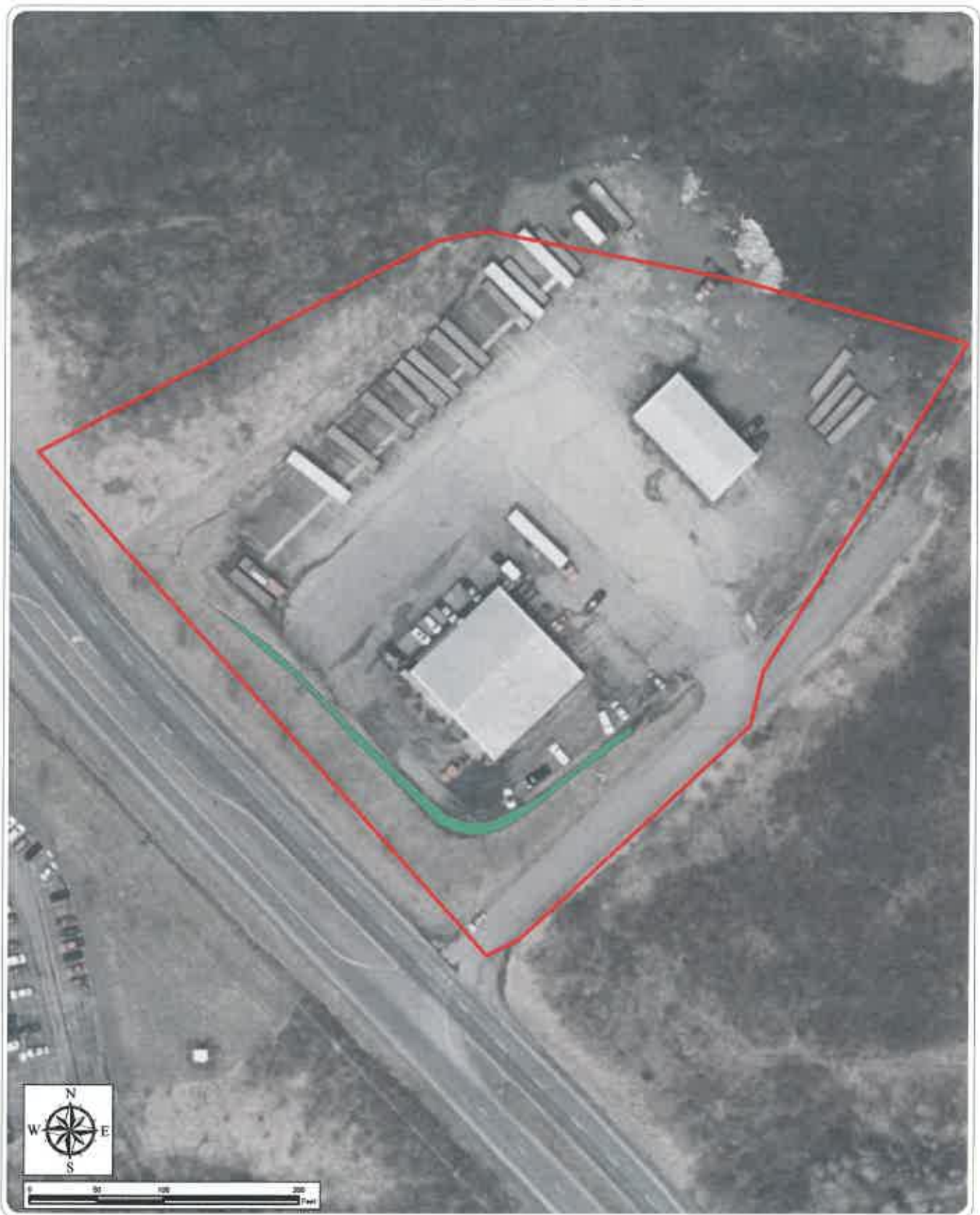


Broome Corporate Park Property  
Town of Conklin, Broome County

**Wetland Addendum Figure 1. Project Study Area**  
June 2016

 Original Study Area  
 Additional Study Area

Notes: 1. Basemap: NYS ITS GIS Program Office "2014 Digital Orthoimagery Program" Web Service.  
2. This is a color graphic. Reproduction in grayscale may misrepresent the data.



**Broome Corporate Park Property**  
Town of Conklin, Broome County

**Wetland Addendum Figure 2. Location of Swale**  
June 2016

Notes: 1. Basemap: NYS ITS GIS Program Office "2014 Digital Orthoimagery Program" Web Service.  
2. This is a color graphic. Reproduction in grayscale may misrepresent the data.



 Non-jurisdictional Swale  
 Additional Study Area





Photo 1

View looking northwest toward a man made diversion drainage-type feature running along the base of a seasonally mowed slope at Site 1.



Photo 2

Looking southwest along drainage feature as it wraps around the adjacent parking area at Site 1.

**Broome County Corporate Park Property**

Town of Conklin, Broome County

**Appendix B: Photos of Representative Wetland Communities**

January 2016

Sheet 1 of 3





Photo 3

View looking northwest toward a man made diversion drainage-type feature at Site 1.



Photo 4

View looking at slopes along south side of site 2.





Photo 5

View looking at slopes along the east side of the site 2.



Photo 6

View looking at areas along north side of site 2.

## Broome County Corporate Park Property

Town of Conklin, Broome County

### Appendix B: Photos of Representative Wetland Communities

January 2016

Sheet 3 of 3



