

REGULAR ARCADIA TOWN BOARD MEETING

September 8, 2026 – 7:00 PM

Town Hall

201 Frey St.

Newark, NY 14513

Supervisor Piscioti welcomed those in attendance followed by the gathering in the pledge of allegiance.

PRESENT: Supervisor Piscioti
Councilmembers: Diamond, Gerbig, VanLaeken

CEO DeWolf
Attorney Hou
Deputy Clerk Vacchetto

ABSENT: Councilman Greco
Highway Supt. Kuhlman

MINUTES: Motion made by Councilman Gerbig, seconded by Councilman VanLaeken to approve the minutes of August 11, 2026 Regular Town Board Meeting.
All voted Aye.

CODE ENFORCEMENT REPORT: CEO DeWolf read his August 2026 Report. CEO DeWolf also said Cook's Property is putting three new homes into each park; Vienna Estates and Forest County.
Report Attached.

HIGHWAY REPORT: Councilman VanLaeken read Highway Supt. Kuhlman's report in his absence.
Report attached.

COMMUNICATIONS: Supervisor Piscioti said the preliminary numbers were in for WD#18. The Board is waiting until next month to make a decision on this project.

UNFINISHED BUSINESS:

West Shore Blvd. Properties – Resolution Declaring Expiration of Permissive Referendum: Resolution offered by Councilman VanLaeken,

seconded by Councilman Gerbig declaring expiration of permissive referendum and authorize Supervisor Piscioti to complete the sale of West Shore Blvd. Properties to Greene Properties Management.
Resolution Attached.

Roll Call:

Supervisor Piscioti	Aye
Councilman Diamond	Aye
Councilman Greco	Absent
Councilman Gerbig	Aye
Councilman VanLaeken	Aye

New BUSINESS:

Veterans Exemption Property Tax: Resolution offered by Councilman VanLaeken, seconded by Councilman Diamond introducing proposed Local Law Providing for a Full Property Tax Exemption for the Primary Residence of Qualifying Seriously Disabled Veterans and scheduling a Public Hearing for October 13, 2026 at 7:05 PM at the Arcadia Town Hall, Newark NY.
Resolution attached.

Roll Call:

Supervisor Piscioti	Aye
Councilman Diamond	Aye
Councilman Greco	Absent
Councilman Gerbig	Aye
Councilman VanLaeken	Aye

2027 Tentative Budget: Terresa Vastbinder, Town Clerk presented the Tentative Budget to the Town Board.

Revoking Signatory and Account Access for Tax Receiver: Resolution offered by Councilman VanLaeken, seconded by Councilman Gerbig revoking banking signatory authority and account access for Sharon VerHeecke, Receiver of Taxes due to retiring.
Resolution attached.

Roll Call:

Supervisor Piscioti	Aye
Councilman Diamond	Aye
Councilman Greco	Absent
Councilman Gerbig	Aye
Councilman VanLaeken	Aye

Southwest Improvement Area Benefit Area No. 3 Change Order No. 01:

Motion made by Councilman Diamond, seconded by Councilman Gerbig to approve Change Order No. 1 for Southwest Improvement Area Benefit Area No. 3 for over/under quantity adjustments of a decrease of \$6,266.25.

Roll Call:

Supervisor Piscioti	Aye
Councilman Diamond	Aye
Councilman Greco	Absent
Councilman Gerbig	Aye
Councilman VanLaeken	Aye

Southwest Improvement Area Benefit Area No. 3 Payment Requisition

Application #3: Motion made by Councilman Gerbig, seconded by Councilman VanLaeken to approve Southwest Improvement Area Benefit Area No. 3 payment requisition application #3 to Wayne County Water and Sewer Authority for the amount of \$144,472.10.

Roll Call:

Supervisor Piscioti	Aye
Councilman Diamond	Aye
Councilman Greco	Absent
Councilman Gerbig	Aye
Councilman VanLaeken	Aye

PUBLIC HEARING:

7:05 PM Local Law to Rescind Local Law No. 1 of 1987 (Flood Damage prevention):

Motion made by Councilman Gerbig, seconded by Councilman Diamond to close the Regular Town Board Meeting and open to the Local Law to Rescind Local Law No. 1 of 1987 Public Hearing.

All voted Aye.

Motion made by Councilman VanLaeken, seconded by Councilman Diamond to waive the reading of the Legal Notice.

All voted Aye.

Supervisor Piscioti asked if there were any comments or concerns.

Hearing none Supervisor Piscioti asked for a motion to close the Public Hearing.

7:07 PM Motion made by Councilman VanLaeken, seconded by Councilman Gerbig to close the Public Hearing and open back to the Regular Town Board Meeting.

Executive Session:

7:08PM Motion made by Councilman VanLaeken, seconded by Councilman Gerbig to enter into Executive Session to discuss pending litigation.
All voted Aye.

Supervisor Piscioti, Councilmembers VanLaeken, Gerbig, Diamond and Attorney Hou went into next room.

7:14 Reconvene: Motion made by Councilman VanLaeken, seconded by Councilman Gerbig to reconvene to Regular Meeting.
All voted Aye.

7:15 PM Local Law for Flood Damage Prevention: Motion made by Councilman VanLaeken, seconded by Councilman Gerbig to close the Regular Town Board Meeting and open to the Public Hearing for Local Law for Flood Damage Prevention.
All voted Aye.

Supervisor Piscioti asked if there were any comments or concerns.

Question of how much money would be into this. Supervisor Piscioti said it's not a monetary thing. It's declaring flood zones in the Town of Arcadia.

Hearing no more questions Supervisor Piscioti asked to close the Public Hearing.

7:16 PM Motion made by Councilman Gerbig, seconded by Councilman VanLaeken to close the Public Hearing and open back to the Regular Town Board Meeting.
All voted Aye.

UNFINISHED BUSINESS:

Resolution Local Law to Rescind Local Law No. 1 of 1987 (Flood Damage Prevention): Resolution offered by Councilman VanLaeken, seconded by Councilman Gerbig to adopt Local Law No. 3 of 2026 to Rescind Local Law No. 1 of 1987.
Resolution attached.

Roll Call:

Supervisor Piscioti	Aye
Councilman Diamond	Aye
Councilman Greco	Absent
Councilman Gerbig	Aye
Councilman VanLaeken	Aye

SEQR Flood Damage Prevention: Moved by Councilman VanLaeken, seconded by Councilman Diamond to declare the Town Board of the Town of Arcadia Lead Agency for Local Law Flood Prevention.

All voted Aye.

Moved by Councilman VanLaeken, seconded by Councilman Gerbig to accept Full Environmental Assessment Form Part 2 showing no significant adverse impacts on the environment.

All voted Aye.

Moved by Councilman VanLaeken, seconded by Councilman Gerbig to authorize Supervisor Piscioti to sign and the Negative Declaration under SEQR Part 3 of the Environmental Assessment form for Local Law for Flood Prevention.

All voted Aye.

Resolution Local Law for Flood Damage Prevention: Resolution offered by Councilman VanLaeken, seconded by Councilman Gerbig adopting Local Law No. 4 for 2026 for Flood Damage Prevention as authorized by the NYS Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36.

Resolution attached.

Roll Call:

Supervisor Piscioti	Aye
Councilman Diamond	Aye
Councilman Greco	Absent
Councilman Gerbig	Aye
Councilman VanLaeken	Aye

PUBLIC COMMENTS: Supervisor Piscioti asked if there were any public comments.

It was asked what Roll Call is. Council Members explained it is what each answer (vote) is said by the members of the Board. Usually done when it involves money.

Another question was how much does the Town usually spend in a year. Looking at the tentative budget it is \$4,835,000.00.

AUDIT/PAYMENT OF BILLS APPROVED BY THE TOWN BOARD:

General	#278-303	\$169,611.92
Highway	#177-197	<u>\$92,858.04</u>
	Total:	<u>\$262,469.96</u>

Moved by Councilman VanLaeken, seconded by Councilman Diamond to authorize payment of the General and Highway bills.

Roll Call:

Supervisor Piscioti	Aye
Councilman Diamond	Aye
Councilman Greco	Aye
Councilman Gerbig	Absent
Councilman VanLaeken	Aye

REPORTS OF TOWN OFFICIALS:

All Town Reports: Moved by Councilperson VanLaeken, seconded by Councilperson Gerbig to approve the following reports: Code Officer, Highway, Town Clerk, Assessor and Supervisor reports.
All voted Aye.

ADJOURNMENT:

7:21 PM Moved by Councilman VanLaeken, seconded by Councilman Gerbig to adjourn the Town Board meeting.
All Voted Aye

Respectfully Submitted,
Teresa Vastbinder
Town Clerk

Meeting was recorded and posted to townofarcadiany.gov

Town of Arcadia Code Enforcement Monthly Report For: August 2026

Total Permits Issued for the Month	10
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Total Cost of Permits	\$463.00
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Inspections Done for the Month	17
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Total C of C's Issued for the Month	2
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Total C of O's Issued for the Month	1
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Total Variances Processed for the Month	1
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Total Complaints Received	0
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Total 911 Calls Received	0
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Total of Violation Letters Sent	1
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Total of Violations Resolved	0
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Total of Appearance Tickets Issued	0
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September Town Board Meeting 9/8/ 2026

The guys have been working at some small maintenance jobs and a few new driveway installs. We have also hauled in some sand getting ready for winter, we will need to haul more in before November. The 2 roadside mowers are still at it, getting things mowed back where they can .

Our shop guy has started looking over sanders and making repairs as needed, it won't be long we'll be sliding a few in the trucks .

THANK YOU ;

Thomas Kuhlman / Highway Superintendent

MONTHLY REPORT OF SUPERVISOR

TO THE TOWN BOARD OF THE TOWN OF ARCADIA:

ursuant to Section 125 of the Town Law, I hereby render the following detailed statement
of all moneys received and disbursed by me during the month of August, 2026;

DATED: September 2, 2026



SUPERVISOR

	Balance 07/31/2026	Increases	Decreases	Balance 08/31/2026
A GENERAL FUND-TOWNWIDE				
CASH - CHECKING	1,204,640.01	0.00	0.00	1,204,640.01
MONEY MARKET	750,908.05	2,252.36	0.00	753,160.41
PETTY CASH	600.00	0.00	0.00	600.00
MONEY MARKET - SPECIAL RESERVE	151,510.96	454.46	0.00	151,965.42
TOTAL	2,107,659.02	2,706.82	0.00	2,110,365.84
B GENERAL FUND-OUTSIDE VILLAGE				
CASH - CHECKING	1,232,086.80	0.00	0.00	1,232,086.80
MONEY MARKET	638,725.35	1,915.86	0.00	640,641.21
TOTAL	1,870,812.15	1,915.86	0.00	1,872,728.01
DA HIGHWAY FUND-TOWNWIDE				
CASH - CHECKING	644,835.30	100,000.00	0.00	744,835.30
MONEY MARKET - HWY TOWNWIDE	461,698.29	1,384.87	0.00	463,083.16
MONEY MARKET - SPECIAL RES - E	505,019.56	1,214.86	100,000.00	406,234.42
TOTAL	1,611,553.15	102,599.73	100,000.00	1,614,152.88
DA1- HIGHWAY SAFETY ACCOUNT				
CASH - CHECKING	750.07	0.00	0.00	750.07
TOTAL	750.07	0.00	0.00	750.07
DB HIGHWAY FUND-OUTSIDE VILLAGE				
CASH - CHECKING	1,235,824.12	0.00	0.00	1,235,824.12
MONEY MARKET	977,760.95	2,932.80	0.00	980,693.75
TOTAL	2,213,585.07	2,932.80	0.00	2,216,517.87
HN WATER DISTRICT #13				
	0.00	0.00	0.00	0.00
TOTAL	0.00	0.00	0.00	0.00
HR SW QUAD BENIFT AREA 3				
CASH - CHECKING	469,899.38	896.00	28,497.80	442,297.58
TOTAL	469,899.38	896.00	28,497.80	442,297.58
HS WATER DISTRICT #18				
	0.00	0.00	0.00	0.00

MONTHLY REPORT OF SUPERVISOR

	Balance 07/31/2026	Increases	Decreases	Balance 08/31/2026
TOTAL	0.00	0.00	0.00	0.00
HWT HWT				
	0.00	0.00	0.00	0.00
TOTAL	0.00	0.00	0.00	0.00
SF1- FIRE DISTRICT #1				
CASH - CHECKING	150.44	0.00	0.00	150.44
MONEY MARKET - FIRE DISTRICT #	2,902.02	8.70	0.00	2,910.72
TOTAL	3,052.46	8.70	0.00	3,061.16
SW1- WATER DISTRICT #1				
CASH - CHECKING	14,408.60	1,896.00	896.00	15,408.60
MONEY MARKET	3,432.96	10.30	0.00	3,443.26
TOTAL	17,841.56	1,906.30	896.00	18,851.86
SW10- WATER DISTRICT #10				
CASH - CHECKING	32,670.60	0.00	0.00	32,670.60
TOTAL	32,670.60	0.00	0.00	32,670.60
SW11- WATER DISTRICT #11				
CASH - CHECKING	61,970.62	0.00	0.00	61,970.62
MONEY MARKET	74,030.27	222.05	0.00	74,252.32
TOTAL	136,000.89	222.05	0.00	136,222.94
SW12- WATER DISTRICT #12				
CASH - CHECKING	29,739.15	0.00	0.00	29,739.15
MONEY MARKET	111,746.51	335.18	0.00	112,081.69
TOTAL	141,485.66	335.18	0.00	141,820.84
SW15- WATER DISTRICT 15				
CASH - CHECKING	26,540.83	0.00	0.00	26,540.83
TOTAL	26,540.83	0.00	0.00	26,540.83
SW16- WATER DISTRICT #16				
CASH - CHECKING	36,535.00	0.00	0.00	36,535.00
MONEY MARKET	13,153.00	39.45	0.00	13,192.45
TOTAL	49,688.00	39.45	0.00	49,727.45
SW17- WATER DISTRICT # 17				
CASH - CHECKING	15,490.95	0.00	0.00	15,490.95
MONEY MARKET	2,294.22	6.88	0.00	2,301.10
TOTAL	17,785.17	6.88	0.00	17,792.05
SW2- TELLIER RD WATER DISTRICT #2				

MONTHLY REPORT OF SUPERVISOR

	Balance 07/31/2026	Increases	Decreases	Balance 08/31/2026
CASH - CHECKING	19.80	0.00	0.00	19.80
MONEY MARKET - TELLIER ROAD	11,353.32	34.05	0.00	11,387.37
TOTAL	11,373.12	34.05	0.00	11,407.17
SW4- FAIRVILLE WATER DISTRICT #4				
CASH - CHECKING	23,115.67	0.00	0.00	23,115.67
MONEY MARKET	38,044.41	114.11	0.00	38,158.52
TOTAL	61,160.08	114.11	0.00	61,274.19
SW5- FAIRVILLE EXT WATER DISTRICT #5				
CASH - CHECKING	28,279.49	0.00	0.00	28,279.49
MONEY MARKET	32,900.87	98.69	0.00	32,999.56
TOTAL	61,180.36	98.69	0.00	61,279.05
SW6- WATER DISTRICT #6				
CASH - CHECKING	12,350.97	0.00	0.00	12,350.97
MONEY MARKET	52,204.66	156.59	0.00	52,361.25
TOTAL	64,555.63	156.59	0.00	64,712.22
SW7- WATER DISTRICT #7				
CASH - CHECKING	49,247.70	0.00	0.00	49,247.70
MONEY MARKET	111,810.13	335.38	0.00	112,145.51
TOTAL	161,057.83	335.38	0.00	161,393.21
SW8- WATER DISTRICT #8				
CASH - CHECKING	19,962.58	0.00	0.00	19,962.58
MONEY MARKET	16,572.66	49.71	0.00	16,622.37
TOTAL	36,535.24	49.71	0.00	36,584.95
SW9- WATER DISTRICT #9				
CASH - CHECKING	16,337.67	0.00	0.00	16,337.67
MONEY MARKET	32,700.57	98.09	0.00	32,798.66
TOTAL	49,038.24	98.09	0.00	49,136.33
SWB SOUTHWEST BENEFIT AREA 3				
	0.00	0.00	0.00	0.00
TOTAL	0.00	0.00	0.00	0.00
SWT SWT				
CASH - CHECKING	36,113.10	0.00	0.00	36,113.10
MONEY MARKET	31,414.22	94.23	0.00	31,508.45
TOTAL	67,527.32	94.23	0.00	67,621.55
TA TRUST & AGENCY				
CASH - CHECKING	14,632.74	0.00	0.00	14,632.74

MONTHLY REPORT OF SUPERVISOR

	Balance 07/31/2026	Increases	Decreases	Balance 08/31/2026
TOTAL	14,632.74	0.00	0.00	14,632.74
TOTAL ALL FUNDS	9,226,384.57	114,550.62	129,393.80	9,211,541.39

TOWN CLERK'S MONTHLY REPORT

TOWN OF ARCADIA, NEW YORK

AUGUST, 2026

TO THE SUPERVISOR:

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Pursuant to Section 27, Subd 1 of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office during the month stated above, excepting only such fees and moneys the application and payment of which are otherwise provided for by Law:

A1255

<u>16</u>	DECALS	<u>47.78</u>
<u>11</u>	MARRIAGE LICENSES NO. 26032 TO 26042	<u>192.50</u>
<u>2</u>	MARRIAGE TRANSCRIPT	<u>20.00</u>
<u>2</u>	MISCELLANEOUS REVENUE	<u>90.00</u>
<u>11</u>	COPIES & GENEALOGY	<u>121.00</u>

TOTAL TOWN CLERK FEES

471.28

A1601

<u>237</u>	VITAL STATISTICS	<u>2,370.00</u>
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TOTAL A1601

2,370.00

A2540

<u>9</u>	BINGO PROCEEDS	<u>137.26</u>
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TOTAL A2540

137.26

A2544

<u>90</u>	DOG LICENSES	<u>595.00</u>
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TOTAL A2544

595.00

B. 20

<u>1</u>	ALL POOL /HOT TUB PERMIT	<u>30.00</u>
<u>1</u>	NEW RESIDENTIAL HOMES	<u>144.00</u>
<u>3</u>	BARN/GARAGE/CARPORT/ADDT	<u>129.00</u>
<u>1</u>	PERK TESTING & SEPTIC	<u>30.00</u>
<u>1</u>	ALTERATIONS/RENOVATIONS	<u>30.00</u>
<u>1</u>	DEMOLITION	<u>50.00</u>
<u>1</u>	SUBDIVISION	<u>50.00</u>

TOTAL B2590

463.00

TOWN CLERK'S MONTHLY REPORT

AUGUST, 2026

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DISBURSEMENTS

PAID TO SUPERVISOR FOR GENERAL FUND	3,525.76
PAID TO SUPERVISOR FOR DECALS COMMISSION	47.78
PAID TO SUPERVISOR FOR PART TOWN FUND	463.00
PAID TO NYS DEC FOR DECALS	1,122.22
PAID TO NYS ANIMAL POPULATION CONTROL FUND	120.00
PAID TO NYS HEALTH DEPT FOR MARRIAGE LICENSES	247.50
TOTAL DISBURSEMENTS	5,526.26

AUGUST 31, 2026



DAWN PISCIOTTI

, SUPERVISOR

STATE OF NEW YORK, COUNTY OF WAYNE, TOWN OF ARCADIA

Madison Vaccetto

Deputy Clerk

I, TERRESA VASTBINDER

, being duly sworn, says that I am the Clerk of the TOWN OF

that the foregoing is a full and true statement of all Fees and moneys received by me during the month above stated, excepting only such Fees the application and payment of which are otherwise provided for by law.

Subscribed and sworn to before me this

Madison Vaccetto

Deputy Town Clerk

13 day of September 2026

Notary Public



**A RESOLUTION DECLARING THE EXPIRATION OF THE PERMISSIVE
REFERENDUM PERIOD RELATING TO THE RESOLUTION TO SELL SURPLUS
REAL PROPERTY TO GREENE PROPERTY MANAGEMENT LLC.**

At a regular meeting of the Town Board of the Town of Arcadia, New York, held at the Town Hall in Newark, New York, on the 8th day of August, 2026 at 7:00 P.M., Prevailing Time.

PRESENT: Dawn L. Piscioti, Supervisor
Michael J. Diamond, Councilperson
Joseph W. Gerbig, Councilperson
Richard D. VanLaeken, Councilperson

ABSENT: David Greco, Councilperson

The following Resolution was offered by Councilperson VanLaeken, who moved its adoption, seconded by Councilperson Gerbig, to wit:

WHEREAS, on July 14, 2026, the Town Board approved a resolution to sell certain surplus real property owned by the Town (Tax ID # 67111-20-948144 and # 67111-20-899154 (collectively as the "Parcels") to Greene Property Management LLC ("Greene"); and

WHEREAS, said resolution was subject to permissive referendum; and

WHEREAS, the Town Clerk did duly post and publish a notice specifying that said Resolution was adopted subject to a permissive referendum; and

WHEREAS, the permissive referendum period has run and no petition in opposition to the Resolution has been filed; now, therefore be it

RESOLVED, that the Town Supervisor is hereby authorized to execute the sale and transfer documents and any other documents reasonably necessary to effectuate the sale of the Parcels as provided in the Resolution, subject to the approval by the attorney for the Town, to Greene; and

BE IT FURTHER RESOLVED, that the Town Clerk is authorized to execute and file an affidavit that no petition requiring submission of the proposed sale to the electors of the Town has been filed.

AFFIDAVIT OF NO REFERENDUM

The undersigned hereby affirms that on July 14, 2026, the Town of Arcadia Town Board adopted a resolution authorizing the sale of surplus real property located on West Shore Boulevard (Tax ID # 67111-20-948144 and # 67111-20-899154) to Greene Property Management, LLC. On July 19, 2026, notice of the adoption of such resolution, with abstract, and notice that such resolution is subject to a permissive referendum was published in the official newspaper of the Town of Arcadia. I hereby certify that more than thirty days have passed since the adoption of such resolution and no petition for a permissive referendum has been filed in my office.

Terresa Vastbinder

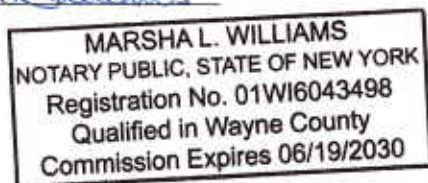
Terresa Vastbinder

Arcadia Town Clerk

Dated: September 11, 2026_____

Notary Stamp:

Marsha L. Williams



**RESOLUTION INTRODUCING A PROPOSED LOCAL LAW
FOR THE YEAR 2026 AND PROVIDING FOR
PUBLIC NOTICE AND PUBLIC HEARING**

The following Resolution was offered by Councilmember VanLaeken, who moved its adoption, seconded by Councilmember Diamond, to wit:

BE IT RESOLVED, by the Town Board of the Town of Arcadia, Wayne County, New York, as follows:

That a proposed Local Law for the year 2026, entitled "A Local Law Providing For A Full Property Tax Exemption For The Primary Residence of Qualifying Seriously Disabled Veterans Pursuant To New York Real Property Tax Law § 458-a(11)" is hereby introduced before the Town Board of the Town of Arcadia, which local law, if adopted provide a full real property tax exemption for the primary residence of qualifying seriously disabled veterans pursuant to New York Real Property Tax Law § 458-a(11).

That copies of the proposed Local Law be laid upon the desk of each member of said Town Board.

That the Town Board hold a Public Hearing concerning the adoption of the proposed Local Law at the Town Hall at No. 201 Frey Street in the Village of Newark, New York on October 13, 2026 at 7:05 p.m.

That the Town Clerk publish or cause to be published a Public Notice of said Public Hearing in the official newspaper of said Town at least five (5) days prior thereto, and post such Public Notice as prescribed by law.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Dawn L. Piscioti	VOTING	<u>Aye</u>
Michael J. Diamond	VOTING	<u>Aye</u>
Joseph W. Gerbig	VOTING	<u>Aye</u>
David Greco	VOTING	<u>Absent</u>
Richard D. VanLaeken	VOTING	<u>Aye</u>

The Resolution was thereupon declared duly adopted on September 8, 2026.

At a Regular Meeting of the Town Board of the Town of Arcadia, Wayne County, New York, held at the Town Hall in Newark, New York, on the 8th day of September 2026, at 7:00 p.m.

PRESENT: Dawn L. Piscioti, Supervisor
Michael J. Diamond, Councilperson
Joseph W. Gerbig, Councilperson
Richard D. VanLaeken, Councilperson

ABSENT: David Greco, Councilperson

The following Resolution was offered by Councilperson VanLaeken, who moved its adoption, seconded by Councilperson Gerbig, to wit:

A RESOLUTION REVOKING BANKING SIGNATORY AUTHORITY AND ACCOUNT ACCESS FOR THE RECEIVER OF TAXES AND ASSESSMENTS.

WHEREAS, Sharon VerHeecke served as the Receiver of Taxes and Assessments for the Town of Arcadia, but has retired from such position effective April 30, 2026; and

WHEREAS, in connection with such retirement, the Town Board desires to revoke all banking signatory authority, account access, online banking credentials, debit card access, deposit authority, withdrawal authority, check signing authority, and any other financial institution access or authority previously granted to Ms. VerHeecke with respect to any Town account;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Arcadia, that effective September 8, 2026, all signatory authority and account access of Ms. VerHeecke with respect to all financial institution holding Town funds, are hereby revoked and terminated in all respects; and be it further

RESOLVED, that Ms. VerHeecke shall have no authority, on or after September 8, 2026, to sign checks, initiate or approve transfers, make withdrawals, access online banking systems, use debit cards or other payment instruments, obtain account information, or otherwise act for or bind the Town in connection with any Town financial account; and be it further

RESOLVED, that the successor Receiver of Taxes and Assessments and such other officials as may be designated by separate resolution or by the Town Board are authorized to execute and deliver such signature cards, access forms, certificates, notices, and other instruments as may be required by any financial institution to implement this resolution; and be it further

RESOLVED, that each affected financial institution is authorized and directed to remove Ms. VerHeecke from all signature cards, account access profiles, online banking permissions, debit card

authorizations, account information permissions, and related banking records for the Town; and be it further

RESOLVED, that the Town Clerk is authorized and directed to provide certified copies of this resolution to any affected financial institution and take any further action reasonably necessary to effectuate the intent of this resolution.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Dawn L. Piscioti	VOTING	Aye
Michael J. Diamond	VOTING	Aye
Joseph W. Gerbig	VOTING	Aye
David Greco	VOTING	Absent
Richard D. VanLaeken	VOTING	Aye

The Resolution was thereupon declared duly adopted on September 8, 2026.

CHANGE ORDER NO.: 01

Owner: **Town of Arcadia** Owner's Project No.:
Engineer: **MRB Group** Engineer's Project No.: **0106.25002.000**
Wayne County Water and Sewer
Contractor: **Authority** Contractor's Project No.:
Project: **SWIA Benefit Area No. 3**
Contract Name:
Date Issued: **08-31-26** Effective Date of Change Order: **08-31-26**

The Contract is modified as follows upon execution of this Change Order:

Description:

Final Over/Under quantity adjustments; Add 6" Gate Valve pay item to the contract.

Attachments:

E-Mail (07-21-26) – 6" Gate Valve Cost Proposal

Change in Contract Price		Change in Contract Times [State Contract Times as either a specific date or a number of days]	
Original Contract Price:		Original Contract Times:	
\$ 1,487,917.50		Substantial Completion: 90	
		Ready for final payment: 120	
[Increase] [Decrease] from previously approved Change Orders No. __ to No. __		[Increase] [Decrease] from previously approved Change Orders No. __ to No. __:	
\$ 0		Substantial Completion: 0	
		Ready for final payment: 0	
Contract Price prior to this Change Order:		Contract Times prior to this Change Order:	
\$ 1,487,917.50		Substantial Completion: 90	
		Ready for final payment: 120	
[Increase] [Decrease] this Change Order:		[Increase] [Decrease] this Change Order:	
\$ (6,266.25)		Substantial Completion: 0	
		Ready for final payment: 0	
Contract Price incorporating this Change Order:		Contract Times with all approved Change Orders:	
\$ 1,481,651.25		Substantial Completion: 90	
		Ready for final payment: 120	

Recommended by Engineer (if required)

By:



Title: **Senior Project Manager**

Date: **09-02-26**

Authorized by Owner

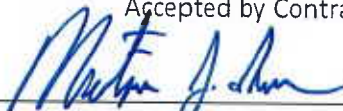
By:



Title: **Supervisor**

Date: **9-9-2026**

Accepted by Contractor



Executive Director

Approved by Funding Agency (if applicable)

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|                                                               |                                            |                                                                                                                                                                            |                          |                    |                |                             |                    |                    |
|---------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------|----------------|-----------------------------|--------------------|--------------------|
| Client: Town of Arcadia                                       |                                            | <div>Contract Description</div> <div>SWIA - Benefit Area No. 3</div> <div>MRB Group</div> |                          |                    |                | Change Order No.            |                    | Page No.           |
| Location: Bell, Smith, Turner, Pardy Smith, and Botcher Roads |                                            |                                                                                                                                                                            |                          |                    |                | No. 01                      |                    | 1 of 5             |
| Contractor: WCWSA                                             |                                            |                                                                                                                                                                            |                          |                    |                | Grant No.:                  |                    |                    |
| Engineer: MRB Group                                           |                                            |                                                                                                                                                                            |                          |                    |                | MRB Project:                |                    | 0106.25002.000     |
| Item No.                                                      | Description                                | Unit Price Bid                                                                                                                                                             | Current Quantity         | Change in Quantity | New Quantity   | Original Item Total         | Revised Item Total | Change in Contract |
| 021.03C                                                       | NO.1/NO. 2 CRUSHED STONE (UNSTABLE TRENCH) | \$50.00                                                                                                                                                                    | 30                       | (30)               | 0.00           | \$1,500.00                  | \$0.00             | (\$1,500.00)       |
| 023.02C                                                       | CRUSHER RUN                                | \$40.00                                                                                                                                                                    | 50                       | +395               | 445.00         | \$2,000.00                  | \$17,800.00        | \$15,800.00        |
| 100.08                                                        | 8" PVC WATERMAIN (DR-18)                   | \$39.00                                                                                                                                                                    | 18,650                   | (151)              | 18,499.00      | \$727,350.00                | \$721,461.00       | (\$5,889.00)       |
| 111.08                                                        | 8" GATE VALVE AND BOXES                    | \$2,600.00                                                                                                                                                                 | 21                       | +3                 | 24.00          | \$54,600.00                 | \$62,400.00        | \$7,800.00         |
| 126                                                           | HYDRANT UNIT ASSEMBLY WITH 6" GUARD VALVE  | \$7,000.00                                                                                                                                                                 | 34                       | 0                  | 34.00          | \$238,000.00                | \$238,000.00       | \$0.00             |
| 130                                                           | HYDRANT EXTENSIONS                         | \$1,000.00                                                                                                                                                                 | 5                        | (05)               | 0.00           | \$5,000.00                  | \$0.00             | (\$5,000.00)       |
| 131                                                           | ADDITIONAL 6" HYDRANT ANCHOR PIPE          | \$300.00                                                                                                                                                                   | 10                       | (10)               | 0.00           | \$3,000.00                  | \$0.00             | (\$3,000.00)       |
| 134                                                           | 1" SAMPLING & DISINFECTION TAP             | \$600.00                                                                                                                                                                   | 25                       | +2                 | 27.00          | \$15,000.00                 | \$16,200.00        | \$1,200.00         |
| 156                                                           | CONNECT NEW WATERMAIN TO EXISTING          | \$1,500.00                                                                                                                                                                 | 4                        | 0                  | 4.00           | \$6,000.00                  | \$6,000.00         | \$0.00             |
| Current Contract Time Limit = 120                             |                                            |                                                                                                                                                                            | Current Contract Total = |                    | \$1,487,917.50 | Net Change, This Page =     |                    | \$9,411.00         |
| Change In Time, This Order +/- = 0                            |                                            |                                                                                                                                                                            | Net change, This Order = |                    | (\$6,266.25)   | Net Change, Carry Forward = |                    | \$0.00             |
| Revised Contract Time Limit = 120                             |                                            |                                                                                                                                                                            | Revised Contract Total = |                    | \$1,481,651.25 | Net Change, Total =         |                    | \$9,411.00         |

Explanation:

**All quantities are final field measured in-place values.**

|                      |                   |                         |
|----------------------|-------------------|-------------------------|
| Engineers Acceptance | Client Acceptance | Contractor's Acceptance |
| Approved             | Approved          | Approved                |
| Title                | Title             | Title                   |
| Date                 | Date              | Corp. Name              |
|                      |                   | WCWSA                   |
|                      |                   | Date                    |

|                                                               |                                                                            |                                                                                                                                                                            |                                  |                    |                |                             |                    |                    |
|---------------------------------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------|----------------|-----------------------------|--------------------|--------------------|
| Client: Town of Arcadia                                       |                                                                            | <div>Contract Description</div> <div>SWIA - Benefit Area No. 3</div> <div>MRB Group</div> |                                  |                    |                | Change Order No.            |                    | Page No.           |
| Location: Bell, Smith, Turner, Pardy Smith, and Botcher Roads |                                                                            |                                                                                                                                                                            |                                  |                    |                | No. 01                      |                    | 2 of 5             |
| Contractor: WCWSA                                             |                                                                            |                                                                                                                                                                            |                                  |                    |                | Grant No.:                  |                    |                    |
| Engineer: MRB Group                                           |                                                                            |                                                                                                                                                                            |                                  |                    |                | MRB Project:                |                    | 0106.25002.000     |
| Item No.                                                      | Description                                                                | Unit Price Bid                                                                                                                                                             | Current Quantity                 | Change in Quantity | New Quantity   | Original Item Total         | Revised Item Total | Change in Contract |
| 160                                                           | PLUG AND BLOCK NEW WATERMAIN                                               | \$750.00                                                                                                                                                                   | 3                                | 0                  | 3.00           | \$2,250.00                  | \$2,250.00         | \$0.00             |
| 163                                                           | CONNECT PVC TO POLYETHYLENE                                                | \$700.00                                                                                                                                                                   | 26                               | 0                  | 26.00          | \$18,200.00                 | \$18,200.00        | \$0.00             |
| 187                                                           | PRV AND MASTER METER VAULT                                                 | \$50,000.00                                                                                                                                                                | 1                                | 0                  | 1.00           | \$50,000.00                 | \$50,000.00        | \$0.00             |
| 331                                                           | EROSION CONTROL                                                            | \$12,000.00                                                                                                                                                                | 1                                | 0                  | 1.00           | \$12,000.00                 | \$12,000.00        | \$0.00             |
| 332.12                                                        | 12" SMOOTH INTERIOR POLY. PIPE (10 LF) AND END SECTIONS (2 EA) AT HYDRANTS | \$700.00                                                                                                                                                                   | 3                                | (03)               | 0.00           | \$2,100.00                  | \$0.00             | (\$2,100.00)       |
| 404                                                           | TEMPORARY ASPHALT PAVEMENT                                                 | \$220.00                                                                                                                                                                   | 10                               | (10)               | 0.00           | \$2,200.00                  | \$0.00             | (\$2,200.00)       |
| 417.08                                                        | 08" HORIZONTAL DRILLING (8" DR-11 HDPE CARRIER PIPE)                       | \$150.00                                                                                                                                                                   | 1,130                            | (36)               | 1,094.00       | \$169,500.00                | \$164,100.00       | (\$5,400.00)       |
| 417.08R                                                       | 08" HORIZONTAL DRILLING (ROCK)                                             | \$350.00                                                                                                                                                                   | 190                              | (06)               | 184.00         | \$66,500.00                 | \$64,400.00        | (\$2,100.00)       |
| 429                                                           | ROAD PAVEMENT REPLACEMENT                                                  | \$6.50                                                                                                                                                                     | 200                              | (200)              | 0.00           | \$1,300.00                  | \$0.00             | (\$1,300.00)       |
|                                                               |                                                                            |                                                                                                                                                                            | Current Contract Total =         |                    | \$1,487,917.50 | Net Change, This Page =     |                    | (\$13,100.00)      |
|                                                               |                                                                            |                                                                                                                                                                            | Change In Time, This Order +/- = |                    | 0              | Net Change, Carry Forward = |                    | \$9,411.00         |
|                                                               |                                                                            |                                                                                                                                                                            | Revised Contract Time Limit =    |                    | 120            | Net Change, Total =         |                    | (\$3,689.00)       |
| Explanation:                                                  |                                                                            |                                                                                                                                                                            |                                  |                    |                |                             |                    |                    |

**All quantities are final field measured in-place values.**

|                      |                 |                      |            |                         |            |
|----------------------|-----------------|----------------------|------------|-------------------------|------------|
| Engineers Acceptance |                 | Sponsor's Acceptance |            | Contractor's Acceptance |            |
| Approved             | See Page 1      | Approved             | See Page 1 | Approved                | See Page 1 |
| Title                | Project Manager | Title                |            | Title                   |            |
| Date                 |                 | Date                 |            | Corp. Name              | WCWSA      |
|                      |                 |                      |            | Date                    |            |

|                                                                      |                                              |                                                                                                                                                                            |                  |                    |                |                             |                    |                    |
|----------------------------------------------------------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------|----------------|-----------------------------|--------------------|--------------------|
| Client: <b>Town of Arcadia</b>                                       |                                              | <div>Contract Description</div> <div>SWIA - Benefit Area No. 3</div> <div>MRB Group</div> |                  |                    |                | Change Order No.            |                    | Page No.           |
| Location: <b>Bell, Smith, Turner, Pardy Smith, and Botcher Roads</b> |                                              |                                                                                                                                                                            |                  |                    |                | No. 01                      |                    | 3 of 5             |
| Contractor: <b>WCWSA</b>                                             |                                              |                                                                                                                                                                            |                  |                    |                |                             |                    |                    |
| Engineer: <b>MRB Group</b>                                           |                                              |                                                                                                                                                                            |                  |                    |                | Grant No.:                  |                    |                    |
|                                                                      |                                              | MRB Project: <b>0106.25002.000</b>                                                                                                                                         |                  |                    |                |                             |                    |                    |
| Item No.                                                             | Description                                  | Unit Price Bid                                                                                                                                                             | Current Quantity | Change in Quantity | New Quantity   | Original Item Total         | Revised Item Total | Change in Contract |
| 504                                                                  | DRIVEWAY PAVEMENT (BITUMINOUS) REPLACEMENT   | \$6.50                                                                                                                                                                     | 450              | (118)              | 332.00         | \$2,925.00                  | \$2,158.00         | (\$767.00)         |
| 505                                                                  | DRIVEWAY PAVEMENT REPLACEMENT (STONE/GRAVEL) | \$4.50                                                                                                                                                                     | 1,340            | +168               | 1,508.00       | \$6,030.00                  | \$6,786.00         | \$756.00           |
| 521                                                                  | TURF RESTORATION                             | \$3.25                                                                                                                                                                     | 18,450           | (685)              | 17,765.00      | \$59,962.50                 | \$57,736.25        | (\$2,226.25)       |
| 561                                                                  | ROCK REMOVAL (TRENCH)                        | \$130.00                                                                                                                                                                   | 50               | (18)               | 32.00          | \$6,500.00                  | \$4,160.00         | (\$2,340.00)       |
| 001                                                                  | MOBILIZATION (4% SUB. MAX)                   | \$20,000.00                                                                                                                                                                | 1                | 0                  | 1.00           | \$20,000.00                 | \$20,000.00        | \$0.00             |
| 002                                                                  | MAINTENANCE & PROTECTION OF TRAFFIC          | \$15,000.00                                                                                                                                                                | 1                | 0                  | 1.00           | \$15,000.00                 | \$15,000.00        | \$0.00             |
| 004                                                                  | PROJECT SURVEY AND STAKEOUT                  | \$1,000.00                                                                                                                                                                 | 1                | 0                  | 1.00           | \$1,000.00                  | \$1,000.00         | \$0.00             |
|                                                                      |                                              |                                                                                                                                                                            |                  |                    | 0.00           | \$0.00                      | \$0.00             | \$0.00             |
| CO 1.1                                                               | 6" GATE VALVE AND BOXES                      | \$2,000.00                                                                                                                                                                 | 0                | +1                 | 1.00           | \$0.00                      | \$2,000.00         | \$2,000.00         |
|                                                                      |                                              | Current Contract Total =                                                                                                                                                   |                  |                    | \$1,487,917.50 | Net Change, This Page =     |                    | (\$2,577.25)       |
|                                                                      |                                              | Change In Time, This Order +/- =                                                                                                                                           |                  |                    | 0              | Net Change, Carry Forward = |                    | (\$3,689.00)       |
|                                                                      |                                              | Revised Contract Time Limit =                                                                                                                                              |                  |                    | 120            | Net Change, Total =         |                    | (\$6,266.25)       |
| Explanation:                                                         |                                              |                                                                                                                                                                            |                  |                    |                |                             |                    |                    |

**All quantities are final field measured in-place values.**

|                      |                 |                      |            |                         |            |
|----------------------|-----------------|----------------------|------------|-------------------------|------------|
| Engineers Acceptance |                 | Sponsor's Acceptance |            | Contractor's Acceptance |            |
| Approved             | See Page 1      | Approved             | See Page 1 | Approved                | See Page 1 |
| Title                | Project Manager | Title                |            | Title                   |            |
| Date                 |                 | Date                 |            | Corp. Name              | WCWSA      |
|                      |                 |                      |            | Date                    |            |

|             |                                                     |                                                                                                                                                                                        |                  |                |
|-------------|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------|
| Client:     | Town of Arcadia                                     | <div>Contract Description</div> <div>SWIA - Benefit Area No. 3</div> <div></div> <div>MRB Group</div> | Change Order No. | Page No.       |
| Location:   | Bell, Smith, Turner, Pardy Smith, and Botcher Roads |                                                                                                                                                                                        | No. 01           | 4 of 5         |
| Contractor: | WCWSA                                               |                                                                                                                                                                                        | Grant No.:       |                |
| Engineer:   | MRB Group                                           |                                                                                                                                                                                        | MRB Project:     | 0106.25002.000 |
|             |                                                     |                                                                                                                                                                                        |                  |                |

**DETAILED EXPLANATIONS:**

| Item No. | Description                                                                | Final % Change | Explanation                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------|----------------------------------------------------------------------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 021.03C  | NO.1/NO. 2 CRUSHED STONE (UNSTABLE TRENCH)                                 | -100.0%        | Item not required.                                                                                                                                                                                                                                                                                                                                                                                            |
| 023.02C  | CRUSHER RUN                                                                | 790.0%         | The designed watermain alignment assumed adequate space was available between the existing road shoulder and top of slope to offset the new pipe and avoid shoulder disturbance. However, field conditions require the new watermain be installed closer to the existing shoulder. Additional crusher run material is required to fully backfill the watermain trench and reconstruct the disturbed shoulder. |
| 100.08   | 8" PVC WATERMAIN (DR-18)                                                   | -0.8%          |                                                                                                                                                                                                                                                                                                                                                                                                               |
| 111.08   | 8" GATE VALVE AND BOXES                                                    | 14.3%          | The existing valves at the Thompson Rd, Turner Rd, and Pardy Smith/Botcher Rd intersection watermain connection locations leaked and were not considered suitable to hold pressure and test against. Additional new 8" gates valves were installed at the three connection locations to facilitate pressure testing of the new watermain.                                                                     |
| 126      | HYDRANT UNIT ASSEMBLY WITH 6" GUARD VALVE                                  | 0.0%           |                                                                                                                                                                                                                                                                                                                                                                                                               |
| 130      | HYDRANT EXTENSIONS                                                         | -100.0%        | Item not required.                                                                                                                                                                                                                                                                                                                                                                                            |
| 131      | ADDITIONAL 6" HYDRANT ANCHOR PIPE                                          | -100.0%        | Item not required.                                                                                                                                                                                                                                                                                                                                                                                            |
| 134      | 1" SAMPLING & DISINFECTION TAP                                             | 8.0%           |                                                                                                                                                                                                                                                                                                                                                                                                               |
| 156      | CONNECT NEW WATERMAIN TO EXISTING                                          | 0.0%           |                                                                                                                                                                                                                                                                                                                                                                                                               |
| 160      | PLUG AND BLOCK NEW WATERMAIN                                               | 0.0%           |                                                                                                                                                                                                                                                                                                                                                                                                               |
| 163      | CONNECT PVC TO POLYETHYLENE                                                | 0.0%           |                                                                                                                                                                                                                                                                                                                                                                                                               |
| 187      | PRV AND MASTER METER VAULT                                                 | 0.0%           |                                                                                                                                                                                                                                                                                                                                                                                                               |
| 331      | EROSION CONTROL                                                            | 0.0%           |                                                                                                                                                                                                                                                                                                                                                                                                               |
| 332.12   | 12" SMOOTH INTERIOR POLY. PIPE (10 LF) AND END SECTIONS (2 EA) AT HYDRANTS | -100.0%        | Item not required.                                                                                                                                                                                                                                                                                                                                                                                            |
| 404      | TEMPORARY ASPHALT PAVEMENT                                                 | -100.0%        | Item not required.                                                                                                                                                                                                                                                                                                                                                                                            |

|             |                                                     |  |                                                                                                                                                                   |                  |                |
|-------------|-----------------------------------------------------|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------|
| Client:     | Town of Arcadia                                     |  | <div>Contract Description</div> <div>SWIA - Benefit Area No. 3</div> <div></div> | Change Order No. | Page No.       |
| Location:   | Bell, Smith, Turner, Pardy Smith, and Botcher Roads |  |                                                                                                                                                                   | No. 01           | 5 of 5         |
| Contractor: | WCWSA                                               |  |                                                                                                                                                                   | Grant No.:       |                |
| Engineer:   | MRB Group                                           |  |                                                                                                                                                                   | MRB Project:     | 0106.25002.000 |

**DETAILED EXPLANATIONS:**

| Item No. | Description                                          | Final % Change | Explanation                                                                                                                                                                                                                                                                |
|----------|------------------------------------------------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 417.08   | 08" HORIZONTAL DRILLING (8" DR-11 HDPE CARRIER PIPE) | -3.2%          |                                                                                                                                                                                                                                                                            |
| 417.08R  | 08" HORIZONTAL DRILLING (ROCK)                       | -3.2%          |                                                                                                                                                                                                                                                                            |
| 429      | ROAD PAVEMENT REPLACEMENT                            | -100.0%        | Item not required.                                                                                                                                                                                                                                                         |
| 504      | DRIVEWAY PAVEMENT (BITUMINOUS) REPLACEMENT           | -26.2%         | The measured trench replacement width (4 feet) was less than the assumed estimated width (6 feet).                                                                                                                                                                         |
| 505      | DRIVEWAY PAVEMENT REPLACEMENT (STONE/GRAVEL)         | 12.5%          | The measured actual disturbed area exceeded the estimate.                                                                                                                                                                                                                  |
| 521      | TURF RESTORATION                                     | -3.7%          |                                                                                                                                                                                                                                                                            |
| 561      | ROCK REMOVAL (TRENCH)                                | -36.0%         | Less quantity required than estimated.                                                                                                                                                                                                                                     |
| 001      | MOBILIZATION (4% SUB. MAX)                           | 0.0%           |                                                                                                                                                                                                                                                                            |
| 002      | MAINTENANCE & PROTECTION OF TRAFFIC                  | 0.0%           |                                                                                                                                                                                                                                                                            |
| 004      | PROJECT SURVEY AND STAKEOUT                          | 0.0%           |                                                                                                                                                                                                                                                                            |
| CO 1.1   | 6" GATE VALVE AND BOXES                              | NEW ITEM       | The transition from 8" to 6" piping through the new Meter/PRV Vault was made with an 8" x 6" tee at the connection to watermain. The new valve at Turner Road Sta. 15+10 was changed from 8" to 6", and a new contract pay item was required. See attached WCWSA proposal. |

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Bray, Shawn

From: Peter DiBenedetto <pdibenedetto@wcwsa.org>
Sent: Tuesday, July 21, 2026 12:14 PM
To: Bray, Shawn
Cc: Marty Aman; Jason Monroe
Subject: WCWSA- T/O Arcadia Southwest Improvement Area_Line Item 111.06 Cost - Follow Up

Good afternoon Shawn,

Regarding the upcoming Pay App #2..In the event a change order needs to be applied, our unit cost to furnish and install a 6" Gate Valve & Box (Line Item. 111.06) would be \$2,000.00.
Please let me know if you need anything else.

Thank you,
Peter DiBenedetto
Wayne County Water & Sewer Authority
O: (315) 986-1929
C: (315) 576-8371



PAYMENT REQUISITION**APPLICATION #:** Three (3)**DATE:** September 3, 2026**TO:** Town of Arcadia
201 Frey Street
Newark, NY 14513**FROM:** MRB Group
145 Culver Rd
Suite 160
Rochester, NY 14620**PAY TO:** Wayne County Water and Sewer Authority
3377 Daansen Road
Walworth, NY 14568**RE:** Town of Arcadia- Southwest Water Improvement Area- Benefit Area No. 3

We have reviewed the attached application for payment and recommend approval and payment as submitted.

| | |
|--------------------------------------|---------------------|
| INVOICE AMOUNT: | \$144,472.10 |
| LESS RETAINAGES OR DEDUCTIONS NOTED: | <u>\$0.00</u> |
| RELEASE RETAINAGE | |
| NET INVOICE: | \$144,472.10 |

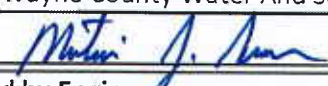
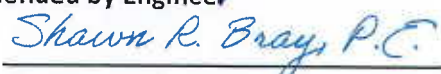
Budget estimates and/or contractor's bid status are as follows:

| | <u>Contractor's Bid</u> |
|-----------------------|-----------------------------|
| TOTAL | \$1,487,917.50 |
| CHANGE ORDERS TO DATE | -\$6,266.25 |
| PAID TO DATE | -\$1,337,179.15 |
| THIS PAYMENT | <u>-\$144,472.10</u> |
| BALANCE TO PA | \$0.00 |

Respectfully submitted,



Contractor's Application for Payment

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|----------------------------|-----------------|--------------------------------|---------------|---|-----------------|--|-----------------|--------------|--|--|------|----------------------------------|------|--|------|--|-----------------|---|-----------------|--------------------------------|---------------|---|------|
| Owner: <u>Town of Arcadia</u>
Engineer: <u>MRB Group</u>
Contractor: <u>Wayne County Water & Sewer Auth.</u>
Project: <u>Town of Arcadia Southwest Water Improvement Area Benefit Area 3</u>
Contract: <u>General</u> | Owner's Project No.: _____
Engineer's Project No.: <u>0106.25002</u>
Contractor's Project No.: _____ | | | | | | | | | | | | | | | | | | | | | | | | |
| Application No.: <u>3 (FINAL)</u> Application Date: <u>09/02/2026</u> | | | | | | | | | | | | | | | | | | | | | | | | | |
| Application Period: From <u>08/01/2026</u> to <u>08/31/2026</u> | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table style="width: 100%; border-collapse: collapse;"><tr><td style="width: 70%;">1. Original Contract Price</td><td style="width: 30%; text-align: right;">\$ 1,487,917.50</td></tr><tr><td>2. Net change by Change Orders</td><td style="text-align: right;">\$ (6,266.25)</td></tr><tr><td>3. Current Contract Price (Line 1 + Line 2)</td><td style="text-align: right;">\$ 1,481,651.25</td></tr><tr><td>4. Total Work completed and materials stored to date
(Sum of Column G Lump Sum Total and Column J Unit Price Total)</td><td style="text-align: right;">\$ 1,481,651.25</td></tr><tr><td>5. Retainage</td><td></td></tr><tr><td> a. <u>0%</u> X \$ <u>1,481,651.25</u> Work Completed</td><td style="text-align: right;">\$ -</td></tr><tr><td> b. _____ X \$ - Stored Materials</td><td style="text-align: right;">\$ -</td></tr><tr><td> c. Total Retainage (Line 5.a + Line 5.b)</td><td style="text-align: right;">\$ -</td></tr><tr><td>6. Amount eligible to date (Line 4 - Line 5.c)</td><td style="text-align: right;">\$ 1,481,651.25</td></tr><tr><td>7. Less previous payments (Line 6 from prior application)</td><td style="text-align: right;">\$ 1,337,179.15</td></tr><tr><td>8. Amount due this application</td><td style="text-align: right;">\$ 144,472.10</td></tr><tr><td>9. Balance to finish, including retainage (Line 3 - Line 4)</td><td style="text-align: right;">\$ -</td></tr></table> | | 1. Original Contract Price | \$ 1,487,917.50 | 2. Net change by Change Orders | \$ (6,266.25) | 3. Current Contract Price (Line 1 + Line 2) | \$ 1,481,651.25 | 4. Total Work completed and materials stored to date
(Sum of Column G Lump Sum Total and Column J Unit Price Total) | \$ 1,481,651.25 | 5. Retainage | | a. <u>0%</u> X \$ <u>1,481,651.25</u> Work Completed | \$ - | b. _____ X \$ - Stored Materials | \$ - | c. Total Retainage (Line 5.a + Line 5.b) | \$ - | 6. Amount eligible to date (Line 4 - Line 5.c) | \$ 1,481,651.25 | 7. Less previous payments (Line 6 from prior application) | \$ 1,337,179.15 | 8. Amount due this application | \$ 144,472.10 | 9. Balance to finish, including retainage (Line 3 - Line 4) | \$ - |
| 1. Original Contract Price | \$ 1,487,917.50 | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. Net change by Change Orders | \$ (6,266.25) | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. Current Contract Price (Line 1 + Line 2) | \$ 1,481,651.25 | | | | | | | | | | | | | | | | | | | | | | | | |
| 4. Total Work completed and materials stored to date
(Sum of Column G Lump Sum Total and Column J Unit Price Total) | \$ 1,481,651.25 | | | | | | | | | | | | | | | | | | | | | | | | |
| 5. Retainage | | | | | | | | | | | | | | | | | | | | | | | | | |
| a. <u>0%</u> X \$ <u>1,481,651.25</u> Work Completed | \$ - | | | | | | | | | | | | | | | | | | | | | | | | |
| b. _____ X \$ - Stored Materials | \$ - | | | | | | | | | | | | | | | | | | | | | | | | |
| c. Total Retainage (Line 5.a + Line 5.b) | \$ - | | | | | | | | | | | | | | | | | | | | | | | | |
| 6. Amount eligible to date (Line 4 - Line 5.c) | \$ 1,481,651.25 | | | | | | | | | | | | | | | | | | | | | | | | |
| 7. Less previous payments (Line 6 from prior application) | \$ 1,337,179.15 | | | | | | | | | | | | | | | | | | | | | | | | |
| 8. Amount due this application | \$ 144,472.10 | | | | | | | | | | | | | | | | | | | | | | | | |
| 9. Balance to finish, including retainage (Line 3 - Line 4) | \$ - | | | | | | | | | | | | | | | | | | | | | | | | |
| Contractor's Certification
The undersigned Contractor certifies, to the best of its knowledge, the following:
(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and
(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective. | | | | | | | | | | | | | | | | | | | | | | | | | |
| Contractor: <u>Wayne County Water And Sewer Authority</u> | | | | | | | | | | | | | | | | | | | | | | | | | |
| Signature: <u></u> Date: <u>09/02/2026</u> | | | | | | | | | | | | | | | | | | | | | | | | | |
| Recommended by Engineer
By: <u></u>
Title: <u>Senior Project Manager</u>
Date: <u>09-03-26</u> | Approved by Owner
By: <u></u>
Title: <u>Supervisor</u>
Date: <u>9-9-2026</u> | | | | | | | | | | | | | | | | | | | | | | | | |
| Approved by Funding Agency
By: _____
Title: _____
Date: _____ | | | | | | | | | | | | | | | | | | | | | | | | | |

Progress Estimate - Unit Price Work

Contractor's Application for Payment

| | | | |
|-------------|---|---------------------------|------------|
| Owner: | Town of Arcadia | Owner's Project No.: | |
| Engineer: | MRB Group | Engineer's Project No.: | 0106 25002 |
| Contractor: | Wayne County Water & Sewer Auth. | Contractor's Project No.: | |
| Project: | Town of Arcadia Southwest Water Improvement Area Benefit Area 3 | | |
| Contract: | General | | |

| Application No.: 3 (FINAL) | | Application Period: | | From | 08/01/26 | | to | 08/31/26 | | Application Date: | | 09/02/26 | |
|----------------------------|---|---------------------|-------|----------------------|----------|-----------------|-------------------------------------|---|--|--|--|--------------------------------|--------------------------------|
| Bid Item No. | Description | Item Quantity | Units | Contract Information | | Unit Price (\$) | Value of Bid Item (C X E) (\$ X \$) | Work Completed | | Materials Currently Stored (not in G) (\$) | Work Completed and Materials Stored to Date (H+I) (\$) | % of Value of Item (J / F) (%) | Balance to Finish (F - J) (\$) |
| | | | | | | | | Estimated Quantity Incorporated in the Work | Value of Work Completed to Date (E X G) (\$) | | | | |
| Original Contract | | | | | | | | | | | | | |
| 021.03C | No.1 / No.2 Crushed Stone (Unstable Trench) | 30 | CY | | | \$ 50.00 | \$ 1,500.00 | | \$ - | | \$ - | 0% | \$ - |
| 021.02C | Crusher Run (Road Backfill And Shoulders) | 50 | CY | | | \$ 40.00 | \$ 2,000.00 | 445.00 | \$ 17,800.00 | | \$ 17,800.00 | 100% | \$ - |
| 100.08 | 8" PVC Pipe Watermain (DR-18) | 18,650 | LF | | | \$ 39.00 | \$ 727,350.00 | 18,499.00 | \$ 721,461.00 | | \$ 721,461.00 | 100% | \$ - |
| 111.08 | 8" Resilient Wedge Gate Valve And Box | 21 | EA | | | \$ 2,600.00 | \$ 54,600.00 | 24.00 | \$ 62,400.00 | | \$ 62,400.00 | 100% | \$ - |
| 126 | Hydrant Unit Assembly With 6" Guard Valve | 34 | EA | | | \$ 7,000.00 | \$ 238,000.00 | 34.00 | \$ 238,000.00 | | \$ 238,000.00 | 100% | \$ - |
| 130 | Hydrant Extension | 5 | LF | | | \$ 1,000.00 | \$ 5,000.00 | | \$ - | | \$ - | 0% | \$ - |
| 131 | Additional 6" Hydrant Anchor Pipe | 10 | LF | | | \$ 300.00 | \$ 3,000.00 | | \$ - | | \$ - | 0% | \$ - |
| 134 | 1" Sampling & Disinfection Tap | 25 | EA | | | \$ 600.00 | \$ 15,000.00 | 27.00 | \$ 16,200.00 | | \$ 16,200.00 | 100% | \$ - |
| 156 | Connect New Watermain To Existing | 4 | EA | | | \$ 1,500.00 | \$ 6,000.00 | 4.00 | \$ 6,000.00 | | \$ 6,000.00 | 100% | \$ - |
| 160 | Plug And Block New Watermain | 3 | EA | | | \$ 750.00 | \$ 2,250.00 | 3.00 | \$ 2,250.00 | | \$ 2,250.00 | 100% | \$ - |
| 163 | Connect PVC To Polyethylene | 26 | EA | | | \$ 700.00 | \$ 18,200.00 | 26.00 | \$ 18,200.00 | | \$ 18,200.00 | 100% | \$ - |
| 187 | PRV And Meter Vault | 1 | EA | | | \$ 50,000.00 | \$ 50,000.00 | 1.00 | \$ 50,000.00 | | \$ 50,000.00 | 100% | \$ - |
| 331 | Erosion Control | 1 | LF | | | \$ 12,000.00 | \$ 12,000.00 | 1.00 | \$ 12,000.00 | | \$ 12,000.00 | 100% | \$ - |
| 332.12 | 12" SICPP M12 (10 LF) & End Sections (2 EA) at Hydrants | 3 | EA | | | \$ 700.00 | \$ 2,100.00 | | \$ - | | \$ - | 0% | \$ - |
| 404 | Temporary Asphalt Pavement | 10 | TON | | | \$ 220.00 | \$ 2,200.00 | | \$ - | | \$ - | 0% | \$ - |
| 417.08 | 8" HDD (8" DR-11 HDPE Carrier Pipe) Earth | 1,130 | LF | | | \$ 150.00 | \$ 169,500.00 | 1,094.00 | \$ 164,100.00 | | \$ 164,100.00 | 100% | \$ - |
| 417.08R | 8" HDD (8" DR-11 HDPE Carrier Pipe) Rock | 190 | LF | | | \$ 350.00 | \$ 66,500.00 | 184.00 | \$ 64,400.00 | | \$ 64,400.00 | 100% | \$ - |
| 429 | Road Pavement Replacement | 200 | SF | | | \$ 6.50 | \$ 1,300.00 | | \$ - | | \$ - | 0% | \$ - |
| 504 | Driveway Pavement (Bituminous) Replacement | 450 | SF | | | \$ 6.50 | \$ 2,925.00 | 332.00 | \$ 2,158.00 | | \$ 2,158.00 | 100% | \$ - |
| 505 | Driveway Pavement Replacement (Stone / Gravel) | 1,340 | SF | | | \$ 4.50 | \$ 6,030.00 | 1,508.00 | \$ 6,786.00 | | \$ 6,786.00 | 100% | \$ - |
| 521 | Turf Restoration | 18,450 | LF | | | \$ 3.25 | \$ 59,962.50 | 17,765.00 | \$ 57,736.25 | | \$ 57,736.25 | 100% | \$ - |
| 561 | Rock Removal (Trench) | 50 | CY | | | \$ 130.00 | \$ 6,500.00 | 32.00 | \$ 4,160.00 | | \$ 4,160.00 | 100% | \$ - |
| 001 | Mobilization (4% Sub. Max) | 1 | LS | | | \$ 20,000.00 | \$ 20,000.00 | 1.00 | \$ 20,000.00 | | \$ 20,000.00 | 100% | \$ - |
| 002 | Maintenance & Protection Of Traffic | 1 | LS | | | \$ 15,000.00 | \$ 15,000.00 | 1.00 | \$ 15,000.00 | | \$ 15,000.00 | 100% | \$ - |
| 004 | Project Survey And Stakeout | 1 | LS | | | \$ 1,000.00 | \$ 1,000.00 | 1.00 | \$ 1,000.00 | | \$ 1,000.00 | 100% | \$ - |
| Original Contract Totals | | | | | | | | | | | \$ 1,479,651.25 | 100% | \$ - |

Unit Price

Contractor's Application for Payment

Application No.: 3 (FINAL) Application Period: From 08/01/26 to 08/31/26 Application Date: 09/02/26

[illegible]

At a Regular meeting of the Town Board of the Town of Arcadia, Wayne County, New York, held at the Town Hall at 201 Frey Street in the Village of Newark, Wayne County, New York, in said Town, on the 8th day of September, 2026 at 7:00 p.m.

PRESENT: Dawn L. Piscioti, Supervisor
Michael J. Diamond, Councilperson
Joseph W. Gerbig, Councilperson
Richard D. VanLaeken, Councilperson

ABSENT: David Greco, Councilperson

The following Resolution was offered by Councilperson VanLaeken, who moved its adoption, seconded by Councilperson Gerbig, to wit:

A RESOLUTION ADOPTING A LOCAL LAW TO RESCIND LOCAL LAW NO. 1 OF 1987

WHEREAS, the Town Board has introduced a new local law for flood damage prevention, the language for which has been approved by the NYS Department of Environmental Conservation and FEMA, and which is required for the Town's continued participation in the National Flood Insurance Program; and

WHEREAS, as part of the adoption of that new local law, the Town must rescind, by local law, the prior local law regarding flood damage prevention, Local Law No. 1 of 1987 and the Town Board has duly introduced said local law to rescind Local Law No. 1 of 1987; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, the Town Board has duly held a public hearing on the proposed local law to rescind Local Law No. 1 of 1987 on September 8, 2026, at which all interested persons had an opportunity to be heard; and

WHEREAS, the adoption of this local law as part of the Town Board's adoption of a new local law for flood damage prevention has previously been determined to be a Type I action, for which the Town Board, as Lead Agency, has issued a negative declaration of significant environmental impact; and

WHEREAS, said Town Board has determined that the adoption of said local law would promote the general welfare of the residents of said Town.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Arcadia, as follows:

Section 1. A proposed Local Law No. 3 of the year 2026 entitled "A Local Law To Rescind Local Law No. 1 of 1987" is hereby adopted in the form heretofore introduced before said Town Board by Resolution dated August 11, 2026.

Section 2. The Town Clerk is hereby directed to enter said Local Law in the Minutes of this meeting, to file a copy of this Local Law, and to give due notice of the adoption of said Local Law to the New York Secretary of State.

The question of the adoption of the foregoing **Resolution** was duly put to a vote on roll call, which resulted as follows:

| | | |
|----------------------|---------------|---------------|
| Dawn L. Piscioti | VOTING | <u>Aye</u> |
| Michael J. Diamond | VOTING | <u>Aye</u> |
| Joseph W. Gerbig | VOTING | <u>Aye</u> |
| David Greco | VOTING | <u>Absent</u> |
| Richard D. VanLaeken | VOTING | <u>Aye</u> |

The Resolution was thereupon declared duly adopted on September 8, 2026.

TOWN OF ARCADIA
LOCAL LAW NO. 3 OF THE YEAR 2026

A LOCAL LAW TO RESCIND LOCAL LAW NO. 1 OF 1987

Be it enacted by the Town Board of the Town of Arcadia as follows:

Section 1. Legislative Intent. It is the intent of this Local Law to rescind Local Law No. 1 of 1987 adopted on March 26, 1987, entitled, "A Local Law for Flood Damage Prevention as Authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36". The rescission of this local law is done as part of the Town's adoption of a new flood damage prevention local law, in order to continue its participation in the National Flood Insurance Program, as approved by the NYS Department of Environmental Conservation and FEMA.

Section 2. Authority. This Local Law is adopted pursuant to Municipal Home Rule Law 20.

Section 3. Rescission of Local Law No. 1 of 1987. Local Law No. 1 of 1987 is hereby rescinded in its entirety.

Section 4. Severability. If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this Local Law, or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

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 that 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 following sub-questions. If the answer to the initial question is "No," proceed to the next question. Section F allows the project sponsor to identify and attach additional information. Section G requires the name and signature of the applicant or project sponsor to verify the information in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

| | | |
|--|-----------------|---------------------------------------|
| Name of Action or Project:
Adoption of a local law for flood damage prevention and rescission of prior local law for flood damage prevention. | | |
| Project Location (describe and attach a general location map):
Town of Arcadia, Town-wide | | |
| Brief Description of Proposed Action (include purpose or need):
Adoption of a new local law for flood damage prevention in order to comply with DEC/FEMA requirements for participation in the National Flood Insurance Program, and the rescission of prior local law for flood damage prevention. | | |
| Name of Applicant/Sponsor:
Town of Arcadia | | Telephone: 315-331-1222 |
| | | E-Mail: townclerk@townofarcadiany.gov |
| Address: 201 Frey Street | | |
| City/PO: Newark | State: New York | Zip Code: 14513 |
| Project Contact (if not same as sponsor; give name and title/role): | | Telephone: |
| | | E-Mail: |
| Address: | | |
| City/PO: | State: | Zip Code: |
| 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, ☒ Yes ☐ No
or Village Board of Trustees | Town Board | No later than October 14, 2026 |
| b. City, Town or Village ☐ Yes ☒ No
Planning Board or Commission | | |
| c. City, Town or ☐ Yes ☒ No
Village Zoning Board of Appeals | | |
| d. Other local agencies ☐ Yes ☒ No | | |
| e. County agencies ☐ Yes ☒ No | | |
| f. Regional agencies ☐ Yes ☒ No | | |
| g. State agencies ☐ Yes ☒ No | | |
| h. Federal agencies ☐ Yes ☒ No | | |
| i. Coastal Resources. | | |
| i. Is the project site within a Coastal Area or the waterfront area of a Designated Inland Waterway? | | ☐ Yes ☒ No |
| ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? | | ☐ Yes ☒ No |
| iii. Is the project site within a Coastal Erosion Hazard Area? | | ☐ Yes ☒ 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 ☒ Yes ☐ No only approval(s) that must be granted to enable the proposed action to proceed?

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally adopted (city, town, village, or county) comprehensive land use plan(s) include the site ☒ Yes ☐ No where the proposed action would be located?

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action ☐ Yes ☒ No would be located?

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; ☐ Yes ☒ No Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other)?

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan ☐ Yes ☒ No or an adopted municipal farmland protection plan?

If Yes, identify the plan(s):

d. Is the proposed action in a municipality with an adopted comprehensive or individual plan that addresses climate change? ☐ Yes ☒ No

If Yes, identify the elements of the plan that are relevant to the action:

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?

Town-wide zoning is impacted

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, what is the proposed new zoning for the site?

C.4. Existing community services.

a. In what school district is the project site located?

Newark Central School District; Lyons Central School District; Sodus Central School District

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

Wayne County Sheriff; NY State Police; Newark Police

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

Newark Fire Department; Marletown Volunteer Fire Department; Fairville Volunteer Fire Department

d. What parks serve the project site?

All town parks.

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)?

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

b. Total acreage to be physically disturbed? _____ acres

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

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

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

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

If Yes,

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

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

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases?

☐ Yes ☐ No

i. If No, anticipated period of construction:

_____ 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?

☐ Yes ☐ No

If Yes, show numbers of units proposed.

One Family

Two Family

Three Family

Multiple Family (four or more)

Initial Phase _____

At completion _____

of all phases _____

g. Does the proposed action include new non-residential construction (including expansions)?

☐ Yes ☐ No

If Yes,

- i. Total number of structures _____
- ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
- iii. Approximate extent of building space to be heated or cooled: _____ 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?

☐ Yes ☐ No

If Yes,

- i. Purpose of the impoundment: _____
- ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____
- iii. If other than water, identify the type of impounded/contained liquids and their source. _____
- iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
- v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
- vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☐ No
(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? _____
- ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 - Volume (specify tons or cubic yards): _____
 - Over what duration of time? _____
- iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials?

☐ Yes ☐ No

If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting?

☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description):

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

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

If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

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

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

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ 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: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

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

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If Yes:

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

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

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

d. Will the proposed action generate liquid wastes?

☐ Yes ☐ No

If Yes:

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

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

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

☐ Yes ☐ No

If Yes:

• Name of wastewater treatment plant to be used: _____

• Name of district: _____

• 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

• Do existing sewer lines serve the project site?

☐ Yes ☐ No

• Will a line extension within an existing district be necessary to serve the project?

☐ Yes ☐ No

If Yes:

• Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?

☐ Yes ☐ No

If Yes:

• Applicant/sponsor for new district: _____

• Date application submitted or anticipated: _____

• What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e., sheet flow) during construction or post construction?

☐ Yes ☐ No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

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)? _____

• If to surface waters, identify receiving water bodies or wetlands: _____

• Will stormwater runoff flow to adjacent properties?

☐ Yes ☐ No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?

☐ Yes ☐ No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☐ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, boilers, electric generation, surface coating)

g. Will any air emission sources named in D.2.f (above), require an Air Facility Registration, Air State Facility Permit, Title IV Permit or Title V Permit? ☐ Yes ☐ No

If Yes:

i. Is the proposed action subject to the Nonattainment New Source Review or Prevention of Significant Deterioration requirements discussed in 6 NYCRR Part 231? ☐ Yes ☐ No

ii. As calculated in the air permit application, the proposed action has the potential to emit:

- _____ Tons/year (short tons) of carbon monoxide (CO)
- _____ Tons/year (short tons) of oxides of nitrogen (NO_x)
- _____ Tons/year (short tons) of particulate matter (PM-10, PM-2.5)
- _____ Tons/year (short tons) of volatile organic compounds (VOC)
- _____ Tons/year (short tons) of sulfur dioxide (SO₂)

iii. Will emissions of air contaminants from the proposed action described above exceed the corresponding major source thresholds? ☐ Yes ☐ No

iv. Does the proposed action have the potential to emit 10 tons/year or more of any one designated hazardous air pollutant or 25 tons/year or more of any combination of such hazardous air pollutants (6 NYCRR 200.1(ag))? ☐ Yes ☐ No

If Yes, provide the total potential to emit hazardous air pollutants in short tons/year: _____

h. Will the proposed action generate or emit annual direct and indirect greenhouse gas emissions, such as carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, or perfluorocarbons in excess of 10,000 metric tons of total carbon dioxide equivalents per year at any point in the lifetime of the proposed action (estimated using the carbon dioxide equivalent definition and global warming potentials provided in 6 NYCRR Part 496)? ☐ Yes ☐ No

If Yes:

i. Estimate the proposed action's metric tons of carbon dioxide equivalents in tons/year (metric): _____

ii. Describe any greenhouse gas capture, control, or elimination measures included in project design: _____

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

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

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

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening | Weekend

☐ Randomly between hours of _____ to _____.

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

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

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

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

vi. Are public/private transportation service(s) or facilities available within 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 energy demand? ☐ Yes ☐ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

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

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: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration: _____

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

n. Will the proposed action have outdoor lighting? ☐ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____

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

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticide) during construction or operation? ☐ Yes ☐ No

If Yes:

i. Describe proposed treatment(s): _____

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

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____

- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____

- Operation: _____

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

- ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify):

ii. If mix of uses, generally describe:

b. Land uses and cover types on the project site.

| Land use or
Cover type | Current
Acreage | Acreage After
Project Completion | Change
(Acres +/-) |
|--|--------------------|-------------------------------------|-----------------------|
| • Roads, buildings, and other paved or impervious surfaces (total) | | | |
| • Industrial or manufacturing | | | |
| • Commercial | | | |
| • Residential | | | |
| • Forested | | | |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | | | |
| • Agricultural
(includes active orchards, field, greenhouse, etc.) | | | |
| • Surface water features
(lakes, ponds, streams, rivers, etc.) | | | |
| • Wetlands (freshwater or tidal) | | | |
| • 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: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

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

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

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No
If Yes, provide DEC ID number(s): _____
iv. If Yes to (i), (ii) or (iii) above, describe current status of site(s): _____

| | |
|--|--|
| <p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p> | |
| <p>n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres | |
| <p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> | |
| <p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> | |
| <p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No</p> <p>If Yes, give a brief description of how the proposed action may affect that use: _____</p> | |
| <p>E.3. Designated Public Resources On or Near Project Site</p> | |
| <p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No</p> <p>If Yes, provide county plus district name/number: _____</p> | |
| <p>b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p> | |
| <p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> | |
| <p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p> | |

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NY Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☐ No

If Yes:

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

ii. Name: _____

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

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

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic, or aesthetic resource? ☐ Yes ☐ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail, or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☐ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666? ☐ Yes ☐ No

E.4. Disadvantaged Communities Designated Pursuant to ECL Article 75

a. Is the project located within, or within 1/2 mile of, a disadvantaged community? ☐ Yes ☐ No

If No, could impacts (see examples below in E.4.b) from the project affect a disadvantaged community? ☐ Yes ☐ No

If Yes to either question in E.4.a, answer the remaining questions in this section.

b. Will there be direct or indirect impacts that may affect a disadvantaged community, such as those listed below? ☐ Yes ☐ No

i. new noise sources or expansions/modification of existing noise sources;

- noise from operational sources

- noise from construction activities

ii. emissions of air pollutants including, mobile emissions;

iii. wastewater discharges;

iv. generation of odors;

v. light pollution;

vi. new or modified radiation sources;

vii. new or modified sources of solid waste generation, management, or disposal.

If Yes, describe the impacts:

c. Do any of the State agency approvals identified in question B.g include any of the following DEC permits?

State Pollutant Discharge Elimination System (SPDES)

☐ Yes ☐ No

Solid Waste Management Facility

☐ Yes ☐ No

Hazardous Waste Management Facility

☐ Yes ☐ No

Air Pollution Control (Title V or Air State Facility)

☐ Yes ☐ No

Water Withdrawal over 20 MGD for Cooling Water

☐ Yes ☐ No

Waste Transporter

☐ Yes ☐ No

E.5 Future Physical Climate Risks

Will the proposed action be vulnerable to the following future physical climate risks under current or projected future conditions:

- a. Is the proposed action vulnerable to damage from a projected 100-year flood? ☐ Yes ☐ No
b. Is the proposed action vulnerable to damage from a projected 500-year flood? ☐ Yes ☐ No
c. Is the proposed action in an area potentially affected by sea level rise? ☐ Yes ☐ No

d. Will the proposed action increase the vulnerability of human or ecological communities to the following:

- i. drought? ☐ Yes ☐ No
ii. temperature extremes (hot or cold)? ☐ Yes ☐ No
iii. extreme storms, including high winds? ☐ Yes ☐ No
iv. landslides? ☐ Yes ☐ No
v. coastal erosion? ☐ Yes ☐ No
vi. stormwater flooding? ☐ Yes ☐ No
vii. other climate or weather hazards? ☐ Yes ☐ No If Yes, describe: _____

F. Additional Information

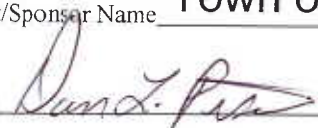
Attach any additional information which may be needed to clarify your project.

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 Town of Arcadia Date 9/8/2020

Signature  Title Town Supervisor

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]

Project :
 Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the whole action.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)

☒ NO ☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 2.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action may involve construction on land where depth to water table is less than 3 feet. | E2d | ☐ | ☐ |
| b. The proposed action may involve construction on slopes of 15% or greater. | E2f | ☐ | ☐ |
| c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface. | E2a | ☐ | ☐ |
| d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. | D2a | ☐ | ☐ |
| e. The proposed action may involve construction that continues for more than one year or in multiple phases. | D1e | ☐ | ☐ |
| f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). | D2e, D2q | ☐ | ☐ |
| g. The proposed action is, or may be, located within a Coastal Erosion hazard area. | B1i | ☐ | ☐ |
| h. Other impacts: | | ☐ | ☐ |

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO

☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|-----------------------------|-------------------------------|------------------------------------|
| a. Identify the specific land form(s) attached: | E2g | ☐ | ☐ |
| b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark.
Specific feature: | E3c | ☐ | ☐ |
| c. Other impacts: | | ☐ | ☐ |

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☒ NO

☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action may create a new water body. | D2b, D1h | ☐ | ☐ |
| b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water. | D2b | ☐ | ☐ |
| c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body. | D2a | ☐ | ☐ |
| d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body. | E2h | ☐ | ☐ |
| e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments. | D2a, D2h | ☐ | ☐ |
| f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water. | D2c | ☐ | ☐ |
| g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s). | D2d | ☐ | ☐ |
| h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. | D2e | ☐ | ☐ |
| i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action. | E2h | ☐ | ☐ |
| j. The proposed action may involve the application of pesticides or herbicides in or around any water body. | D2q, E2h | ☐ | ☐ |
| k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities. | D1a, D2d | ☐ | ☐ |

| | | | |
|-------------------|--|--------------------------|--------------------------|
| l. Other impacts: | | ☐ | ☐ |
|-------------------|--|--------------------------|--------------------------|

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.

☒ NO

☐ YES

(See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

If "Yes", answer questions a - h. If "No", move on to Section 5.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells. | D2c | ☐ | ☐ |
| b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer.
Cite Source: | D2c | ☐ | ☐ |
| c. The proposed action may allow or result in residential uses in areas without water and sewer services. | D1a, D2c | ☐ | ☐ |
| d. The proposed action may include or require wastewater discharged to groundwater. | D2d, E2l | ☐ | ☐ |
| e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated. | D2c, E1f, E1g, E1h | ☐ | ☐ |
| f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer. | D2p, E2l | ☐ | ☐ |
| g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources. | E2h, D2q, E2l, D2c | ☐ | ☐ |
| h. Other impacts: | | ☐ | ☐ |

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding.
(See Part 1. E.2)

☐ NO

☒ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|-----------------------------|-------------------------------------|------------------------------------|
| a. The proposed action may result in development in a designated floodway. | E2i | ☒ | ☐ |
| b. The proposed action may result in development within a 100-year or a 500-year floodplain. | E2j, E5a, E5b | ☒ | ☐ |
| c. The proposed action may result in development in an area potentially affected by sea level rise. | E2k, E5c | ☒ | ☐ |
| d. The proposed action may result in, or require, modification of existing drainage patterns. | D2b, D2e | ☒ | ☐ |
| e. The proposed action may change flood water flows that contribute to flooding. | D2b, E2i, E2j, E2k | ☒ | ☐ |
| f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade? | E1e | ☒ | ☐ |

g. Other impacts:

☐
☐

6. Impacts on Air and Climate

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) or generate greenhouse gas emissions over 10,000 metric tons of carbon dioxide equivalents (See Part 1. D.2.h)

☒ NO

☐ YES

If "Yes", answer questions a - i. If "No", move on to Section 7.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|---|--|--|
| a. If the proposed action requires federal or state air emission permits, the action may also have the potential to emit one or more regulated air contaminants at or above the following levels:
i. More than 100 short tons/year of carbon monoxide (CO)
ii. More than 100 short tons/year of oxides of nitrogen (NO _x) outside the NYC Metropolitan Area or Long Island OR 25 short tons/year within the NYC Metropolitan Area or Long Island
iii. More than 100 short tons/year of particulate matter (PM-10, PM-2.5)
iv. More than 50 short tons/year of volatile organic compounds (VOC) outside the NYC Metropolitan Area or Long Island OR 25 short tons/year within the NYC Metropolitan Area or Long Island
v. More than 100 short tons/year of sulfur dioxide (SO ₂) | D2g
D2g

D2g
D2g

D2g | ☐
☐

☐
☐

☐ | ☐
☐

☐
☐

☐ |
| b. The proposed action has the potential to emit 10 short tons/year or more of any one designated hazardous air pollutant, or 25 short tons/year or more of any combination of such hazardous air pollutants. | D2g | ☐ | ☐ |
| c. The proposed action may include a heat source capable of producing more than 20 million BTUs per hour. | D2f, D2g | ☐ | ☐ |
| d. The proposed action may exceed 50% of any of the thresholds in "a" or "b", above. | D2g | ☐ | ☐ |
| e. The proposed action may result in the combustion or thermal treatment of solid, hazardous, or hospital/medical/infectious waste. | D2f, D2s | ☐ | ☐ |
| f. The proposed action is subject to the Nonattainment New Source Review or Prevention of Significant Deterioration requirements discussed in 6 NYCRR Part 231. | D2g | ☐ | ☐ |
| g. The proposed action will emit more than 10,000 metric tons of CO ₂ equivalents per year. | D2h | ☐ | ☐ |
| h. A municipality adopted comprehensive or individual plan addressing climate change applies to the proposed action and the proposed action would materially conflict with the achievement of one or more goals of the plan related to climate change. | C2d | ☐ | ☐ |
| i. Other impacts: | | ☐ | ☐ |

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

☒ NO☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

| | Relevant
Part I
Question(s) | No, or
small
impact
may occur | Moderate
to large
impact may
occur |
|--|-----------------------------------|--|---|
| a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. | E2o | ☐ | ☐ |
| b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government. | E2o | ☐ | ☐ |
| c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. | E2p | ☐ | ☐ |
| d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government. | E2p | ☐ | ☐ |

| | | | |
|---|-----|--------------------------|--------------------------|
| e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect. | E3c | ☐ | ☐ |
| f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.
Source: _____ | E2n | ☐ | ☐ |
| g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site. | E2m | ☐ | ☐ |
| h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.
Habitat type & information source: _____ | E1b | ☐ | ☐ |
| i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides. | D2q | ☐ | ☐ |
| j. Other impacts: _____ | | ☐ | ☐ |

| 8. Impact on Agricultural Resources
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i> | | | |
|--|-----------------------------|--|------------------------------------|
| | | ☒ NO | ☐ YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System. | E2c, E3b | ☐ | ☐ |
| b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc). | E1a, E1b | ☐ | ☐ |
| c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land. | E3b | ☐ | ☐ |
| d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District. | E1b, E3a | ☐ | ☐ |
| e. The proposed action may disrupt or prevent installation of an agricultural land management system. | E1 a, E1b | ☐ | ☐ |
| f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland. | C2c, C3, D2c, D2d | ☐ | ☐ |
| g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan. | C2c | ☐ | ☐ |
| h. Other impacts: _____ | | ☐ | ☐ |

| 9. Impact on Aesthetic Resources
The land use of the proposed action is obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)
<i>If "Yes", answer questions a - g. If "No", go to Section 10.</i> | | | |
|---|-----------------------------|--|--|
| | | ☒ NO | ☐ YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource. | E3h | ☐ | ☐ |
| b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views. | E3h, C2b | ☐ | ☐ |
| c. The proposed action may be visible from publicly accessible vantage points:
i. Seasonally (e.g., screened by summer foliage, but visible during other seasons)
ii. Year round | E3h | ☐
☐ | ☐
☐ |
| d. The situation or activity in which viewers are engaged while viewing the proposed action is:
i. Routine travel by residents, including travel to and from work
ii. Recreational or tourism-based activities | E3h
E2q,
E1c | ☐
☐ | ☐
☐ |
| e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource. | E3h | ☐ | ☐ |
| f. There are similar projects visible within the following distance of the proposed project:
0-1/2 mile
1/2 -3 mile
3-5 mile
5+ mile | D1a, E1a,
D1f, D1g | ☐ | ☐ |
| g. Other impacts: | | ☐ | ☐ |

| 10. Impact on Historic and Archeological Resources
The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)
<i>If "Yes", answer questions a - e. If "No", go to Section 11.</i> | | | |
|---|-----------------------------|--|------------------------------------|
| | | ☒ NO | ☐ YES |
| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
| a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places. | E3e | ☐ | ☐ |
| b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. | E3f | ☐ | ☐ |
| c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory.
Source: | E3g | ☐ | ☐ |

| | | | |
|---|----------------------------|--------------------------|--------------------------|
| d. Other impacts: | | ☐ | ☐ |
| If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3: | | | |
| i. The proposed action may result in the destruction or alteration of all or part of the site or property. | E3e, E3g, E3f | ☐ | ☐ |
| ii. The proposed action may result in the alteration of the property's setting or integrity. | E3e, E3f, E3g, E1a, E1b | ☐ | ☐ |
| iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property; or that may alter its setting. | E3e, E3f, E3g, E3h, C2, C3 | ☐ | ☐ |

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☒ NO ☐ YES

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|----------------------------------|-------------------------------|------------------------------------|
| a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat. | D2e, E1b E2h, E2m, E2o, E2n, E2p | ☐ | ☐ |
| b. The proposed action may result in the loss of a current or future recreational resource. | C2a, E1c, C2c, E2q | ☐ | ☐ |
| c. The proposed action may eliminate open space or recreational resource in an area with few such resources. | C2a, C2c E1c, E2q | ☐ | ☐ |
| d. The proposed action may result in loss of an area now used informally by the community as an open space resource. | C2c, E1c | ☐ | ☐ |
| e. Other impacts: | | ☐ | ☐ |

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☐ NO ☐ YES

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA. | E3d | ☐ | ☐ |
| b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA. | E3d | ☐ | ☐ |
| c. Other impacts: | | ☐ | ☐ |

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☒ NO

☐ YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|-----------------------------|-------------------------------|------------------------------------|
| a. Projected traffic increase may exceed capacity of existing road network. | D2j | ☐ | ☐ |
| b. The proposed action may result in the construction of paved parking area for 500 or more vehicles. | D2j | ☐ | ☐ |
| c. The proposed action will degrade existing transit access. | D2j | ☐ | ☐ |
| d. The proposed action will degrade existing pedestrian or bicycle accommodations. | D2j | ☐ | ☐ |
| e. The proposed action may alter the present pattern of movement of people or goods. | D2j | ☐ | ☐ |
| f. Other impacts: | | ☐ | ☐ |

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☒ NO

☐ YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action will require a new, or an upgrade to an existing, substation. | D2k | ☐ | ☐ |
| b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use. | D1f, D1q, D2k | ☐ | ☐ |
| c. The proposed action may utilize more than 2,500 MWhrs per year of electricity. | D2k | ☐ | ☐ |
| d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed. | D1g | ☐ | ☐ |
| e. Other Impacts: | | ☐ | ☐ |

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☒ NO

☐ YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action may produce sound above noise levels established by local regulation. | D2m | ☐ | ☐ |
| b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home. | D2m, E1d | ☐ | ☐ |
| c. The proposed action may result in routine odors for more than one hour per day. | D2o | ☐ | ☐ |

| | | | |
|---|----------|--------------------------|--------------------------|
| d. The proposed action may result in light shining onto adjoining properties. | D2n | ☐ | ☐ |
| e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions. | D2n, E1a | ☐ | ☐ |
| f. Other impacts: | | ☐ | ☐ |

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part I.D.2.q., E.1. d. f. g. and h.)
If "Yes", answer questions a - m. If "No", go to Section 17.

☒ NO

☐ YES

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community. | E1d | ☐ | ☐ |
| b. The site of the proposed action is currently undergoing remediation. | E1g, E1h | ☐ | ☐ |
| c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action. | E1g, E1h | ☐ | ☐ |
| d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction). | E1g, E1h | ☐ | ☐ |
| e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health. | E1g, E1h | ☐ | ☐ |
| f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health. | D2t | ☐ | ☐ |
| g. The proposed action involves construction or modification of a solid waste management facility. | D2q, E1f | ☐ | ☐ |
| h. The proposed action may result in the unearthing of solid or hazardous waste. | D2q, E1f | ☐ | ☐ |
| i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste. | D2r, D2s | ☐ | ☐ |
| j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste. | E1f, E1g
E1h | ☐ | ☐ |
| k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off-site structures. | E1f, E1g | ☐ | ☐ |
| l. The proposed action may result in the release of contaminated leachate from the project site. | D2s, E1f,
D2r | ☐ | ☐ |
| m. Other impacts: | | ☐ | ☐ |

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part 1. C.1, C.2. and C.3.)

☒ NO

☐ YES

If "Yes", answer questions a - h. If "No", go to Section 18.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|-----------------------------------|-------------------------------|------------------------------------|
| a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s). | C2, C3, D1a
E1a, E1b | ☐ | ☐ |
| b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%. | C2 | ☐ | ☐ |
| c. The proposed action is inconsistent with local land use plans or zoning regulations. | C2, C2, C3 | ☐ | ☐ |
| d. The proposed action is inconsistent with any County plans, or other regional land use plans. | C2, C2 | ☐ | ☐ |
| e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure. | C3, D1c,
D1d, D1f,
D1d, E1b | ☐ | ☐ |
| f. The proposed action is in an area characterized by low density development that will require new or expanded public infrastructure. | C4, D2c, D2d
D2j | ☐ | ☐ |
| g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action) | C2a | ☐ | ☐ |
| h. Other: | | ☐ | ☐ |

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
(See Part 1. C.2, C.3, D.2, E.3)

☒ NO

☐ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|--------------------------------|-------------------------------|------------------------------------|
| a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community. | E3e, E3f, E3g | ☐ | ☐ |
| b. The proposed action may create a demand for additional community services (e.g. schools, police and fire) | C4 | ☐ | ☐ |
| c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing. | C2, C3, D1f
D1g, E1a | ☐ | ☐ |
| d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources. | C2, E3 | ☐ | ☐ |
| e. The proposed action is inconsistent with the predominant architectural scale and character. | C2, C3 | ☐ | ☐ |
| f. Proposed action is inconsistent with the character of the existing natural landscape. | C2, C3
E1a, E1b
E2g, E2h | ☐ | ☐ |
| g. Other impacts: | | ☐ | ☐ |

19. Impact on Disadvantaged Communities

The proposed project may impact a disadvantaged community.
(See Part 1. E.4)

☒ NO☐ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

| | Relevant
Part I
Question(s) | No, or
small
impact
may occur | Moderate
to large
impact may
occur |
|---|--|--|--|
| a. Is the potentially affected disadvantaged community identified as having comparatively higher burdens or vulnerabilities by the Disadvantaged Community Assessment Tool ? | E.4.c | ☐ | ☐ |
| b. The proposed action may create new air emissions or increase existing air emissions within a disadvantaged community. | D.2.f-i, E.4 | ☐ | ☐ |
| c. The proposed action may create new wastewater treatment or discharges, or expand existing wastewater treatment or discharges, within a disadvantaged community. | D.2.d | ☐ | ☐ |
| d. The proposed action creates or expands a solid or hazardous waste management facility, or involves the generation of solid or hazardous waste, within or near a disadvantaged community. | D.2.r, D.2.s,
D.2.t, E.1.f,
E.1.g | ☐ | ☐ |
| e. The proposed action may increase traffic within a disadvantaged community. | D.2.j | ☐ | ☐ |
| f. The proposed action affects or involves one or more of the following facility types:
i. landfill;
ii. other industrial, manufacturing, or mining land uses;
iii. major oil or chemical bulk storage facility;
iv. municipal waste combustor;
v. power generation facility;
vi. risk management plan site;
vii. remediation site; or
viii. scrap metal processor. | C.3.c, D.1.a,
D.1.g, D.2.a,
D.2.d, D.2.f,
E.1.a, E.1.b,
E.1.h, E.1.v,
E.4 | ☐
☐
☐
☐
☐
☐
☐
☐ | ☐
☐
☐
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☐ |
| g. Other impacts: | | ☐ | ☐ |

20. Future Physical Climate Risks

The proposed project may be vulnerable to future physical climate risks or increase the vulnerability of human or ecological communities to future physical climate risks.

☒ NO ☐ YES

(See Part 1. E.5)

If "Yes", answer questions a - e. If "No", proceed to Part 3.

| | Relevant
Part I
Question(s) | No, or
small
impact
may occur | Moderate
to large
impact may
occur |
|--|-----------------------------------|--|--|
| a. The proposed action is vulnerable to damage from a projected 100-year flood. | E2j, E5a | ☐ | ☐ |
| b. The proposed action is vulnerable to damage from a 500-year flood. | E2k, E5b | ☐ | ☐ |
| c. The proposed action is in an area potentially affected by sea level rise. | E5c | ☐ | ☐ |
| d. The proposed action may increase the vulnerability of human or ecological communities to the following:
i. drought
ii. temperature extremes (hot or cold)
iii. extreme storms, including high winds
iv. landslides
v. coastal erosion
vi. stormwater flooding
vii. other climate or weather hazards? If yes, describe: _____ | E5d | ☐
☐
☐
☐
☐
☐
☐ | ☐
☐
☐
☐
☐
☐
☐ |
| e. Other impacts: | | ☐ | ☐ |

Project :

Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size, or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact, and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact.
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The rescission of a prior local law for flood damage prevention as part of the adoption of a new local law, which is based on a NYS DEC approved model law, which establishes new regulations for Flood Damage Prevention and updated requirements for floodplain development permits, will have no significant adverse environmental impacts. The local law will be approved by the NYS DEC and FEMA as part of the Town's ongoing participation in the National Flood Insurance Program.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Arcadia Town Board as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions that will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: **Adoption of a local law for flood damage prevention**

Name of Lead Agency: **Town Board, Town of Arcadia**

Name of Responsible Officer in Lead Agency: **Dawn Piscioti**

Title of Responsible Officer: **Town Supervisor**

Signature of Responsible Officer in Lead Agency: 

Date: **9/8/2020**

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: **Terresa Vastbinder**

Address: **201 Frey Street**

Telephone Number: **315-331-1222**

E-mail: **townclerk@townofarcadiany.gov**

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

At a Regular meeting of the Town Board of the Town of Arcadia, Wayne County, New York, held at the Town Hall at No. 201 Frey Street in the Village of Newark, Wayne County, New York, in said Town, on the 8th day of September 2026 at 7:00 p.m.

PRESENT: Dawn L. Piscioti, Supervisor
Michael J. Diamond, Councilperson
Joseph W. Gerbig, Councilperson
Richard D. VanLaeken, Councilperson

ABSENT: David Greco, Councilperson

The following Resolution was offered by Councilman VanLaeken, who moved its adoption, seconded by Councilman Gerbig, to wit:

RESOLUTION DATED September 8, 2026

A RESOLUTION ADOPTING A PROPOSED LOCAL LAW FOR FLOOD DAMAGE PREVENTION AS AUTHORIZED BY THE NEW YORK STATE CONSTITUTION, ARTICLE IX, SECTION 2, AND ENVIRONMENTAL CONSERVATION LAW, ARTICLE 36.

WHEREAS, a Resolution was introduced proposing a Local Law for the year 2026 entitled “A Local Law for Flood Damage Prevention as Authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36”; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, said Town Board has duly held a public hearing on the proposed Local Law on September 8, 2026, at which all interested persons had an opportunity to be heard; and

WHEREAS, said Town Board has determined that the adoption of said Local Law would promote the general welfare of the residents of said Town.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Arcadia, Wayne County, New York, as follows:

Section 1. A proposed Local Law No. 4 of the year 2026 entitled “A Local Law for Flood Damage Prevention as Authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36” is hereby adopted in the form heretofore introduced before said Town Board by Resolution dated August 11, 2026.

Section 2. The Town Clerk is hereby directed to enter said Local Law in the Minutes of this meeting, to file a copy of this Local Law, and to give due notice of the adoption of said Local Law to the New York Secretary of State.

The question of the adoption of the foregoing **Resolution** was duly put to a vote on roll call, which resulted as follows:

| | | |
|----------------------|---------------|---------------|
| Dawn L. Piscioti | VOTING | <u>Aye</u> |
| Michael J. Diamond | VOTING | <u>Aye</u> |
| Joseph W. Gerbig | VOTING | <u>Aye</u> |
| David Greco | VOTING | <u>Absent</u> |
| Richard D. VanLaeken | VOTING | <u>Aye</u> |

The Resolution was thereupon declared duly adopted on September 8, 2026.



**Department
of State**

KATHY HOCHUL
GOVERNOR

WALTER T. MOSLEY
SECRETARY OF STATE

September 28, 2026

Town of Arcadia
Town Clerk
201 Frey St.
Newark, NY 14513

RE: Town of Arcadia

To Whom it May Concern:

Local Law 4 of the year 2026 was filed with this office on 9/16/2026. The Department of State Local Law Index Number 4 of the year of 2026. The Local Law number assigned by the Department of State for indexing purposes may be different from the Local Law number ascribed by the Legislative Body of the Local Government.

Sincerely,

Department of State
State Records Bureau
(518) 473-2492
www.dos.ny.gov

The Local Law filing form has been updated as of 03/05/2025 in compliance with Section 27 of the Municipal Home Rule Law

TOWN OF ARCADIA

LOCAL LAW NO. 4 OF THE YEAR 2026

**A LOCAL LAW FOR FLOOD DAMAGE PREVENTION AS AUTHORIZED BY THE
NEW YORK STATE CONSTITUTION, ARTICLE IX, SECTION 2, AND
ENVIRONMENTAL CONSERVATION LAW, ARTICLE 36**

Be it enacted by the Town Board of the Town of Arcadia as follows:

SECTION 1.0

STATUTORY AUTHORIZATION AND PURPOSE

1.1 FINDINGS

The Town of Arcadia finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Arcadia and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, tele-phone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

“Accessory Structure” is a structure used solely for parking (two-car detached garages or smaller) or limited storage, represent a minimal investment of not more than 10 percent of the value of the primary structure, and may not be used for human habitation.

“Appeal” means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

“Area of shallow flooding” means a designated AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of special flood hazard” is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, AR, A99. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term “special flood hazard area (SFHA)” is synonymous in meaning with the phrase “area of special flood hazard.”

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Basement” means that portion of a building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”

“Cellar” has the same meaning as “Basement”.

“Crawl Space” means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydro-static forces which would be experienced during periods of flooding.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

“Elevated building” means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building”, even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

“Federal Emergency Management Agency” means the Federal agency that administers the National Flood Insurance Program.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;

- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood” or “flooding” also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

“Flood Boundary and Floodway Map (FBFM)” means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

“Flood Elevation Study” means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

“Flood Insurance Study” see “flood elevation study”.

“Floodplain” or “Flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of “Flooding”).

“Floodproofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Floodway” has the same meaning as “Regulatory Floodway”.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

“Historic structure” means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior or
 - (ii) directly by the Secretary of the Interior in states without approved programs.

“Local Administrator” is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

“Lowest floor” means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a “Recreational vehicle”.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of

1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" has the same meaning as "Manufactured home".

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"New York State Special Flood Hazard Area (NYS SFHA)" is the greater of the following two areas:

1. The area within a floodplain subject to a 0.2-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on a community's flood hazard map, or otherwise legally designated.

Note: Locations defined as "AREA WITH REDUCED FLOOD RISK DUE TO LEVEE ZONE X" are excluded from the NYS SFHA.

"One hundred year flood" or "100-year flood" has the same meaning as "Base Flood".

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

"Required Flood Elevation (RFE)" The elevation requirement for the lowest floor of all new or substantial improvements within flood hazard areas in New York State. At a minimum, the RFE shall be the higher of the following:

- (1) The base flood elevation at the depth of peak elevation of flooding, including wave height, that has a 1-percent or greater chance of being equaled or exceeded in any given year
 - a. plus 2 feet of freeboard, and
 - b. plus a sea level rise of 18 inches in flood hazard areas adjacent to tidal areas.
- (2) The elevation of the design flood associated with the area designated on a flood hazard map adopted by the community.

“Start of construction” means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. The term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not include:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official, and which are the minimum necessary to assure safe living conditions.

“Tidal Areas”: According to NYCRR Title 6 Part 490, New York State tidal areas are defined to include the marine coasts of Nassau, Suffolk, and Westchester counties and the five boroughs of New York City, and the main stem of the Hudson River, north from New York City to the federal dam at Troy.

“Variance” means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Arcadia.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Town of Arcadia, Community Number 360972 are identified and defined on the following documents prepared by the Federal Emergency Management Agency.

(1) Flood Insurance Rate Map (FIRM) Panels:

36117C0245D, 36117C0265D, 36117C0270D, 36117C0382D, 36117C0384D,
36117C0392D, 36117C0395D, 36117C0402D, 36117C0403D, 36117C0404D,
36117C0406D, 36117C0408D, 36117C0415D, 36117C0420D

whose effective date is November 13, 2026, and any subsequent revisions to these map panels that do not affect areas under our community’s jurisdiction.

(2) A scientific and engineering report entitled "Flood Insurance Study, Wayne County, New York, All Jurisdictions" dated November 13, 2026.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at: Town Hall, 201 Frey St. Newark, NY 14513.

3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Arcadia from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Town of Arcadia, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made there under.

SECTION 4.0 ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Town Code Enforcement Officer is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

4.2-1 PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-2 FEES

All applications for a floodplain development permit shall be accompanied by an application fee of \$ 500.00. In addition, the applicant shall be responsible for reimbursing the Town of Arcadia for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved residential structure to be located in the NYS SFHA. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved non-residential structure to be located in the NYS SFHA. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

- (3) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (4) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.
- (5) A certificate from a licensed professional engineer or architect that any non-residential flood-proofed structure will meet the floodproofing criteria in Section 5.4, NON-RESIDENTIAL STRUCTURES.
- (6) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (7) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (8) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following.

4.4-1 PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, subsection 5.1-1 SUBDIVISION PROPOSALS.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.
- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

4.4-2 USE OF OTHER FLOOD DATA

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- (2) When base flood elevation data are not available, the Local Administrator may use flood in-formation from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

- (3) When an area of special flood hazard, base flood elevation, and/or floodway data are available from a Federal, State or other authoritative source, but differ from the data in the documents enumerated in Section 3.2, the Local Administrator may reasonably utilize the other flood information to enforce more restrictive development standards.

4.4-3 ALTERATION OF WATERCOURSES

- (1) Notification to adjacent municipalities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.4-4 CONSTRUCTION STAGE

- (1) Within the NYS SFHA, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

4.4-5 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

4.4-6 STOP WORK ORDERS

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.

4.4-7 CERTIFICATE OF COMPLIANCE

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

4.4-8 INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 4.4-4(1) and 4.4-4(2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to sub-section 4.4-4(1), and whether or not the structures contain a basement;

- (4) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 4.4-3, ALTERATION OF WATERCOURSES.

SECTION 5.0 CONSTRUCTION STANDARDS

5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.1-1 SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

5.1-2 ENCROACHMENTS

- (1) Within Zones A1-A30, AE, and AH on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
 - (ii) the Town of Arcadia agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the

Town of Arcadia for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Arcadia for all costs related to the final map revision.

- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (i) a technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
 - (ii) the Town of Arcadia agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Arcadia for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Arcadia for all costs related to the final map revisions.

5.2 STANDARDS FOR ALL STRUCTURES

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.2-1 ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.2-2 CONSTRUCTION MATERIALS AND METHODS

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

- (3) For enclosed areas below the lowest floor of a structure within the NYS SFHA new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
- (i) a minimum of two openings of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade and;
 - (iii) openings not less than three inches in any direction.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

5.2-3 UTILITIES

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located above the Required Flood Elevation (RFE), or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate in-filtration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,

- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.2-4 STORAGE TANKS

- (1) Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood.
- (2) Above-ground tanks shall be:
 - a. anchored to prevent flotation, collapse or lateral movement during conditions of the base flood, and;
 - b. installed at or above the Required Flood Elevation (RFE).

5.3 RESIDENTIAL STRUCTURES

5.3-1 ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Special Flood Hazard Areas, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above the Required Flood Elevation (RFE).
- (2) Within Zone A, if the Base flood elevation is not specified, a base flood elevation shall be determined by either of the following:
 - a. Obtain and reasonably use data available from a federal, state or other source or:
 - b. Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practices. Determinations shall be undertaken by a registered design professional who shall be documented that the technical methods used reflect currently accepted engineering practice. Studies, analyses, and computations shall be submitted in sufficient detail to allow thorough review and approval.
- (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in

Section 3.2 plus one foot of freeboard, or not less than 3 feet if a depth number is not specified.

- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

5.4 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within the NYS SFHA, new construction and substantial improvements of any non-residential structure shall either:
 - (i) have the lowest floor, including basement or cellar, elevated to or above the required flood elevation; or
 - (ii) be floodproofed so that the structure is watertight below the required flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the required flood elevation must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus one foot (at least three feet if no depth number is specified), or
 - (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 5.4(1)(ii).
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the

provisions of Section 5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, if the base flood elevation is not specified, a base flood elevation shall be determined by either of the following:
 - a. Obtain and reasonably use data available from a federal, state or other source or:
 - b. Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practices. Determinations shall be undertaken by a registered design professional who shall be documented that the technical methods used reflect currently accepted engineering practice. Studies, analyses, and computations shall be submitted in sufficient detail to allow thorough review and approval.

5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - (i) be on site fewer than 180 consecutive days,
 - (ii) be fully licensed and ready for highway use, or
 - (iii) meet the requirements for manufactured homes in paragraphs 5.5(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) A manufactured home that is placed or substantially improved in the NYS SFHA shall be elevated on a permanent foundation such that the bottom of the frame of the manufactured home chassis is elevated to or above the

required flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- (3) Within Zone AO, the bottom of the frame of the manufactured home chassis shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 3.2 plus one foot (at least three feet if no depth number is specified).
- (4) The foundation and anchorage of manufactured homes to be located in identified floodways shall be designed and constructed in accordance with Section 5.2-1, ANCHORING.

5.6 ACCESSORY STRUCTURES INCLUDING DETACHED GARAGES

The following standards apply to new and substantially improved accessory structures, including detached garages, in the NYS SFHA.

- (1) The accessory structure must meet the definition of structure, for floodplain management purposes, provided in 44 CFR § 59.1, where walled and roofed shall be interpreted as having two outside rig-id walls and a fully secured roof.
- (2) The accessory structure should be small, as defined by the community and approved by FEMA, and represent a minimal investment. Accessory structures of any size may be considered for a variance; however, FEMA considers accessory structures that meet the following criteria to be small and therefore not necessarily in need of a variance, if the community chooses to allow it:
 - a. Located in an area of special flood hazard area and less than or equal to the size of a one-story, two-car garage.
- (3) Accessory structures must meet the standards of Section 5.2-1, ANCHORING,
- (4) The portions of the accessory structure located below RFE must be constructed with flood-resistant materials.
- (5) Mechanical and utility equipment for the accessory structure must be elevated or dry floodproofed to or above RFE.
- (6) Within Zone AO if no depth number is specified, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.
- (7) The accessory structure must comply with the floodway encroachment provisions of the NFIP.

- (8) The accessory structure must be wet floodproofed to protect the structure from hydrostatic pressure. The design must meet the NFIP design and performance standards for openings per 44 CFR § 60.3(c)(5) and must allow for the automatic entry and exit of floodwaters without manual operation or the presence of a person (or persons).

SECTION 6.0 VARIANCE PROCEDURE

6.1 APPEALS BOARD

- (1) The Zoning Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;

- (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 6.1(4) and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
- (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
 - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.

- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
- (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
- (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 4.4-8 of this Local Law.

SECTION 7.0

REPEAL, AMENDMENT AND SUPERSESSION OF OTHER LAWS

All other ordinances or local laws of the Town which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent to give this local law force and effect.

SECTION 8.0

EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

Be it enacted this 8th day of September, 2026 by the Town Board of the Town of Arcadia,
Wayne County, New York, to be effective September 8, 2026.

| | |
|----------------------|--------|
| Supervisor Piscioti | Aye |
| Councilman Diamond | Aye |
| Councilman Gerbig | Aye |
| Councilman VanLaeken | Aye |
| Councilman Greco | Absent |

SEAL

Terresa Vastbinder

ATTEST: TERRESA VASTBINDER
TOWN CLERK