

State Environmental Quality Review Act (SEQRA)

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

This notice is issued pursuant to part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (SEQR).

The Allegany County Industrial Development Agency (ACIDA) has determined that the proposed actions described below **will not** have a significant adverse impact on the environment and that an Environmental Impact Statement will not be prepared.

DATE: March 29, 2021

NAME OF ACTION: GREAT LAKES CHEESE PROJECT BLOCK

LOCATION: 229 acres constituting in the Town of Amity portions of Parcels 158.-1-31 and 158.-1-2.1 and in the Town of Angelica a portion of Parcel 145.-1-5.1), Allegany County, New York. The project area is located on the east side of Gibson Hill Road (NYS Route 20) near the intersection of Gibson Hill Road and Transit Hill Road (NYS Route 19; Figure 1). A map of the project location is included in the public hearing record and is attached hereto as Figure 1.

SEQR STATUS: Type I Action

LEAD AGENCY: Allegany County Industrial Development Agency

CONTACT PERSON: Dr. Craig Clark, Executive Director
Crossroads Commerce & Conference Center
6087 State Route 19 North
Belmont, New York 14813
585-268-7472

DESCRIPTION OF ACTION:

A. PROJECT DESCRIPTION

Great Lakes Cheese Corporation “Project Block” proposes the construction of a new 486,000 square-foot cheese manufacturing facility, including on-site packaging and distribution facilities, employee parking, access roads, and related utility infrastructure, including a 50,000 square-foot wastewater treatment plant (the “Project”), in the Towns of Amity and Angelica, Allegany County, New York. The Project would be located on a portion of three parcels of land, with the project area totaling 229 acres located on Trianna Road (Tax map number 158.-1-31) and Old State Road (Tax map number 158.-1-2.1) in the Town of Amity and County Road (“CR”) 20 (Tax map number 145.-1-5.1) in the Town of Angelica, Allegany County. The project area is located on the east side of Gibson Hill Road (NYS Route 20) near the intersection of Gibson Hill Road and Transit Hill Road (NYS Route 19;).

The new facility will contain the entire cheese manufacturing process. The majority of the new building, which will utilize four million pounds of milk per day, will be single level, but will contain a multi-level drying tower that will reach approximately 130 foot tall (Figure 1). In addition to the main process building and wastewater treatment facility, there will be various employee and truck parking areas, a guard shack, and paved driveways. The main facility will include provision for receiving raw materials by truck, the manufacturing process, packaging, shipping, and distribution, and office space in a single-level building except for an approximately 130-foot tall multi-stage drying tower, truck scales, guard shack, employee parking and access roads, a water tower and fire pump building, and stormwater containment basins. In addition to wastewater treatment plant (including a treatment building, tanks, and impoundments) for manufacturing waste, a septic system will serve the plant employees. The wastewater will be discharged to the Genesee River. Construction will take place over multiple years, with the project breaking ground third quarter of 2021, site & building construction from that time through third quarter 2023, equipment installation through to start up from second quarter 2022 through third quarter 2024, with project operation starting January 1, 2025.

Great Lakes Cheese has a need for this manufacturing plant, because the current facility in Cuba, New York is nearing the end of its useful life. With the construction of this new facility, Great Lakes Cheese will be able to keep the existing workforce at the Cuba location, plus hire approximately 200 additional employees within five years, once the plant is operational. Further, the manufacturing plant will purchase an additional two million pounds of milk per day than Great Lakes Cheese is currently utilizing, providing significant support to the local dairy industry. The company reviewed over 70 sites before determining that this was the only site in the region that met its requirements.

Site Description

The Project Site is located at an elevation of approximately 1344 feet above Mean Sea Level along CR 20, sloping to the northeast. Road drainage on CR 20 flows north away from the site. The Genesee River and tributaries of said creek are present on the edge of the site. There are no established drainage ways on the site other than roadside stormwater ditches, nor any surface water features other than the Genesee River.

Soils mapped by USDA are primarily Allard Silt Loam, gently sloping (0-3%). These soils are moderately well-drained soils formed in glacial till, with a hydrologic soil class B and classified as prime farmlands. The soils are not subject to flooding and have a depth to water table of greater than 80 inches. Topsoil is likely impacted by past farming activities.

There are no curbs preventing access to the Site, however there is a small ditch and drop off on the west side of the Site along CR 20. There are no additional fences on the Site. There is no public water service or sanitary sewer currently available to the Site. There is public water service located on NYS Route 19 to the southwest of the Site, and northeast at the Quicklees. Three phase electric service is available at the Site, along poles at the road right-of-way, however upgraded service will be brought to Site as part of the Project. There are no pad-mounted transformers currently on the site. A new substation will be built as part of the utility upgrade. There is no gas service to the Site.

The Site vegetation is active agricultural fields. There are trees mainly in the north, south, and east edges of the Site adjacent to the Genesee River, minimal disturbance of the treed areas is anticipated. The treed areas being acquired are an integral part of the buffers that provide protection to natural resources and shield the site from the River and a historical site across the River. The eastern portion is located in Zone A and B FEMA flood zones. The Genesee River is a Class C stream.

B. COORDINATED REVIEW

The Allegany County IDA declared its intent to act as Lead Agency for the State Environmental Quality Review Act (SEQRA) process on January 7, 2021. Subsequently, Part 1 of the Full Environmental Assessment Form (FEAF) and site figure were sent to all identified interested and involved agencies (Table 1) on January 8, 2021, to initiate coordinated review of the proposed action.

Table 1— Interested and Involved Agencies	
Involved and Interested Agencies	
New York State Department of Transportation	New York State Department of Environmental Conservation

Allegany County	Town of Amity
Town of Amity Planning Board	Town of Angelica
Town of Angelica Planning Board	Allegany County Department of Agriculture and Markets
Empire State Development	Allegany County Health Department
Allegany County Department of Public Works	New York State Historic Preservation Office – New York State Office of Parks, Recreation, and Historic Preservation
US Army Corps of Engineers – Buffalo District	United States Fish and Wildlife Service
New York State Department of Agriculture and Markets	New York State Energy Research and Development Authority
New York Power Authority	

Responses and correspondence provided during the comment period are included in the record of proceedings.

C. DETAILED INFORMATION IN RESPONSE TO PART 2 OF SEQRA FULL EAF AND EVALUATION OF THE CRITERIA FOR DETERMINING SIGNIFICANCE SET FORTH IN 6 NYCRR 617.7.

The ACIDA has reviewed the Full Environmental Assessment Forms (EAF) and the criteria contained in 6 NYCRR §617.7, as well as the application, the public hearing record, the studies prepared, and the comments received in writing and at the public hearing and in response to the Notice of Intent, and has determined that the Projects will not have a significant impact on the environment for the following reasons:

The following information provides a detailed discussion of potential impacts identified in Part 2 of the FEA. This information has been prepared to support Part 3 of the FEA and has been arranged according to the question numbers within Part 2.

1. Impacts on Land

Geotech studies were performed on the Site. The project will result in permanent conversion of approximately 88 acres of active agriculture (row crops) to industrial use including approximately 30 acres of roadway, buildings and parking, 58 acres of open space, landscaping, successional old field, and 2.25 acres of stormwater features. Project development will also convert a less than 0.1 acre of isolated wetland and approximately 1.7 acres of forest for a discharge pipeline. This discharge pipeline may have temporary, minor impacts associated with crossing drainages in the adjacent floodplain forest. These impacts will be temporary during construction and areas will be restored following construction. The Project will preserve as buffer land used by important natural resources. Land acquisition

and area of conversion has been minimized to the extent practicable and further mitigation is not possible. The proposed Action does not involve steep slopes, areas of exposed bedrock, nor is it located in a Coastal erosion hazard area or where the depth to water table is less than three feet. Excavated materials will be reused on site, the SWPPP and other best practices will prevent storm water runoff or increased erosion.

The proposed project will involve ground disturbance for construction of new buildings resulting in permanent changes to land. Construction best management practices and appropriate erosion and sediment control measures will be followed during construction.

Accordingly, the Agency determines that there will not be a significant adverse impact on land. See 6 NYCRR § 617.7(c)(1)(i).

2. Impacts on Geological Features

There are no geological features on site and no impacts will occur. See 6 NYCRR § 617.7(c)(1)(i).

3. Impacts on Surface Water

The project will result in permanent conversion of a small (0.1 acre), isolated wetland area in the middle of the existing agricultural field. This wetland is farmed in dry years. Project development may have temporary, minor impacts associated with crossing drainages in the adjacent floodplain forest. These impacts will be temporary during construction and areas will be restored following construction. Paved parking areas, driveways, trailer parking areas, and building roof will create 30 acres of impervious surfaces. The proposed project will result in the creation of stormwater management impoundments to protect onsite drainage patterns and manage surface water runoff into the floodplain, specifically stormwater will be managed by on-site stormwater management structures and groundwater via bioretention areas, vegetated swales, and extended retention ponds.

The proposed project involves development of an onsite wastewater treatment facility to avoid impacts to water quality. Total anticipated liquid waste generation per day is 705,000 gallons/day. The nature of liquid wastes to be generated are 6,000 gpd sanitary wastewater and 700,000 gpd industrial wastewater (from the cheese manufacturing process). Significant recycling will occur to reduce discharge: Various internal processes (decanter centrifuges, RO) will be utilized

within the plant for reuse: 1. CIP post rinse reused as pre-rinse on subsequent circuit. 2. Reuse "seal water" from separators, pumps, and other equipment as make-up to cooling towers and evaporative condensers. 3. Recovering water from Permeate UF, Whey NF, and the evaporator (cow water), essentially reusing all the water that comes to the plant in the milk. The WWTP and discharge infrastructure will utilize best management practices and in accordance with State Pollutant Discharge Elimination System (SPDES) requirements. Thus, the Project features, including appropriate stormwater management and utilization of a properly designed WWTP will ensure there will not be any significant adverse impacts on surface water. *See* 6 NYCRR § 617.7(c)(1)(i).

4. Impacts on Groundwater

There will be minimal impacts to groundwater from withdrawal of water through new wells, which will have no impact on groundwater supplies used by other users. Firefighting capacity will be drawn through existing public water supply. Further, there will be no significant adverse impacts on groundwater quality as the result of project construction and operation. *See* 6 NYCRR § 617.7(c)(1)(i).

5. Impacts on Flooding

A portion of the Proposed Development is within a designated floodway and within a 100 year floodplain. The project will result in the modification of existing drainage patterns due to an increase in impervious area (approximately 88 acres). Erosion and sediment control measures for the project implemented during construction will minimize stormwater runoff. Permanent stormwater management features will be installed to manage increased runoff. The project is designed in accordance with all applicable local regulations and impacts to surrounding properties are not expected. *See* 6 NYCRR § 617.7(c)(1)(i).

6. Impacts on Air

The Agency has evaluated any potential impacts on air. Allegany County is currently designated as attainment or unclassifiable for all pollutants in 40 CFR Part 81.333. However, all of New York State is located within the ozone transport region. Therefore, Allegany County is treated as a nonattainment area for ozone. Nitrogen oxides are both an attainment and nonattainment contaminant in New York, and NO_x is also subject to the 250 tpy threshold. The facility-wide emissions of all Prevention of Significant Deterioration (PSD) regulated pollutants are below 250 tpy; therefore, the facility is considered a minor source with

respect to PSD permitting program and not subject to Part 231 permitting. Similarly, major facility thresholds for the Nonattainment New Source Review (NNSR) regulated pollutants for facilities in New York are established in 6 NYCRR § 231-13, Table 1 and Table 2. The major facility thresholds for NO_x and VOC for facilities located within the ozone transport region are 100 tpy and 50 tpy, respectively. For this Project the facility-wide emissions of NO_x and VOC are below 100 tpy and 50 tpy thresholds, respectively; therefore, the facility will be considered a minor source with respect to NNSR program and not subject to Part 231 permitting.

Air emissions during construction will include truck traffic and dust that will be controlled by best practices to reduce dust impacts, and state of the art emission controls in accordance with DOT/DEC standards on construction equipment (including power generation). Under 6 NYCRR § 205 (Architectural and Industrial Maintenance (AIM) Coatings), the Company will comply with the VOC content limit and container labeling requirements for the applicable coatings in this regulation. GLC will also comply with the painting and thinning practices required by the regulation.

The facility will not cause any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emissions, either alone or in combination with others, to be emitted to the outdoor atmosphere in such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property in accordance with 6 NYCRR§ 211.1.

Stationary sources generating emissions during operations are process emissions, medium boilers, standby electric gensets (for emergency use only). Methane generation of 27,000 tons/year is expected, which will either be combusted to generate electricity or flared. Specifically, the emissions sources are:

- Three gas-fired boilers – GLC is proposing operation of three (3) identical steam boilers. Each boiler will have a rated heat input capacity of 49 Million British thermal units per hour (MMBtu/hr) based on the higher heating value (HHV) of the natural gas. The boilers will primarily fire natural gas and/or digester gas with No. 2 fuel oil as the backup.
- Heaters and dryers – There will be three (3) natural gas-fired heaters and dryers, including a permeate dryer, a whey protein concentrate (WPC) dryer,

and a direct injection water heater. Their proposed heat input capacities are 13.9 MMBtu/hr, 5.5 MMBtu/hr, and 4.6 MMBtu/hr respectively.

- Other small natural gas combustion units – Based on the initial design, GLC is proposing to install a total of 75 natural gas-fired units, including air handling units (AHU), makeup air units (MAU), remote terminal units (RTU), infrared heaters (IRH), and gas unit heaters (GUH) with a total rated heat input capacity of 81 MMBtu/hr. The largest of these units will have a rated heat input capacity of 6.1 MMBtu/hr.
- Two diesel-fired emergency generators. One generator (500 kilowatt (kW)) will have an engine rating of 755 horsepower (hp) and second (1500 kW) will be 2,218 hp.
- One 450 hp diesel-fired emergency firewater pump.
- Three cooling towers and three evaporative condensers.
- Material handling operations controlled by baghouses, dust collectors and a wet scrubber.
- One No. 2 fuel oil storage tank with a capacity of approximately 25,000 gallons.
- Wastewater treatment digesters and a flare to control off gas – The on-site digester will be covered and vent biogas to the flare.
- Videojet or continuous inkjet printers - each printing unit utilizes an ink source accompanied by a make-up ink fluid and a cleaning solution.
- Roadways and parking lots.

The Company has submitted a New York State Facility Permit Application for permits including Title V permits. The Board has reviewed the application and finds the Company will meet the performance standards in the applicable state and federal regulations and therefore will mitigate air impacts to the maximum extent practicable. This will be done through a host of mitigation measures. For example, The Particulate Matter emissions from the facility equipment will be controlled by number of baghouses, dust collectors, and a scrubber which meet Part 212 PM grain standard. The facility will follow and maintain Good Engineering Practice and operate its sources in a manner that effectively meets the visible emissions standards. The combustion sources at the GLC facility that will fire No. 2 fuel oil will comply with applicable regulation by firing ultra-low sulfur diesel (note: Since #2 fuel oil is not classified as a petroleum liquid or a

VOL, and there are no storage tanks planned for the facility, 6 NYCRR Part 229 does not apply to the GLC facility).

The Agency has also evaluated the facility under the Climate Leadership and Community Protection Act (CLCPA), signed into law in July 2019 and became effective January 1, 2020. CLCPA currently requires NYSDEC to review applications for new state facility permits, new Title V permits, and significant modifications to state facility permits and Title V permits for consistency with the requirements and goals of CLCPA. Since the proposed project is a new state facility permit, an analysis of CLCPA is required.

As part of the evaluation of this project in the context of CLCPA's goals, GHG emissions have been quantified for the proposed facility using the 20-year global warming potentials found in Appendix 8.A: Lifetimes, Radiative Efficiencies and Metric Values of Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change (pp. 731-740) and are approximately 141,254 tpy. The upstream GHG emissions potentially resulting from the fossil fuel used by the proposed combustion sources at the GLC facility have been calculated at 114,212 tpy using NYSDEC's guidance document - Preliminary Interim Draft Emission Factors for Use by State Agencies and Project Proponents, NYSDEC version 02/2021.

Consultants working on the Project, The Dennis Group, Trinity and the NYSDEC discussed the requirements of an analysis of the CLCPA implications of a greenfield site during a preapplication meeting. As the scope of the CLCPA implications is wide reaching and more substantial than a typical modification permit application, Trinity proposed the approach to provide emission calculations for GHG onsite and upstream impact with the permit application. In addition, GLC will implement a sustainability design analysis for the proposed facility. This analysis highlights the proposed design, options that GLC considered

for energy-saving opportunities (ESOs) and other considerations for reducing climate impact of the facility.

Accordingly, based on the project design and implementation mitigation measures described above, the Agency finds that there will be no significant adverse impacts on air quality. See 6 NYCRR § 617.7(c)(1)(i).

7. Impacts on Plants and Animals

The proposed action may result in impacts to habitat used by threatened species, as listed by New York State or the federal government. Threatened and endangered species information for the project area was obtained from the New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper, NYSDEC staff, U.S. Fish and Wildlife Service (USFWS), and NY Natural Heritage Program. Consultation documentation is included in the record and is incorporated herein by reference. A report provided from the USFWS Environmental Conservation Online System – Information for Planning and Consultation (ECOS-IPaC) website for the proposed project area in Allegany County, New York, indicated one federally-listed threatened species; the Northern long-eared bat (NLEB; *Myotis septentrionalis*). The IPaC report did not indicate the presence of critical habitats within the project area. Consultation with the New York Natural Heritage Program (NYNHP) and NYSDEC resulted in a list of state-listed species that have been recorded in the general vicinity of the project area which identified one species: the bald eagle (*Haliaeetus leucocephalus*). All federal and state listed species indicated for this location were evaluated for potential impacts associated with the proposed project as summarized below.

Northern Long-Eared Bat

The NLEB ranges across the eastern and north central United States. In the summer NLEBs generally roost either alone or in colonies in cavities or under the bark of both live and dead trees. In the winter, NLEBs can be found hibernating in caves or mines referred to as “hibernacula”. Breeding season begins in late summer or early fall. Females store sperm throughout their hibernation period until spring. At this time, the female’s eggs become fertilized, and the pregnant females will migrate to summer grounds where they will roost in small colonies and give birth to a single pup in June/July. These maternity colonies generally

contain 30 to 60 bats. Young bats will begin flying anywhere from 18 to 21 days after birth.

Tree removal is indicated for installation of project features. However, NYSDEC staff and USFWS have indicated that there are no known NLEB maternity roost trees within 1.5 miles or winter hibernacula within 5 miles of the Facility (i.e., no on-site occupied habitat or designated critical habitat present, <http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html>). Minor tree cutting (<20 trees) will occur for installation of the wastewater treatment outflow, but this will occur during the winter months when NLEB will not be present within the Project area, thus eliminating any impacts to the species.

The Site location and planned construction schedule put the Project within the category of “excepted from incidental taking prohibitions” in the final 4(d) rule. In this case, the determination is that activities “may affect” but complies with the 4(d) rule. The consultation package including the official species list and May Affect Verification Letter are included in the record and are incorporated herein by reference.

Bald Eagle

The bald eagle is found throughout North America. Eagles prefer undisturbed areas near large lakes and reservoirs, marshes and swamps, or stretches along rivers where they can find open water and fish. In the last century, reproductive impairment from pesticides, especially DDT, and heavy metals caused virtual extirpation of the bald eagle from New York and many other areas. Since the ban on DDT in 1972, eagles and other birds of prey are again producing young. Habitat destruction through logging and development along watercourses still poses a substantial threat to the species.

Bald eagles mate for life and return to nest in the general area from which they fledged. Once a pair selects a nesting territory, they use it for the rest of their lives. Nests are usually located high in tall, live trees near water.

The bald eagle is listed as threatened by New York State and any potential impacts require review pursuant to 6 NYCRR part 182.9 to determine if a Part 182 Incidental Take Permit is required. The bald eagle is also protected through the federal Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) of 1940. The MBTA, 916 U.S.C. 703-711, provides protection for 1,007 migratory bird species. The MBTA regulates impacts to these

species such as direct mortality, habitat degradation, and/or displacement of individual birds. The MBTA defines “taking” to include by any means or in any manner, any attempt at hunting, pursuing, wounding, killing, possessing, or transporting any migratory bird, nest, egg, or part thereof, except when specifically permitted by regulations. The BGEPA, 16 U.S.C. 668-668d, as amended, was written with the intent to protect and preserve bald and golden eagles, both of which are treated as species of concern within the Department of the Interior. BGEPA prohibits, except under certain specified conditions, the taking, possession, or commerce of bald and golden eagles. Under the BGEPA, to “take” includes to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb, wherein “disturb” means to agitate or bother a bald or golden eagle to the degree that it interferes or interrupts normal breeding, feeding, or sheltering habitats, causing injury, death, or nest abandonment.

NYSDEC has documented nesting bald eagles adjacent to the Project Area since 2006 and the nest is confirmed active as of late February 2021 to date. NYSDEC and USFWS staff have suggested that Project Development-related impacts to the eagles may be possible during construction and operation. An incidental take permit is required under both state and federal regulations.

Earthwork associated with construction activities undertaken for the proposed project and project operations have the potential to impact individuals of the state-listed threatened avian species (bald eagle), if present. Indirect impacts to these species can be caused by noise associated with construction activities (such as clearing, grading, and excavation), which may lead to dispersal to habitats of lower noise levels. The potential for other construction-related impacts, including temporary habitat avoidance, temporary habitat loss, dust generation, exposure to contaminants, and/or injuries due to construction vehicle collisions with wildlife, also exists.

The Agency determines that the impacts to the bald eagle will not be significant. As part of the project, avoidance and minimization strategies will be utilized to avoid disturbance to the eagles. The project is located entirely outside of a 660-foot protection area and all trees in between the active nest and the project will be left in place. Construction activities will occur outside the breeding period. Monitoring will be conducted before, during, and after construction. Down shading Facility lights will reduce glare on an occupied nest. The project will include a net conservation benefit plan as described in 6 NYCRR Part 182.2(n), and mitigation plan will be in place should the bald eagle be disturbed during

construction and operations of the Facility. Specifically, if at any time during the construction or operation of the Facility the pair of bald eagles abandon their nesting territory, the Agency plans to make a payment to Messinger Woods Wildlife Care & Education Center, Inc. This not-for-profit center is the leading rehabilitation center for birds of prey, including bald eagles, in Western New York.

Floodplain Forest

A state-designated significant natural community identified as a floodplain forest is located adjacent to the Proposed Development area. Floodplain forests serve as important wildlife corridors between habitats and reduce flooding and excessive siltation downstream. The Proposed Development will have minor impacts to this significant natural community including temporary impacts associated with installation of the WWTP discharge pipe and removal of individual trees, as necessary. Construction best management practices including erosion and sediment control will be utilized during project development. Temporary disturbance areas will be fully restored by regrading and reseeding with native plant species. Thus such impacts are determined by the Agency to be not significant.

See 6 NYCRR § 617.7(c)(1)(ii).

8. Impacts on Agricultural Resources

The Project will irretrievably convert the tillable portions of the Project site to manufacturing. The Project Site represents approximately 88 acres of farmland, out of 161,173 acres of farmland in the County according to the USDA Census of Agriculture from 2017, and therefore does not represent a significant loss of agricultural resources.

The Project Site was removed from a state agricultural district in 2006 at the request of the owners. The February 8, 2006 Allegany County Agricultural District # 2 Reports and Recommendations of the Allegany County Agricultural & Farmland Protection Board and Allegany County Planning Board noted of the Project Site “approximately 356 acres of prime agricultural land was removed from the District at the request of the owner/farmer. This large mostly contiguous tract of land is located at the junction of I-86, State Rt. 19 and County Road 20. It was always anticipated that this was one of the few prime areas for economic development in the central section of the county and the farm owners originally purchased it with that in mind.”

Notwithstanding the absence of this property from an agricultural district, the Agency prepared and considered a Notice of Intent pursuant to Ag & Markets Law Section 305

(NOI). The impact on the proposed property is the loss of land dedicated to growing crops. There are no farm operations on the Site, nor structures, although there are remnants of a recently demolished long-abandoned barn just across from the site. The property owner retains significant other holdings in the region – close to 6,000 acres according to its attorney. The adverse impact to the use of the property as an agricultural resource would be both short-term and long-term. Conversely, the agricultural industry in the County and the region will suffer significant long-term harm if the project does not go forward and the Company leaves the state in 2025. The Company currently acquires 2 million pounds of milk daily through dairy cooperatives. This is one of the largest food manufacturing operations supporting local farms in the region. The loss of this facility will have significant negative impacts on the agricultural industry, the ability of farms to maintain current levels of dairy herds and contribute to the tax base and workforce in the region. Cornell Cooperative states that the trend has been for a loss of dairy farms in the region, the inability to maintain this facility in this area will accelerate that trend.

The NOI noted that there were no adverse agricultural effects which cannot be avoided, other than taking the minimum land needed, should the proposed action be implemented because of the nature of the proposed project, conversion from farm fields to manufacturing.

The failure of the Project to move forward would a significant negative impact on the agricultural industry in the County and the region will suffer significant long-term harm if the Company leaves the state in 2025. The Company currently acquires 2 million pounds of milk daily through dairy cooperatives. Both cooperatives support the project as essential to protect the industry and agricultural resources. As one of the largest food manufacturing operations supporting local farms in the region, the loss of this facility will have significant negative impacts on the agricultural industry, the ability of farms to maintain current levels of dairy herds and contribute to the tax base and workforce in the region.

The Agency finds that the acquisition of the approximately 229 acres of farmland for an industrial purpose, that benefits current agricultural operations in the region, will not result in a significant adverse impact. See 6 NYCRR § 617.7(c)(1)(viii).

9. Impacts on Aesthetic Resources and Impacts on Historic and Archeological Resources

Limited aesthetic impacts are expected, but the Agency finds they will not be significant. The site is well placed alongside an interstate highway and between two former landfills, with low visibility from residential property. Occasional factories are a common site along I-86. There is a historic site across the River

that may have limited visibility of the tower, the height of which is the minimum required. Trees are being retained to buffer and limit visibility from the River and that site as much as possible.

Historical investigations of the parcels in question for prior developments found no signs of habitation. In consultation with the State Office of Historic Preservation, The site is outside of the historical hamlet of Belvedere and has been farmed for many decades. Foundation testing found no remnants or evidence of prior habitation. Areas most likely occupied by early inhabitants of the region are not being disturbed. Protocols will be in place for earthwork and construction and will require cessation of construction and immediate contact to state officials if any signs of early habitation are found. The Agency finds that there will be no significant adverse impacts to archeological resources.

See 6 NYCRR § 617.7(c)(1)(v).

10. Impacts on Open Space and Recreation

No impact on open or recreational space was identified. The project site is not used as recreational lands. The Proposed Development will occur within the actively farmed location and avoid and minimize impacts to adjacent natural buffer areas preserving ecological functions and recreational opportunities. *See 6 NYCRR § 617.7(c)(1)(viii).*

11. Impacts on Critical Environmental Areas

No impacts to Critical Environmental Areas were identified. There are no Critical Environmental Areas within or near the project area. *See 6 NYCRR § 617.7(c)(1)(iii).*

12. Impacts on Transportation (including traffic related air and noise impacts)

There will not be a significant adverse impact on transportation. A February 2021 Traffic Impact Study (the "TIS") was prepared to analyze potential impacts on local traffic conditions by the proposed Allegany County Cheese Manufacturing and Packaging Facility (the "Facility"). The TIS concluded that the Facility is not anticipated to have a significant impact on traffic in the area. The TIS analyzed the current traffic data against the potential impacts of the Facility (the "Build Option") and against the future projected traffic conditions in the area without the Facility (the "No-Build Option").

I. Construction and operation of the Facility will not significantly amplify traffic concerns in the area beyond current traffic conditions

The focal points for the study included four nearby intersections: (i) Route 19 (*i.e.* Transit Hill Road) and CR-20 (*i.e.* Gibson Hill Road); (ii) Route 19 and the eastbound ramps of I-86; (iii) Route 19 and the westbound ramps of I-86; and (iv) CR-20 and CR-48. The peak hours established for these intersections were 7:30 am to 8:30 am and 3:15 pm to 4:15 pm and an analysis of the counts for these intersections at these specific times were adjusted for the generally diminished traffic volumes due to the COVID-19 pandemic.

The TIS used data from the Highway Capacity Manual, which quantifies traffic flow based on Levels of Service (“LOS”), to analyze the potential impact on the identified intersections in both the Build and No-Build scenarios. There are six levels of service from LOS A to LOS F. Category A indicates very low levels of delays and Category F indicates high levels of delays and congestion. The TIS determined that the LOS at the studied intersections will remain acceptable in both the No-Build and Build scenarios. At current traffic conditions, the overall LOS for the four intersections are within the A category for both the morning and afternoon peak hours, with delays ranging from 1.9 to 7.0 seconds. With the Build Option, the overall LOS would be quite similar with all four intersections remaining in the A category for both peak hours and with only marginally increased delays ranging from 2.2 to 7.9 seconds. Lastly, the No-Build Option shows an overall LOS also in the A category for all four intersections for both morning and afternoon peak hours and delays ranging from 2.0 to 7.3 seconds. Thus, even without constructing and operating the Facility, there will still be a slight increase in delays at these intersections, and regardless, the LOS of these intersections will remain at acceptable levels.

Further, although there will be new vehicle trips generated from the Facility, there will be substantial distribution of site-generated traffic impacts over a 24-hour period given the plan to have employees working in three shifts. This distribution of trips in and out of the Facility greatly mitigates any impact on traffic in the area since there will be no scenario in which all trucks transporting product and all employees will enter and exit at once. Even during the three shift changes, it is not anticipated that all employees on those shifts will enter and exit at once; it is more likely that this would occur over a roughly two-hour period. Nevertheless, the TIS consistently used a conservative approach to analyzing future Facility operations and traffic conditions. As such, the TIS assumed the shift change would occur all at once and that it would align with peak hour on the nearby roadway and concluded that in this worst-case scenario there would be a total of 318 new trips generated from the Facility in both the morning and afternoon peak hour shift changes. Additionally, the TIS estimated that the maximum number of daily vehicles entering and exiting the Facility would be 700 on weekdays and 438 on

weekends. To put these figures into perspective, current traffic conditions indicate that in the intersection of Route 19 and CR-20 alone, 664 vehicles pass through just during the morning peak hours between 6:00 am and 9:00 am. Lastly, the TIS also conservatively accounted for a growth rate of 1.5 percent, even though the Towns of Angelica and Amity have experienced a decline in population in recent years and the traffic on Route 19 has remained steady for over 10 years.

II. Air quality in the area will not be significantly impacted by the Traffic Related to the Facility

The Facility will not generate any significant adverse impact to air quality from traffic associated with its construction or operations. The Facility will be located in close proximity to major state and county roads and a large interstate highway. Any emissions associated with on-site operations or site-generated vehicle trips will be centralized to an area already adjacent to large, active roadways. Additionally, any vehicles entering and exiting the Facility can easily access these major roads without having to navigate through residential areas. This keeps the vehicles associated with the Facility segregated almost exclusively to the highway and some short stretches of major state and county roads that are well equipped and accustomed to such type of industrial traffic.

See 6 NYCRR § 617.7(c)(1)(i).

13. Impacts on Energy

The project site is currently not served by electric service, although three-phase electric service is available at the road right-of-way (they are no structures on site so need for service on the current site). This will be used to provide temporary electric service (1 500 kVA) to site and to the Construction Trailer; 110 kVA, to temporarily provide electric primary distribution delivery service Rochester Gas & Electric will construct a distribution facility to serve the project, including a new substation. This will consist of all necessary transmission reconfiguration, extension to the site and installation of line switches, electric company switching station, and site work Specifically, the RG & E will engineer, design, construct, install, test and energize new and/or upgrade existing electric facilities sufficient to serve the Facility at the anticipated connected electric load of approximately 19 MVA (“megavolt-ampere”) under normal operations, and at a nominal delivery voltage of 34.5 kilovolts (“kV”). Additionally a new gas line will serve the facility. The energy necessary for project will be provided from generating resources already available and the project does not create a need

for any new generating resources. The GHG impact of the facility has been evaluated as part of the Air Permit submission. See 6 NYCRR § 617.7(c)(1)(vi).

14. Impacts on Noise, Odor, and Light

There is expected to be small noise impacts related to truck traffic and some operating equipment, however, the Project is separated from residential areas and buffered on the sides facing non-farm uses, reducing any potential for noise impacts. Local noise limits will not be exceeded.

With respect to odor, one of the pollutant of concerns for anaerobic digesters is sulfur containing gases. The amount of H₂S in digester gas is expected to be in trace quantities, the flare will also control the H₂S emissions and convert it into SO₂. In addition, the project includes the following odor control strategies for the facility. The wastewater treatment will be enclosed, minimizing odor issues. Prior use of the site including regular manure spreading, that activity will cease.

All facility lighting will be minimal security lighting and low glare LED lighting. Mitigation matters related to lighting include down shading Facility lights to reduce glare on an occupied eagle's nest. The facility will follow and maintain Good Engineering Practice and operate its sources in a manner that effectively meets the visible emissions standards.

Based on the mitigation measures that are a part of the project, which have been designed to minimize noise, light, and odor impacts, the Agency concludes there will be no significant adverse impacts. See 6 NYCRR § 617.7(c)(1)(i).

15. Impacts on Human Health

There will no significant adverse impacts to human health. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste, but most waste is land spread through a Beneficial Use Determination on local farms, and the remainder is disposed of at local landfills or as otherwise legally required. See 6 NYCRR § 617.7(c)(1)(i). The project is located within 1500 feet of a medical facility but will have no impact on it. The site of the proposed action is not currently undergoing remediation, nor has it completed an emergency spill remediation, or completed an environmental site remediation on, nor is it adjacent to the site of such activity. There are no institutional controls limiting the use of the property (e.g., easement or deed restriction), and the proposed Action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes – which is not planned - will be protective of the environment and human health. Based on a Phase I

Environmental Assessment the proposed action will not result in the unearthing of solid or hazardous waste. See 6 NYCRR § 617.7(c)(1)(vii).

16. Consistency with Community Plans and Consistency with Community Character

Three separate comprehensive plans cover the project area on all of them support the conversion of this property to a manufacturing use. In Our Vision, Our Mission: Outlook For 2030, Allegany County Comprehensive Plan dated June 2019, noted “At the junction of I-86 and NY-19, the Crossroads Development Site consists of 150 acres of greenfield space. Given its ideal location adjacent to I-86, this site is well-positioned to attract distribution companies seeking low operating costs and immediate market access. Development of a hotel, restaurant, and fueling station is planned for this site, which makes it more attractive for future industrial development.” County investment in the Crossroads has led to the fueling center being built. Build out of the Crossroads is the County’s number one immediate priority.

The Board has reviewed statements at the public hearing suggesting that the Comprehensive Plans of the Towns of Amity and Angelica are contrary to this development. In response, the Allegany County Director of Planning, who led the drafting of both plans, disagreed. As to Amity he noted the Plan contradicted the claims, and the referred to agricultural parcels were not those in question:

“The 2015 plan, under the “Agriculture section” specifically designates the area near I-86 and NYS 19 as being an area for development. The properties being discussed are directly off the I-86 Exit 30 less than ¼ mile from the exit ramps. The parcels that are under discussion are actually bisected by the Interstate. The language that was read [by the land owner’s attorney] stated:

‘Public comment for the original edition of this comprehensive plan trended toward keeping the agricultural lands in use for that same purpose. The issue that confronts the Town of Amity, however, is that the best farmlands are also considered the best areas for future development. The area near the intersection of NY State Route 19 and I-86 is presently in agricultural use; yet most people understand that this location is likely to be the next area of growth in the County. The remainder of the lands that border the Genesee River / NY State Route 19 corridor should be carefully planned to allow a mixed use of mostly agriculture with a

narrow corridor for development directly along NY State Route 19. No other large tracts should be taken out of farm use for development.’

The areas discussed for retaining agriculture are not these parcels being considered by Great Lakes Cheese but are to the south of Van Campen Creek/WNYPA RR line continuing to the Village of Belmont as well as the properties along NYS Route 19 south of the Village of Belmont extending to the Town of Scio line.”

As to Angelica, he noted the Crossroads was not specifically addressed in the Plan, and the Town goals cited by the landowner’s counsel were general as to agriculture not specific to the Project Site. The Angelica Town Supervisor has more directly stated in a March 22, 2021 letter to the Board that the Project “supports the long term development plans at the Crossroads site and complies with our current comprehensive plan and the county's comprehensive plan.”

The Board finds that while the Plans are supportive of agriculture they support rather than oppose development at the Crossroads, and the development of an agricultural industry project will support the maintenance of farms in both Towns, the County and the Region.

The proposed Great Lakes Cheese Facility is consistent with the community character of the Towns of Amity and Angelica. The manufacturing site, while proposed for active farmlands, is located next to an interstate highway and near two landfills. There are few residences, a closed restaurant, a medical facility, and numerous remnants of abandoned structures, including remains of a recently demolished long-abandoned farm structure just across the road. The Comprehensive Plan for the Town of Amity and the Allegany County Comprehensive Plan specifically identify the area where the Facility is to be constructed—near the intersections of Route 19 (i.e. Transit Hill Road), CR-20 (i.e. Gibson Hill Road), and I-86—as a prime location for commercial and industrial development.¹ Additionally, the Facility will not replace or monopolize existing utilities in the area, but rather, create opportunity for the Towns to continue to grow necessary infrastructure in the area to support commercial and

¹ TOWN OF AMITY PLANNING BD., COMPREHENSIVE PLAN TOWN OF AMITY (2015), Section (V)(A)(3); Allegany County Comprehensive Plan Review Committee & The Allegany County Office of Planning, OUR VISION, OUR MISSION: OUTLOOK FOR 2030 ALLEGANY COUNTY COMPREHENSIVE PLAN, September 2019, at 28.

industrial development. This will only work to further a stated objective in the Amity Plan.²

Further, although the area in which the Facility is proposed to be constructed is a predominantly agricultural area at present, the Facility is directly related to agriculture. The product being prepared for distribution at the Facility is an agricultural product reliant on the regional dairy industry for raw materials. As such, the Facility is deeply entwined with the agricultural character of the community and will further support that character through production and distribution of its goods.

Lastly, as stated at various points herein, this location is ideal for the proposed Facility because placement of a manufacturing and packaging facility here will not be intruding on any coveted, bucolic landscapes or specific architectural styles of surrounding structures. Those areas exist elsewhere in the Towns of Amity and Angelica, and their respective hamlets and villages. The nearest site of historical interest (on the other side of the Genesee River) will be shielded by maintaining existing tree buffers as much as possible. This area, however, is home to a major highway interchange, well-suited for a manufacturing and packaging facility. Thus, no adverse impact will result to the character of the community by construction of the Facility at the proposed location.

See 6 NYCRR § 617.7(c)(1)(viii).

17. Other Considerations pursuant to 6 NYCRR § 617.7(c)(1)(ix)-(xii):

1. The Project will not encourage a significant population increase or have other growth-inducing impacts, and will not create a material demand for other actions resulting in above consequences. The proposed action is separate from efforts to encourage development in the area. The wastewater treatment plant, for example, will only support the facility, not other growth in the area. The utility will be bringing in increased power supply which may support other development, but the proposed improvement is being sized for this facility. It is possible that some current or future workers will create increased housing demand in the Villages of Angelica and Belmont and the surrounding area, over the short and long-term. New employee hires (up to 200) and indirect job hires do not represent a significant potential population increase or related impacts, and are expected to come from the current population (the area has a higher than average unemployment confirming availability of new employees from the

² TOWN OF AMITY PLANNING BD., COMPREHENSIVE PLAN TOWN OF AMITY (2015), Section V(B)(2)(b) (“Create opportunities for new business development by increasing infrastructure in the Town of Amity.”)

existing population seeking employment. .A primary reason for selecting the site was so that the workforce at the current facility could commute from existing homes. Increased economic activity related to the larger facility, whether in the direct purchase of non—agricultural supplies and increased income in the community due to new worker salaries, will have an add-on effect to the local economy that could encourage non—farm development, but because of underemployment and significant capacity, no environmental impacts will occur.

2. The Project will not create changes in two or more elements of the environment that combined have a substantial adverse impact on the environment, nor does the Project embody two or more related actions undertaken, funded or approved by an agency that combined have a significant adverse effect on the environment.

D. CONCLUSION

As required by §617.7(a)(2), the ACIDA has determined that an Environmental Impact Statement is not required because any identified adverse impacts on the environment will not be significant.

As required by §617.7(b), the Board of Directors has:

1. Considered the action as defined in subdivisions 617.2(b) and 617.3(g).
2. Reviewed the Full EAF for each of the projects, the criteria identified in 617.7(c), the written and oral comments received in the public hearing process, and other supporting information to identify relevant areas of environmental concern.
3. Analyzed the identified relevant areas of environmental concern to determine whether the action will have a significant adverse impact.
4. Set forth herein its written Finding of No Significant Environmental Impact.

As required by 617.7(c)(2) – For the purpose of determining significant adverse impacts on the environment of those factors listed above, the long-term, short-term, direct, indirect and cumulative impacts, including simultaneous or subsequent actions, to the extent reasonable, as included in any long-range plan for the action, any action that is a result of the reviewed action or is dependent on the action were reviewed.

As required by 617.7(c)(3) – The significance of any likely consequences were assessed in connection with the setting of the action, the likelihood of occurrence, duration, irreversibility, geographic scope, magnitude and the number of people affected as a consequence of the action.

Based on this review, the ACIDA has determined that no significant adverse environmental impacts would result from this Action.



