

Revised Sketch Plan Application
Nadler PUD
Town of Florida, NY
Appeal of Planning Board Unfavorable Report
October 22, 2022

Highlighted in RED are sections in which changes are made from the original application submitted on May 6, 2022.

I. **Introductory Narrative**

The current landowners (Francisco and Nadler) propose the establishment of a Planned Unit Development District (the “Nadler PUD”) pursuant to Article 6 of the Town of Florida Zoning Ordinance that would encompass approximately 508 acres located along NYS Route 30 in the Town of Florida, Montgomery County (“the Project Site”). See Figure 1.

Based on the current and projected demand for warehousing, distribution and industrial facilities and the more recent interest in the Capital Region by manufacturers, the intent of the Nadler PUD is to create an interchange-linked business park to complement Montgomery County’s Florida Business Park. The Town of Florida has seen growth in this sector for the last several years but the availability of suitable sites in town is scarce. With increasing demand and limited development opportunities remaining in existing parks, and a desire to carefully guide future development to areas where there are lesser impacts to neighborhoods, the focus of the proposed Nadler PUD would be adjacent to Exit 27 of the NYS Thruway.

The proposed Nadler PUD would be oriented on both sides of Route 30/Minaville Road. The western portion of the Project Site is envisioned to be anchored by up to a 2.0 million square feet building. Two additional buildings, 300,000 SF and 400,000 SF respectively, are proposed for the eastern side of the Project Site. The conceptual layout of this development is shown in Figure 2.

Site Characteristics

The Project Site is comprised of six parcels that are generally located 2,700 feet south of NYS Thruway Exit 27 (Figure 1). Frontage occurs on Route 30 (Minaville Road), Belldons Road (to the east) and Thruview Drive (to the west). A portion of the northern-most parcel is within the City of Amsterdam and abuts the eastbound off/on leg of New York State Thruway Exit 27. The portion of the Project Site in the City is not part of the proposed Nadler PUD and no development is contemplated on those lands.

Topography within the Nadler PUD area generally represents the rolling hills of the Mohawk River Valley with a steady rise in elevation from the Mohawk River southward, reaching an elevation of 800 feet approximately 6,000 feet from Exit 27. The proposed Project Site consists primarily of open fields, punctuated by stands of mature vegetation. Given the historic farming activity on the Project Site, human-made drainage ditches are interspersed throughout the site in a northwest to southeast orientation.

North Chuctanunda Creek meanders back and forth over the western PUD boundary. There are wetlands associated with this waterbody but the proposed development would be situated so that the area of disturbance would be several hundred feet from these wetland systems.

Another wetland system is within the dense forested area that is north of the eastern solar array. Development with this area would avoid direct impacts to this system.

The six parcels comprising the proposed Project Site are as follows:

Map/Block/Lot	Acreage
71.00-1-6.1	234.9
55.19-1-4	27.3
71.00-1-61.2	27.7
71.00-1-6.2	37.6
71.00-1-61.1	37.0
55.00-1-23	168.3
Total	532.8

Context and Surrounding Land Use

The area surrounding the proposed PUD is characterized by commercial development to the north within the City of Amsterdam (north of the Thruway) that is situated in and around Exit 27. The development is comprised of numerous travel-related services such as lodging, gas and food. Further north, the land use pattern transitions to older residential subdivisions and a mix of commercial and industrial development immediately south of the Mohawk River.

West of Route 30 and immediately south of the Thruway, several neighboring parcels totaling approximately 32 acres are not included in the proposed Project Site. With the exception of the 5.6-acre parcel at the corner of Route 30 and Thruview which is a residence and farm, the remaining parcels are vacant.

Lands to the south, west and east of the Project Site are primarily vacant land, some of which is farmed. A triangular-shaped dense forested area exists east of Route 30. The stream belt of the Chuctanunda Creek west of the Project Site is similarly densely forested. Two large solar arrays exist in the southern portion of the proposed Project Site on opposite sides of Route 30. The western array is nearly 900 feet from the road whereas the eastern area is considerably closer, approximately 200 feet. While these arrays are in the PUD, they will remain in operation. These arrays will provide physical and visual demarcation of the southern extent of the proposed Nadler PUD, and effectively provide a transition from the proposed business park to residential/agricultural/commercial land uses to the south along Route 30.

Two existing residences and a vacant structure on the west side of Route 30 are within the proposed Nadler PUD and would be demolished. There are a number of residences fronting the west side of Route 30 that are adjacent to but outside of the Project Site. South of the proposed Nadler PUD and solar arrays along Route 30 land use transitions to a mix of residences interspersed with active farms.

National Grid owns an easement containing a 3-phase overhead electric transmission line which traverses the Project Site in an east-west orientation. This easement is approximately 2000 ft south of the Thruway.

II. Sketch Plan Drawing (Ordinance § 6.1-5(A)(1)(a)-(c))

A sketch plan illustrating an initial conceptual buildout of the Nadler PUD was provided in the original May 6, 2022 application as Attachment A. Additionally, in this revised application, a Conceptual Master Plan is used as a base map upon which proposed changes have been identified. Three potential buildings ranging in size from 300,000 square feet to 2 million

square feet are still depicted in the base layer, but it is important to note that the type, size, and location may change as each development parcel is created. Maximum buildout of the Nadler PUD is estimated at 2.7 million SF.

It is expected that buildings could support a variety of uses including warehouse/distribution, light manufacturing, manufacturing, and data center among others. Size, number, and use of the buildings would be driven by market conditions.

III. Interior Open Space System (Ordinance § 6.1-5(A)(1)(d))

At full build, approximately 25% of the area within the PUD district will be developed with the remaining area left vacant or will be landscaped as part of the development. The Applicant is proposing to donate 25 acres along North Chuctanunda Creek, which serves as the western property boundary. This open space will preserve sensitive riparian areas and floodplain and would provide a link to a future greenway connection to the Mohawk River and associated trails.

IV. Drainage System Summary (Ordinance § 6.1-5(A)(1)(e))

The Nadler PUD will include the installation of a modern stormwater management system on the Site to control stormwater runoff and water quality prior to discharge. This stormwater management system will be designed to mitigate to the greatest extent practical any environmental impacts associated with the development of the Site. During and after construction of the PUD, stormwater will be managed, treated and discharged in accordance with the requirements set forth in NYSDEC State Pollution Discharge Elimination System (“SPDES”) general stormwater permit (GP-0-15-002) and an approved Stormwater Pollution Prevention Plan (“SWPPP”).

During construction, erosion and sediment control, soil stabilization, dewatering and pollution prevention measures will be installed, implemented, and maintained on the Site as set forth in the SWPPP to minimize the discharge of erosion of sediment and prevent a violation of the State’s water quality standards.

Post-construction stormwater management practices for the Project as described in the SWPPP will be designed to conform to applicable requirements in the NYSDEC general stormwater permit and the standards provided by the New York State Stormwater Management Design Manual (“Design Manual”) (dated January 2015). The PUD will be designed, through the SWPPP, to provide for the installation, implementation, and maintenance of permanent stormwater management practices to meet the standards in the Design Manual so that discharges comply with the State’s water quality and quantity standards.

V. Areas Susceptible to Erosion or Flooding (Ordinance § 6.1-5(A)(1)(f))

The only areas of the Project Site subject to flooding are located immediately adjacent to the North Chuctanunda Creek. The areas will not be affected by construction. No work will occur within the floodplain. Refer to Attachment B for the location of the 100-year floodplain.

Areas susceptible to erosion on the Project Site will be protected, during and post-construction, by the measures implemented pursuant to the requirements set forth in NYSDEC State Pollution Discharge Elimination System (“SPDES”) General Stormwater Permit (GP-0-15-002) and the Project’s Stormwater Pollution Prevention Plan (“SWPPP”) as described above.

Areas Susceptible to Erosion or Flooding on the Project Site are shown on Attachment B.

VI. Utility Summary (Ordinance § 6.1-5(A)(1)(g))

The City of Amsterdam has adequate existing public water and sewer capacity to serve the PUD, which at full build-out is estimated to require approximately 30,000 gallons per day of water and to generate the same amount of wastewater. Serving the water and sewer requirements for the Nadler PUD will require extensions of Town of Florida water and sewer districts and connection to existing municipal lines in the City of Amsterdam at the southern end of Venner Road.

From that connection point, water service will require the installation of approximately 3,500 linear feet of new municipal lines and a booster pump station along Route 30, where the PUD would connect to public water at the intersection of Route 30 and Belldons Road.

Sewer service would require the installation of approximately 4,500 linear feet of new municipal lines for the same connection. The installation of the new water/sewer lines would require a directional bore under the NYS Thruway.

Refer to Attachment C – Proposed Sewer and Water Plan for further information.

VII. Community Facilities (Ordinance § 6.1-5(A)(1)(h))

A Fiscal Impact Analysis was prepared and submitted as part of the original application. Generally, community facilities are not expected to be burdened as a result of development occurring through the creation of the Nadler PUD and there would be a net benefit of tax revenue to all local taxing jurisdictions.

Typically, one of the costliest consequences of development is the addition of school children into a public education system—the greatest contribution of which is single-family homes. Given the non-residential nature of the proposed Nadler PUD development, the local school district will not be impacted, and the district will benefit significantly from increased property tax revenue.

Another potential development-related concern is an increase in need for police and fire protection. The Applicants are well aware of the current level of services available in the Town given its rural nature and is committed to lessening the burden on these services to the greatest extent possible. To lessen the reliance on town fire-fighting capability, all buildings to be constructed within the Nadler PUD will be equipped with state-of-the-art early suppression, fast response (ESFR) sprinklers.

Conventional sprinkler systems are designed to control a fire and pre-wet the surrounding area until it can become extinguished by the fire department. An ESFR system is designed to achieve fire suppression before the fire becomes fully developed, thereby reducing the probability of a fully engulfed structure and consequently lessening full reliance on the town's volunteer fire department.

The Applicant also recognize that the operations of three large buildings may increase the need for emergency response and is committed to working with the Town to mitigate this anticipated need.

Compared to retail and commercial development, where shoplifting, bad checks, loitering, and vehicle break-ins typically place a drain on public safety, the industrial development expected as a result of the PUD will require no such response. Each building site within the PUD will

have some level of controlled access and the buildings will be equipped with perimeter security systems. Each tenant will employ additional security measures consistent with the nature of its business.

As the Town Board reviews this revised application and we discuss alternatives, two other Community Facilities will be included for consideration as part of the revised sketch plan:

- Land to provide an area for agritourism in support of local farmers
- Land that would accommodate a new fire station

VIII. Abutters Map (Ordinance § 6.1-5(A)(1)(i))

A map identifying abutters is included as Attachment D.

IX. Part 1 FEAF (Ordinance § 6.1-5(A)(1)(j))

Part 1 of the Full Environmental Assessment Form (FEAF) is included as Attachment E.

X. Community Demands/Needs (Ordinance § 6.1-5(A)(2)(a))

Land uses that fall under the industrial classification primarily meet the needs of a community through job creation and tax base growth without burdening public schools. At full build, the development within the proposed Nadler PUD may create over 1,000 jobs and generate over \$150 million in annual wages.

The location of the PUD will take advantage of the close proximity of NYS Thruway Exit 27, reducing through trips in residential areas and guiding development to an area with existing access-related development. By doing so, development pressure in and around the existing business park and along State Route 5S is alleviated, thereby lessening the probability of impacting residential areas, avoiding additional demands on road infrastructure and generally protecting the rural character of the town.

Development in the Nadler PUD would be served by the extension of water and sewer lines from the City of Amsterdam. Communications with the City indicate an interest in providing these services to the PUD. Furthermore, in the past few years the Town of Florida and Montgomery County have retained a consultant to explore the cost, sizing, and feasibility of extending water and service to the area where the Nadler PUD is proposed.

XI. Phasing Plan (Ordinance § 6.1-5(A)(2)(c))

It is anticipated that the PUD would be developed over the course of several years in multiple phases in response to the real estate market. Each individual building within the PUD would likely be developed as its own phase, with the order of development also a response to the real estate market.

XII. Conformance with Town's Comp Plan (Ordinance § 6.1-5(A)(2)(d))

A primary tenet running throughout the Town of Florida's Comprehensive Plan (February 1996; amended February 2011) is the protection of the town's rural character while providing the opportunity for commercial and industrial development.

In examining the Town's land use and development trends over the last 25 years, the amount of land remaining in agricultural use has increased despite the addition of several

industrial/manufacturing facilities properties. Based on data from the Montgomery County Planning Department (May 5, 2022), land classified as agriculture increased from 59.3% in 2011 to its current level of 68.02%. The addition of three industrial properties slightly shifted the industrial land use in town from 1.9% to 2.08% in this same time period while commercial land uses increased from 2.0% to 2.47% with the addition of seven properties.

This data confirms that the goals and objectives set forth in the Comprehensive Plan have been effective in continuing to protect the character of the Town for nearly three decades. Commercial/industrial development has increased but through planned growth in specific areas. The judicious creation of a new industrial development area along NYS Route 30 next to I-90 Exit 27 such as the proposed Nadler PUD would provide additional and much-needed commercial/industrial development and employment opportunities while limiting the impacts on surrounding residential and agricultural uses. In the proposed location, the Nadler PUD would further the overall goals of the Town's comprehensive plan.

Well-organized and carefully designed development associated with the creation of the PUD, would be consistent with the Town's Comprehensive Plan and amendment as follows:

Section 7. GOALS AND OBJECTIVES

- **Goal #2. Improve employment opportunities for the residents of the area.**

Objective #1. While maintaining farming as a primary industry, promote industrial development as an additional source of employment.

Objective #2. Designate a viable area of the town for industrial development if adequate space is not currently available. This development should be in an area that may be serviced by sewer and water, has adequate transportation infrastructure, has adequate fire protection capacity and is large enough to accommodate a mix of light manufacturing industries.

Consistency: Development associated with the proposed PUD will provide additional job opportunities in a range of job classifications, many of which will include employer-provided training. The Project Site, located immediately to the south of Exit 27 on NYS Route 30, provides a viable location for needed commercial/industrial development and employment opportunities in the Town, while limiting potential impacts on surrounding residential and agricultural uses. Further, the Nadler PUD will be located adjacent to Exit 27 of the Thruway and the City of Amsterdam, thus facilitating access and the extension of supporting sewer and water infrastructure.

- **Goal #3. Preserve the town's rural character and open spaces.**

Objective #3. Limit industrial and large-scale commercial development to an area of the town where it will have the least impact on the overall rural character of the community. Such development should be as close as possible to existing built up areas.

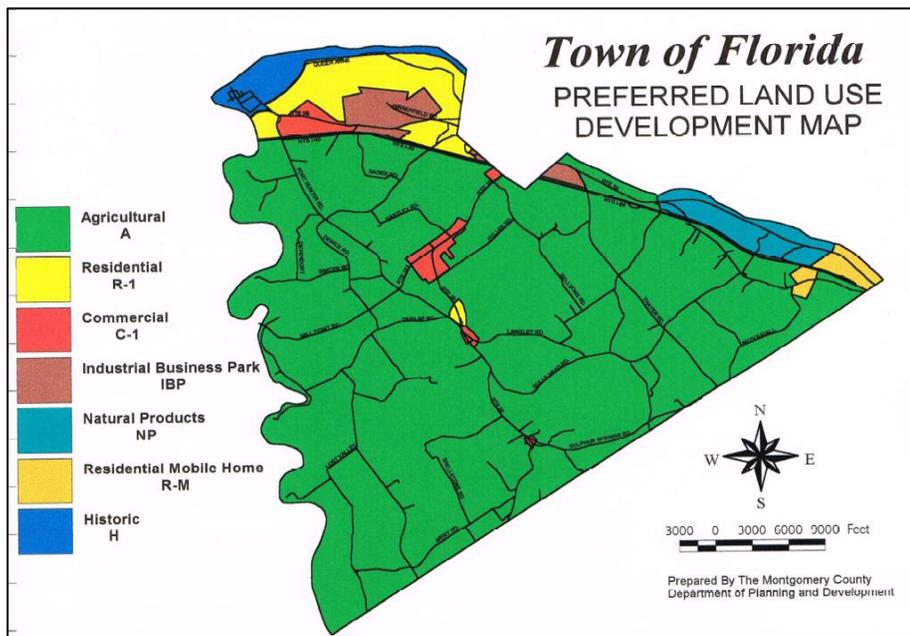
Consistency: The proposed PUD is located near Exit 27 of the NYS Thruway adjacent to interchange-related development within the City of Amsterdam limits. The PUD would provide a transition from the interchange area to industrial/commercial development in close proximity to access without impacting neighborhoods or established residential areas.

- **Goal #4. Cooperate with the town's adjacent municipalities and with Montgomery County.**

Objective #1. Institute land use policies, where practical, that also promote regional economic development and environmental goals.

Objective #2. Allow the extension of sewer and water where necessary to compliment land use objectives. In particular, development of sewer and water systems for development should be limited to that required either for the protection of the natural resources or to service light industrial or commercial/light industrial development that require these services. All costs associated with the development or extension of sewer or water systems should be born by the developer and/or those utilizing the services.

Consistency: The proposed Nadler PUD would support regional economic growth, of which the Town of Florida, Montgomery County, the Greater Amsterdam School District and its residents would be beneficiaries. Working in cooperation with Montgomery County and the City of Amsterdam, water and sewer systems would be extended to support the Nadler PUD as well as existing development currently not being served. The Applicant would participate in paying for the costs associated with the water/sewer extensions required to serve the Nadler PUD.



XIII. Physical and Financial Competence (Ordinance § 6.1-5(A)(2)(e))

The passage of the Nadler PUD will allow the prospective development sites to be marketed and developed. The Applicants along with their representative and broker, Mick Mullins, will serve as the overall master developer. The Applicants will assess each prospect on its own merits before the prospective purchaser is allowed to proceed with a site plan application. Other than the costs of negotiations, no other financial investment is expected of the Applicants as Master Developer. (Winstanley Enterprises would consider the purchase of one or more of the sites under an approved PUD).

XIV. Draft PUD Ordinance Amendment (Ordinance § 6.1-5(A)(2)(f))

A Draft PUD Ordinance is included as Attachment G.

XV. Fiscal Impact Analysis (Ordinance § 6.1-5(A)(2)(g))

A fiscal impact analysis prepared by DRG Advisory Service has previously been submitted. The analysis was conducted using the original development program. Based on comments we heard, many residents are unaware of how the proposed development would benefit residents.

- The development will not increase school enrollment. This is a significant differentiator in terms of taxes because of the level of school tax levied in relation to other taxes:

Tax Authority	Rate (\$/1,000)
Local Share Medicaid	4.164370
Other NYS Mandates	2.508670
County Services	5.025400
Total County	11.698440
Town	0.000000
Florida Fire District	0.473840
Amsterdam School District	17.492143
Source: MCRPTSA (website) & DRG	

Although there will not be an increased burden on local schools, the development is required to pay school taxes (see below).

- Using known valuation benchmarks and assuming mid-range values, the originally proposed development program will more than double the assessed value of the commercial property base in Florida and increase the industrial base by more than 50%.

Building	Size (SF)	Assessed Value
A – Warehouse/Distribution	2,000,000	\$145,000,000
B – Warehouse/Distribution	400,000	\$29,000,000
C – Light Manufacturing	350,000	\$32,375,000
Total	2,750,000	\$206,375,000
Source: DRG Advisory Services		

- At the current (2022) tax rates, if completed and on the tax rolls today and fully taxable, the project would bring in new tax revenues to the various jurisdictions as follows:

County (total)	\$2,414,266
Local Share Medicaid	\$859,727
Other NYS Mandates	\$517,727
County Services	\$1,037,117
Florida Fire District	\$97,789
Amsterdam School District	\$3,609,941
Total Tax Revenue	\$6,121,955
Source: Montgomery County assessment records & DRG	

- Based on direct coordination with the fire chief, an estimated 60-70 emergency response calls may be associated with the new development and the cost to the fire district would range from \$44,700 to \$52,100 in total. The estimated annual tax revenue of \$97,800 to the fire district would cover this this cost.
- The project is anticipated to result in approximately 1,400 new jobs across a wide range of skill sets. Wages are expected to range from \$52,304 to \$104,532 based on NYS labor data. These wages translate to \$118 million annually

Attachments

- Attachment A – Sketch Plan Drawing
- Attachment B – Areas Susceptible to Erosion or Flooding
- Attachment C – Proposed Sewer and Water Plan
- Attachment D – Abutters Map
- Attachment E – Part 1 FEAF
- Attachment F – Existing Zoning Map
- Attachment G – Draft PUD Ordinance