

Via Email

August 1, 2022

Town of Florida  
Planning Board  
214 Fort Hunter Road  
Amsterdam, NY 12010

Attention: Michael Taylor, Chairman

**Re: Response to Comments Summary  
Nadler Farms  
Route 30**

Dear Mr. Taylor,

On behalf of our client, Winstanley Construction Management, we are pleased to submit this response to comments summary to the Town of Florida Planning Board for the above referenced project. This summary is in response to the various issues/concerns raised at the Town of Florida Planning Board's meeting on July 11, 2022, as noted below with our responses in italics.

Response to various issues/concerns summary as follows:

**1. Agricultural District Prohibits Development**

*Several respondents stated that as residential property owners in an agricultural district they had signed a declaration to maintain their properties as farmland. It is important to note that many of those who made this declaration actually had purchased building lots created through the subdivision of land owned by the Applicants. Thus, the residential development eliminated farmland.*

*Under New York State law, a single-family home being built within an agricultural district requires the property owner to attest to the property being located within an agricultural district and that farming activities including noise, dust and odors should be expected within the district. Agricultural districts do not preserve farmland. Rather, districts provide benefits to help retain farming as a viable economic activity, thereby maintaining land in active agricultural use.*

**2. Comprehensive Plan Supports Creation of a Hamlet Not Industrial Development**

*Florida's Comprehensive Plan (February 1996; amended February 2011) effectively strikes a compromising balance between the protection of the town's rural character and providing the opportunity for commercial and industrial development.*

*Neither the original Plan nor the amendments set forth a goal or objective regarding the preference of a "hamlet" over industrial development. Rather, within the 2011 Amendments **Chapter 8: Future Zoning Ordinance Issues**, there is discussion of continued industrial development within the Industrial Business Park and as the town grows, the desire a "town*

*center” within a mixed-use format (ground floor commercial with residential/commercial in 2 to 3 stories above). This would be achieved through the creation of a “mixed Use Hamlet District.*

*The zone change for this proposed district would be focused on the Route 30/161 split not the area around Exit 27. Within the discussion of this zone change, no mention is made of the need for substantial traffic improvements and the extension of water/sewer that would be needed to support development of a size and density to achieve financial feasibility.*

*Relevant to the proposed Nadler PUD is the fact that in 2011, economic development sites were available in the business park. Eleven years later, suitable sites are growing scarce. As the State Route 5S corridor has become developed, there has been increasing questions over where growth could occur without impacting neighborhoods while being close to the required transportation network. The location of the proposed Nadler PUD meets both of these objectives.*

*As outlined in the application, the proposed Nadler PUD is also consistent with a number of the Comprehensive Plan’s Goals as follows:*

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

*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.*

*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.*

*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.*

### **3. Industrial Development Should be Kept Along Route 5S/There is No Need for More Industrial Zoned Land**

*First and foremost, the intent of the proposed PUD is to provide a foundation for flexible development interests that could include multiple uses allowed in the Town’s C-1, C-2 and IBP zoning districts. This intention would create an interchange-focused business park, and not exclusively industrial uses or warehousing/distribution. The Town of Florida’s geographic*

*proximity in relation to other metropolitan areas, and its supporting transportation network have sustained the interest for additional development sites and without a proactive strategy, the Town should anticipate on-going development pressure without the benefit of a coordinated and focused location.*

*In June 2022, the Montgomery County Business Development Center released a market strategy to focus business attraction within the specific sectors of advanced manufacturing, food manufacturing, warehousing, and logistics. The Nadler PUD would be positioned to attract development in all these sectors.*

*The original sketch plan submitted as part of this application proposes a single-story warehouse/distribution facility on the west side of NYS Route 30 of up to 2.0M SF. On the east side of Route 30 two additional buildings were depicted: a single story 400,000 SF warehouse/distribution facility and a 350,000 SF light manufacturing facility. The Applicants understand the concern over building size. In response to the comments expressed by the residents, the Applicants would consider optional footprints.*

*The Applicants also acknowledge the location of the PUD in what is considered the gateway/arrival to the town. Incorporating neighborhood commercial development within the PUD could also be considered although this land use is expected to have the longest lead time in terms of securing tenants. Arrival/Gateway signage could also be incorporated into the development.*

#### **4. Why Locate it Here? Once the Development Starts it will Continue South Along Route 30**

*The Nadler PUD is in an ideal location to limit impacts on the Town's character because of its immediate proximity to Exit 27 on I-90, access to and from the PUD from a state highway (NYS Route 30), and the orientation of proposed development towards Route 30. It should be emphasized that the Nadler PUD has a defined boundary that does not run along the entire Route 30 corridor.*

#### **5. Land Could Be Divided Up into Single Home Parcels**

*Nationwide, single-family homes have been responsible for shifting the character of land towards suburban bedroom-communities. It is a land use pattern that has had far-reaching consequences not in just terms of land-use and commuting traffic (each household has 2+ vehicles) but also uncontrolled tax increases due to the cost of public education.*

*Assuming the average per pupil cost is \$15,000 and there are 2 school-aged children per household, a small development of fifty homes over 100-acres would result in the addition of 100 children into public schools. Each new household would result in a total of \$30,000 increase in education costs. Taxes paid per household would be insufficient to cover the additional education costs and would result in the need to increase taxes.*

#### **6. Loss of Farmland Would Push Farmers Farther Out Because Agriculture Is Not Being Promoted as a Way of Life/Farmland Should Be Protected/ Agriculture Is Needed For Future Generations/Loss of Prime Farmland/Agricultural Character of the Town Would be Lost**

*Although a substantial portion of the 508 acres of land within the PUD boundary are classified as prime farmland, the development that will occur as a result of the creation of the PUD district will not measurably affect the total acreage in the town. At full build, approximately 75% of the area within the PUD district will remain in its natural state or be landscaped as part of the development. In fact, despite the last two decades of non-residential growth, the percentage of agricultural land within the Town of Florida remains the same (60%) based on a Geographic Information System land use analysis recently completed by the Montgomery County Planning Department.*

*At full build, approximately 25% of the 508-acre site will be developed. The remaining area will be left undeveloped or landscaped as part of the development. In the original application, 25 acres along North Chuctanunda Creek was to be dedicated as open space with the potential to serve as a link to a future greenway connection to the Mohawk River and associated trails.*

*Given the extensive amount of land to remain undeveloped, the Applicant would be receptive to working with the town to dedicate additional acreage to the town as open space. However, the open space dedication may remove the acreage from agriculture use.*

**7. What is In This for Us?/There Will Be No Direct Tax Benefit. /Our Property Taxes Will Keep Increasing.**

*A fiscal impact analysis prepared by DRG Advisory Service has previously been submitted to the Planning Board. 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:*

<b>Tax Authority</b>	<b>Rate (\$/1,000)</b>
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	<b>2,750,000</b>	<b>\$206,375,000</b>
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	<b>\$6,121,955</b>
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. Further, if employees spend just 2% of their wages locally on goods and services, this will result in nearly \$2.4 million in increase sales to local businesses.

## 8. There Will be a Loss of Tax Revenue Due to PILOT incentives and Tax Abatements.

Tax revenue is not lost as a result of incentives and abatement because there needs to be development generating taxes before an abatement can be granted. Although the Town of Florida does not levy property tax, PILOTs do include direct payments to the Town, therefore PILOTs INCREASE contributions to the Town (as well as to the County and to the School District). Additionally, Because PILOTs are tied to defined development, the tax benefit is greater than what is currently derived from the vacant land. Furthermore, regardless of taxes being abated, wages and other revenue will continue to benefit the community.

Abatements are not applied in perpetuity, so in exchange for a company locating in a Montgomery County, the IDA offers a 15-year PILOT with an incremental scale of increasing taxes being paid. In the 16<sup>th</sup> year, 100% of the taxes are owed.

The Town of Florida also benefits from an INCREASE in the amount of shared Sales Tax revenue it receives because the apportionment distributed among the towns in the county is

*based upon total assessed value of each respective town. The higher-valued towns, of which the Town of Florida is, would have a PUD, when developed, that would serve to further strengthen that position and result in continued and increasing revenue.*

## **9. There is a Labor Shortage. How would the jobs be filled?**

*Since this is a zone change application, the Applicants cannot speak to the recruitment and training on behalf of a future end-user/tenant. This same comment has been heard a number of times in association with development along Route 5S. Montgomery County representatives have monitored labor supply and demand.*

*The abundance of employment opportunities has created higher wages and benefits and has placed an increased emphasis on quality recruitment and training. The last development constructed along Route 5S was Dollar General, who projected 430 jobs would be created. In reality, 540 jobs were created. So, not only did Dollar General exceed its projections, it is now proposing another 150,000± SF facility in that corridor, presumably after determining that labor is sufficient.*

## **10. Property Values will Decrease.**

*Property values do not decrease near industrial facilities unless there is an issue related to pollution, noxious odors or blighted appearance. Highly-maintained, clean industries can actually be good neighbors and the types of uses expected to be located in the business park will meet high standards.*

*A case in point is the Joann Way/Jackie Court subdivision created after Beechnut relocated to Route 5S. The presence of Beechnut did not deter interest in lots being sold and homes being built. The homes have some of the higher assessments in town.*

## **11. Tractor Trailer Traffic Will be Too Much/ Conditions on Belldons Are Already Dangerous/ There is Back-up at Exit 27 Now and the Intersection is Dangerous/ The Hill On Route 30 Will be Difficult for Trucks to Maneuver in the Winter**

*Although this is a request for a zone change not a site plan application, an initial traffic impact report has been prepared based on assumed traffic generation based on the methodology required by the NYS Department of Transportation. Route 30 is a state Road and the Exit 27 on-off ramps are under the jurisdiction of the NYS Thruway Authority. This means that no development can proceed without review and approval from these agencies.*

*If there are current road conditions that are affecting public health, safety and welfare then these conditions warrant the immediate attention of the County and State, independent of the proposed development.*

*If a zone change is approved, the site plan review process will require close coordination with the DOT. Based on the preliminary traffic study, the developer may be required to upgrade portions of Route 30, Thruway Drive, and Belldons Road and install a new signalized intersection at Route 30/Belldons Road to support safe operations of the development. During DOT review, sight distance and road grades will be examined to determine if mitigation is needed.*

*Confining development to the area adjacent to Exit 27 eliminates operational traffic from using short cuts through neighborhoods.*

## **12. Operational Impacts-Noise, Dust, etc.**

*Although the specific end-uses and building types are not known at this point, all development must adhere to local, state and federal regulations pertaining to noise, dust, water quality, air quality, hazardous material storage/handling, waste management and other operational provisions.*

## **13. Florida is an Agricultural Community/Preserve the Land for Future Generations/Landowners Should Not Sell for Development/ Development Proposals at this Particular Site Keep Coming Back Around—is There Nowhere Else to Develop?**

*Several members of the public chastised the property owners for exercising their right to sell their property. Others urged the Town to intervene and preserve the subject properties as open space.*

*However, the Town of Florida can remain an agricultural community with a rural character and allow development in suitable locations. The amount of agricultural land has remained the same (60%) since 1996 when the Comprehensive Plan was approved. Because of the extent of rural and agricultural land, the transition from agricultural/rural land to industrial and commercial in several locations has not negatively impacted the town's character.*

*The Nadler PUD at full build will occupy 25% of the total PUD district. This is exactly the type of balance needed for the town to grow while retaining its character.*

Should you have any questions or any additional needs, please do not hesitate to contact us at (518) 438-9900.

Sincerely,

**BOHLER ENGINEERING**



Steve Wilson