



SCENIC HUDSON, INC
58 PARKER AVE.
POUGHKEEPSIE, NY
12601 | 845 473 4440

September 8, 2026

Via Email

John Litts, Chair
and Members of the Zoning Board
Town of Lloyd
12 Church Street
Highland, NY 12528

**Re: Clemente Concrete Batch Plant
3260 Route 9W (SBL 80.3-2-8)
Zoning Consistency Determination**

Dear Chairman Litts and Members of the Zoning Board

Scenic Hudson is writing to appeal the determination of the Town of Lloyd Code Enforcement Officer (dated July 8, 2026, and attached hereto as Exhibit A) that the proposed Clemente Concrete Batch Plant (the “Concrete Batch Plant”) qualifies as a Light Industry use and is therefore permitted in the Light Industrial (“LI”) district upon site plan approval. Specifically, the enactment of Local Law A of 2026 and the addition of a new “Heavy Industry” use category constitutes a material change in the zoning ordinance such that the determination no longer represents a complete analysis of all provisions applicable to the Concrete Batch Plant (a copy of Local Law A, is attached hereto as Exhibit B).

The Scenic Hudson Land Trust owns property adjacent to the site proposed for the Concrete Batch Plant and further identified as SBL 80.3-2-5.100, and is therefore aggrieved by a determination unsupported by the ordinances currently in effect and applicable to the site. As an aggrieved party, Scenic Hudson is authorized by Town Law § 267-a(4) to appeal a determination of the Code Enforcement Officer (“CEO”) to the Zoning Board. This letter constitutes notice of such appeal pursuant to Town Law § 267-a(5)(b).

By way of relief, Scenic Hudson respectfully requests (a) that the Zoning Board remand to the CEO the question of whether the Concrete Batch Plan is a permitted use within the LI district following the enactment of Local Law A of 2026, and (b) that a hearing on this appeal be set following adequate public notice pursuant to Town Law § 267-a(7). Scenic Hudson reserves the right to file additional materials in support of this appeal prior to such time. In the alternative, Scenic Hudson preserves the question of whether a sufficient evaluation of possible impacts was provided to justify classifying the Concrete Batch Plant as Light Industry was provided prior to the enactment of Local Law A.

a. The Determination Appealed From

The proposed Concrete Batch Plant is the subject of a pending application for site plan review and approval submitted on March 10, 2026, by Clemente Materials, Inc. (“the Applicant”) (a copy of the application form attached hereto as Exhibit C). The Applicant asserts that the proposed use qualifies as a Light Industry use as defined by Town Code § 100-8 (see project narrative, attached hereto as Exhibit D, and Part 1 Environmental Assessment Form, short and long forms attached hereto as Exhibit E), and is therefore a permitted use within the LI district, subject to site plan approval. If the proposed use does not qualify as Light Industry, or any other permitted use, § 100-12(A) instead directs that all such “[u]ses that are not listed are prohibited.”

Consistent with this provision, Town Code § 100-53(F) requires that applications for site plan approval receive a determination from the CEO and Town Planner that the plans for the proposed use comply with the zoning ordinance before they are transmitted to the Planning Board for review. On July 8, 2026, the CEO issued an initial determination finding that the Concrete Batch Plant as proposed falls within the definition of a Light Industry use.¹ Although not dispositive of the plans’ full compliance with applicable laws, this determination is nevertheless critical as it establishes that a batch plant is not categorically excluded from the LI district.

b. Code Provisions Relevant to the Determination

In determining that the Concrete Batch Plant is a permitted use within the LI district, the CEO relied first upon the Code’s definition of Light Industry at § 100-8, which broadly includes the “[m]anufacture, assembly, treatment, processing, or packaging of products that does not emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries.” Acknowledging that the Light Industry definition lacked specific thresholds beyond requiring that a use not cause “objectionable” impacts across property lines, the CEO purported to apply a “reasonable person standard” to clarify the standard and determine whether the Concrete Batch Plant as described by the Applicant would exceed this limit.²

Using this approach, the CEO found that, if the Concrete Batch Plant were designed to incorporate control and mitigation technologies identified by the Applicant in an email dated April 23, 2026, (attached hereto as Exhibit F), and that if those technologies were as consistently effective at offsetting dust, noise, and vibration impacts as the Applicant claimed, that the Concrete Batch Plant would not cause any “objectionable” impacts and could therefore qualify as a Light Industry use.³ Smoke, odor, and glare were assessed as being unlikely to occur at significant levels, even without the use of any additional control measures.⁴ However, the CEO cautioned that the determination relied on the applicant’s representations regarding the Concrete Batch Plant’s operations, and that “[a]ny material deviation from these representations that results in

¹ Exhibit A, *supra*.

² *Id.* at 1.

³ *Id.* at 4.

⁴ *Id.* at 2.

objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries shall void this determination and require re-review by the Department.”⁵

The CEO also considered other provisions of the Code which he believed “could be interpreted as applying to Light Industry uses,”⁶ but which he did not characterize as similarly dispositive. First, § 100-8 defines a similarly named “Industrial Light” use, which includes “manufacturing of articles or merchandise from previously prepared or natural materials, such as . . . cement, . . . and other such prepared materials[.] Elsewhere, § 100-38(C)(3) lists concrete manufacturing among the high-impact uses that are excluded from the pedestrian-oriented Walkway Gateway (“W-G”) zoning district, alongside uses including petroleum manufacturing, chemical fracturing, and metal refining.

Addressing these provisions, the CEO reasoned that, because plant operations would involve the “manufacturing of articles or merchandise from previously prepared or natural materials”—in this case producing concrete from cement and stone aggregate—a concrete batch plant would also satisfy this definition.⁷ Regarding § 100-38(C)(3), the CEO acknowledged that concrete manufacturing was explicitly identified as a high-impact use incompatible with a pedestrian neighborhood, but further determined that the provision presumptively classified *every* listed use as Light Industry. Underscoring the Code’s substantial ambiguity, this would support treating uses ranging from concrete plants to oil refineries to steel mills as Light Industry and allowing such uses to proceed in any district where Light Industry is permitted, so long as impacts in the listed categories were not found to be “objectionable.”

c. Local Law A of 2026

While administrative review of the application and its consistency with the LI district was underway, the Town Board introduced Local Law A of 2026 at its April 15th meeting, later adopting it on August 19, 2026.⁸ In relevant part, this law amended the zoning ordinance to add a definition of “Heavy Industry” as follows:

[A] use engaged in the basic provisioning manufacturing and processing of materials or products predominately from extracted or raw natural resources, or a use engaged in storage of, or manufacturing processes using, hazardous or explosive materials. Key characteristics include scale [the use often involves large-scale machinery, significant outdoor storage, or high volume utility consumption], external impacts [the use may produce significant noise, odors, glare, or vibrations that are inherent to the process and may be detectable beyond the property boundaries], air emissions with or without monitoring requirements, infrastructure needs [including substantial water, electric or chemical power and accommodating heavy multi-axle freight traffic]. Examples include but are not limited to metal refineries, chemical manufacturing, *concrete batching plants including ready-mix plants or raw concrete manufacturing*, asphalt batching, scrap metal

⁵ *Id.* at 5.

⁶ *Id.* at 1.

⁷ *Id.* at 3.

⁸ Exhibit B, *supra*.

processors, chemical synthesis plants, tire recycling facilities and large-scale vehicle salvage.⁹

Explaining the need for the amendment, Section 2 of Local Law A, titled “Legislative Findings,” framed the law as an effort to regulate “Light Industry and Heavy Industry throughout the Town to promote the public health, welfare and safety[.]” The Town Board noted that it had “considered the potential impacts of industrial uses, . . . and the associated dust, smoke, vibration, noise, hazardous materials and vehicle traffic and other factors that result in impact within the Town and their surrounding neighborhoods, particularly residential areas,” and concluded that the new definition was necessary “to ensure that uses within the Town are appropriately located in relation to each other and consistent with the community character of the Town.”

Further support for clarifying the scope of Light and Heavy Industry was found in the Town’s newly updated Comprehensive Plan, which replaced the previous plan less than two years before the enactment of Local Law A in December 2024. The new Comprehensive Plan recommended a thorough review of the Town’s zoning ordinance “to eliminate inconsistencies, conflicts between uses, terminology, and definitions among all applicable land use laws[.]”¹⁰ Addressing zoning districts specifically, the Comprehensive Plan identified a need for the “intent or purpose of all zoning districts . . . to be described and defined,”¹¹ and further warned that “[t]he permitted uses and bulk requirements for each district should be carefully reviewed to determine if land areas are appropriately designated within certain zoning districts[.]”¹² Of particular relevance to Heavy Industry uses with greater potential for offsite impacts, the Comprehensive Plan suggested that “[t]he Town should consider providing appropriate land use transitioning between districts to adequately protect residential neighborhoods and define gateways to Lloyd.”¹³

As enacted, Local Law A provides that it shall take effect immediately upon filing with the New York Secretary of State and thereafter become applicable throughout the Town. Based on the representations of the Town Clerk, the Local Law was submitted to the Secretary of State for filing on or before September 3, 2026.

d. The Applicability of Local Law A to the Pending Application

It is well-settled that zoning laws must generally be applied as they exist at the time a decision on the law is rendered. *See, e.g., Alscot Investing Corp. v. Rockville Centre*, 64 N.Y.2d 921, 922 (1985); *Pokoik v. Silsdorf*, 40 N.Y.2d 769, 773 (1976); *Orsi v. Bd. of Appeals*, 3 A.D.3d 698, 700 (3d. Dep’t 2004); *Evans v. Greenfield Zoning Bd. of Appeals*, 3 A.D.3d 705, 706 (3d. Dep’t 2004). A pending application for site plan approval may thus become subject to a revised zoning ordinance adopted while review of the application is ongoing. *Orsi*, 3 A.D.3d 698 at 700; *see also Ronsvalle v. Totman*, 303 A.D.2d 897, 899 (3d Dep’t 2003).

⁹ Emphasis added.

¹⁰ Town of Lloyd Comprehensive Plan, pg. 29 (2024).

¹¹ *Id.*

¹² *Id.* at 30.

¹³ *Id.*

Town legislatures are broadly authorized to amend zoning changes in accordance with a comprehensive plan, including where changed circumstances or community needs necessitate a departure from previously applicable zoning laws. *Bedford v. Mt. Kisco*, 33 N.Y.2d 178, 188 (1973). Such amendments to a zoning ordinance are vested with a strong presumption of validity and are entitled to an assumption that the legislature enacting the amendment did so in good faith. *E.g.*, *Golden v. Planning Bd. of Ramapo*, 30 N.Y.2d 359 (1972); *Rossi v. Town Bd. of Ballston*, 49 A.D.3d 1138, 1144 (3d Dep’t 2008).

Here, the Town Board enacted Local Law A while the site plan for the Concrete Batch Plant was actively under review by the Planning Board, but before any final determination whether to approve or reject the application was reached. The Planning Board therefore is required to approve or deny the application based on the zoning ordinance currently in effect and applicable to the project, which now includes the definition of “Heavy Industry” created by Local Law A. *Mascony Transport & Ferry Serv., Inc. v. Richmond*, 419 N.Y.S.2d 628 (2d Dep’t 1979 (*aff’d* 49 N.Y.2d 969 (1980))), *Cleary v. Bibbo*, 241 A.D.2d 887, 887–88 (3d Dep’t 1997). Similarly, because the applicable law has materially changed since the issuance of the CEO’s July 8 determination, its conclusions are no longer supported by a complete evaluation of the application’s accordance with the Town’s zoning ordinance,¹⁴ and the verification of the application’s compliance with the same as required by Town Code § 100-53(F)(1) is lacking.

Heavy Industry as newly defined is not a permitted use within the LI district. In light of § 100-12(A)’s provision that all “[u]ses that are not listed are prohibited,” as well as the explicit inclusion of concrete batch plants as a Heavy Industry use, a strong presumption exists that the amended zoning ordinance bars the Concrete Batch Plant from the LI district. *See Moody Hill Farms v. Zoning Bd. of Appeals*, 199 A.D.2d 954, 956 (3d Dep’t 1993); *Inc. Vill. of Old Westbury v. Alljay Farms*, 100 AD2d 574, 575 (2d Dep’t 1984) (*mod.* 64 N.Y.2d 798). The CEO’s determination must address this amendment.

Although the Town’s Use Table has not been updated since the enactment of Local Law A, the appropriate siting of Heavy Industry uses is nevertheless contemplated by the Code through the existence of a Heavy Industrial zoning district as identified by § 100-9 and the Town’s Zoning Map and further referenced by § 100-38. Similarly, while the Code’s definition of Light Industry itself has not been modified, Local Law A’s creation of a Heavy Industry use category shows a clear intent to narrow the open-ended scope of the definition underscored by the CEO’s determination. Had this definition been in effect six weeks earlier when the determination was issued, then the Concrete Batch Plant would have been categorized as Heavy Industry and the need for the CEO to parse a borderline application of Light Industry would have been avoided.

Nor is classification as Heavy or Light Industry merely a question of the scale of a project such that mitigation alone would allow a batch plant to still qualify as Light Industry if its impacts

¹⁴ *E.g.*, *Smith v. Thompson Planning Bd.*, 2026 N.Y. LEXIS 560, *2 (2026); *Barnes Rd. Area Neighborhood Ass’n v. Planning Bd. of Sand Lake*, 206 A.D.3d 1507, 1510 (3d Dep’t 2022) (The Board’s determination to grant the special use permit will not be disturbed so long as it “was [not] made in violation of lawful procedure, was [not] affected by an error of law or was [not] arbitrary and capricious or an abuse of discretion. The Board’s resolutions reflect that it considered the relevant criteria as set forth in Town ... Zoning Code[.]”

are found to be non-objectionable. While the Heavy Industry definition parallels the Light Industry definition in contemplating a use's potential to generate noise, odors, glare, or vibrations, it also encompasses additional considerations that the latter use category does not identify, including utility consumption, air emissions, infrastructure needs, and heavy truck traffic generation.

The manufacture of concrete, including batching operations, was among the illustrative uses identified as examples of Heavy Industry under this definition. This reflects the Town Board's assessment of the potential impacts and risks associated with the use, both on the batch plant property itself and on nearby properties, as well as its compatibility with other neighboring uses and the broader character of areas of the Town where it may be allowed or prohibited.¹⁵ While effective mitigation and control measures may reduce smoke, noise, dust, odor, glare, and vibration to non-objectionable levels, the additional possible impacts, infrastructure demands, and overall scale of required structures and machinery still require different regulatory treatment according to the Town Boards's interpretation of the Comprehensive Plan. For industrial uses that do not meet the newly created definition of Heavy Industry and do not implicate the identified concerns, the Light Industry category remains available to site such presumptively lower impact uses.

e. Conclusion

For the preceding reasons, Scenic Hudson requests that the July 8, 2026, determination of the CEO that the Concrete Batch Plant is a Light Industry use permitted in the LI district with site plan approval be remanded for a determination consistent with Local Law A of 2026 and any other provisions of the zoning ordinance applicable to the proposed use.

Respectfully submitted,



Johnathan Clark, Esq.
Advocacy Attorney

¹⁵ See Exhibit B, at 2.

Exhibit A

Determination: Concrete Batch Plant as Light Industry Use

Date: July 8, 2026

Background

An applicant, Clemente Materials, Inc., applied to the Planning Board for a Concrete Batch Plant (CBP) located at 3260 Route 9W, Highland, NY 12528 (S.B.L. 80.3-2-8) in the Town of Lloyd. A CBP is a facility used to store materials for, mix, and deliver wet concrete to a job site. As such, the CBP has storage for various items, such as aggregate, sand, water, and cement. Discussion concerning the type of use the plant would fall under in the Zoning Code was held. The closest classification in the Use Table is Light Industry, defined in §100-8 of the Zoning Code as follows:

LIGHT INDUSTRY

Manufacture, assembly, treatment, processing, or packaging of products that does not emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries.

Proposals such as that here under consideration must be reviewed against this definition using the reasonable person standard to assess what would constitute objectionable levels, as well as whether the proposed use is permitted within the zoning of the parcel under consideration.

Light Industry Manufacturing/Processing

Concrete is made by processing various raw or previously processed materials by mixing them and adding water. Concrete is a product of that processing and is customarily “batched” by truckload for delivery to a job site. Accordingly, any proposed operation must satisfy the first element of the Light Industry definition — the manufacture, assembly, treatment, processing, or packaging of a product as well as whether the operation, as proposed, would emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries. Each of these factors is addressed in turn below.

Dust

Of all the items listed, cement has the most potential for the creation of adverse dust production.

The proposed use must be designed to contain, to the greatest extent possible, any dust associated with the storage, mixing, or transport of the various materials used in the creation of wet concrete. This may be achieved by creating areas of dust collection that use depressurization and dust collection bags to capture any possible dust at two points where dust could otherwise escape containment: (1) where the cement product is moved into the batching portion of the plant, and (2) where the concrete is ported into the concrete truck for transport to the job site. At this second point, the chute that delivers the concrete into the truck should be sealed against the intake of the truck, preventing dust from escaping.

Such measures would ensure against levels of objectionable dust beyond the property line.

Noise

Noise is another concern that has traditionally been associated with CBPs. At some facilities, aggregate is processed on site using rock crushing machines, which are very loud and create both noise and vibration. This will not be the case at this site.

Some noise would be expected from the use of conveyor systems, hoppers, and mixing units. A large portion of the mechanical equipment used in any proposed facility must be located inside structures, and enclosing the cement hopper, under which concrete trucks are loaded would further suppress noise emissions.

Based on these measures, no levels of objectionable noise are expected beyond the property line.

Smoke

No smoke is expected to be generated on site. No levels of objectionable smoke are expected beyond the property line.

Glare

No glare is expected to be generated on site. No levels of objectionable glare are expected beyond the property line.

Odor

No odor is expected to be generated on site. No levels of objectionable odor are expected beyond the property line.

Vibration

Vibration is possible due to various equipment on the property. Loaders are often used to move some materials into a transfer system. Vibration is also possible from the mechanical equipment associated with batching materials to create concrete loads. As noted above, this could be eliminated through the use of enclosed structures to suppress any noise or vibration emanating from the property.

Based on these measures, no levels of objectionable vibration are expected beyond the property line.

Additional Items Considered

The Zoning Code of the Town of Lloyd (Chapter 100 of the Town of Lloyd Ordinance) contains two definitions in §100-8 – Definitions which could be interpreted as applying to Light Industry uses. The primary definition is noted above but is repeated here for clarity:

LIGHT INDUSTRY

Manufacture, assembly, treatment, processing, or packaging of products that does not emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries.

This has been the traditional definition. Similar language existed in the Zoning Code adopted in 1974 and continued until the adoption of the Zoning Code in 2013. The 1974 Code listed concerns about smoke, dust, odor, and vibration, indicating that the Town has long anticipated potential environmental impacts in connection with Light Industry uses and has long considered impacts of this kind — if not always this exact list of factors — relevant to that classification. The Town's qualitative, impact-based approach to defining Light Industry has remained consistent since 1974, even as the specific list of factors has been refined.

A second definition reads:

INDUSTRIAL LIGHT

Includes limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities such as: beverage bottling, distribution and warehousing; contractors offices and storage buildings; including general contractors, plumbers, electricians, heating, ventilating, air-conditioning contractors, masons, painters, refrigeration contractors, roofing contractors, and other such construction occupations; distribution centers; ice production, storage, sales and distribution; laboratories for research, testing and experimental purposes; manufacture of computers, computer peripherals, electrical appliances, electronic equipment, medical instruments, and other similar products from previously manufactured components; manufacture of precision instruments and equipment, such as watches, electronics equipment, photographic equipment, optical goods and similar products; manufacturing of articles or merchandise from previously prepared or natural materials, such as cardboard, cement, cloth, cork, fiber, glass, leather, paper, plastics, wood, metals, stones and other such prepared materials; printing and publishing. [Added 10-15-2014 by L.L. No. 4-2014]

This definition was added in 2014 in connection with an addendum to the Blue Point Overlay District. It is helpful to the understanding of Light Industry that this definition includes "...manufacturing of articles or merchandise from previously prepared...materials, such as...cement..." are among the materials contemplated for "Industrial Light" uses.

Another location in the Zoning Code that describes Light Industrial uses is §100-38 – Supplementary standards for the W-G District. Under §100-38.C, Light Industrial uses are allowed in the Walkway Gateway Zone if they follow specific standards. Section 100-38.C(3) states specifically that:

Light industrial uses deemed to be high-impact uses are expressly prohibited. High-impact uses include industrial or manufacturing processes engaged in the production of any products classified under the following North American Industry Classification (NAIC) 2007 system code numbers: Veneer, Plywood and Engineered Wood Product Manufacturing (3212), except for Truss Manufacturing (321214), which shall

not be included as a high-impact use; Pulp, Paper and Paperboard Manufacturing (3221); Petroleum and Coal Manufacturing (3241); Basic Chemical Manufacturing (3251); Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing (3253); Other Chemical Products and Preparation Manufacturing (3259); Clay Product and Refractory Manufacturing (3271); Glass and Glass Product Manufacturing (3272); Cement and Concrete Manufacturing (3273); Lime and Gypsum Manufacturing (3274); Other Nonmetallic Mineral Product Manufacturing (3279); Iron Steel Mills and Ferroalloy Manufacturing (3311); Steel Product Manufacturing from Purchased Steel (3312); Alumina and Aluminum Production and Processing (3313); Nonferrous Metal (Not Alum) Production and Processing (3314); Foundries (3315); Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing (3252); Rubber Products Manufacturing (3262); and Leather and Allied Product Manufacturing (3161).

This section of the Code, although it does not apply to zones besides the Walkway Gateway Zone, states specifically that “Cement and Concrete Manufacturing” is a category of light industrial use, albeit one treated as having high-impact potential.

It is helpful that the list of uses classified as light industrial in this section includes cement and concrete manufacturing, even though that use is excluded from the Walkway Gateway Zone specifically. That exclusion makes sense given that the Walkway Gateway District is designed to be a pedestrian-friendly zone with mixed uses that act as an extension of the traditional downtown area known as the Hamlet of Highland. The Walkway Gateway District imposes a categorical, mitigation-blind prohibition on certain Light Industrial uses because it is a special pedestrian/downtown extension zone, whereas the Light Industry classification under §100-8 turns solely on the actual impact of the use at the property line — impacts for which the applicant, Clemente Materials, Inc., has proposed specific mitigation measures, and which the Planning Board would further consider during its site-plan review. A concrete batch plant is accordingly a Light Industry use appropriately located within the Town's Light Industry zone.

Determination

Pursuant to §42-4.B of the Town of Lloyd Ordinance, the Code Enforcement Officer, David Barton, interprets the Use Table as follows.

Using the reasonable person standard, the Building Department finds that the proposed concrete batch plant satisfies the definition of Light Industry. Wet concrete is a product, and batching the constituent materials to create it is a form of manufacture and processing. Based on the mitigation measures described by the applicant — including dust collection and depressurization at the cement transfer point, a sealed delivery chute at the truck-loading point, and the substantial enclosure of mechanical equipment within structures — the Department further finds that a concrete batching plant designed to protect against objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries would not violate the definition.

Section 100-38.C(3) of the Code identifies Cement and Concrete Manufacturing (NAICS 3273) as a light industrial use that is treated as high-impact, and on that basis prohibited, within the Walkway Gateway District specifically. That prohibition is a categorical, district-specific policy choice for a pedestrian-oriented zone and does not apply to or limit the Light Industry zone, where the governing test is the actual, measured impact of the use at the property line rather than its NAICS classification. The Department accordingly concludes that a concrete batch plant is an appropriate Light Industry use within the Town's Light Industry zone.

This determination is conditioned on the batch plant being constructed and operated substantially as represented to the Department, including the dust collection and depressurization systems, the sealed truck-loading chute, and the enclosure of mechanical equipment described above. Any material deviation from these representations that results in objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries shall void this determination and require re-review by the Department.

Exhibit B

August 19, 2026

Town of Lloyd Local Law A 2026: Heavy Industry

Local Law A of the year 2026

A local law amending the Town of Lloyd Zoning Code as enacted by the Town of Lloyd Town Board on May 20, 2026 by Local Law A-2026

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

SECTION I.

SHORT TITLE

August 19, 2026

This local law shall be cited as Local Law A of 2026 of the Town of Lloyd and is entitled the “2026 Zoning Code Amendments.”

SECTION II.

LEGISLATIVE FINDINGS

The Town Board seeks to regulate Light Industry and Heavy Industry throughout the Town to promote the public health, welfare and safety within the Town of Lloyd. The Town has evaluated its comprehensive plan and existing zoning to identify the need for changes or improvements to the Town of Lloyd Zoning Code (“Zoning Code”). The goal of the comprehensive plan is to provide for the orderly development and redevelopment of properties located within the Town and to ensure that uses within the Town are appropriately located in relation to each other and consistent with the community character of the Town. The Town Board has further considered the potential impacts of industrial uses, including chemical manufacturing, large scale vehicle salvage, concrete batch plants or manufacturing products containing concrete and similar uses and the associated dust, smoke, vibration, noise, hazardous materials and vehicle traffic and other factors that result in impact within the Town and their surrounding neighborhoods, particularly residential areas. The Town Board finds that these amendments to the Zoning Code are consistent with the comprehensive plan and existing zoning and will promote the public health, welfare and safety within the Town of Lloyd.

SECTION III.

AUTHORITY

These amendments to the Zoning Code are enacted by the Town Board of the Town of Lloyd pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10, and its authority to adopt amendments to its Zoning Code pursuant to Town Law Section 265 and Zoning Code Article X.

SECTION IV.

PROVISIONS ADDED/AMENDED

Section 100-8 of the Zoning Code is hereby amended as follows:

(A) A definition of Heavy Industry shall be added to read as follows: – HEAVY INDUSTRY a use engaged in the basic provisioning manufacturing and processing of materials or products predominately from extracted or raw natural resources, or a use engaged in storage of, or manufacturing processes using, hazardous or explosive materials. Key characteristics include scale [the use often involves large-scale machinery, significant outdoor storage, or high volume utility consumption], external impacts [the use may produce significant noise, odors, glare, or vibrations that are inherent to the process and may be detectable beyond the property boundaries], air emissions with or without monitoring requirements, infrastructure needs [including substantial water, electric or chemical power and accommodating heavy multi-axle freight traffic]. Examples include but are not

August 19, 2026

limited to metal refineries, chemical manufacturing, concrete batching plants including ready-mix plants or raw concrete manufacturing, asphalt batching, scrap metal processors, chemical synthesis plants, tire recycling facilities and large-scale vehicle salvage. This definition shall not include incidental storage or lawful use of hazardous materials customarily associated with otherwise permitted uses.”

SECTION V.

SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

SECTION VI.

EFFECTIVE DATE

This Local Law shall take effect immediately, as provided by law, upon filing with the New York State Secretary of State

Exhibit C



Town of Lloyd Planning Board Application

Submission Date: 3/10/2026

Property Owner: 3260 Route 9W Highland NY, LLC

Is the owner an LLC?: Yes Principal Member or Managing Member: Clemente Materials, Inc.

Owner's Mailing Address: PO Box 189, 248 Watervliet Shaker Rd. Colonie NY 12189

Owner's Phone: (845)765-1645

Owner's Email: LukeC@bondedconcrete.com

Address of subject property: 3260 Route 9W, Town of Lloyd, Ulster County, NY

Tax Map SBL#: 80.3-2-8

Professional Representative: Environmental Design Partnership LLP (EDP)

Representative Address: 900 Route 146, Clifton Park NY 12065

Representative Phone: 5183717621 Representative email: jdannible@edpllp.com

Subdivisions:

Number of Lots: N/A for the purpose of: _____

Site Plans:

(circle one) Commercial / Residential for the purpose of: Concrete Batch Plant

Special Use Permit purpose: N/A Zoning Code chapter: _____

Submission of the items below is required prior to placement on the Planning Board agenda:

1. Completed application.
2. Application fee: Non-refundable check or money order made out to "Town of Lloyd", or cash is accepted.
Amount submitted: \$1,000 (credit cards accepted in person at Town Hall)
3. Escrow fees: a separate check or money order made out to "Town of Lloyd", as determined by the Fee Schedule.
Amount submitted: \$7,500
4. Photocopy of the property deed.
5. Complete Environmental Quality Review Assessment Form as appropriate for the project as follows:
 - a. Short Form EAF: part I only.
 - b. Long Form EAF: part I only.
6. Agricultural Statement if in an Agricultural District or property is or has been farmed.
7. Coastal Assessment Form: if the project is located in the Town's WBOD overlay or in the Lloyd/Esopus Area of State-wide Scenic Significance or if located in the areas covered by the Town's Waterfront Revitalization Areas.
8. Letter of Agent: if someone besides the property owner is representing the project.
9. Letter of Intent: narrative describing the project.

(continued next page)

10. Site plan as required (see the Use Table and Chapter 100-53 of the Town of Lloyd Zoning Code). Please submit five (5) paper copies in addition to digital files. If the digital project file is too large to email, please contact the office to arrange a delivery method.
11. Jurisdictional Determination from the DEC if wetlands or vernal pools are near the project location (wetlands do not need to be on the subject property). Confirm wetlands location on the DEC's Environmental Mapper online.
12. Statement that no portion of the project is wholly or partly in a regulated floodplain or floodway. Use FEMA's Area of Flood Hazard mapper to determine locations of floodplains.
13. Other items as required by the Town of Lloyd Code appropriate for the project type and location.

I, Luke Clemente PRINT NAME, certify that the information contained in the submission of this Plannign Board Application is true to the best of my knowledge. I further acknowledge the requirements associated with my submission based on the type and location of the proposed project. I have ascertained whether there are floodplains, floodways, wetlands and vernal pools with their associated buffers on the project property.

 3/6/26
Owner's Signature Date

TO BE COMPLETED BY THE BUILDING, PLANNING AND ZONING DEPARTMENT

NYS Environmental Mapper Checked: Yes ☐ -No ☐

FEMA FIRM Checked: Yes ☐ -No ☐

Zoning Compliant: Yes ☐ -No ☐ In Zone: _____

REVIEWED BY: _____

FEE: \$ _____ CHECK # _____

Exhibit D

Project Narrative

3260 Route 9w Highlane NY LLC

Concrete Batch Plant

NYS ROUTE 9w

Town of Llyod

Ulster County, New York

March 10, 2026

Prepared By:

The Environmental Design Partnership, LLP

900 Route 146

Clifton Park, NY 12065



The attached plan represents the concept development plan for a Proposed concrete Batch Plant to be located at 3260 Route 9W. The site is identified as tax parcel 80.3-2-8 and zoned LI Light industrial. The plan illustrates the general intent of the site development and the configuration for the major elements of the proposed design program. The Site Plan Application was compiled in accordance with the Town of Llyod Zoning Ordinance. The plan is to develop a 4600± sf Batch plant with conveyer system and aggregate piles the existing on-site building will be repurposed as office and support space for the plant.

The project will disturb greater than one acre and will be subject to the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-20-002). A Full Stormwater Pollution Prevention Plan SWPPP) that includes erosion and sediment control measure will be provided.

Beyond the local Land use boards, the project will requires permitting from USACE for wetland disturbance and from NYSDOT for curb cut modification.

Below is a general overview of the Batch Plant Operations.

Concrete is sold by the cubic yard which is a volumetric measurement equal to 27 cubic feet. There are 5 ingredients that, when combined through a mixing process in the mixer drum, will produce ready mix concrete. There is sand (also called fine aggregate), stone (also called coarse aggregate), cement (the powdered binder), admixtures (concrete enhancement water-based solutions) and water (reacts with the cement to make the hardened finished product). Each load of concrete has a specific recipe or mix design to create specific physical characteristics such as compressive strength of the placed concrete.

There are four primary components to a concrete batch plant: Ground aggregate hoppers, conveyor systems, inside aggregate storage and batching building and cement silos.

The ground hoppers are loaded with dump trucks with sand and stone. These hoppers are fully enclosed on four sides and bottom, but open on top to allow for dump truck to dump the sand and stone into the grated hopper. There are small gates on the bottom of the hoppers that are powered by compressed air and electricity. As needed, the batch computer controls an electrical signal that is sent to the requested gate which operates a pneumatic ram that opens and allows the material needed to flow onto the conveyor. The conveyor belt is covered and transports the sand and stone to the aggregate hoppers inside the aggregate building. These hoppers are a set of storage bins separated by steel walls. These internal storage bins are positioned over an aggregate scale. Based on the required mix design, the materials are weighed through a system of pneumatic rams controlled by the batch computer using electrical signals and sensors to make every batch of concrete an exacting recipe. During the

manufacturing process, when the batch computer determines it is time to add the aggregate to the concrete mixer, a long gate at the bottom of the scale opens. In a controlled and continuous manner, the material falls out of the scale onto a running conveyor belt below the scale and elevates the material into a loading hopper that allows the aggregate to fall into the concrete mixer below.

Next to the aggregate building there is a rectangular cement silo containing three individual and separate compartments. The cement silos are designed at a height that facilitates the gravity feeding of the cement into the mixer. Cement is transported to the site using fully enclosed cement haulers. Cement is discharged into the cement silos pneumatically (using low pressure compressed air). The cement hauler is pressurized to pneumatically deliver the cement product to the top of the cement silo using an enclosed and sealed pipe from the cement hauler. In order to prevent over pressurizing of the cement silos during loading, excess air pressure is relieved through a bag house (aka fabric filters) at the top of the cement silo. Such discharges are scrubbed of particulates prevent discharge of fugitive cement emissions to the environment. These filters are routinely inspected in order to maintain efficient and effective filtration. The cement is discharged from the silo using a fully enclosed rubber boot at the bottom of the cement silo into a scale. The batch computer controls a butterfly valve to facilitate and control the flow of cement out of the silo and into the cement scale. Once the batch computer determines the cement is ready to go into the concrete mixer it will use another butterfly valve to control the continuous and gradual flow of material out of the scale and into the concrete truck below. The plant will be equipped with a shroud that is inserted around the discharge hopper at the mixer drum opening. This shroud will utilize a vacuum system with separate filtration to catch fugitive cement emissions during the mixer loading process. The captured cement emissions are recycled, through a blower system, back into the cement silo to be used on the next load. As the cement is placed in the mixer drum it immediately comes into contact with the wet aggregate already in the mixer drum which quells the potential for dust coming from the mixer drum.

There are small portions of water-based admixtures added to the mix (typically measured in ounces) to enhance the desired concrete product as needed for project requirements or weather conditions. The admixtures are stored in tanks inside the aggregate building. The batch computer controls the pumping and metering of the liquid admixture. The admixture is introduced into the waterline at the discharge hopper where it immediately flows into the concrete mixer as the aggregate is being loaded into the concrete mixer.

Well water is also added to the mixer during the loading of the sand, stone, and cement. The water used in the concrete is stored inside a large water tank inside the aggregate building. In the winter, the water is heated using a steam diffuser from a boiler run on nature gas/propane. The water tank is piped into a pump that delivers the necessary water into the concrete mixer

as it is being loaded. If there is water contained in the washout basins, such water will be used in the concrete mix. If the recycle washout basins are empty, well water is used.

The ground floor of the aggregate building will contain a closed-loop three side-by-side wash out basins that are used to rinse the mixer drums at the end of each day for final washout. The washout water is discharged into the first basin to allow the heavier aggregates to settle out. The washout water from the first basin travels to the second basin where the finer material settles out. The washout water continues to the third basin where it is relatively clear of sand and aggregate. The washout water is recovered and is reused in plant operations. The residual sand, stone and cement are recycled and used in future concrete production.

The sand and stone will generally come from aggregate mines generally located within Ulster, Orange and Dutchess counties. The cement will typically be procured from regional cement providers. The cement for this plant will generally be transported from over 2 hours away. The water is sourced from an on-site well and the admixtures are transported from New Jersey. The sand and stone make up about 70 percent of the final combined volume, water making up about 16% and cement making up about 14 percent.

Once all the stone, cement, water, and admixtures are loaded into the truck, the truck will then move to wash out basin where the ingredients are mixed together (at about 17 revolutions a min for 7-10 mins to create the final combined concrete product) and any material on the truck is washed into the washout basin. Once the concrete is of a consistent uniform mix, the truck is ready to leave and deliver the concrete to the local homeowner or business.

Attached for your consideration are some pictures of an existing concrete plant owned by us

Exhibit E

Short Environmental Assessment Form

Part 1 - Project Information

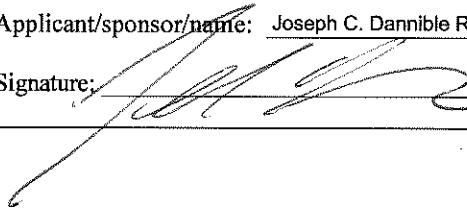
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

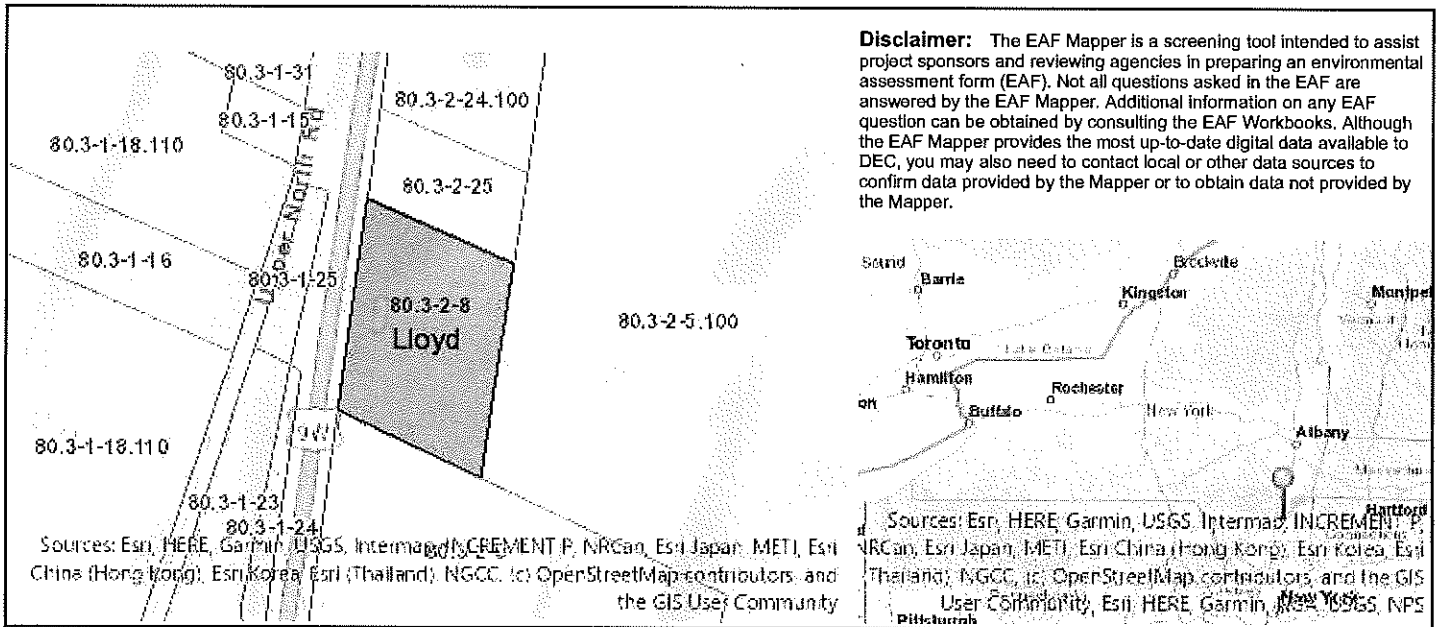
Part 1 – Project and Sponsor Information							
Name of Action or Project: Light Industrial Batch Concrete Plant							
Project Location (describe, and attach a location map): 3260 Route 9W, Town of Lloyd, Ulster County, NY							
Brief Description of Proposed Action: Proposed development includes the clearing and grading of the limits of disturbance, installation of stone gravel surface, removal of the existing driveway and creation of a new asphalt entrance, grading of stormwater management area, and installation of the proposed batch concrete plant and accessory buildings.							
Name of Applicant or Sponsor: 3260 Route 9W Highland NY, LLC		Telephone: (845)765-1645 E-Mail: LukeC@bondedconcrete.com					
Address: PO Box 189, 248 Watervliet Shaker Rd.							
City/PO: Colonie		State: NY	Zip Code: 12189				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> </table>	NO	YES	☒	☐
NO	YES						
☒	☐						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> </table>	NO	YES	☒	☐
NO	YES						
☒	☐						
3. a. Total acreage of the site of the proposed action?		4.82 acres					
b. Total acreage to be physically disturbed?		3.43 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		4.82 acres					
4. Check all land uses that occur on, are adjoining or near the proposed action:							
5. ☐ Urban ☐ Rural (non-agriculture) ☒ Industrial ☐ Commercial ☒ Residential (suburban)							
☒ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): Business							
☐ Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ Well _____	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Septic system _____	☐	☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☒	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☒	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: Approximately 0.095 total acres of wetland disturbance _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☒ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☒ Wetland ☒ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐
16. Is the project site located in the 100-year flood plan?	NO ☒	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☐	YES ☒
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☒	☐
Storm water management areas are proposed outside of disturbed areas.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO ☒	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO ☒	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO ☒	YES ☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Joseph C. Dannible RLA (Agent)</u> Date: <u>3-5-2026</u> Signature: <u></u> Title: <u>RLA</u>		

EAF Mapper Summary Report

Friday, February 27, 2026 12:48 PM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Light Industrial Batch Concrete Plant		
Project Location (describe, and attach a general location map): 3260 Route 9W, Town of Lloyd, Ulster County, NY		
Brief Description of Proposed Action (include purpose or need): Proposed development includes the clearing and grading of the limits of disturbance, installation of stone gravel surface, removal of the existing driveway and creation of a new asphalt entrance, grading of stormwater management area, and installation of the proposed batch concrete plant and accessory buildings.		
Name of Applicant/Sponsor: 3260 Route 9W Highland NY, LLC	Telephone: (845)765-1645	
	E-Mail: LukeC@bondedconcrete.com	
Address: PO Box 189, 248 Watervliet Shaker Rd.		
City/PO: Colonie	State: NY	Zip Code: 12189
Project Contact (if not same as sponsor; give name and title/role): Environmental Design Partnership (Joseph Dannible)	Telephone: 518-925-0584	
	E-Mail: jdannible@edpllp.com	
Address: 900 Route 146		
City/PO: Clifton Park	State: NY	Zip Code: 12065
Property Owner (if not same as sponsor):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, ☐ Yes ☒ No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission ☒ Yes ☐ No	Town Planning Board (site plan)	
c. City, Town or Village Zoning Board of Appeals ☐ Yes ☒ No		
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☐ Yes ☐ No		
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☒ Yes ☐ No	NYSDEC (stormwater) NYSDOT (curb-cut Modification)	
h. Federal agencies ☐ Yes ☒ No	USACE Wetland disturbance permit	
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☒ Yes ☐ No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☒ Yes ☐ No iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☒ No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

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

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

LI

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

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

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

Town of Lloyd Police Department,

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

Highland Fire District

d. What parks serve the project site?

Berean Park, Highland Landing Park, Hudson Valley Rail Trail, John Burroughs Nature Sanctuary

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Light Industrial

b. a. Total acreage of the site of the proposed action? _____ 4.82 acres

b. Total acreage to be physically disturbed? _____ 3.43 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 4.82 acres

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

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

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

If Yes,

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

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

iii. Number of lots proposed? _____

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

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: _____ 12 months

ii. If Yes:

• Total number of phases anticipated _____

• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year

• Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐ Yes ☒ No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☒ Yes ☐ No If Yes,	
i. Total number of structures <u>1</u> ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: <u>4,200</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☒ Yes ☐ No If Yes,	
i. Purpose of the impoundment: <u>Stormwater Management</u> ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☒ Other specify: <u>Stormwater Runoff</u> iii. If other than water, identify the type of impounded/contained liquids and their source. <u>N/A</u> iv. Approximate size of the proposed impoundment. Volume: <u>0.3±</u> million gallons; surface area: <u>0.3±</u> acres v. Dimensions of the proposed dam or impounding structure: <u>6 feet</u> height; <u>40 feet</u> length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): <u>Excavation</u>	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☒ No If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? ☐ Yes ☐ No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☒ Yes ☐ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>US Army Corps of Engineers Wetlands Wetland Disturbance Regulations</u> _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
Filling approximately 0.074 acres of wetlands.

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☒ Yes ☐ No
If Yes, describe: Filling of wetlands

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

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

v. Describe any proposed reclamation/mitigation following disturbance: _____
None

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

i. Total anticipated water usage/demand per day: _____ 10,000 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☒ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

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

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

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

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

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

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

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ 150 gallons/day

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

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

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	☐ Yes ☐ No ☐ Yes ☐ No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____	
If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☒ No
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): Septic system _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ <u>The batch concrete plant plans on recycling wash water and use it in the mixing process.</u>	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____	
☒ Yes ☐ No	
If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or <u>1.95</u> acres (impervious surface) _____ Square feet or <u>4.82</u> acres (parcel size) ii. Describe types of new point sources. <u>Batch Plant building and new pavement areas</u>	
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? <u>Proposed stormwater management basin</u>	
• If to surface waters, identify receiving water bodies or wetlands: _____ • Will stormwater runoff flow to adjacent properties? _____	
☒ Yes ☐ No ☒ Yes ☐ No	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____	
☒ Yes ☐ No	
If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) <u>Diesel front end loader, fork lift, concrete mixers</u> ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) <u>Batch Plant</u> iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) <u>Natural gas to heat water in winter</u>	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____	
☒ Yes ☐ No	
If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	
☐ Yes ☒ No	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☒ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ 15,000 kwh per month ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): <u>Local utility company</u> iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☒ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ 7am to 6pm • Saturday: _____ 7am to 3pm • Sunday: _____ none • Holidays: _____ none </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ 5am to 6pm • Saturday: _____ 6am to 1pm • Sunday: _____ none • Holidays: _____ none </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ 7am to 6pm • Saturday: _____ 7am to 3pm • Sunday: _____ none • Holidays: _____ none	ii. During Operations: • Monday - Friday: _____ 5am to 6pm • Saturday: _____ 6am to 1pm • Sunday: _____ none • Holidays: _____ none
i. During Construction: • Monday - Friday: _____ 7am to 6pm • Saturday: _____ 7am to 3pm • Sunday: _____ none • Holidays: _____ none	ii. During Operations: • Monday - Friday: _____ 5am to 6pm • Saturday: _____ 6am to 1pm • Sunday: _____ none • Holidays: _____ none		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☒ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: <u>Intermittent use of lifting crane and power tools between 7am and 6pm, noise levels will be above existing but will be below DEC and Town limits</u> ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☒ No Describe: _____
n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: <u>15 ft high light fixtures on the building and 20 ft light poles within the truck yard</u> ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No Describe: _____
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☒ Yes ☐ No If Yes: i. Product(s) to be stored <u>Diesel Fuel</u> ii. Volume(s) <u>10,000 gal</u> per unit time <u>12 times per y</u> (e.g., month, year) iii. Generally, describe the proposed storage facilities: <u>Above ground tank with secondary containment, diesel fuel will be NYS DEC PBS registered and compliant</u>
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No If Yes: i. Describe proposed treatment(s): _____ _____ _____ ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☒ Yes ☐ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: <u>1</u> tons per <u>month</u> (unit of time) • Operation : <u>3 cu. yds</u> tons per <u>week</u> (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: <u>Recycling</u> • Operation: <u>Recycling</u> iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: <u>Waste hauler to approved disposal facility</u> • Operation: <u>Waste hauler to approved disposal facility</u>

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☐ Urban ☒ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☒ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.2	2.0	+1.8
• Forested	3.4	1.1	-2.3
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0.65	0.58	-0.07
• Non-vegetated (bare rock, earth or fill)	0.1	0	-0.1
• Other Describe: <u>Lawn and Landscaping</u>	0.5	1.2	+0.7

Page 10 of 13

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No - If yes, DEC site ID number: _____ - Describe the type of institutional control (e.g., deed restriction or easement): _____ - Describe any use limitations: _____ - Describe any engineering controls: _____ - Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No - Explain: _____ _____																							
E.2. Natural Resources On or Near Project Site																							
a. What is the average depth to bedrock on the project site? _____ <u>5.75</u> feet																							
b. Are there bedrock outcroppings on the project site? ☒ Yes ☐ No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ <u>2</u> %																							
c. Predominant soil type(s) present on project site: <table style="width: 100%; border: none;"> <tr> <td style="border-bottom: 1px solid black; width: 60%;">Bath-Nassau-Rock outcrop comple</td> <td style="border-bottom: 1px solid black; width: 40%; text-align: right;">32.3 %</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Canandaigua Silt Loam</td> <td style="border-bottom: 1px solid black; text-align: right;">19.3 %</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Mardin-Nassau Complex</td> <td style="border-bottom: 1px solid black; text-align: right;">48.4 %</td> </tr> </table>		Bath-Nassau-Rock outcrop comple	32.3 %	Canandaigua Silt Loam	19.3 %	Mardin-Nassau Complex	48.4 %																
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d. What is the average depth to the water table on the project site? Average: _____ <u>1.4</u> feet																							
e. Drainage status of project site soils: <table style="width: 100%; border: none;"> <tr> <td style="width: 30px;">☒</td> <td style="width: 150px;">Well Drained:</td> <td style="width: 100px; text-align: right;"><u>32.3</u> % of site</td> </tr> <tr> <td>☒</td> <td>Moderately Well Drained:</td> <td style="text-align: right;"><u>48.4</u> % of site</td> </tr> <tr> <td>☒</td> <td>Poorly Drained</td> <td style="text-align: right;"><u>19.3</u> % of site</td> </tr> </table>		☒	Well Drained:	<u>32.3</u> % of site	☒	Moderately Well Drained:	<u>48.4</u> % of site	☒	Poorly Drained	<u>19.3</u> % of site													
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f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border: none;"> <tr> <td style="width: 30px;">☒</td> <td style="width: 100px;">0-10%:</td> <td style="width: 100px; text-align: right;"><u>70.0</u> % of site</td> </tr> <tr> <td>☒</td> <td>10-15%:</td> <td style="text-align: right;"><u>12.7</u> % of site</td> </tr> <tr> <td>☒</td> <td>15% or greater:</td> <td style="text-align: right;"><u>17.3</u> % of site</td> </tr> </table>		☒	0-10%:	<u>70.0</u> % of site	☒	10-15%:	<u>12.7</u> % of site	☒	15% or greater:	<u>17.3</u> % of site													
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☒	10-15%:	<u>12.7</u> % of site																					
☒	15% or greater:	<u>17.3</u> % of site																					
g. Are there any unique geologic features on the project site? ☐ Yes ☒ No If Yes, describe: _____ _____																							
h. Surface water features. <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?</td> <td style="width: 20%; text-align: right;">☒ Yes ☐ No</td> </tr> <tr> <td>ii. Do any wetlands or other waterbodies adjoin the project site?</td> <td style="text-align: right;">☒ Yes ☐ No</td> </tr> </table> If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?</td> <td style="width: 20%; text-align: right;">☒ Yes ☐ No</td> </tr> </table> iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;">•</td> <td style="width: 10%;">Streams:</td> <td style="width: 30%;">Name _____</td> <td style="width: 10%;">Classification _____</td> </tr> <tr> <td>•</td> <td>Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>•</td> <td>Wetlands:</td> <td>Name <u>Federal Waters</u></td> <td>Approximate Size <u>0.647</u></td> </tr> <tr> <td>•</td> <td>Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table>		i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?	☒ Yes ☐ No	ii. Do any wetlands or other waterbodies adjoin the project site?	☒ Yes ☐ No	iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?	☒ Yes ☐ No	•	Streams:	Name _____	Classification _____	•	Lakes or Ponds:	Name _____	Classification _____	•	Wetlands:	Name <u>Federal Waters</u>	Approximate Size <u>0.647</u>	•	Wetland No. (if regulated by DEC)	_____	
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•	Wetlands:	Name <u>Federal Waters</u>	Approximate Size <u>0.647</u>																				
•	Wetland No. (if regulated by DEC)	_____																					
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____																							
i. Is the project site in a designated Floodway? ☐ Yes ☒ No																							
j. Is the project site in the 100-year Floodplain? ☐ Yes ☒ No																							
k. Is the project site in the 500-year Floodplain? ☐ Yes ☒ No																							
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No If Yes: <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;">i.</td> <td>Name of aquifer: _____</td> </tr> </table>		i.	Name of aquifer: _____																				
i.	Name of aquifer: _____																						

m. Identify the predominant wildlife species that occupy or use the project site: _____ <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border-bottom: 1px solid black;">deer</td> <td style="width: 33%; border-bottom: 1px solid black;">squirrel</td> <td style="width: 33%; border-bottom: 1px solid black;">rabbit</td> </tr> <tr> <td style="border-bottom: 1px solid black;">chipmunk</td> <td style="border-bottom: 1px solid black;">Song Birds</td> <td style="border-bottom: 1px solid black;"></td> </tr> </table>			deer	squirrel	rabbit	chipmunk	Song Birds	
deer	squirrel	rabbit						
chipmunk	Song Birds							
n. Does the project site contain a designated significant natural community? ☐ Yes ☒ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: - Currently: _____ acres - Following completion of project as proposed: _____ acres - Gain or loss (indicate + or -): _____ acres								
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☒ No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____								
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☒ No If Yes: i. Species and listing: _____ _____ _____								
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☒ No If yes, give a brief description of how the proposed action may affect that use: _____ _____ _____								
E.3. Designated Public Resources On or Near Project Site								
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No If Yes, provide county plus district name/number: _____								
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☒ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____								
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____								
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☒ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____								

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☒ No	
If Yes: i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☒ No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No	
If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☒ No	
If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No	
If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No	

F. Additional Information

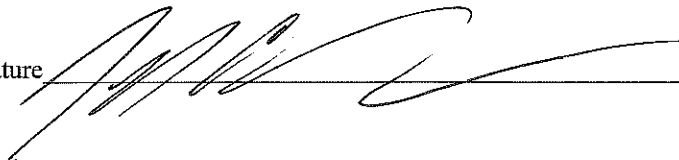
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Joseph C. Dannible R.L.A. (Agent) Date 4-20-2026

Signature  Title R.L.A. (Agent)



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources to confirm data provided by the Mapper or to obtain data not provided by the Mapper.



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.ii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No

E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

Exhibit F

From: [Luke Clemente](#)
To: sjcuciti@hotmail.com; [David Barton](#); [Wendy Rosinski](#)
Cc: [Alexander, Neil](#); [Patricia Brooks L.S.](#); [Joseph Dannible](#); [Nick Clemente](#)
Subject: [EXTERNAL]: RE: Memo from Town of Lloyd Planning Board; 3260 Route 9W Ready Mix Concrete Plant Application
Date: Thursday, April 23, 2026 8:10:37 AM
Attachments: [Traffic Study Ulster.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Traffic study attachment being sent separately due to file size.

From: Luke Clemente
Sent: Thursday, April 23, 2026 8:08 AM
To: sjcuciti@hotmail.com; David Barton <dbarton@townoflloyd.gov>; 'Wendy Rosinski' <wrosinski@townoflloyd.gov>
Cc: Alexander, Neil <nalexander@cuddylfeder.com>; Patricia Brooks L.S. <pbrooks@cpasurvey.com>; Joseph Dannible <jdannible@edpllp.com>; Nick Clemente <nickc@bondedconcrete.com>
Subject: RE: Memo from Town of Lloyd Planning Board; 3260 Route 9W Ready Mix Concrete Plant Application

April 23, 2026

Town of Lloyd Planning Board
12 Church Street
Highland, NY 12528

Re: 3260 Route 9W Ready Mix Concrete Plant Application

Dear Chairperson Cuciti, Director Barton and Town Clerk Rosinski:

In response to Director Barton's request on April 2, 2026 for additional information regarding the above-referenced application, submitted on March 9, 2026, please find our responses, which we would request the Town Clerk Rosinski to distribute this email and it's attachments to the members of the Town Board as well:

- *A description of the maximum plant capacity in yards per day and other related information such as amounts of aggregate stored, amounts used per day and machinery used on site:*

The proposed hours of operation are 5:00 AM to 6:00 PM Mon-Fri and 6:00 AM to 1:00 PM

on Saturdays. The ready-mix concrete business is a seasonal; tied to the construction industry. During the construction phase of the plant, construction activities will be limited to 7:00 AM-5:00 PM.

The winter season from December to March is typically a period of low activity with the summer months being the period of peak production. The proposed hours of operation also include start up and shut down time. Typical concrete production takes place between the hours of 6:00 AM to 3:00 PM. The proposed plant is a market expansion plant targeted to serve Ulster County, and it will take a number of years to build the customer base in order to create the customer demand to utilize the proposed plant's capacity. Within 5 years, we are targeting to deploy 6 full-time concrete mixer drivers that could deliver 30 loads per day. Assuming full 10 CY loads (albeit full loads are not typical), the targeted peak production could reach 300 CY in a single day.

In addition to the use of concrete mixers, the site will be supplied by tractor trailers delivering aggregate and cement to the plant. A representative CY of concrete weighs approximately 2 tons with +/-75% being sand and stone and +/-15% being cement. The balance primarily comprised of water.

Assuming a peak production day of 300 CY as outlined above, approximately 90 tons of cement 450 tons of sand and stone will be consumed during a peak production day. This equates to roughly 3 tractor trailer deliveries of cement and 11 tractor trailer deliveries of sand and stone. Approximately 400 tons of sand and stone and 100 tons of cement will be stored on site at all times. Cement will always be stored in water-tight and sealed cement silos. Sand and stone will be stored both inside the batch plant building's aggregate silos, outside in ground hoppers and in defined, segregated aggregate stockpile areas.

In addition to use of concrete mixers and tractor trailers, the site will contain a front-end loader to be used to feed the plant and sweeper/water truck to maintain site hygiene.

- *A noise study*

A preliminary noise analysis has been completed, subject to finalization upon confirmation of proposed site configuration. Key findings:

1. Baseline sound level readings were obtained at a ready-mix concrete plant affiliated with the applicant, which is similar to the proposed ready-mix concrete plant.
2. Equipment operating around the ready-mix concrete plant, and not the plant itself,

is the primary source of noise at a ready-mix concrete plant.

3. The primary sources of noise at a typical ready-mix concrete plant (not the one proposed as outlined in detail below):
 - a. The cement blower used to transfer cement from the bulk cement delivery trucks to the storage silos (primary source of noise). The noise is generated by both the compressor and the higher RPM turning of the truck's diesel engine, which is powering the compressor.
 - b. The concrete mixer trucks during loading (secondary source of noise) vs. on-site transiting of such vehicles. During the loading, the mixer's diesel motor turning at higher RPMs in order to rotate the mixer barrel is the noise source.
4. Three closest occupied neighbors, all classified in the LI zoning district, have been identified (Sound Receptor Map attached hereto):
 - a. Weldner Memorials (R3) (closest)
 - b. Peoples II Auto Sales & Service (R2)
 - c. Residence at 351 Upper North Road (R1) (farthest)
5. Following the DEC noise guidance, ambient sound level increases of 6 dBA or less are considered non-material in nature in a non-industrial area (i.e., our design will be based on a more conservative standard given the project is within an industrial zone).
6. In order to avoid exceeding the 6 dBA limitation, the Applicant has proposed additional sound mitigation measures that are atypical for a ready-mix concrete plant:
 - a. Air compression for off-loading cement will be performed by a ground compression unit (vs. the tractor trailer on-board compressor and diesel engine) to be located inside a fully enclosed sound mitigation room.
 - b. Utilization a fully enclosed concrete mixer bay to mitigate sound during the loading of the mixers.

With the proposed sound mitigation measures, the Applicant will be able to i) avoid impacting an increase of more than 6 dBA at the nearest receptor points as outlined above and ii) comply with the Town Noise Code requiring the avoidance of unreasonably loud, disturbing and unnecessary noise.

• *A traffic study based on the total maximum output of the plant, number of concrete delivery trucks, and number of supply trucks per day as well as employee and*

incidental vehicles. The study should include the safety of the 9W turnaround.

Attached is the traffic study. As detailed in the traffic study and summarized in the Section 6 conclusions:

1. The Proposed project is expected to generate 18 vehicle trips during the AM peak hour and 16 vehicle trips during the PM peak hour. The anticipated traffic volumes for this Plant will be below the 50-vehicle threshold outlined by the Institute for Transportation Engineers (ITE), indicating that detailed intersection analysis is not needed and the site generated traffic will be accommodated by the existing roadway network.
2. The sight distance assessment indicates that adequate intersection and stopping sight distance is provided for a passenger car and a combination truck at the Site Driveway on US Route 9W.
3. The gap analysis indicates that there are an adequate number of available gaps to serve the Turnaround intersections on US Route 9W for all conditions, while providing desirable operating conditions.
4. The Auto-Turn assessment indicates that the worst-case design vehicles can adequately make the left-turn from US Route 9W to access the Northern and Southern Turnaround intersections and then can make a right turn back onto US Route 9W in the opposite direction. Mitigation is not recommended at these intersections.

• *Long form EAF part 1*

The Full Environmental Assessment Long Form Part 1 with EAF Mapper Summary Report is attached as prepared by Joseph C. Dannible, RLA, of EDP/Environmental Design Partnership. It is important to underscore that the basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of state, regional, and local government agencies at the earliest possible time. It was the intention of the NYS Legislature that the protection and enhancement of the environment, human and community resources should be given appropriate weight with social and economic considerations in determining public policy, and that those factors be considered together in reaching decisions on proposed activities. Accordingly, it is the intention of SEQRA that a suitable balance of social, economic, and environmental factors be incorporated into the planning and decision-making processes of state, regional and local agencies. It is not the intention of SEQR

that environmental factors be the sole consideration in decision-making.

SEQRA Section 617.7 sets forth the criteria to determine whether a Proposed Action may have a significant adverse impact on the environment. A "Negative declaration" means a written determination by a Lead Agency that the implementation of the action as proposed will not result in any significant adverse environmental impacts. The Lead Agency must determine either that there will be no adverse environmental impacts or that the identified adverse environmental impacts will not be significant. Based on the submissions to date, the Project meets the definition of a Negative Declaration.

- *Elevations/Schematic cross-section of the entire plant including materials bins silo and conveyor.*

Attached

- *An analysis of the amount of water that will be used at maximum plant capacity, including waste water for washing as well for concrete production and a detailed description and drawing of the water supply system.*

On a peak day of 300 CY, as described above, approximately 9,000 gallons of water will be consumed. The site currently has an existing commercial grade well that was originally installed as part of the original NYS Trooper barracks building, which well has continued to serve Aldo's Automotive Precision Machine, the prior owner and current tenant. We propose to install a 10K gallon water tank as part of the project.

- *A detailed description and schematic drawings of any wastewater disposal system and sanitary sewer system.*

Attached is a Representative Layout of the Wash Out Basins Located Inside the Batch Plant. The Wash Out Basins are a closed loop system. All waste water is re-used in the production of concrete, along with the re-use of any waste aggregate.

The septic system is existing and is located on the site plan immediately behind the former Trooper Barrack building. Septic is strictly for the septic generated within the Trooper Barracks building. The building will be re-purposed as a lunchroom and bathroom for on-site employees.

- *A map of the area with projected dust emissions , if any, onto adjacent properties. A detailed description of the dust control system and a description of any air permits required.*

The applicant will maintain compliance with all federal, state and local air regulations. It is acknowledged that public perception of ready-mix concrete plants can quickly conjure images of dust concerns. Unfortunately, past poor practices within the industry, along with antiquated concrete plants, have served to reinforce this poor perception. Most importantly, these former practices are no longer allowed by NYS DEC. Failure to abide by current air quality practices would result in civil and/or criminal prosecution. Our proposed new state-of-the-art ready mix concrete batch plant will be fully compliant with air quality standards as illustrated below.

There are two typical areas of air quality concerns when discussing ready-mix concrete plants: cement dust and ground dust.

To address the concern around cement dust requires an overview of the proposed ready-mix concrete plant. The proposed plant will contain a rectangular cement silo with three individual, fully enclosed and separate compartments. The cement silos are designed at a height that facilitates the gravity feeding of the cement into the ready-mix concrete mixer. Cement is transported to the site using fully enclosed cement haulers. Cement is discharged into the cement silos pneumatically (using low pressure compressed air). The cement hauler is self-pressurized to pneumatically deliver the cement to the top of the cement silo using an enclosed and sealed pipe from the cement hauler. In order to prevent over pressurizing of the cement silos during loading, excess air pressure is relieved through a bag house (aka fabric filters) at the top of the cement silo. Such discharges are scrubbed of particulates to prevent discharge of fugitive cement emissions to the environment. These filters are routinely cleaned and inspected in order to maintain efficient and effective filtration

The cement is discharged from the silo using a fully enclosed rubber boot at the bottom of the cement silo into a scale. The batch computer controls a butterfly valve to facilitate and control the flow of cement out of the silo and into the cement scale. Once the batch computer determines the cement is ready to be released into the concrete mixer it will use another butterfly valve to control the continuous and gradual flow of the cement out of the scale and into the concrete truck below. The plant will be equipped with a shroud that is inserted around the discharge hopper at the mixer drum opening. This shroud will utilize a vacuum system with separate filtration to catch any fugitive cement emissions during the mixer loading process. The captured cement emissions are recycled, through a blower system, back into the cement silo for re-use. As the cement is placed in the mixer drum it immediately comes into contact with the wet aggregate already in the mixer drum which quells the potential for dust coming from the mixer drum. Due to the use of these environmental control measures, NYS DEC does **NOT** require an air

emission permit for ready mix concrete plant. NYS DEC does require nonetheless that the site be registered with NYS DEC for purposes of monitoring compliance with the air regulations.

With respect to ground dust, the applicant is proposing substantial landscaping improvements to the property. In addition, the applicant will use a sweeper/water truck to maintain site hygiene to mitigate against the generation of ground dust.

In summary, there will be no off-site release of dust from the proposed project site to neighboring properties and the applicant will maintain full compliance with NYS DEC air regulations.

- *A summary of the total energy used at the plant, including all energy inputs and Emissions*

The proposed ready-mix concrete plant is a relatively lower user of energy given its nature as a material handling facility to assemble the sand, stone and cement ingredients into the ready-mix concrete mixer. The plant primary relies on gravity feed of the sand, stone and cement into the ready-mix concrete mixer. The primary use of electricity will be the conveyor belt motor that conveys the sand and stone aggregate from the ground hopper to the aggregate silos inside the batch plant building. The proposed plant will contain a propane/natural gas boiler for heating hot water used in concrete production from Nov 1 to April 1. It is anticipated that the plant at maturity could use upwards of 2,000 gallons of propane per year or natural gas equivalent (+/- \$8K) in the process of heating hot water. It is further anticipated that the electric demand of the plant at maturity will use less than 120 MWhrs per year (+/- \$24K).

- *Other subjects not raised in the Town's letter request that we would like to provide comment:*

Site Lighting: All site lighting will be in full compliance with the Town's Zoning Code

Petroleum Bulk Storage (PBS) registration: All petroleum tanks on site will be registered with NYS DEC and contain double containment protection systems.

Economic Impacts: The site at maturity will generate high paying blue-collar Teamster Union represented mixer driver positions. At maturity, site payroll will be in excess of \$1MM. Other positions to be created: laborers, equipment operator, mechanic and

plant batcher. The proposed plant will represent in excess of \$2MM of real property improvements that could result in 5X increase in the property value assessment.

In summary, the proposed Project, as a Light Industry use, in the Light Industrial zoning district will not emit objectionable levels of smoke, noise, dust, odor, glare or vibrations beyond the property boundaries.

Please let me know if you have any further questions or concerns. We look forward to appearing before both the Planning Board's workshop and its regular meeting agendas during May 2026 and continuing the review and discussion. Please confirm that we will be on the agenda at the next scheduled meeting.

Sincerely,

Luke Clemente

From: David Barton <dbarton@townoflloyd.gov>

Sent: Thursday, April 2, 2026 8:08 AM

To: Patricia Brooks L.S. <pbrooks@cpasurvey.com>; Luke Clemente <LukeC@bondedconcrete.com>

Subject: Memo from Town of Lloyd Planning Board

Good morning to you both,

Please find the attached memo from the Town of Lloyd Planning Board regarding the concrete batch plant application. Any questions, please contact this office.

Best,

Dave

