

SEQRA STATEMENT

Evaluation of Potential Environmental Impacts

CHICK- FIL-A: Town of Clay Restaurant

April 29, 2022

PROPOSED ACTION

Chick-fil-A, Inc. (“CFA”) is proposing to redevelop a ±1.311-acre lease parcel at the intersections of Brewerton Road (U.S. Route 11), South Bay Road and East Taft Road (the “Project Site”) as a quick serve drive thru only restaurant. Most of the Project Site is located in the Town of Clay but a small portion south of East Taft Road is in the Village of North Syracuse. The Project Site is comprised of tax map parcel numbers 118.00-1-1.1&2 in Clay and 8.00-6-1.1 and 2.1 in the North Syracuse. The Site is currently developed with a ±6,750 square foot (“SF”) restaurant and a single-family dwelling with an associated accessory structure. All existing structures on the Site are proposed to be demolished as part of this redevelopment project. Access to the Site is currently provided via two existing full access drives on East Taft Road and an existing full access drive on South Bay Road. A location map and photographs of the Project Site are provided as Appendix 1 (“Location Map”) and Appendix 2 (“Site Photos”), respectively.

The Project is depicted on plans attached as Appendix 3 (“Site Plans”). CFA proposes to redevelop the Site with a new ±2,650 SF restaurant with a dual lane drive thru supporting a vehicle stack of ±26 vehicles, outdoor patio area (16 outdoor seats total), a detached ±1,450 SF meal ordering canopy and a ±1,800 SF meal delivery canopy over the drive thru (the “Project”). Almost all Project development will occur in the Town of Clay’s LuC-2 – Limited Use Commercial zoning district where a restaurant with drive-in service is a permitted use subject to Town of Clay Planning Board (“Planning Board”) site plan review, with a special use permit also required for the drive-in service. Pursuant to Town of Clay Zoning Code §§ 230-26(D) and 230-27, CFA has applied to the Planning Board for these approvals for the Project.

A small portion of the Project Site in the Town of Clay is currently zoned R-10 – One Family Residential, where restaurant uses are not permitted. CFA has applied to the Town of Clay Town Board (“Town Board”) for a proposed rezoning of these lands to LuC-2 in order to make the Project possible. Some of the Project’s parking, access drive, signage, curbing and landscaping will be built on the Village of North Syracuse portion of the Project Site, where the lands are zoned C-2 – Commercial. The Project Site is surrounded by other commercial uses to the north, south and west and governmental uses to east, so the Project is compatible with the neighborhood in this developed corridor.

In addition to providing 60-80 construction jobs during the redevelopment of the Project Site, CFA will hire ±125 local team members to operate the restaurant. The restaurant will be open 6:30 am to 10:00 pm Monday through Saturday and closed on Sundays. CFA will only provide drive thru service at this location, with outdoor seating options available. A typical team shift will include approximately 10 team members and there will be 3 shifts each day. During peak hours, CFA will staff the drive thru with team members to help take orders, process payments, direct traffic, and hand-deliver meals to vehicles in order to expedite the drive thru

experience for customers. Local waste hauling companies will be engaged for trash removal and pick-up will be limited to times outside peak hours.

During the grand opening of the restaurant, CFA will bring in an experienced team to provide support to the local operator and new team members. Approximately 20 trainers, 5 marketing professionals, and a handful of coordinators will provide local support to assist the restaurant's launch over a ±4-week period while team members are trained and to help with managing initial community excitement over the new CFA location.

The new restaurant will generate new sales tax and property tax revenue that will benefit Onondaga County, the Town of Clay and the local public school district. The Project will also provide additional quality food options for the residents of the Town.

SEQRA COMPLIANCE AND INVOLVED AND INTERESTED AGENCIES

The Project's potential environmental impacts must be reviewed pursuant to the State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, "SEQRA"). Pursuant to 6 NYCRR § 617.6(a)(1)(iv), "as soon as an agency receives an application for...approval of an action, it must" make a preliminary classification of the action as Type 1, Type 2 or Unlisted. Here, the Project is an Unlisted action pursuant to SEQRA and CFA has submitted a SEQRA Full Environmental Assessment Form ("FEAF"), Part 1, for the Planning Board's consideration. See Appendix 4.

SEQRA requires agencies to make a determination as early as possible in the review process as to whether the proposed action has the potential to have a significant adverse impact on the environment. Pursuant to 6 NYCRR § 617.6(b)(2), when more than one agency is involved in the review of an Unlisted action and review is coordinated, this determination must be made by a "lead agency" that is normally the agency principally responsible for approving the action. After a coordinated review, if the SEQRA lead agency issues a Negative Declaration concluding that the action will not have a significant adverse impact on the environment, then that Negative Declaration is binding upon all other involved or interested agencies.

At its March meeting, the Planning Board stated its intent to serve as the lead agency for purposes of conducting a coordinated environmental review of the Project with all other involved and interested agencies pursuant to the State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, "SEQRA"). Circulation of notice was provided by the Planning Board to other involved and interested agencies in the Project and no agencies have objected to the Planning Board serving as lead agency.

The Town of Clay Town Board and Zoning Board of Appeals ("ZBA") are involved SEQRA agencies with respect to the Project. As noted above, the Town Board is reviewing CFA's proposal to rezone a small portion of the Project Site from R-10 to LuC-2 to facilitate the Project, however, the Town Board cannot make a decision on CFA's rezoning request until the Planning Board, acting as SEQRA lead agency, completes its SEQRA review and makes its SEQRA determination. Similarly, the ZBA, from which CFA has requested several area

variances, also requires the Planning Board's SEQRA determination before it can act on those variance requests. Review of the applications by the Town Board and ZBA is ongoing.

EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

The SEQRA lead agency must consider the criteria for determining the significance of potential environmental impacts from the Project set forth in the SEQRA regulations at 6 NYCRR § 617.7(c). To fulfill this responsibility, the lead agency reviews all relevant information and completes Parts 2 and 3 of the FEAF to provide the basis for its SEQRA determination.

For the Project, the identification of potential impacts and assessment of potential environmental impacts is discussed below. Based on the following discussion, the Project will not create any significant adverse environmental impacts and it is respectfully submitted that a Negative Declaration is warranted under SEQRA.

- a. No substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; no substantial increase in solid waste production; and no substantial increase in potential for erosion, flooding, leaching or drainage problems will result from the Project. The Project will not generate off-premises noise, waste, lights, glare or any other intrusive condition.

Air Quality. The Project entails the redevelopment of a former restaurant and parking lot with a drive thru restaurant. No significant stationary generators of air pollution are proposed, nor will the Project result in any significant alteration or impairment to air quality due to construction or the Project's subsequent operations. No significant adverse impacts are expected to air quality from the Project.

Surface water quality. There are no surface waters on or next to the Project Site including wetlands. No significant adverse impacts will occur to surface water from the Project.

Groundwater quality or quantity. No significant impacts to groundwater from the Project will occur. The Project will not use groundwater or discharge wastewater into the ground. Instead, the Project will reuse the existing public water and sewer connections on the Project Site. There is sufficient capacity in the public water supply and sewer system to serve the Project. Stormwater from the Project Site will be discharged to the existing stormwater management system serving the property.

Traffic. The Project will not have any significant adverse impacts on traffic. The Project is located at the intersections of Brewerton Road, East Taft Road and South Bay Road. CFA conducted a traffic study for the Project that is attached as Appendix 5. The traffic study concluded that the existing transportation network can adequately accommodate the projected traffic volumes resulting from the Project and recommended certain mitigation measures to minimize any potential impacts. In response to these recommendations, CFA proposes coordination of the Route 11 and South Bay Road traffic signals on East Taft Road through a 90-second signal cycle length during the Saturday peak hour, when more traffic is expected. To further limit impacts to traffic, CFA has also modified the

exit for traffic onto East Taft Road to be “right-out” only. This will result in a significant traffic improvement over existing conditions which permit a left turn out of the Project Site onto East Taft Road. See Site Plans, Appendix 3. Additionally, CFA will employ operational practices to facilitate drive-thru service time and the speed at which customers are serviced on-site, including having team members use tablets to take orders and process payments from customers in the drive-thru lane. Another team member may also be used to process the customer’s payment. CFA will also offer a mobile app for customers to pre-order and pre-pay for food prior to visiting the Project Site, allowing them to pick up their orders at a walk-up window located in front of the restaurant (or to have their order delivered to their vehicle parked in the parking lot). Overall, these operational practices will make on-site traffic movement more efficient, lessening impacts on traffic entering and leaving the Project Site.

Solid Waste Production. Solid waste generated by the Project’s operation will be temporarily stored in an appropriate dumpster or compactor that will be enclosed and out of sight (as shown on the Site Plans). On a regular basis, a private carter will collect the solid waste for removal and disposal off-site (including recycling) at an approved facility during off-peak hours. During construction of the Project, any construction or demolition debris will be placed temporarily in a dumpster and/or removed from the Site on a regular basis by a private carter for disposal off-site at an approved facility. No construction waste will be buried on the Site.

Erosion, Flooding and Drainage. During and after construction of the Project, stormwater will be managed, treated and discharged in accordance with the requirements set forth in the New York State Department of Environmental Conservation (“NYSDEC”) State Pollution Discharge Elimination System (“SPDES”) general stormwater permit and the Project’s Stormwater Pollution Prevention Plan (“SWPPP”). See, Site Plans (Appendix 3) and the preliminary SWPPP attached as Appendix 6. The Project’s Site Plans and SWPPP are designed to comply with all applicable NYSDEC requirements for managing stormwater during and after construction. Post-construction, stormwater generation from the Project Site will be minimized by limiting impervious surfaces as much as practicable and by landscaping associated with the construction of the Project. Overall, impervious surfaces will be reduced through the Project’s development as compared to existing conditions. Stormwater is proposed to be collected and managed on-site and discharged to the municipal collection system.

Noise, Odor and Lighting. There will be no significant adverse impacts from noise, odor or lighting caused by the Project. Any noise and odor impacts during construction will be temporary and of short duration. During operations, little noise will be generated and there will only be minimal odors associated with food prepared in the restaurant. Any minimal noise or odor impacts associated with the Project will blend in against the background of those generated by surrounding commercial uses and vehicles on Brewerton Road, East Taft Road and South Bay Road. New, modern and energy-efficient lighting will be installed on the Project Site, replacing older commercial

lighting. Lighting for the Project will blend in with the lighting for the various commercial and government uses in this intensively developed area. Exterior lighting is designed to be the minimum necessary to ensure a safe and secure facility for patrons and employees. Where appropriate, lighting fixtures will be of a full cutoff type or provided with shields to reduce glare and light pollution. The fixture locations have been sited to minimize light trespass onto adjacent properties. These measures are all incorporated into the Project's design to minimize potential adverse impacts from lighting.

- b. No removal or destruction of large quantities of vegetation or fauna; no substantial interference with the movement of any resident or migratory fish or wildlife species; no impacts on a significant habitat area; no substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; and no other significant adverse impacts to natural resources will result from the Project.

Because the Project Site is already developed, no suitable habitat for any plants, animals or fish is present on the Site. The majority of the Project Site is already covered with pavement, buildings and other impervious surfaces so only minimal impacts to vegetation will occur. The Project Site is not part of a designated critical wildlife area or wildlife refuge, nor do any such areas exist in close proximity to the Site. No species or habitat or habitat of species listed by the State or Federal government as threatened or endangered is found on the Project Site. Accordingly, the Project will not create any significant adverse impacts to natural resources.

- c. The Project will not create the impairment of the environmental characteristics of a Critical Environmental Area (CEA) as designated pursuant to 6 NYCRR § 617.14(g).

The Site does not contain any CEAs. There are three CEAs in Onondaga County, none of which are located in the Town of Clay.

- d. The Project will not create a material conflict with the community's current plans or goals as officially approved or adopted.

The Project will be located entirely in the LuC-2 zoning district (after the proposed rezoning described above). In the LuC-2 zoning district, the Project will be an allowed use with site plan approval and special use permit approval for the drive thru pursuant to Zoning Code §§ 230-26(D) and 230-27. Under the Zoning Code, the Project Site is a Reverse-Frontage Lot (See Zoning Code § 230-11) with a front yard on Brewerton Road and rear yard on South Bay Road consistent with the predominant orientation of existing commercial development on Brewerton Road. CFA's drive thru restaurant will replace an existing restaurant on the Project Site and the new restaurant will be surrounded by an intensively developed area along Brewerton Road, East Taft Road and Old Bay Road. Nearby properties are commercial and governmental uses, including four existing drive thru restaurants (McDonald's, Arby's, Sonic Drive-In and Taco Bell) to the immediate south of the Project Site. The proposed restaurant use is in thus in harmony with the character of the surrounding commercial-zoned neighborhood. Further, as proposed, the Project fully complies with the Zoning Code except for the area variances requested from

the ZBA. Accordingly, the Project will not create any significant adverse conflicts with the community's plans or goals.

- e. The Project will not adversely impair the character or quality of important historical, archeological, architectural, or aesthetic resources or existing community or neighborhood character.

The Project will not impair the character or quality of important historical and/or archaeological resources, given the extensive prior disturbance and development of the Project Site. No historic buildings or sites listed on the State or National Registers of Historic Places are located on or next to the Site. The Site is not located in or adjacent to a designated historic district. The new building has been designed to be architecturally consistent with the vernacular styles of the community. The new building will only be a small, single story structure, mainly consisting of a brick exterior, with some bronzed metal finishes. Landscaping adjacent to the building foundation as well as other architectural details are proposed to help soften the new building and improve the existing conditions from the current building and parking area. The proposed landscaping plan includes shrub, ground cover and ornamental grass plantings designed to help soften the view of the Project. Proposed signage associated with the Project is consistent with other signs in the surrounding commercially-zone and developed area. Four wall signs are proposed on the building façade, one on each side of the building. A freestanding sign is proposed along the site frontage on East Taft Road in the Village of North Syracuse.

- f. The Project will not create a major change in the use of either the quantity or type of energy.

The Project will reuse the existing utility services on the Site today, as practical. A new electric service with a new transformer is proposed to serve the new building. A slight reduction in the use of energy and fuel is anticipated given that the Project is substantially smaller than the existing restaurant building. The quantity and type of energy used by the Project will be similar to other surrounding uses. The Project's relatively small $\pm 2,650$ SF restaurant will not create any significant demands for electricity or energy in the Town.

- g. The Project will not create any significant hazards to human health.

No impacts to human health are anticipated by the redevelopment of the Project Site because the construction and site development activities will be undertaken in accordance with and in compliance with all pertinent environmental and land development regulations and related permit and approval procedures and requirements. The Project will be connected to public water and sewer systems. Project operations will not generate any hazardous waste. Finally, the Project entails the demolition of existing buildings on the Site, including a small single-family house, a commercial building and other small ancillary structures. New York State Department of Labor regulations require that prior to demolition, any asbestos containing materials ("ACM") must be identified and

properly removed by a certified asbestos abatement contractor. CFA completed a survey for asbestos in the buildings on the Site in April 2021. See, Appendix 7 (“Asbestos Survey”). The survey identified a limited number of ACMs in the buildings, which will be removed and properly disposed of by a NYS-licensed asbestos abatement contractor prior to demolition. Accordingly, the Project will not create any significant adverse impacts or hazards to human health.

- h. The Project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses for the reasons set forth herein.

No such resources are located on the Site. The Project consists of redeveloping the Project Site with a new drive-thru restaurant in a heavy commercial corridor. As a result, the Project will not cause a substantial change in the use, or the intensity of use, of land either within the Town generally or in the immediate vicinity of the Project Site. The Site is not used for public and private recreational purposes. The Project will also not cause significant adverse impacts on agricultural resources, including consideration of prime or otherwise important farmland soils. The Site does not contain farmland. The Project Site is located along a heavy commercial corridor which limits its potential for a viable farming operation.

- i. The Project will not encourage or attract a large number of people to the Town of Clay, compared to the number of people who would come to such place absent its adoption.

The Project is a small quick-serve $\pm 2,650$ SF restaurant with a dual lane drive thru supporting a vehicle stack of ± 26 vehicles, outdoor patio area (16 outdoor seats total), a detached $\pm 1,450$ SF meal ordering canopy and a $\pm 1,800$ SF meal delivery canopy over the drive. The Project Site is located in a commercially zoned and developed area and the Project is similar in size to other drive thru restaurants in the area. It is not expected that the Project will attract large numbers of people to the Town compared to the number of people already frequenting this area of the Town.

- j. The Project will not create a material demand for other actions that would result in one of the above consequences.

Redevelopment of Project Site will not create any new material demands that would directly or indirectly result in any significant impacts.

- k. No cumulative adverse impacts on the environment will result from the Project.

Redevelopment of the Project Site will not have any significant cumulative impacts on the environment.